



Causation—Successful in *Martinez v. Kraft Heinz* —Is Just One of Many Ways to Defeat “Ultra-Processed Food” Personal-Injury Claims

by Evan D. Montgomery

On August 25, 2025, Judge Mia R. Perez [dismissed](#) Plaintiff's complaint in *Martinez v. Kraft Heinz, et al.*, Case No. 2:25-cv-00377 (E.D. Pa.), the first-of-its-kind “ultra-processed foods” lawsuit.

Plaintiff sued eleven of the largest food and beverage companies in the country, claiming that his consumption of their “ultra-processed foods” or “UPF” over time caused his injuries. (While there is no accepted definition of “ultra-processed food,” Plaintiff counsel relied on the [“NOVA” classification system](#), a commonly used definition, and one that focuses more on processing and packaging than a food's nutritional content).

While Plaintiff's [Complaint](#) was 668 paragraphs and 147 pages long, it focuses almost entirely on the purported history of the “UPF” industry and Plaintiff's explanation of the alleged “science” behind their claims that these products are addictive and cause a variety of health problems. It says very little about the Plaintiff himself, the specific foods he ate, his diagnoses, or his health history generally. The Complaint alleges that Plaintiff was diagnosed with Type 2 diabetes and non-alcoholic fatty liver disease as a teenager, and claims he was exposed to “harmful levels” of “Defendants’ UPF,” but never identifies the specific products he claims to have used, how much of those products he consumed, or when he consumed them. Instead, Plaintiff identified 100+ *brands* of foods and beverages he claimed were among those he consumed over time.

Defendants moved for dismissal on numerous grounds, but the court based its ruling on two fundamental defects: (1) the Plaintiff's failure to plausibly allege specific causation and (2) his failure to identify the specific products—as opposed to brands—he claims to have consumed.

As to specific causation, the court cited to the lack of information in the Complaint about the Plaintiff that would make his allegation that ultra-processed foods caused his diabetes and fatty liver disease plausible. It noted that, even at oral argument, Plaintiffs' counsel was unable to provide additional relevant information that would tend to show the Plaintiff's diseases were caused by “UPFs” as opposed to other known factors such as a lack of exercise, genetics, or poor diet. The court concluded that this failure doomed Plaintiff's Complaint in its entirety, because causation was an element of every claim he alleged.

Evan D. Montgomery is Senior Counsel to Shook, Hardy & Bacon L.L.P. in the firm's Kansas City, MO office.

Next, the court found that Plaintiff's failure to identify specific products and the Complaint's collective / group pleading compounded the specific causation problem and required dismissal. It agreed with Defendants that, because every food product would have different ingredients and manufacturing processes, Plaintiff's failure to identify the specific products he consumed (and when he consumed them) made it impossible for him to plausibly allege that any one product (or Defendant) was a cause of his injuries. The Court also agreed with Defendants more generally that the Complaint's lumping together of numerous different defendants and brands in broad and collective allegations, as opposed to specific allegations about specific products and defendants (the classic "shotgun pleading") failed to give each Defendant notice of the claims against it as required by Rule 8.

Based on this court's order, to survive a motion to dismiss, Mr. Martinez or another plaintiff making similar claims would need to plead specific facts that make not just "UPFs" but a *defendant's products specifically* a plausible cause of their injuries. That would presumably require plausible factual allegations indicating that the plaintiff's injuries were not likely the result of known causes, along with more specific allegations about what the plaintiff consumed and when they consumed it.

Even if a future complaint were to correct these fundamental issues, however, prospective defendants would have additional arguments for dismissal: Judge Perez found that these two deficiencies were fatal to Plaintiff's Complaint in its entirety, but did not reach Defendants' other strong arguments for dismissal, which included: (1) First Amendment challenges to Plaintiff's claims, which would compel Defendants to make statements about their products not supported by the science; (2) federal preemption based upon the Food, Drug, and Cosmetic Act, the National Labeling and Education Act, and USDA regulations; and (3) additional arguments directed to specific causes of action.