

DA Anne Marie Schubert Announces Consumer Protection Settlement with Amazon



Sacramento County District Attorney's Office

Semper Justitia

Sacramento County District Attorney Anne Marie Schubert announced today that her office, in conjunction with 22 other District Attorney's Offices throughout California, resolved a consumer protection action against Amazon.com, Inc. ("Amazon"). The settlement was based on allegations that the company sold plastic products labeled with untrue and misleading marketing claims, including statements related to biodegradability and compostability. The action was filed in Monterey County.

Public Resources Code section 42357(b) prohibits the sale or offer for sale of any plastic product in this state that is labeled with the term 'biodegradable,' 'degradable,' or with language that otherwise implies that the product will break down in a landfill or other environment. The Legislature found that such marketing claims are inherently misleading without thorough disclaimers regarding how quickly the product will biodegrade in a landfill or in other environments where it may be disposed. Landfills in particular tend to mummify trash rather than biodegrade it, since decomposition requires sunlight, moisture, and oxygen. The Legislature also prohibited the sale of plastic products labeled "compostable" unless the product passes a specified scientific test to ensure the plastic will break down in a commercial composting facility.

Upon contact from prosecutors, Amazon took immediate steps to stop sales of "biodegradable" plastic products to consumers in

California. Amazon worked cooperatively with prosecutors throughout the settlement process to refine its procedures to ensure compliance with the law and to reach an agreeable resolution.

“Plastic is a product that will not break down in municipal trash, so more consumers are choosing environmentally friendly products and are willing to pay more for items that are labeled as biodegradable,” said District Attorney Schubert. “We appreciate Amazon’s efforts to comply with California law in this global online sales market. We will continue to enforce the biodegradable label ban on plastic products to protect consumers and the environment.”

Amazon agreed to pay \$1,512,400 in civil penalties and investigative costs to settle the case. The judgment also includes an injunction that prohibits Amazon from unlawfully selling or offering for sale plastic products labeled as “biodegradable” or using similar terms, or selling or offering for sale plastic products labeled as “compostable” without appropriate certification. Amazon also agreed to make an additional payment of \$50,000 to CalRecycle to fund testing of plastic products marketed to consumers as compostable or degradable.