



STATEMENT ON USE OF LITIGATION TO STALL PUBLIC HEALTH POLICIES

9.30.26

The undersigned organizations, [Interfaith Center on Corporate Responsibility \(ICCR\)](#) and [ShareAction](#), work with investors to champion responsible and sustainable investment and stewardship that addresses major food and beverage companies' impacts on human health and nutrition. A longstanding and essential part of this investor engagement has included productive dialogues with companies on a variety of topics, such as the healthiness of products, nutrition targets, marketing of unhealthy food, potential health harms of ingredients, and lobbying alignment with a company's stated mission, vision, and values. This statement focuses on recent developments related to an alarming pattern of litigious conduct emerging from this sector in recent years.

We write to express our concern over the uptick in lawsuits filed by major food and beverage companies and affiliated trade associations undermining legitimately enacted public policies related to the promotion of healthy foods and advancement of public health and nutrition-focused measures. This statement urges major food and beverage companies to reassess their use of litigation against public health policies.

Over the past 15 years, these actors have increasingly relied on litigation strategies to delay, dilute, and derail public health laws. These public policy measures have included attempts to create front-of-package warning labels for certain foods, banning advertisements targeting young children, and imposing excise taxes on sodas and ultra-processed foods.

Faced with growing customer and public awareness of the importance of maintaining a healthy and nutritious diet and the ensuing attempts to strengthen policies globally to improve public health outcomes, several corporations in the food and beverage sector have turned to the courts to undermine those policies. This pattern was documented extensively and rigorously in a recent study released by Lighthouse Reports entitled ["Big Food vs. The People"](#).

Between 2010 and 2025, the investigation found that food companies filed 239 lawsuits in six countries to undermine duly passed public policies, losing 82% of the cases to date. That raises questions about the effective use of company resources to meet stated company goals and support long-term shareholder value. Additionally, these lawsuits create significant burdens and resource strains on governments to protect health policies, amounting to a cumulative

total of 595 years of litigation. The high failure rate of the companies' lawsuits and their push to undermine public health policies has a real cost in the immediate term, and the risk to investors is clear.

- First, there is significant reputational risk for companies that are found to be lobbying and taking legal action against public health policies, effectively contradicting their stated values and commitments to promote and support nutrition and public health.
- Second, litigation has a high fail rate but requires significant company resources, raising capital-allocation and governance concerns.
- Third, when public health measures are delayed, health care costs are externalized onto society, creating systemic risks for diversified investors. When these policies are stalled by court proceedings, the public is deprived of their benefit, including measures that support more consistent access to healthy and nutritious foods that can ultimately help lower diet-related risk factors. The lawsuits also force local and national governments to allocate their own very limited resources to protect duly enacted policies.

This posture is not without precedent: the food and beverage industry's attempts to stall or weaken public health policy mirror strategies long used by the pharmaceutical¹ and the tobacco industry.² In several such cases, litigation used to attack public health measures ultimately became a serious reputational liability once its costs to public health came to light. In sum, the litigious behavior identified in the 'Big Food vs. The People' investigation by Lighthouse Reports

¹ In February 1998, the Pharmaceutical Manufacturers Association of South Africa and 39 mostly multinational pharmaceutical companies sued the South African government, arguing that its 1997 Medicines Act - intended to make HIV/AIDS treatment more affordable - violated the constitution and TRIPS. After three years of mounting public and political pressure, and facing forced disclosure of pricing and profit data if the case proceeded, the companies withdrew the suit in April 2001 and agreed to cover the government's legal costs. See *Drug Makers Drop South Africa Suit Over AIDS Medicines*, N.Y. Times (Apr. 20, 2001); *Drug companies withdraw law suit against South Africa*, BMJ (Apr. 28, 2001), <https://pmc.ncbi.nlm.nih.gov/articles/PMC1120171>.

² The Lancet's December 2025 ultra-processed food series argued that UPF manufacturers are running a political playbook comparable to that used by the tobacco, alcohol and fossil fuel industries to weaken public health regulation: see Monteiro et al., "Ultra-Processed Foods and Human Health," 2687. Also see Gannon et al., *Big tobacco's dirty tricks: Seven key tactics of the tobacco industry*, Tob. Prevention & Cessation (Dec. 20, 2023), <https://pmc.ncbi.nlm.nih.gov/articles/PMC10731746/> and Zhou et al., *Litigation in tobacco control: past, present and future*, 31 Tob. Control 291 (2022), <https://tobaccocontrol.bmj.com/content/31/2/291>.

raises significant concerns about companies' use of legal, financial, and other resources that weaken public health, drain public funds, and generate downstream risk for shareholders.

Therefore, we call on food and beverage companies to overhaul and exercise greater vigilance toward:

- the risk management processes underlying the lawsuits and the allocation of company resources to weaken or prevent duly passed public health measures; and
- reputational and other potential risks resulting from the misalignment between the lawsuits and the companies' commitments to promote health and nutrition.

A failure to do so raises serious concerns about companies' governance and capital-allocation decisions. Companies that are willing to address these concerns have a clear opportunity to differentiate their business, build trust with investors and other stakeholders, and contribute towards a fairer, healthier and more prosperous society.