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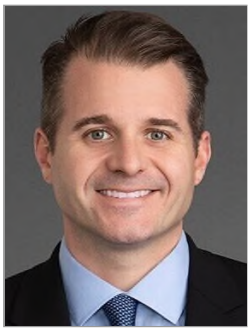
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Ultra-Processed Food Claims Rely On Unproven Science

By **Stefanie Fogel, Christopher Gismondi and Peter Nelson** (July 23, 2025, 6:13 PM EDT)



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Obesity and diabetes rates worldwide have reached unprecedented levels. In the U.S., more than one in five adults in every state now lives with obesity. The causes of this epidemic remain the subject of intense debate, with factors such as lifestyle choices, increased automation, sedentary lifestyles, food abundance and the prevalence of calorically dense foods all under scrutiny.

U.S. personal injury attorneys are pinning the blame for the epidemic on ultra-processed food, or UPF, a term coined in 2009 by Carlos Monteiro, a nutritionist at the University of Sao Paolo, Brazil.

The term UPF lacks a concrete definition, often serving as a catchall phrase for mass-produced foods, and is used to describe many different types of foods made using industrial techniques or containing multiple ingredients, flavor or color enhancements, shelf stabilizers, or other food additives.[1]

This allows attorneys who are actively looking for plaintiffs to assert such claims to cast a broad net when targeting potential defendants.

But lawsuits against food manufacturers alleging that food products cause obesity and diabetes are not new. Historically, such cases have been dismissed because courts have determined that claimants were aware of the obvious risks associated with consuming food, especially those high in sugar or fat.

In Bryce Martinez v. Kraft Heinz Co. Inc., a UPF personal injury lawsuit **pending** in the Court of Common Pleas of Philadelphia County, Pennsylvania, the plaintiff is taking a different approach to try to avoid dismissal, claiming that eating UPF has unknown risks, including that of addiction, and that all UPF causes injury, regardless of its nutrient content.

While these allegations are novel, they remain scientifically unproven. Scientific studies have yet to demonstrate that food processing techniques are capable of causing obesity or diabetes. Food addiction is also not a recognized condition in the authoritative manual on mental health conditions, the Diagnostic and Statistical Manual of Mental Disorders.

But despite these limitations, UPF-based injury claims seemingly need these theories to survive dismissal and distinguish UPF risks from the well-known risks of eating food.

Claims against food manufacturers for obesity and diabetes have historically failed.

For decades, plaintiffs have unsuccessfully sued food manufacturers, alleging that certain foods — especially those high in sugar, salt or fat — cause obesity, diabetes and other health problems. These lawsuits claim that such foods are unreasonably dangerous and that manufacturers failed to warn consumers of the risks.

However, courts have consistently rejected these claims, finding that the health risks of eating high-

sugar, high-fat or salty foods are well known and obvious to the average consumer. As a result, courts have ruled that manufacturers have no legal duty to warn about these risks.[2]

As Section 402A of the Second Restatement of Torts explains: "Good butter is not unreasonably dangerous merely because, if such be the case, it deposits cholesterol in the arteries and leads to heart attacks."

Unsurprisingly, the defendants in Martinez filed a motion to dismiss, explaining, among other things, that they had no legal duty to warn the plaintiff about the widely recognized risks associated with food consumption, such as obesity and diabetes. They further contend that there is a lack of credible scientific evidence demonstrating that food processing techniques, by themselves, can cause addiction or injury.

Plaintiffs are trying to model claims after tobacco litigation.

While the obvious risks of eating food, such as obesity and diabetes, are generally not actionable, this defense is not insurmountable. In Pelman v. McDonald's Corp. in 2003, the U.S. District Court for the Southern District of New York noted that plaintiffs successfully bypassed the obvious risk of smoking and lung cancer by alleging that tobacco companies manipulated nicotine levels to induce addiction, such that ordinary consumers would not have known or suspected the increased nicotine content or increased risk of addiction.[3]

The plaintiff in Martinez seizes on this argument, asserting that UPF manufacturers deliberately design their products to create addiction and strip consumers of meaningful choice regarding continued consumption.

The plaintiff alleges that UPF manufacturers have "adopted the tobacco industry's techniques to hack the physiological nervous system using sensory perception research and designs that alter dopaminergic reward responses and dysregulate hunger/satiety hormones," making UPF highly addictive.

The complaint further attempts to set itself apart from previous unsuccessful cases by specifically alleging that UPF presents unique and undisclosed risks — separate from their nutritional profiles — including increased risks of obesity, Type 2 diabetes and nonalcoholic fatty liver disease.

There are many scientific questions about both of these theories. For example, UPF lacks a clear and universally accepted definition. The term is used to describe a vast array of products, ranging from chicken stock to candy bars, making it difficult to draw meaningful health conclusions about the category as a whole.

Scientific literature has not established that UPF, as a category of food, is generally or specifically capable of causing these conditions.

Indeed, while research published in January in the Journal of American Medicine has attempted to account for the different categories of UPF to adjust for differences in nutrient content, the authors conceded that "the underlying mechanism in obesity development from UPF intake is not well understood."[4]

Furthermore, many of the studies cited to support claims that UPF causes harm focus on products that are high in fat or sugar — categories for which the risks of obesity and diabetes are already well established and widely recognized. This conflation undermines the argument that UPF as a distinct category presents unique or undisclosed risks.

The lack of specificity in both the definition of UPF and the focus of supporting studies significantly weakens the foundation of the plaintiff's claims, as it becomes unclear whether the alleged harms are attributable to UPF itself or to well-known risk factors present in certain foods.

Similarly, the concepts of UPF addiction and food addiction more broadly were not accepted for inclusion in the current edition of the Diagnostic and Statistical Manual of Mental Disorders.

And while some researchers point to rodent studies to suggest that sugar-based products — which

represent only a small subset of UPF — can trigger dopamine release in rats, these findings do not necessarily translate to humans.

A 2025 National Institutes of Health study found that UPF and sugar-based foods do not cause dopamine responses in humans comparable to those caused by addictive drugs. This finding is significant, as it challenges the argument that UPF can cause addiction in the same way as substances like drugs.

Reportedly, this conclusion contributed to the resignation of Kevin Hall, the principal NIH researcher on UPF.

The plaintiff in Martinez has opposed the pending motion to dismiss, asking the court to defer consideration of the scientific validity of his claims until later in the litigation, contending that the lack of scientific consensus is a Rule 702 Daubert issue and not grounds for dismissal at the pleading stage, where allegations must be accepted as true.

The plaintiff further argues that it is unnecessary to identify specific ingredients or products because UPF as a category is alleged to be uniquely dangerous. He maintains that the multiple studies cited in his complaint are sufficient to meet the pleading standard and should conclude the court's inquiry at this stage.

Conclusion

The future of UPF litigation remains uncertain. While attorneys are attempting to plead around previous missteps in litigation against food manufacturers by focusing on identifying less obvious properties of foods — beyond sugar, salt and fat content — the scientific evidence has yet to demonstrate the accuracy of these claims.

But given the high rate of obesity and diabetes in the U.S., it is likely that more claims of this nature will emerge, especially if the Martinez case survives the pending motion to dismiss.

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[1] The FDA is planning on releasing its definition of UPF shortly. https://www.nytimes.com/2025/06/10/well/ultraprocessed-food-fda.html?unlocked_article_code=1.N08.HVhE.t1Pe54_Zulo9&smid=url-share.

[2] See, e.g., S.F. v. Archer-Daniels-Midland Co., 1:13-cv-00634, 2014 WL 1600414 (W.D.N.Y. Apr. 21, 2014); Pelman v. McDonald's Corp., 237 F. Supp. 2d 512 (S.D.N.Y. 2003) ("the dangers of over-consumption of items such as alcoholic beverages, or typically high-in-fat foods such as butter, are well-known. Thus any liability based on over-consumption is doomed if the consequences of such over-consumption are common knowledge.").

[3] 237 F. Supp. 2d at 532. The plaintiffs subsequently amended their complaint, dropping the product liability claims and asserting only causes of action pursuant to NY Consumer Protection Laws ("Gen Bus §§349 & 350). See Pelman v. McDonald's Corp., 2003 WL 22052778, (S.D.N.Y. Sept. 3, 2003). The district court dismissed the amended complaint. Id. at *11. But on appeal, the Second Circuit, applying a pre-Iqbal/Twombly standard, reinstated the claim based on N.Y. Gen Bus §349 (a deceptive marketing cause of action that does not require evidence of consumer reliance), finding that the plaintiffs had sufficiently alleged that the company "create[d] the false impression that its food products were nutritionally beneficial and part of a healthy lifestyle if consumed daily." Pelman v.

McDonalds Corp. , 396 F.3d 508, 509-10 (2d Cir. 2005).

[4] https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2829780.

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