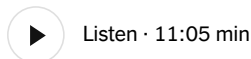


OPINION
GUEST ESSAY

This Teen Took on a \$10 Trillion Industry. We Might All Be Healthier Because of Him.

**By Julia Belluz**

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When Bryce Martinez started feeling an aching around his heart, he thought it might be an asthma attack. But at the school nurse's office, his blood pressure was found to be so high that he was rushed to the emergency room. There, doctors diagnosed him with Type 2 diabetes and fatty liver disease.

Bryce, then 16, was bewildered. He'd developed obesity early in childhood, but until that chest pain, had no other sign anything was wrong with his health. He hadn't even realized kids could get Type 2 diabetes.

Back home, he searched online for information about his illnesses, devouring news articles and videos. He learned that American children live in dysfunctional food environments, where the least healthy options tend to be the most affordable and accessible. That as parents took on more working hours, there was less time for cooking than in previous generations. That food companies filled the gap with convenient, ultraprocessed food, containing industrially manipulated ingredients that you wouldn't find in home cooking. That these foods are often full of salt, sugar, fat and additives. Bryce was shocked that regulators didn't vet all food additives for health and safety, and that companies could slap healthy labels on nutrient-bankrupt junk.

Junk, Bryce realized, was a lot of the food he grew up on in Pennsylvania. Even the food that didn't seem too bad. A bowl of cereal on the way out the door — marketed to kids, and sometimes advertising fiber and nutrients, but also high in sugar. At school, the lunches featured pizza, burgers and mac and cheese. Bryce's parents tried to cook nutritious meals whenever they could, but they both had full-time jobs. When he arrived at home before his parents got off work, he'd pull a can or box from the cupboard or freezer to heat in the microwave — more mac and cheese or a ready-to-heat meal. Juice pouches washed the meals down. Some of the food he snacked on — chips, ice cream — appeared to be designed so that he couldn't stop eating. He used to blame himself for that.

By age 18 he started to understand that the responsibility didn't lie with him alone. Mr. Martinez

sued 11 major food manufacturers — including Kraft Heinz, Coca-Cola, PepsiCo and Nestlé USA — alleging the consumption of their products brought on his Type 2 diabetes and fatty liver disease in childhood. The lawsuit, filed at the end of 2024, was the first personal injury case related to ultraprocessed foods.

Since then, I've tracked more than half a dozen other personal injury lawsuits filed against major food manufacturers, all alleging that ultraprocessed foods, engineered to drive addiction and marketed to children, caused chronic diseases in someone under the age of 18. I've followed these cases because I've become increasingly convinced that litigation may be our only path to a healthy food environment.

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Polling shows that across the political spectrum, a majority of Americans now believe ultraprocessed foods can be addictive, that companies deliberately try to hook children and that regulation is needed. Policies that seemed politically toxic in the era of the “Big Gulp” ban in New York under Mayor Michael Bloomberg now appear less so. Ashley Gearhardt, a food addiction expert at the University of Michigan, sees the craving economy in the world of food and beyond. “As a parent, I feel like there’s corporate vultures that are just circling my head waiting for me to have a bad day, so they can swoop in and make my child a lifelong loyalist to their damaging product,” she said.

In the background, nutrition science has matured. Researchers have uncovered how processed foods override the bodies’ built-in signals for satiety and nutrition and increase the risk of Type 2 diabetes and obesity, among other chronic diseases.

But this doesn’t mean Americans will see new legislation anytime soon. While the Trump administration, and particularly the MAHA Robert F. Kennedy Jr. wing, has had a lot to say about ultraprocessed food, all that talk hasn’t generated substantial new regulation. But the problem runs deeper. “It’s been 30, 40 years now that people have been talking about the toxic nature of the food environment, how the food industry is contributing to that, and public policy things that should be done, and almost nothing has happened,” said Kelly Brownell, a public health researcher at Duke University.

I know this impasse intimately. I’ve written about chronic disease and food for over a decade. When people ask how we can fix the food system, I usually answer with some version of: demand change at every level you can — school, workplace, city, country. But, if I’m honest, the fight has often felt hopeless when I think of the lobbying power of the \$10 trillion global food and beverage industry.

It was only in delving into the history of public health litigation that I started to feel some optimism. Again and again, bands of clever lawyers interested in public health and social justice fought for protections that policymakers had failed to deliver, long after the harms of a product were established. Litigation forced substantive opioid regulation. It helped curtail the use of

leaded paint and asbestos, and made driving safer. But the most thoroughly developed use of litigation for public health involves the cigarette.

For most of the 20th century, the public was inundated with tobacco marketing and secondhand smoke in ways that seem absurd today. Magazine advertisements featured doctors' favored brands of cigarettes. The "cool dude" Joe Camel cartoon popped up on billboards and in magazines to entice children. Smoke filled hospitals and airplanes.

Starting in the 1950s, individual plaintiffs stepped forward to sue tobacco companies. There was the factory worker who smoked two packs a day and eventually lost a lung to cancer. There was the widow who sued for wrongful death on behalf of her deceased husband, a dedicated smoker since age 9. The industry swatted such lawsuits off through the 1980s. But even though the plaintiffs overwhelmingly lost, as the historian Allan Brandt detailed in "The Cigarette Century," the cases snowballed, and led to legal discovery that unearthed damning industry documents.

Tobacco companies, which were finely tuning nicotine levels to drive addiction and targeting "pre-smokers" (also known as children), held records showing that their products caused cancer, while their executives publicly claimed otherwise. The documents that came to light in discovery not only laid bare the industry's deceit and hypocrisy, but also gave the lie to the claim that smoking was a matter of personal responsibility. Most significantly, they spurred mass tort litigation and left governments with no choice but to act.

In the 1990s, state attorneys general started to sue the tobacco companies for a public health crisis that taxpayers were largely left paying for. The resulting global settlement restricted tobacco marketing and mandated companies pay states billions in damages. Legislators finally had the political ammunition to meaningfully restrict smoking. They reined in access to tobacco products and increased cigarette taxes. Adult smoking rates have plummeted from 42 percent in 1965 to 9 percent in 2025.

Bryce Martinez's complaint was dismissed in Federal District Court last year because the judge, though "deeply concerned" about the effects of ultraprocessed foods on children, ultimately agreed with the defendants' claim that there wasn't enough evidence to prove specific products caused Mr. Martinez's illnesses. (The defendants, in their joint motion to dismiss the case, also argued that their products are safe, federally regulated and legally compliant.)

In June, the judge denied Mr. Martinez's motion to amend the case with additional detail. His lawyers at the firm Morgan & Morgan say they plan to appeal the dismissal and will continue to file similar lawsuits across the country. Meanwhile, the other cases are still moving forward. None of it will be easy.

Dr. Brandt, the historian, recently told me to expect more defeats. With tobacco, there were hundreds of losses, and those cases were simpler because they required proving only that a single product made someone sick. Yet Dr. Brandt is optimistic about litigation against the food industry. Americans are "becoming more appropriately skeptical that industry is acting around food in the public's interest," he said. He believes that we're entering the tobacco trials era with Big Food.

The legal and public health experts I spoke to see the most promise in cities and states taking action. Last December, San Francisco's city attorney announced a first-of-its-kind lawsuit on

behalf of the people of California against the same 11 food companies Mr. Martinez sued. That complaint alleges the companies worsened a public health crisis affecting a large segment of the population and straining health budgets. (The cost of diabetes alone in California has been estimated at some \$47 billion.) I believe other jurisdictions, also facing soaring costs, should follow with their own lawsuits.

Even if these cases gain steam, and some win, Big Food won't be going anywhere. But litigation like Mr. Martinez's could spur lawmakers to force companies to act in the public's interest, as Dr. Brandt put it, enhancing individual agency rather than eroding it. This might mean taxes, warning labels and reformulation requirements to reduce unhealthy food consumption, and — crucially — subsidies and improved access to healthy choices.

If jurisdictions sue, we might even learn a few things in legal discovery. What do food manufacturers know about children's brains, and how to entice them? What do they know about how to include just enough sugar, or the perfect amount of crunchiness, so people can't stop eating?

As it happens, we already know bits and pieces from the tobacco documents. Philip Morris purchased Kraft in 1988, and a little earlier, R.J. Reynolds acquired major food brands and merged with Nabisco. The tobacco documents show that cigarette companies applied their knowledge about flavor optimization, youth marketing and brain chemistry to ultraprocessed foods in order to increase profits.

Unlike the early tobacco plaintiffs, Mr. Martinez got sick as a child. He did so in a home where he didn't buy the groceries, in a food system he didn't design. When he left the hospital following his chest pain a few years ago, he returned to school and was confronted by a new reality. Injecting insulin felt awkward, he says, and caused people to ask him questions he didn't always want to answer.

Today he's managing his illnesses with a GLP-1 medication, but at age 20, he's worried about the future. Will he get a job with health insurance that covers his medical bills? When I asked him what he wished he'd known about food when he was a kid, he said, "Convenience ultimately comes at a cost."

That may still put too much on the consumer. To play on a question that the former Food and Drug Administration commissioner David Kessler asked during the tobacco trials: Whose choice is driving the demand for ultraprocessed foods in America? Is it a choice by consumers to continue eating them? Or by food companies to maintain the public's dependency on them?

Julia Belluz is a contributing Opinion writer and an author of the book "Food Intelligence."

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Corrected on July 28, 2026: An earlier version of this article misstated the venue for advertisements featuring the cigarette mascot Joe Camel. The mascot appeared on billboards and in print media, not on television in the United States.

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