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Eastern District of Pennsylvania rejects case alleging that ultra-processed foods are inherently dangerous and addictive

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Takeaway: It seems that there are more and more cases being filed today that advance cutting-edge legal theories: cases seeking to hold energy companies liable for climate change; cases alleging that social media platforms are addictive; and so on. Yet these cutting-edge cases still must satisfy a gauntlet of legal requirements, including the requirements of proving general and specific causation, which also includes proving that a specific defendant or defendants is or was responsible for a plaintiff's injuries. In a recent such case involving allegations that ultra-processed foods are addictive and present significant health risks to consumers, *Martinez v. Kraft Heinz Co.*, No. 25-377, 2025 U.S. Dist. LEXIS 164054 (E.D. Pa. Aug. 25, 2025), the district court rejected the claims at the pleadings stage, ruling that the allegations failed to plausibly allege general and specific causation and failed to identify a defendant that was legally responsible for the plaintiff's alleged personal injuries.

In that case, Bryce Martinez, a 19 year old resident of Philadelphia, brought an action against manufacturers of ultra-processed foods ("UPFs"), alleging that UPFs are inherently addictive and marketed to children in a predatory way. According to the complaint, "[a]dopting the tobacco industry's techniques, [the UPF] Defendants [were] alleged to have implemented addiction science techniques and predatory marketing campaigns to ensure that UPFs dominate the marketplace and concealed the health risks from consumers." *Id*. at *6.

Interestingly, the *Martinez* case was not filed as a putative class action. It appears it was filed as a test case to test the viability of Mr. Martinez's legal theories.

Plaintiffs' complaint contained nearly 700 paragraphs emphasizing the science underlying the allegedly addictive qualities of UPFs, as well as the increase in adverse health outcomes for children since the advent of UPFs, including childhood obesity and diabetes.

Regarding Mr. Martinez, the complaint alleged that he regularly consumed UPFs; was diagnosed with serious illnesses (including type 2 diabetes and liver disease) at the age of 16; and would allegedly "live the rest of his life sick, suffering, and getting sicker." *Id*. at *7.

Mr. Martinez asserted a range of causes of action against the UPF defendants, including claims for negligence, failure to warn, breach of implied warranty, breach of express warranty, negligent

misrepresentation, fraudulent misrepresentation, fraudulent concealment, violation of unfair trade practices and consumer protection laws, and unjust enrichment, further alleging a conspiracy claim against a subset of the defendants.

The UPF defendants filed an omnibus motion to dismiss, which the district court granted, stating: "While the Court is deeply concerned about the practices used to create and market UPFs, and the deleterious effect UPFs have on children and the American diet, it cannot allow this action to proceed because Plaintiff has failed to state a claim upon which relief may be granted." *Id*. at *8.

Judge Perez articulated two reasons for her dismissal of Mr. Martinez's claims: (1) lack of causation, and (2) insufficient notice of claims (shotgun pleading).

To satisfy the causation requirement, which was an essential element of every one of plaintiff's causes of action, a plaintiff must allege that the UPF products are "capable of causing the observed harm (general causation), and that the substance actually caused the harm suffered by the plaintiff (specific causation)." *Id*. at *9. The problem with the complaint, according to the district court, was that it did not show that any of the defendants' UPF products actually caused his illnesses – illnesses that undeniably had "a multitude of causes." *Id*. at *10. As observed by the court, "Plaintiff does not allege how often he consumed Defendants' products, in what amounts, or when. Neither does he allege when he ate Defendants' products in relation to when he received his diagnoses or even began experiencing symptoms." *Id*. at *9. The court observed that "[b]asic pleading rules require Plaintiff to plead more than the mere possibility of causation." *Id*. at *10.

Moreover, Mr. Martinez "failed to identify what foods or products he consumed," listing over 100 of the UPF defendants' food brands but failing to specify the specific products within those brands that caused his illnesses. *Id*. at *11. Quoting a prior Eastern District of Pennsylvania case, "[b]ecause plaintiffs have failed to identify a specific product, plaintiffs cannot allege a causal connection between conduct of the defendants and [p]laintiff's injuries." *Id*. at *12 (citation omitted).

Mr. Martinez's failure to identify specific products supported another ground for dismissal: the complaint did not provide the various UPF defendants with sufficient notice of the claims against them. Mr. Martinez's complaint amounted to a "shotgun pleading," in that it "assert[ed] multiple claims against multiple defendants without specifying which of the defendants are responsible for which acts or omissions, or which of the defendants the claim is brought against." *Id*. at *13.

The court accepted the UPF defendants' argument that "Plaintiff's shotgun approach [made] it impossible for each Defendant to determine what conduct, design, promotion, sale, or product Plaintiff is referring to." *Id*. at *13. The district court concluded: "Allowing this case to proceed to discovery would run contrary to Rule 8's basic pleading requirements and work an undue burden on Defendants." *Id*.

Following the district court's dismissal, Mr. Martinez moved for leave to amend his complaint, so it will be interesting to see if he can allege a plausible legal theory in an amended pleading.