CLIENT ALERTS & INSIGHTS

California Food Fight: The SF City Attorney's Snack Attack

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Featured Practices: Litigation

Featured Industries: Retail & E-Commerce, Food & Beverage

Key Takeaways

- San Francisco's City Attorney has sued 11 major food companies, alleging they engineered ultra-processed foods to be addictive, concealed health risks, and targeted children and minority communities with aggressive marketing.
- This lawsuit may signal a new wave of copycat claims against the food and beverage industry, drawing parallels to past tobacco litigation.
- Food and beverage companies should closely monitor this case, review their product development and marketing practices, and strengthen internal compliance to prepare for possible future litigation or regulatory scrutiny.

San Francisco's City Attorney has declared war on the American pantry. In December 2025, David Chiu sued 11 of the nation's largest food conglomerates-Kraft Heinz, Coca-Cola, PepsiCo, General Mills, Nestlé, and six others-accusing them of engineering addictive ultra-processed foods, concealing known health risks, and targeting children and communities of color. The 141-page complaint reads like a tobacco case transplanted to the grocery aisle. And that is no accident.

The Theories and the Allegations

The complaint advances three interlocking theories. ***First***, it claims that ultra-processed foods (UPFs) are chemically engineered for addiction. To support this claim, the City Attorney invokes the 1988 Surgeon General's three-part test for addictive substances: compulsive use, psychoactive effects, and behavioral reinforcement. The complaint alleges that brain imaging studies suggest that UPFs trigger dopamine responses comparable to addictive substances. It quotes FDA Commissioner Robert Califf's 2024 congressional testimony that UPFs are "probably addictive." And it alleges that 14-20% of adults and 12-15% of children are functionally addicted to UPFs.

Second, the complaint relies on guilt by association. Noting that tobacco companies transformed themselves into conglomerates from the 1960s through the 1980s by acquiring major food brands, the complaint alleges that three of the defendants are corporate descendants of Philip Morris and

R.J. Reynolds. According to the complaint, these parent companies established a "Technical Synergy Group" that took neurological research on sensory perception and addiction developed by tobacco scientists and applied that research to snacks and sodas.

Third, the complaint targets defendants' marketing practices. It alleges that defendants spend $2 billion annually advertising UPFs to children, placed 3 billion ads on children's websites, and directed 70% more UPF advertising at minority children than white children. The complaint alleges that the advertising has been successful and has resulted in health disparities between minority youth and white youth, including Type 2 diabetes and other diseases. The suit proceeds under California's Unfair Competition Law and public nuisance doctrine, seeking injunctive relief and civil penalties.

Sound Familiar?

If this "food is like cigarettes" theory sounds familiar, that's because it was tried two decades ago, and failed.

In *Pelman v. McDonald's Corp.*, 237 F. Supp. 2d 512 (S.D.N.Y. 2003), parents sued McDonald's on behalf of their children, claiming that the company's products caused obesity, diabetes, and heart disease because, allegedly, McDonald's food was addictive. The Court dismissed the complaint, reasoning that "legal consequences should not attach to the consumption of hamburgers and other fast food fare unless consumers are unaware of the dangers of eating such food." Because it was (and is) common knowledge that fast food contains high levels of cholesterol, fat, salt, and sugar, the Court held that the plaintiffs could not blame McDonald's for their voluntary choices.

But the addiction claim in that case received different treatment. The Court acknowledged that food addiction "does not involve a danger that is so open and obvious, or so commonly well-known, that McDonald's customers would be expected to know about it." But it still dismissed the claim because the plaintiffs didn't plead their addiction claim with enough specificity. The complaint failed to answer basic questions: What makes the products addictive? Did McDonald's purposefully engineer addictive qualities? What is the mechanism of addiction? How quickly does addiction develop? Are children more susceptible than adults? Without these details, the Court held, the addiction theory was too vague to survive.

How the Kraft Complaint Attempts to Plead Around *Pelman*

At least the complaint against Kraft Heinz ("Kraft Complaint") appears designed to check every box that *Pelman* left unchecked.

Pelman asked: What makes the products addictive? The Kraft Complaint answers that by alleging that UPFs are engineered for "hyper-palatability"-combinations of fat, sugar, salt, and carbohydrates calibrated to maximize reward-system activation. It cites peer-reviewed studies, brain imaging research, and the Surgeon General's addiction criteria.

Pelman asked: Did defendants purposefully manufacture addictive products? The Kraft Complaint contends that the defendants did. It traces corporate genealogy from tobacco to food and alleges that the tobacco conglomerates deliberately transferred technology through the Technical Synergy Group. It claims that defendants applied tobacco-industry research on addiction and sensory manipulation to food product development.

Pelman asked: What is the mechanism of addiction? The Kraft Complaint alleges that UPFs trigger the brain's dopamine reward system similarly to drugs. It distinguishes UPFs from traditional foods by their engineered composition and rapid absorption.

Pelman asked: Are children more susceptible? The Kraft complaint alleges that 12-15% of children are addicted to UPFs and that defendants specifically target children with billions of dollars in advertising. It claims that defendants knew children were more vulnerable and exploited that vulnerability.

In short, it appears that the SF City Attorney's office treated the *Pelman* opinion as a checklist for what it must do to allege a food-as-addictive-substance theory. Whether that approach will succeed is, of course, another question. The complaint's scientific claims remain contested. And the causal chain from "produced to satisfy the public's tastes" to "hyper-palatable" to "addictive" involves scientific and logical leaps that no court has yet indulged. After all, food differs from tobacco in that it provides sustenance.

Implications for the Industry

This case is one for companies in the food-and-beverage industries to watch. Regardless of the ultimate result, this suit may trigger copycat claims by the plaintiffs' bar against the same defendants and against companies not named in the City Attorney's suit. In other words, the Kraft Complaint may be the first shot, not the last.

Beyond monitoring this litigation, corporate counsel in the food and beverage industry should fortify relationships with internal product-development and marketing teams. Learn about their practices for developing new products and crafting marketing messages around them. That way, if the plaintiffs' bar comes knocking, you'll already be well-equipped to rebut allegations like the ones in the Kraft Complaint.

For questions about how these developments may affect your business, please contact Michael Meuti, Krista Enns, and Johanes Maliza.