

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

<p>PLASTIC POLLUTION COALITION, A PROJECT OF EARTH ISLAND INSTITUTE, 4401A Connecticut Avenue NW #143, Washington, DC 20008,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>PEPSICO, INC., 700 Anderson Hill Road Purchase, New York 10577,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. <u>2025-CAB-002131</u></p> <p>COMPLAINT</p> <p>DEMAND FOR JURY TRIAL</p>
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PREAMBLE

Plaintiff Plastic Pollution Coalition, a project of Earth Island Institute, brings this action against Defendant PepsiCo, Inc. concerning the false and deceptive marketing of the Aquafina water product. PepsiCo promotes Aquafina to District of Columbia consumers as pure water that is safe, sustainable, and environmentally friendly, despite the product line’s significant and ongoing contributions to plastic pollution and the presence of Bisphenol A in the water bottle container. The Complaint is brought under the District of Columbia Consumer Protection Procedures Act on behalf of Plaintiff, the general public of the District of Columbia, and District of Columbia consumers.

INTRODUCTION

1. This is a consumer protection action concerning marketing representations by Defendant PepsiCo, Inc. (“PepsiCo” or “Defendant”) about Aquafina Purified Drinking bottled

water products (“the Products”).¹ This case is brought by the Plastic Pollution Coalition (“PPC” or “Plaintiff”), a project of Earth Island Institute (“EII”), a nonprofit public interest organization. PPC does not seek money damages; instead, PPC seeks an order declaring that PepsiCo’s representations about its Aquafina Products are unlawful under the Consumer Protection Procedures Act (“CPPA”), D.C. Code §§ 28-3901–13, as well as an injunction that will end the deceptive advertising and marketing at issue.

2. This is not a class action and PPC will not seek class certification.

3. PepsiCo’s was the first company to introduced “light-weight, recyclable, plastic bottles” in 1970.²

4. The PepsiCo brand is now sold in more than 200 countries.³

5. PepsiCo markets and sells the Aquafina Products throughout the District of Columbia.

6. On Aquafina’s consumer-facing website, Aquafina states that the Aquafina bottles do not contain Bisphenol A (“BPA”),⁴ “an industrial chemical” linked to multiple health issues that “may cause or contribute to a variety of health problems” “even at established ‘safe’ levels.”⁵

7. PepsiCo’s represents itself as a company committed to “sustainability” through language that can be found on their website such as “we’re charting a new course to drive positive

¹ The Products include the Aquafina everyday range of plastic water bottles in 20oz, 1L, 16.9 oz of 24 pack, and 16.9 oz of 32 pack. Discovery may reveal additional products or representations that fall within the scope of this Complaint. Plaintiff reserves the right to amend its Complaint to add any such additional products and/or representations.

² *The History of Pepsi*, Leader Distribution Systems, Inc., <https://pepsibrattleboro.com/the-history-of-pepsi/> (last visited Apr. 4, 2025).

³ PepsiCo Careers, *Locations*, <https://www.pepsicojobs.com/our-locations> (last visited Apr. 4, 2025).

⁴ *Do your bottles contain BPA?*, Aquafina, <https://contact.pepsico.com/aquafina/article/do-your-bottles-contain-bpa> (last visited Apr. 4, 2025).

⁵ SaVanna Shoemaker, et al., *What Is BPA? Should I Be Concerned About It?*, Healthline (Apr. 12, 2022), <https://www.healthline.com/nutrition/what-is-bpa>.

action for the planet and people.”⁶

8. The PepsiCo website further pledges that “by 2025: design 100% of packaging to be recyclable, compostable, biodegradable or reusable.”⁷

9. PepsiCo pledges that “PepsiCo relies on diverse packaging solutions to deliver products to our customers and consumers without compromising food safety or quality.”⁸

10. Despite being one of the largest polluters of plastics globally, PepsiCo continues to deflect responsibility onto consumers by stating claims such as, “[o]nce enjoyed, the packaging from our products should be collected and recycled where possible for another use to create a more circular economy.”⁹

11. Companies that are among the largest plastic polluters, like PepsiCo, are now publicly setting long-term goals to become more sustainable and move toward a circular economy, which would require a massive shift from single-use plastic packaging.¹⁰

12. For these reasons, some of the companies responsible for plastic pollution advertise themselves as sustainable, oftentimes successfully evading consumer perceptions that they are engaged in activities harmful to the environment and human health.

13. Because of growing concerns about environmental and human health harms, consumers are willing to seek out less harmful services or products. Consumers prefer to support companies that protect their health and share their values, including a commitment to reducing

⁶ PepsiCo, *PepsiCo Positive*, <https://www.pepsico.com/who-we-are/our-commitments/pepsico-positive> (last visited Apr. 4, 2025).

⁷ PepsiCo, *Packaging*, <https://www.pepsico.com/our-impact/esg-topics-a-z/packaging> (last visited Nov. 24, 2024).

⁸ *Id.*

⁹ *Id.*

¹⁰ In a circular economy, products and materials are kept in circulation through processes like maintenance, reuse, refurbishment, remanufacture, recycling, and composting. The plan is based on the principles of eliminating waste and pollution, circulating products and materials, and regenerating nature. *See, e.g., Circular economy introduction: What is a circular economy?*, Ellen MacArthur Foundation, <https://www.ellenmacarthurfoundation.org/topics/circular-economy-introduction/overview> (last visited Apr. 4, 2025).

impact on the environment and protecting the health of others.

14. Nevertheless, many of these same companies, such as PepsiCo, continue to rely on single-use plastic packaging, which becomes plastic pollution on an immense scale and places continued stress on natural environments and human health.

15. Plastic pollution is now so widespread that a 2019 study commissioned by World Wildlife Fund International estimated that the average person could be consuming upwards of 5 grams of plastic every week, which is equivalent to roughly the weight of an entire credit card, including more than 1,769 particles of plastic ingested from water alone. The study found plastic fibers in **94.4%** of tap water samples in the United States,¹¹ and an additional study found that many bottled water brands contain **double** the level of microplastics found in tap water.¹²

16. Widespread plastic pollution aligns with plastic production trends: More than 10 billion metric tons of plastic have been produced globally to date, and plastic production has increased by more than 18,300 percent since the 1950s.¹³ More than 400 million metric tons of new plastic are produced globally each year, and that number is increasing year after year.¹⁴

17. In the face of such high quantities of plastic production, recycling has proven overwhelmingly insufficient to address global plastic pollution. In fact, plastic was never designed to be recycled, and with each round of recycling, virgin plastic and/or chemical additives must be incorporated to maintain the functionality of recycled plastic. As a result, plastic bottles made of

¹¹ *You May Be Eating a Credit Card's Worth of Plastic Each Week: Study*, Reuters (June 11, 2019), <https://www.reuters.com/article/us-environment-plastic/you-may-be-eating-a-credit-cards-worth-of-plastic-each-week-study-idUSKCN1TD009>.

¹² David Common & Eric Szeto, *Microplastics Found in 93% of Bottled Water Tested in Global Study*, CBC News (Mar. 14, 2018), <https://www.cbc.ca/news/science/bottled-water-microplastics-1.4575045>.

¹³ *The Truth Behind Trash: The Scale and Impact of the International Trade in Plastic Waste*, Environmental Investigation Agency (Sept. 2021), <https://eia-international.org/report/the-truth-behind-trash-the-scale-and-impact-of-the-international-trade-in-plastic-waste/>.

¹⁴ *Drowning in Plastics: Marine Litter and Plastic Waste Vital Graphics*, United Nations (Oct. 2021), <https://www.unep.org/resources/report/drowning-plastics-marine-litter-and-plastic-waste-vital-graphics>.

recycled plastic are even more contaminated than drink bottles made of fresh plastic, and these chemicals easily leach into the beverages they contain.¹⁵ A mere **9%** of all plastic that has been produced since the 1950s has been recycled, 12% has been incinerated, and **79%** has ended up in landfills or the natural environment.¹⁶ Indeed, **six times** more plastic is incinerated than is recycled in the United States.¹⁷

18. Moreover, plastic products are inherently harmful to the environment. As a fossil fuel-based material, plastic production requires extracting, transporting, and refining fossil fuels. These processes often emit significant amounts of greenhouse gases into the atmosphere and exacerbate the already pronounced greenhouse gas effect. By 2050, plastic production and disposal could generate greenhouse-gas emissions equivalent to 615 coal plants annually and use up to 13% of Earth's remaining carbon budget.¹⁸

19. Contrary to PepsiCo's marketing representations to consumers, the company remains a major plastic polluter and, thus, is not a "sustainable" enterprise.

20. No reasonable consumer who sees PepsiCo's representations would expect the steps that PepsiCo is taking to combat plastic pollution to be so insignificant relative to the scale at which its plastic pollution occurs, or for Aquafina's plastic water bottle to contain BPA.

¹⁵ Spyridoula Gerassimidou, et al., *Unpacking the complexity of the PET drink bottles value chain: A chemicals perspective*, 430 *J. of Hazardous Materials*, 128410 (May 15, 2022), <https://www.sciencedirect.com/science/article/pii/S0304389422001984>.

¹⁶ *Talking Trash: The Corporate Playbook of False Solutions to the Plastic Crisis*, Changing Markets Foundation. (Sept. 2020), at 11 https://talking-trash.com/wp-content/uploads/2020/09/TalkingTrash_FullReport.pdf. Plastic enters the natural world at a rate of 8 million tons per year, or approximately one garbage truck per minute. *Id.*

¹⁷ Jan Dell, *Six Times More Plastic Waste is Burned in U.S. than is Recycled*, Plastic Pollution Coalition (Apr. 30, 2019), <https://www.plasticpollutioncoalition.org/blog/2019/4/29/six-times-more-plastic-waste-is-burned-in-us-than-is-recycled>.

¹⁸ *Plastic & Climate: The Hidden Costs of a Plastic Planet*, Center for International Environmental Law (May 2019), <https://www.ciel.org/wp-content/uploads/2019/05/Plastic-and-Climate-FINAL-2019.pdf>. See also Luke Sussams, *Carbon Budgets Explained*, Carbon Tracker (Feb. 6, 2018), <https://carbontracker.org/carbon-budgets-explained/> ("A carbon budget is the cumulative amount of carbon dioxide (CO2) emissions permitted over a period of time to keep within a certain temperature threshold.")

21. PepsiCo promotes the Aquafina Products as “pure water, perfect taste” and states on the Aquafina website that the packaging does not contain BPA.

22. The Aquafina website and representations at issue in this action are accessible to consumers in the District of Columbia.

23. Consumers within the District and across the country believe that plastic pollution presents significant environmental harms.

24. Consumers in the District and across the nation are increasingly becoming more health-conscious and concerned about both the known and hidden substances they consume.

25. Due to these concerns, many consumers are reevaluating their purchasing choices and the effects of those choices on the environment and their health.

26. By misrepresenting the nature and quality of its products and the nature of its underlying business practices, PepsiCo can capture the growing market of D.C. consumers who are concerned about plastic pollution and seek to support business that with practices that are friendly to the environment and human health.

27. PepsiCo’s false and misleading representations and material omissions violate the CPPA.

28. Because PepsiCo’s marketing and advertising tend to mislead and are deceptive about the true nature and quality of its products and business, PPC brings this deceptive advertising case on behalf of itself and the general public pursuant to the CPPA.

JURISDICTION AND VENUE

29. This Court has personal jurisdiction over the parties in this case. Plaintiff PPC, by filing this Complaint, consents to this Court having personal jurisdiction over it.

30. This Court has personal jurisdiction over Defendant PepsiCo pursuant to D.C. Code Section 13-423(a)(1) because the claims herein arise from PepsiCo “transacting . . . business in the District of Columbia.” PepsiCo has sufficient minimum contacts with the District of Columbia to establish personal jurisdiction of this Court over it because, *inter alia*, PepsiCo is engaged in deceptive schemes and acts directed at persons residing in, located in, or doing business in the District of Columbia, or otherwise purposefully avails itself of the laws of this District through its marketing and sales of its products and services in this District.

31. The beneficiaries of this action are District of Columbia consumers, and this case concerns representations made in the District of Columbia, to residents of the District of Columbia, and with the intent that residents would act upon those representations and purchase products within the District of Columbia.

32. The District has a strong interest in protecting its consumers through enforcement of the CPPA. The general public of the District has a corresponding interest in the vigorous enforcement of laws established to protect District consumers.

33. PPC, which has agreed to represent the interest of those consumers, has an interest in vindicating its rights conferred by the CPPA and related to misrepresentations made to those consumers. PPC has an interest in prosecuting its case within the District, which is where the alleged injuries occurred and where the relevant products were advertised for purchase and/or purchased.

34. This Court has subject matter jurisdiction over this action pursuant to D.C. Code §§ 28-3905(k)(1)(B), (k)(1)(C), (k)(1)(D), and (k)(2).

35. Venue is proper in this Court pursuant to D.C. Code Section 28-3905(k)(2) and because PepsiCo directs its marketing at consumers within the District of Columbia, sells its

Aquafina Products in the District, and has caused injury in the District. PPC seeks to represent consumers and the general public of the District.

36. Through the scope of the CPPA, the District has a clearly articulated public policy of seeing its law applied to District consumers' interaction with marketing, advertising, and product sales available to them within the District. Defendant, based on its contacts with the District, is aware or should be aware that the CPPA governs its conduct within the District, and that the clearly articulated policy of the District would be frustrated if the CPPA were not applied to Defendant's marketing to District consumers.

37. Pursuant to D.C. Code Section 28-3905(k)(2), this action shall be brought in the Superior Court of the District of Columbia.

38. This action seeks injunctive and declaratory relief but no money damages. Following the principals of non-aggregation set forth in *Snyder v. Harris*, 394 U.S. 332, 335 (1969), federal jurisdiction is not present, and this action is not subject to removal in federal court. *See, e.g., Inst. For Truth in Mktg. v. Total Health Network Corp.*, 321 F. Supp. 3d 344, 350 (D.D.C. 2018); *Organic Consumers Ass'n v. R.C. Bigelow, Inc.*, 314 F. Supp. 3d 344, 350 (D.D.C. 2018); *Animal Legal Defense Fund v. Hormel Foods Corp.*, 249 F. Supp. 3d 53, 59 (D.D.C. 2017).

PARTIES

39. Plaintiff PPC, a project of Earth Island Institute—a non-profit, public interest organization within the meaning of the CPPA (*see* D.C. Code Section 28-3901(a)(15))—is a non-profit communications and advocacy organization that collaborates with an expansive global alliance of organizations, businesses, and individuals to create a more just, equitable, regenerative world free of plastic pollution and its toxic impacts. Several PPC organizations are located in the

D.C. area, including Environmental Working Group, Oceana, Greenpeace, Potomac Riverkeeper Network, National Audubon Society, PR3, and American Rivers, among others.

40. PPC is statutorily empowered pursuant to D.C. Code Section 28-3905(k)(1)(C) and (D) to represent the interests of District of Columbia consumers, and to bring this action on their behalf.

41. PPC is based in Washington, DC, and performs its work throughout the United States, including in the District of Columbia.

42. PPC is a project of EII, a nonprofit organization dedicated to informing the public about salient environmental harms and has since worked, *inter alia*, to protect marine life, to confront plastic pollution, to preserve forests, to help indigenous leaders protect their sacred sites, and to restore wetlands.

43. PPC advocates for a transition away from single-use plastic and educates consumers, including those within the District of Columbia, on the environmental and health impacts of single-use plastic across its entire lifecycle as well as alternatives to single-use plastic. PPC's efforts help consumers make informed choices when they shop and works with its coalition members to advance and scale real systemic solutions to plastic pollution—including reuse, refill, repair, share, and regenerative solutions. PPC's website, public education, research, network building, and mobilization activities provide an important service to consumers, community activists, policymakers, and the public at large.

44. PPC has a strong interest in truth-in-advertising regarding environmental concerns, which align with the organization's mission of consumer advocacy and education.

45. PPC, through its work and otherwise, has a sufficient nexus to consumers of Defendant's Aquafina Products to adequately represent their interests.

46. Defendant PepsiCo is one of the largest producers of plastic in the world and owns a wide range of beverage brands, including Aquafina, Brisk®, Gatorade®, Lipton®, Propel®, and Pure Leaf®, among others.

47. At all times mentioned herein, PepsiCo Beverages North America is a limited-liability company domiciled in North Carolina with its principal place of business in Purchase, New York.

48. PepsiCo markets, sells, and distributes the Products in the District of Columbia.

49. Upon information and belief, PepsiCo has caused harm to the general public of the District of Columbia.

50. PPC is acting on behalf of itself and for the benefit of D.C. consumers pursuant to D.C. Code §§ 28-3905(k)(1)(C) and (D).

**STATUTORY BACKGROUND GIVING RISE
TO PLAINTIFF'S CLAIM FOR RELIEF**

51. This action is brought under the District of Columbia Consumer Protection Procedures Act, D.C. Code Section 28-3901–13.

52. It is unlawful under the CPPA for “any person” to:

- “represent that goods or services have a source, . . . characteristics, . . . [or] benefits . . . that they do not have,” D.C. Code § 28-3904(a);
- “represent that goods or services are of a particular standard, quality, grade, style, or model, if in fact they are of another,” *id.* § 28-3904(d);
- “misrepresent as to a material fact which has a tendency to mislead,” *id.* § 28-3904(e);
- “fail to state a material fact if such failure tends to mislead,” *id.* § 28-3904(f);

- “use innuendo or ambiguity as to a material fact, which has a tendency to mislead,” *id.* § 28-3904(f-1);
- “advertise or offer goods or services . . . without the intent to sell them or without the intent to sell them as advertised or offered, *id.* § 28-3904(h); and
- “sell consumer goods in a condition or manner not consistent with that warranted . . . by operation or requirement of federal law,” *id.* § 28-3904(x).

53. A violation of the CPPA occurs when a person “engages in an unfair or deceptive trade practice,” regardless of “whether or not any consumer is in fact misled, deceived or damaged thereby.” *Id.* § 28-3904.

54. The CPPA “establishes an enforceable right to truthful information from merchants about consumer goods and services that are or would be purchased, leased, or received in the District of Columbia.” *Id.* § 28-3901(c). It “shall be construed and applied liberally to promote its purpose.” *Id.*

55. Under the CPPA, a “nonprofit organization may, on behalf of itself or any of its members, or on such behalf and on behalf of the general public, bring an action seeking relief from use of a trade practice in violation of a law of the District, including a violation involving consumer goods or services that the organization purchased or received in order to test or evaluate qualities pertaining to use for personal, household, or family purposes.” D.C. Code § 28-3905(k)(1)(C).

56. Additionally, a “public interest organization may, on behalf of the interests of a consumer or a class of consumers, bring an action seeking relief from the use by any person of a trade practice in violation of a law of the District if the consumer or class could bring an action,” so long as the organization has a “sufficient nexus to the interests involved of the consumer or class to adequately represent those interests.” D.C. Code § 28-3905(k)(1)(D).

57. As set forth in this Complaint, Plaintiff PPC’s mission includes educating consumers and engaging in advocacy related to environmental and human health issues. Earth Island Institute and its project, PPC, has previously represented D.C. consumers in similar actions under the CPPA and, thus, PPC has sufficient nexus to D.C. consumers to represent their interests.

58. D.C. consumers generally are consumers who would be entitled to bring this action under the CPPA.

59. PPC may, therefore, bring this action on behalf of D.C. consumers.

60. This is not a class action, or an action brought on behalf of any specific consumer. This is an action brought by PPC on behalf of itself, D.C. consumers, and the general public of D.C. No class certification will be requested. An action for injunctive and/or declaratory relief brought pursuant to Sections 28-3905(k)(1)(C) and (D) on behalf of D.C. consumers is not a class action, does not require class certification, and is not subject to the Class Action Fairness Act.¹⁹

61. CPPA claims challenging the use of certain advertising terms “as false and misleading” are “not preempted by federal law.” *Toxin Free USA v. J.M Smucker Co.*, 2019 D.C. Super. LEXIS 15, at *14 (D.C. Super. Ct. Nov. 6, 2019) (Pan, J.).

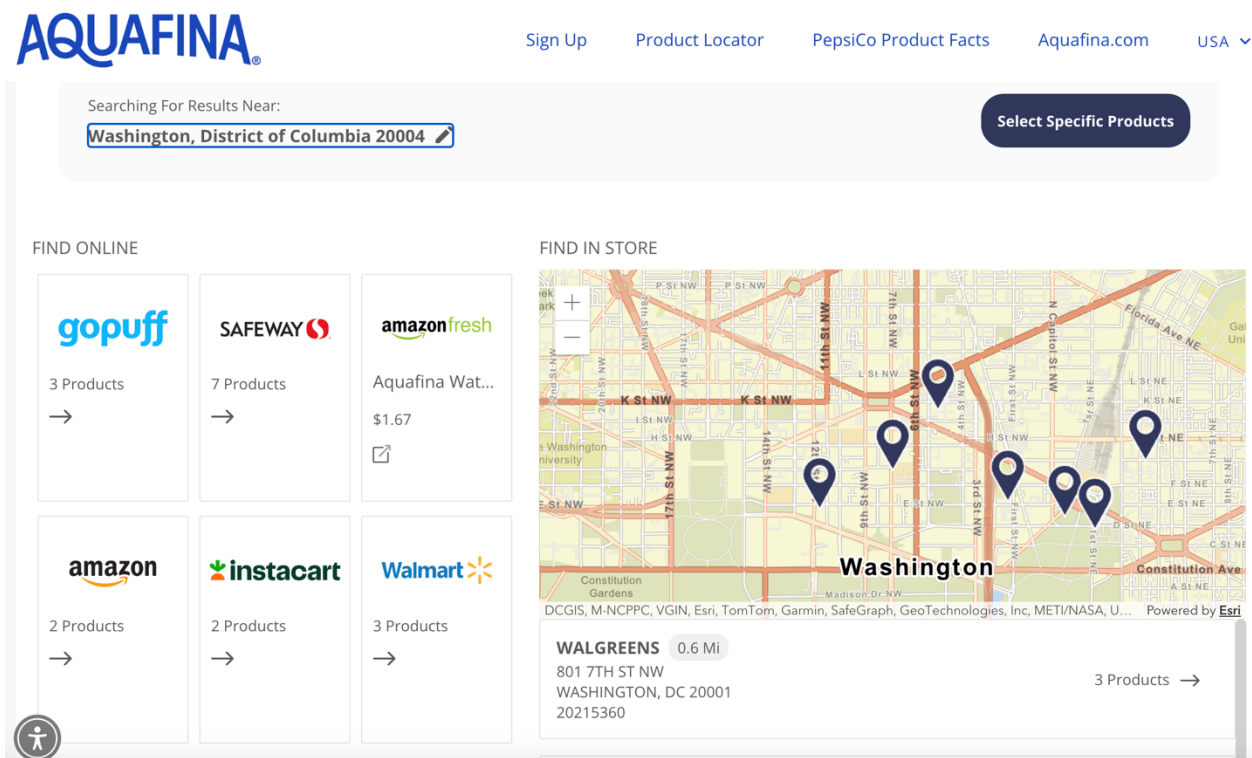
62. This action does not seek damages. Instead, PPC Institute seeks to end the unlawful conduct directed at D.C. consumers. Remedies available under the CPPA include “[a]n injunction against the use of the unlawful trade practice.” D.C. Code § 28-3905(k)(2)(D). PPC also seeks declaratory relief in the form of an order holding PepsiCo’s conduct to be unlawful.

¹⁹ See *Animal Legal Def. Fund v. Hormel Foods Corp.*, 258 A.3d 174, 190 (D.C. 2021).

FACT ALLEGATIONS GIVING RISE TO PLAINTIFF’S CLAIM FOR RELIEF

63. PepsiCo markets the Aquafina Products throughout the District of Columbia through its website and product packaging, both of which are accessible to consumers within the District.

64. PepsiCo sells its Aquafina Products to consumers at retail locations throughout the District of Columbia.²⁰



65. Through online advertising of the Aquafina Products, accessible to consumers in the District, PepsiCo markets the Aquafina Products with “pure water, perfect taste” and sustainability representations.²¹

²⁰ *Product Locator*, Aquafina, <https://contact.pepsico.com/aquafina/product-locator> (last visited Apr. 4, 2025).

²¹ *Aquafina*, <https://www.aquafina.com/en-US/> (last visited Apr. 4, 2025).

66. Aquafina’s plastic bottle packaging, which contains both plastic and BPA, is misleadingly labeled as “pure water, perfect taste.”²²



67. As described herein, consumer research demonstrates that sustainability and “natural” representations are material to D.C. consumers and lead consumers to believe that the production of the Product does not have a negative impact on the environment and that the water in the Product does not contain any unnatural substances, such as BPA.

68. As explained herein, contrary to PepsiCo’s marketing and packaging design, their Products produce significant plastic pollution, the production of plastic bottled water is inherently unsustainable.

69. PepsiCo’s advertising of the Aquafina Products is false and misleading to D.C. consumers.

I. PepsiCo Falsely Represents Its Aquafina Plastic Bottled Water as a “Sustainable” Product.

70. On its website, accessible to consumers within the District, PepsiCo’s highlights its

²² *Id.*

“Sustainability Actions” and tells consumers that they are “working towards a more sustainable future.”²³ PepsiCo further emphasizes sustainability, pledging that the brand is “eager to increase knowledge and access to renewable energy, recycling, reusable packaging, and more.”²⁴



71. Throughout the website, PepsiCo emphasizes a commitment to sustainability through representations, such as “regenerative practices, sustainably sourced ingredients, net-zero emissions, net water positive, and sustainable packaging.”²⁵

72. As part of its sustainability representations, PepsiCo advertises its Products as “100% rPET bottles by 2030.”²⁶

73. PepsiCo knows that consumers are increasingly and deliberately drawn to products and services from environmentally responsible companies.²⁷

²³ PepsiCo Positive, *Partners for Tomorrow*, <https://www.partnersfortomorrow.com/> (last visited Apr. 24, 2025).

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Packaging*, *supra* note 7.

²⁷ See, e.g., *The Sustainability Imperative*, Nielsen (Oct. 12, 2015), <https://nielseniq.com/global/en/insights/analysis/2015/the-sustainability-imperative-2/> (consumer survey finding that the majority of consumers seek to support sustainable business practices with their purchases and are more likely to

74. PepsiCo also knows that consumers often consider their own health when making purchasing decisions and want products that are better for their health.²⁸

75. Accordingly, Pepsico cultivates an environmentally friendly, sustainable, and healthy image to motivate environmentally and health conscious consumers to continue purchasing Products. Consumers drink water to stay healthy, and yet water coming from plastic bottles such as the Aquafina Products is antithetical to protecting both human health and the natural resources from which this water is taken.

76. PepsiCo purports to be an environmentally friendly, sustainable, and healthy, company that is proactively working to prevent plastic pollution, despite its ongoing and significant contributions to the plastic pollution problem and its harms to human and planetary health.

A. Despite PepsiCo’s Representations to D.C. Consumers, Recyclability and Use of Recycled Materials in Its Products Will Not Create a Circular Economy.

77. PepsiCo makes generalized sustainability claims throughout the website, referencing its “robust portfolio of sustainability solutions for our partners.”²⁹

78. PepsiCo acknowledges that its recycling efforts and use of rPET help to create a “circular economy” that mitigates the damages of its ongoing plastic pollution.³⁰

79. PepsiCo makes several specific claims regarding its recycling practices and the circular economy.

buy products from a company known for “being environmentally friendly”); *see also Survey Reveals Consumers Prioritize Purchasing Sustainable Products and Desire Greater Transparency from Companies on Sustainability Progress*, PR Newswire (Nov. 15, 2023) <https://www.prnewswire.com/news-releases/survey-reveals-consumers-prioritize-purchasing-sustainable-products-and-desire-greater-transparency-from-companies-on-sustainability-progress-301988839.html>.

²⁸ *Shopping with Purpose: How American Consumers Prioritize Wellness and Sustainability*, Acosta Group (Nov. 14, 2023), <https://www.acosta.group/shopping-with-purpose-how-american-consumers-prioritize-wellness-and-sustainability/>.

²⁹ *Partners for Tomorrow*, *supra* note 23.

³⁰ *Packaging*, *supra* note 7.

80. PepsiCo represents that “almost 90% of PepsiCo’s packaging portfolio is already recyclable, compostable or biodegradable”³¹ and touts an ambitious goal of “design 100% of packaging to be recyclable, compostable, biodegradable or reusable” by 2025.³²

81. Recycling and recycled plastic are not solutions to the global plastic pollution problem.

82. Recycled plastics degrade in quality and are typically only able to be recycled once. Recycled plastics, once their useful life is over, ultimately end up disposed in a landfill or by incineration.³³

83. Recycled plastic is “downcycled” to make lower-quality plastic and is typically mixed with new plastic or harmful chemicals to produce a new product. This process is expensive and requires large amounts of energy, water, equipment, and infrastructure.³⁴

84. Thus, despite PepsiCo’s representations, using 100% recycled in all of its Products will not create a circular economy.

85. Moreover, recycled bottles are contaminated and leach chemicals into beverages in even greater quantities than virgin PET.³⁵

B. PepsiCo’s Product Packaging Is Not as Recyclable as PepsiCo Promises, Even for Consumers Who Try to Participate in the Circular Economy.

86. PepsiCo makes claims about the recyclability of its Products, including that the bottles are “recyclable,” and directs consumers to recycle to “support a circular economy for

³¹ PepsiCo, *Sustainability*, (Dec. 2, 2022), <https://www.pepsico.com/our-stories/press-release/pepsico-commits-to-100-recycled-plastic-beverage-bottles-for-its-pepsi-brand-in-9-eu-markets-by-2022>.

³² *Packaging*, *supra* note 7.

³³ Hannah Ritchie, *FAQ on Plastics*, Our World in Data (Sept. 2, 2018), <https://ourworldindata.org/faq-on-plastics>.

³⁴ *What Really Happens to Your Plastic Recycling*, Plastic Pollution Coalition (May 16, 2022), https://www.plasticpollutioncoalition.org/blog/2022/5/16/what-really-happens-to-your-plastic-recycling?utm_source=social+media.

³⁵ Spyridoula Gerassimidou, *supra* note 15.

plastic” and Products “should be collected and recycled where possible for another use to create a more circular economy.”³⁶

87. PepsiCo advances recycling as a straightforward solution to plastic pollution and represents that through recycling it can achieve a circular economy and eliminate non-recyclable waste.³⁷

88. PepsiCo Products’ packaging states that the packaging is “100% recyclable.”

89. Such definitive “100% recyclable” claims have been found to be “misleading” and “unachievable” greenwashing claims.³⁸

90. Recent research conducted by Client Earth, Environmental Coalition on Standards, Eunomia Research & Consulting, and Zero Waste Europe found that, for most plastic bottles, recyclability claims were only partially true, as “a 100% collection and sortation rate would need to exist for these claims to be true.”³⁹

91. A significant portion of recyclable materials—regardless of whether consumers dispose of them correctly—end up in landfills or the natural environment.⁴⁰

92. The National Renewable Energy Laboratory at the U.S. Department of Energy estimates that only 5% of plastic waste in the United States was recycled in 2019.⁴¹

³⁶ *Packaging*, *supra* note 7.

³⁷ *Id.*

³⁸ *Greenwashing PET Bottles: 100% Recyclable Claims “Misleading” and “Unachievable,” Says ClientEarth Report*, Food Ingredients First (Nov. 2, 2023), <https://www.foodingredientsfirst.com/news/greenwashing-pet-bottles-100-recyclable-claims-misleading-and-unachievable-says-clientearth-report.html>.

³⁹ *Id.*

⁴⁰ Livia Albeck-Ripka, *Your Recycling Gets Recycled, Right? Maybe, or Maybe Not*, The New York Times (May 29, 2018), <https://www.nytimes.com/2018/05/29/climate/recycling-landfills-plastic-papers.html>.

⁴¹ *NREL Calculates Lost Value of Landfilled Plastic in U.S.*, Global Newswire (Apr. 28, 2022), <https://www.globenewswire.com/news-release/2022/04/28/2431659/0/en/NREL-Calculates-Lost-Value-of-Landfilled-Plastic-in-U-S.html>.

93. The EPA has estimated that in 2018, about 29% of PET bottles were recycled, and only 8.7% of all types of recyclable plastics in the United States were actually recycled.⁴²

94. Additionally, recycled PET plastic introduces an even greater amount of chemical contamination into bottled beverages than virgin plastic.⁴³

95. Anyway, low rates of recycling mean that an immense amount of nominally “recyclable” plastic ends up in landfills or enters the natural environment.⁴⁴

96. The EPA has estimated that landfills in the United States received **27 million tons of plastic** in 2018.⁴⁵

97. PepsiCo greatly overstates the efficacy of recycling in addressing the plastics crises as well as its own contributions to improving recycling rates.

98. A report analyzing the plastic industry’s response to the plastic pollution crisis found that “[v]oluntary efforts from major plastic polluters consistently fail to meet the levels of ambition required to tackle the problem at the source.”⁴⁶

99. Companies such as PepsiCo promote recycled materials and plastic recycling as a solution to the plastics pollution crisis, when, in reality, the solution requires reducing plastic production and consumption.

100. In a February 2020 report published by Greenpeace, marine biologist and director of the organization’s oceans campaign John Hocevar wrote, “Companies must move beyond the outdated, failed approach of promoting recycling as the solution to excessive plastic waste and

⁴² *Facts and Figures about Materials, Waste and Recycling*, United States Environmental Protection Agency, <https://www.epa.gov/facts-and-figures-about-materials-waste-and-recycling/plastics-material-specific-data> (last visited Apr. 4, 2025).

⁴³ Spyridoula Gerassimidou, *supra* note 15.

⁴⁴ *Talking Trash: The Corporate Playbook of False Solutions to the Plastic Crisis*, *supra* note 16.

⁴⁵ *Facts and Figures About Materials, Waste and Recycling*, *supra* note 42.

⁴⁶ *Talking Trash: The Corporate Playbook of False Solutions to the Plastic Crisis*, *supra* note 16 at 33.

pollution. . . . Instead of pretending that the trillions of throwaway plastic items produced each year will be recycled or composted, we must stop producing so many of them in the first place.”⁴⁷

101. Recycling is an extremely limited approach to curbing the vast amount of plastic waste that is entering landfills and the natural environment.

102. Recent reporting has uncovered years of intentional deception by persons in the plastic industry with knowledge about the viability of recycling efforts. One plastic industry insider wrote in a speech in 1974, “There is serious doubt that [recycling plastic] can ever be made viable on an economic basis.”⁴⁸

103. Plastics were never designed to be recycled. “The future of plastics is in the trash can,” Lloyd Stouffer, editor of packaging industry magazine *Modern Packaging*, announced at the 1963 National Plastic Industry Conference organized by the industry trade association the Society of the Plastics Industry (now, the Plastics Industry Association).⁴⁹

104. The situation underlying these dismal forecasts has not improved over the decades. Larry Thomas, former president of the Society of the Plastics Industry told NPR in 2020: “If the public thinks that recycling is working, then they are not going to be as concerned about the environment.”⁵⁰

105. Despite the well-publicized shortcomings of recycling, PepsiCo has consistently pushed recycling as an unqualified solution to the plastics crisis.

⁴⁷ John Hocevar, *Circular Claims Fall Flat: Comprehensive U.S. Survey of Plastics Recyclability*, Greenpeace (Feb. 18, 2020), at 5 <https://www.greenpeace.org/usa/wp-content/uploads/2020/02/Greenpeace-Report-Circular-Claims-Fall-Flat.pdf>.

⁴⁸ Laura Sullivan, *How Big Oil Misled the Public Into Believing Plastic Would Be Recycled*, NPR (Sept. 11, 2020), <https://www.npr.org/2020/09/11/897692090/how-big-oil-misled-the-public-into-believing-plastic-would-be-recycled>.

⁴⁹ Lloyd Stouffer, *Plastics Packaging: Today and Tomorrow*, 1963 National Plastics Conference, The Society of the Plastics Industry, Inc. (Nov. 1963), at 1 <https://discardstudies.files.wordpress.com/2014/07/stoffer-plastics-packaging-today-and-tomorrow-1963.pdf>.

⁵⁰ *How Big Oil Misled The Public Into Believing Plastic Would Be Recycled*, *supra* note 48.

106. PepsiCo messaging to consumers obscures the complexities surrounding recycling and their impact on recycling rates, misrepresenting the sustainability of PepsiCo's products.

107. PepsiCo's recycling claims aim to assuage consumers' concerns about the environmental harms associated with the company's business, convincing consumers that there are no significant environmental consequences associated with purchasing single-use plastic as long as they dispose of the material in a responsible manner.

108. PepsiCo misleads consumers by overstating the capacity and ability of waste management companies and municipalities to recycle the large amount of bottle waste that companies such as PepsiCo produce.

109. In reality, recycling rates are subject to various factors, including economic viability, the infrastructure and capacity of the applicable recycling facilities, and the inability of recycling facilities to recycle more novel forms of packaging, such as bottles with sleeves.⁵¹

110. As previously noted, less than 30% of PET bottles were recycled in 2018 in the United States.⁵²

111. Even if consumers properly dispose of their plastic bottles, only a very small portion of plastic materials is actually recycled.⁵³

112. Recycled materials often are sent to a recycling facility where they are later sent to a landfill because the material is unusable.⁵⁴

⁵¹ John Hocevar, *supra* note 47.

⁵² *Facts and Figures about Materials, Waste and Recycling*, *supra* note 42.

⁵³ *Our Planet is Choking on Plastic*, UN Environment Programme, https://www.unep.org/interactives/beat-plastic-pollution/?gad_source=1&gclid=CjwKCAjwvvmzBhA2EiwAtHVrb9LIGFkMiGs1hpWFIEk5Dnodh9OY89VnuQSboObKqZF4tNt8-yNMsRoC8IkQAvD_BwE (last visited Apr. 4, 2025).

⁵⁴ Laura Sullivan, *Recycling Plastic is Practically Impossible—and the Problem is Getting Worse*, NPR (Oct. 24, 2022), <https://www.npr.org/2022/10/24/1131131088/recycling-plastic-is-practically-impossible-and-the-problem-is-getting-worse>.

113. As it exists right now, recycling infrastructure in the United States is incapable of keeping pace with PepsiCo’s incredibly high production rates. In 2022, PepsiCo expanded its plastic packaging usage “by 4% or over 220 million pounds (100,000 metric tons) to a reported 2.6 million metric tons.”⁵⁵

114. The economics of plastic production and recycling drive low recycling rates, and it is far cheaper to produce virgin plastic than to pay for the various processes required to recycle existing plastic in the United States.⁵⁶

115. An article in the New York Times from March 2019 reported that hundreds of towns and cities throughout the United States have cancelled their recycling programs, limited the types of materials they accepted, or agreed to substantial price increases to continue their recycling programs.⁵⁷

116. The changes to recycling prices came in large part from China’s decision to bar plastics slated for recycling from entering the country in January 2018; prior to that point, the United States had been exporting hundreds of thousands of tons of recyclable materials each year to China.⁵⁸ China had imported recyclable materials from around the world and paid cheap labor costs to sort the materials; however, contaminated and difficult-to-recycle materials made the process challenging and expensive, and caused pollution in China’s land and waterways.⁵⁹

⁵⁵ Anna Baxter, *Oceana, Coca-Cola and Pepsi’s Plastic Packaging Use Increases by Hundreds of Millions of Pounds*, Oceana (Nov. 3, 2023), <https://oceana.org/press-releases/oceana-coca-cola-and-pepsis-plastic-packaging-use-increases-by-hundreds-of-millions-of-pounds/>.

⁵⁶ *How Big Oil Misled The Public Into Believing Plastic Would Be Recycled*, *supra* note 48.

⁵⁷ Michael Corkery, *As Costs Skyrocket, More U.S. Cities Stop Recycling*, The New York Times (Mar. 16, 2019), <https://www.nytimes.com/2019/03/16/business/local-recycling-costs.html>.

⁵⁸ *Id.*; Christopher Joyce, *Where Will Your Plastic Trash Go Now That China Doesn’t Want It?*, NPR (Mar. 13, 2019), <https://www.npr.org/sections/goatsandsoda/2019/03/13/702501726/where-will-your-plastic-trash-go-now-that-china-doesnt-want-it>; John Hocevar, *supra* note 47.

⁵⁹ *Id.*

117. Waste management companies and municipalities have since been struggling to find buyers for recyclable materials, and it is often more economical for them to send recyclable materials to landfills rather than pay to sort, clean, shred, and melt them for reuse.⁶⁰

118. More recently, the global COVID-19 pandemic decreased the cost of fossil fuels, exacerbating the difference in cost between virgin plastic and recycled plastic.

119. A market analysis at the Independent Commodity Intelligence Services estimated that as of October 2020, it was approximately 83% to 93% more expensive to use recycled bottle-grade plastic than to produce it new.⁶¹

120. PepsiCo misleads consumers into believing that they can participate in a circular economy by purchasing and then recycling bottles, when the packaging is unlikely to actually be recycled.

C. PepsiCo Significantly Contributes to the Plastics Pollution Problem and Is Not a Sustainable Company.

121. Contrary to PepsiCo's representations, the company is far from what consumers would understand to be a sustainable business.

122. PepsiCo is listed as one of the top ten global corporate plastic polluters of 2023.⁶²

123. PepsiCo's reported a 4% increase in its total plastic use from 2021 to 2022 (from 2.5 to 2.6 million metric tons).⁶³

⁶⁰ Alana Semuels, *Is This the End of Recycling?*, The Atlantic (Mar. 5, 2019), <https://www.theatlantic.com/technology/archive/2019/03/china-has-stopped-accepting-our-trash/584131/>.

⁶¹ Joe Brock, *Special Report: Plastic pandemic – COVID-19 trashed the recycling dream*, Reuters (Oct. 5, 2020), <https://www.reuters.com/article/health-coronavirus-plastic-recycling-spe-idUSKBN26Q1LO>.

⁶² *Brand Audit Report 2023*, Break Free from Plastic, https://drive.google.com/file/d/1YFyfRv4m_vZZXa8b1HdpucDX3WEwJzv/view (last visited Nov. 24, 2024).

⁶³ *PepsiCo Fails to Report On New Reuse Goal While Company's Plastic Use Increases*, Oceana, (Nov. 3, 2023), <https://oceana.org/press-releases/oceana-coca-cola-and-pepsis-plastic-packaging-use-increases-by-hundreds-of-millions-of-pounds/>.

124. A study published in April 2024 found that PepsiCo was one of the top three companies responsible for plastic pollution across six continents.⁶⁴

125. PepsiCo's immense plastic contributions are damaging to the environment and human health.

126. The lifecycle of plastic presents serious risks to human health and has been shown to contribute to cancer, neurotoxicity, reproductive issues, endocrine disruption, and genetic problems.⁶⁵

127. The chemicals found in plastics are particularly dangerous to unborn babies, infants, and children with less developed immune systems and bodies that are more easily disrupted by exposure to these chemicals.⁶⁶

128. Health problems linked to the harmful chemicals found in plastics have cost the United States health care system \$250 billion in increased costs in 2018 alone.⁶⁷

129. Plastic pollution also presents an unprecedented crisis for wildlife throughout the world. Many animals, especially marine life, ingest large quantities of plastic materials that enter the natural environment, wreaking havoc on their digestive systems and overall health. Plastic pollution, when ingested, can cause wildlife to choke, sustain internal injury, suffer from starvation, and experience reproductive issues, all of which can lead to death.⁶⁸

⁶⁴ Shannon Osaka, *A Global Study Just Revealed the World's Biggest Known Plastic Polluters*, The Washington Post (Apr. 24, 2024), <https://www.washingtonpost.com/climate-environment/2024/04/24/plastic-pollution-companies-responsible/>.

⁶⁵ *Talking Trash: The Corporate Playbook of False Solutions to the Plastic Crisis*, *supra* note 16 at 11.

⁶⁶ *From Womb to World, Plastics Harm Babies: How to Protect Their Health*, Plastic Pollution Coalition (May 12, 2024), <https://www.plasticpollutioncoalition.org/blog/2024/5/12/from-womb-to-world-plastics-harm-babies>.

⁶⁷ *Chemicals in Plastics Added \$250 Billion to U.S. Health Care Costs in One Year*, Plastic Pollution Coalition (Jan. 11, 2024), <https://www.plasticpollutioncoalition.org/blog/2024/1/11/chemicals-in-plastics-added-250-billion-to-u-s-health-care-costs-in-one-year>.

⁶⁸ *Ocean Plastics Pollution*, Center for Biological Diversity, https://www.biologicaldiversity.org/campaigns/ocean_plastics/ (last visited Apr. 4, 2025).

130. Furthermore, plastics have carbon-intensive and water-intensive life cycles.⁶⁹

131. Recycling plastic requires significant amounts of freshwater for washing.⁷⁰

132. Plastic production requires fossil fuel extraction and distillation; plastic products themselves are constituted from fossil fuels, and after production must be transported to market.⁷¹

133. Additionally, dumping, incinerating, recycling, or composting certain plastics all release carbon dioxide (CO₂), a powerful greenhouse gas.⁷²

134. The plastics industry's reliance on limited and environmentally harmful fossil fuels precludes these companies, including PepsiCo, from being sustainable, particularly at the large scale that PepsiCo uses plastic.

135. PepsiCo is not a sustainable company due to the nature of the bottled water industry and misleads D.C. consumers in presenting itself as one.

II. PepsiCo's Sustainability and Recyclability Representations Are Material to Consumers.

136. PepsiCo's sustainability and recyclability representations are material to consumers who care about making environmentally conscious and health conscious purchasing decisions and who believe that they can lessen their environmental impact by purchasing bottled water from a "sustainable" company and recycling the Products' packaging.

137. A survey of 9,000 of consumers across North America, South America, and Europe published in 2023 found that the majority of consumers look for information about recyclability

⁶⁹ *Plastic's carbon footprint: Researchers conduct first global assessment of the life cycle greenhouse gas emissions from plastics*, Science Daily (Apr. 15, 2019), <https://www.sciencedaily.com/releases/2019/04/190415144004.htm>.

⁷⁰ Beata Jabłońska, *Water consumption management in polyethylene terephthalate (PET) bottles washing process via wastewater pretreatment and reuse*, 224 J. of Env'l Mgmt 215-24 (Oct. 15, 2018).

⁷¹ *Plastic's carbon footprint: Researchers conduct first global assessment of the life cycle greenhouse gas emissions from plastics*, *supra* note 69.

⁷² *Id.*

or sustainability on product packaging.⁷³ The same survey also found that 79% of consumers are looking for products in sustainable packaging and 82% are likely to purchase a product based on recyclable packaging claims.⁷⁴

138. A 2020 McKinsey survey of United States consumers found that “43[%] of consumers . . . say environmental impact is an extremely or very important packaging characteristic when making purchasing decisions.”⁷⁵

139. The same McKinsey survey found that most consumers are willing to pay more for sustainable packaging, that 4% to 7% of consumers are willing to pay a premium well above 10%, and that yet “[m]ost consumers do not have a strong understanding of which packaging types are more sustainable.”⁷⁶

140. A 2019 study conducted by Coleman Parkes Research on behalf of Accenture surveyed 1,500 consumers in seventeen cities throughout the United States and found that 47% of consumers surveyed expressed a desire to conduct business with retailers that are environmentally conscious.⁷⁷

141. The desire for sustainable products is especially pronounced among younger consumers; a study from the International Trademark Association from 2018 found that 57% of internet users ages 18 to 23 were seeking environmentally sustainable products.⁷⁸

⁷³ *Buying Green Report*, Trivium Packaging at 3, 9, 15 (2023), <https://www.triviumpackaging.com/media/pe5hfxsp/2023buyinggreenreport.pdf>.

⁷⁴ *Id.*

⁷⁵ David Feber et al., *Sustainability in Packaging: US Survey Insights* (Apr. 26, 2023), <https://www.mckinsey.com/industries/packaging-and-paper/our-insights/sustainability-in-packaging-us-survey-insights>.

⁷⁶ *Id.*

⁷⁷ Lucy Koch, *Sustainability Is Factoring into 2019 Holiday Purchases*, eMarketer (Oct. 14, 2019), https://www.emarketer.com/content/sustainability-is-factoring-into-2019-holiday-purchases?_ga=2.170357734.731468461.1617378067-462530432.1615825431.

⁷⁸ *Id.*

142. PepsiCo’s marketing of the Products provides consumers with general and unqualified sustainability claims and misrepresents the recyclability of the Products’ packaging, which is misleading to consumers.

143. For example, PepsiCo represents that it is “charting a new course to drive positive action for the planet and people.”⁷⁹

144. The company also alleges that “we’re helping to build a circular and inclusive value chain.”⁸⁰

145. PepsiCo represents that “it is our vision to deliver a more sustainable, people-centric future, driving growth and value, for everyone.’ pep+ will guide our business – how we operate within planetary boundaries + and inspire positive change for the planet and people.”⁸¹

146. PepsiCo represents to consumers through their Products’ branding and marketing that it is a company that it is operating sustainably.

147. PepsiCo’s false and misleading representations about its sustainability practices and the healthiness of its products are material to consumers.

148. Consumers care deeply about environmental issues and are more likely to purchase products that they perceive to be sustainable.⁸²

149. PepsiCo’s business practices fall far short of what consumers would expect from a “sustainable” company. Its advertising strategies mislead consumers into believing that PepsiCo prioritizes protection of the environment and natural resources, capturing a growing class of consumers who wish to support environmentally sustainable companies.

⁷⁹*PepsiCo Positive*, *supra* note 6.

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *See, e.g., The Sustainability Imperative*, *supra* note 27.

150. Moreover, federal guidance and consumer research show that PepsiCo’s sustainability representations suggest to consumers that its Products are sourced in accordance with high environmental standards.

151. The Federal Trade Commission (“FTC”)⁸³ has determined that unqualified general environmental benefit claims such as “sustainable” “imply certain specific environmental benefits.”⁸⁴ For that reason, the FTC has warned companies not to use unqualified claims such as “sustainable” due to its determination that “it is highly unlikely that they can substantiate all reasonable interpretations of these claims.”⁸⁵

152. As demonstrated, PepsiCo is unable to substantiate its claims that it is a “sustainable” company dedicated to “positive change for the planet and people,” thereby misleading the many consumers who attempt to make purchasing decisions in line with their desire to be more environmentally conscious.

III. PepsiCo Falsely Represents Its Aquafina Products as Not Containing BPA When the Products Contain BPA.

153. PepsiCo advertises Aquafina Products as not containing BPA in the lining of the plastic, as depicted in the image below, from its website:⁸⁶



⁸³ The CPPA also looks to the FTC’s interpretation when determining what is an “unfair or deceptive trade practice.” *See* D.C. Code § 28-301(d).

⁸⁴ *FTC Sends Warning Letters to Companies Regarding Diamond Ad Disclosures*, Federal Trade Commission (Apr. 2, 2019), <https://www.ftc.gov/news-events/press-releases/2019/03/ftc-sends-warning-letters-companies-regarding-diamond-ad>; *see also* FTC Green Guides, 16 C.F.R. § 260.4(b) (2012).

⁸⁵ *Id.*

⁸⁶ *Do your bottles contain BPA?*, *supra* note 4.

154. Aquafina deceptively misrepresents the contents of its bottle lining, as it contains BPA.
155. BPA is a synthetic chemical used in plastics.
156. It poses risks to both human health and the environment.
157. BPA has been associated with health risks such as endocrine disruption,⁸⁷ reproductive health,⁸⁸ chronic diseases,⁸⁹ and mortality risk.⁹⁰
158. The Food & Drug Administration (“FDA”) is currently re-evaluating the risk of BPA after a group submitted a petition highlighting studies that show “that harmful effects from BPA exposure can occur at levels tens of thousands times lower than previously thought.”⁹¹
159. In testing conducted pursuant to D.C. Code § 28-3905(k)(1)(C), BPA was detected in the bottle lining at 0.394 ppm by Anresco Laboratories.
160. Directly on the Aquafina Product packaging, PepsiCo represents that the Aquafina Products contain “pure water, perfect taste.” *See supra* ¶ 66.

⁸⁷ Ilaria Cimmino et al., *Potential Mechanisms of Bisphenol A (BPA) Contributing to Human Disease*, National Library of Medicine (2020), <https://pmc.ncbi.nlm.nih.gov/articles/PMC7460848/>.

⁸⁸ Jackye Peretz et al., *Bisphenol A and Reproductive Health: Update of Experimental and Human Evidence, 2007-2013*, EHP Publishing (2014), <https://ehp.niehs.nih.gov/doi/10.1289/ehp.1307728>.

⁸⁹ Raja Rezg et al., *Bisphenol A and Human Chronic Diseases: Current Evidences, Possible Mechanisms, and Future Perspectives*, 64 *Environmental Int'l* 83-90 (2013) <https://www.sciencedirect.com/science/article/pii/S0160412013002870#section-cited-by>.

⁹⁰ Wei Bao, MD et al., *Association Between Bisphenol A Exposure and Risk Of All-Cause and Cause-Specific Mortality in US Adults*, JAMA Network (2020), <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2769313>.

⁹¹ *See List of Select Chemicals in the Food Supply Under FDA Review*, FDA, <https://www.fda.gov/food/food-chemical-safety/list-select-chemicals-food-supply-under-fda-review> (last visited Apr. 4, 2025); Terry Hyland, *FDA agrees to reconsider safety of BPA in food packaging*, Env't Defense Fund (June 2, 2022), <https://www.edf.org/media/fda-agrees-reconsider-safety-bpa-food-packaging>.

A. PepsiCo’s Representations That the Aquafina Products Are “Pure” Are Misleading to Consumers.

161. Contrary to PepsiCo’s on-label and online representations, consumers are not getting solely “pure water,” as that term is understood by consumers when purchasing Aquafina Products.

162. PPC purchased the Product and had it tested by an independent laboratory, which found that the Product packaging and lining contained BPA.⁹²

163. PPC’s conducted testing and found BPA in Aquafina’s Product packaging.

164. BPA “is an industrial chemical” and used to make “polycarbonate plastics and epoxy resins.”

165. BPA is not naturally occurring; they are synthetic materials.

166. BPA has been linked to many health issues.⁹³

167. These hazardous substances are particularly harmful to “pregnant people . . . and in babies, children, and youth whose hormone systems are [] extremely active to guide healthy growth and development.”⁹⁴

168. BPA is a manmade industrial chemical used in plastic packaging and is an endocrine disruptor, which impacts development in babies and young children and upsets normal adult biological functions, and is linked to serious health problems, including cancer.⁹⁵

169. Plastic PET bottles, like those used by PepsiCo in the Products, have been known to leach chemicals from the bottles into the liquid inside, including BPA. The leaching is more

⁹² BPA was detected in the bottle lining at 0.394 ppm by Anresco Laboratories. It is on file with Counsel.

⁹³ *Supra*, notes 88-90.

⁹⁴ *From Womb to World, Plastics Harm Babies: How to Protect Their Health*, *supra* note 66.

⁹⁵ Perrin Ireland, *4 Ways to Avoid Toxic Chemicals in Food Packaging*, NRDC (Aug. 12, 2015), <https://www.nrdc.org/stories/4-ways-avoid-toxic-chemicals-food-packaging>; Seachrist, D.D., et al., *A Review of the Carcinogenic Potentia of Bisphenol A*, *Reproductive Toxicology* (2015), <https://pubmed.ncbi.nlm.nih.gov/26493093/>.

likely to occur in bottles made with rPET, like the Product, or exposed to warmth or sunlight.⁹⁶ Lining of plastic bottles with BPA tend to leach into the liquid and/or substances under different temperature conditions.

170. Water with BPA lining is not “pure water.”

171. Reasonable consumers would not expect a bottled water product labeled as “pure water” and explicitly claiming to be free of BPA in its packaging to be contaminated with BPA. This does not align with the representations of being “pure water” as claimed by Aquafina.

B. PepsiCo’s Representations About “Pure Water” in Its Aquafina Products Are Material to Consumers.

172. Consumers care about whether the products they purchase and consume contain harmful chemicals and substances.

173. PepsiCo’s representations that its Aquafina Products are “pure water” are “material fact[s] which ha[ve] a tendency to mislead” within the meaning of the CPPA. *See* D.C. Code § 28-3904(e).

174. Consumers are paying more attention to the ingredients found in food and beverage products, driven by concerns about artificial ingredients and chemicals and their potential harms to human health.⁹⁷

175. A 2023 survey of U.S. consumers found that 60% of Americans are reading ingredient labels more closely, and 69% reported that they care about how natural their food is.⁹⁸

⁹⁶ *Study Finds Hundreds of Thousands of Plastic Particles in Bottled Water*, Plastic Pollution Coalition (Jan. 10, 2024), <https://www.plasticpollutioncoalition.org/blog/2024/1/10/study-finds-hundreds-of-thousands-of-plastic-particles-in-bottled-water>.

⁹⁷ Will Cowling, *Consumers Want Colors and Flavors They Deem Green and Clean*, Food & Beverage Insider (Oct. 21, 2020), <https://www.foodbeverageinsider.com/market-trends-analysis/consumers-want-colors-and-flavors-they-deem-green-and-clean>.

⁹⁸ Christine Zulkosky, *What Do Americans Think “Natural” Foods Are?*, Food Institute (Aug. 28, 2023), <https://foodinstitute.com/focus/what-do-americans-think-natural-foods-are/>.

176. Consumers seeking “natural” products are often willing to pay more for these products.⁹⁹

177. Consumers do not expect harmful BPA to be found in a product labeled “pure water” and that explicitly states that it does not contain BPA in the lining of the plastic bottles.

178. Thus, PepsiCo’s marketing of the Aquafina Products as containing “pure water,” when the Products have been found to contain harmful substances, “misrepresent[s] . . . material fact[s] which ha[ve] a tendency to mislead.” D.C. Code § 28-3904(e).

CAUSE OF ACTION

Violations of The District of Columbia Consumer Protection Procedures Act

179. Pursuant to D.C. Code Sections 28-3905(k)(1) and 28-3905(k)(2), Plaintiff PPC brings this Count against PepsiCo on behalf of itself, its members, and the general public of the District of Columbia, for PepsiCo’s violations of the CPPA, D.C. Code §§ 28-3901–13.

180. Plaintiff incorporates by reference all the allegations in the preceding paragraphs of this Complaint.

181. PepsiCo represents itself as a “sustainable” company with natural products and recyclable packaging, while significantly contributing to plastic pollution and selling Products that contain harmful chemicals and substances.

182. PepsiCo represents the Aquafina Product line as “pure water, perfect taste” when the Products contain BPA.

183. PepsiCo’s advertising misrepresents, misleads, and lies about facts regarding the characteristics, quality, and grade of its business practices and the products and services it sells.

184. PepsiCo’s goods, services, and business practices lack the characteristics, benefits,

⁹⁹ Allison Rittman, *Consumers Seek Trust and Reliability in “Natural” Labels*, Prepared Foods (June 13, 2023), <https://www.preparedfoods.com/articles/128258-consumers-seek-trust-and-reliability-in-natural-labels>.

standards, qualities, or grades that PepsiCo states and implies in its advertisements.

185. PepsiCo knowingly did not sell its goods and services as advertised.

186. The facts, as alleged above, demonstrate that PepsiCo has violated the CPPA. Specifically, PepsiCo has violated D.C. Code Section 28-3904, which makes it an unlawful trade practice to:

- (a) represent that goods or services have a source, sponsorship, approval, certification, accessories, characteristics, ingredients, uses, benefits, or quantities that they do not have; . . .
- (d) represent that goods or services are of particular standard, quality, grade, style, or model, if in fact they are of another;
- (e) misrepresent as to a material fact which has a tendency to mislead; . . .
- (f) fail to state a material fact if such failure tends to mislead;
- (f-1) [u]se innuendo or ambiguity as to a material fact, which has a tendency to mislead; . . . [or]
- (h) advertise or offer goods or services without the intent to sell them or without the intent to sell them as advertised or offered.

187. The CPPA makes such conduct an unlawful trade practice “whether or not any consumer is in fact misled, deceived or damaged thereby.” D.C. Code § 28-3904.

188. PPC need not show proof of deception to succeed on its CPPA claim; nevertheless, upon information and belief, D.C. consumers in fact have been, and are being, deceived.

189. PPC has a sufficient nexus to consumers of PepsiCo's Aquafina Products and services to adequately represent the interests of those consumers.

190. Because PepsiCo misrepresents the characteristics and benefits of the Aquafina

Products it provides; misrepresents the standard, quality, and grade of the Products; and advertises its Products and services without the intent to provide them as advertised, PepsiCo's marketing of its services violates D.C. Code Sections 28-3904(a), (d), (e), (f), (f-1), and (h).

191. PepsiCo is a "person" within the meaning of D.C. Code Section 28-3901(a)(1), a merchant under Section 28-3901(a)(3), and provides "goods and services" within the meaning of Section 28-3901(a)(7).

192. Any consumer has the right to bring an action for redress of Pepsi's unlawful behavior, *see* D.C. Code § 28-3905(k)(1)(A), and the statute does not limit consumer plaintiffs according to whether they purchased the product at issue. Nevertheless, as alleged in this Complaint, the Products are marketed and sold in the District, and consumers within the District have obtained these Products under the misrepresentations made by PepsiCo. Therefore, a variety of purchasing and non-purchasing consumers could bring an action against PepsiCo based on the misrepresentations, misleading statements, and material omissions listed in this Complaint.

193. Pursuant to D.C. Code Section 28-3905(k)(1)(D)(i), "a public interest organization may, on behalf of the interests of a consumer or a class of consumers, bring an action seeking relief from the use by any person of a trade practice in violation of a law of the District if the consumer or class could bring an action under subparagraph (A) of this paragraph for relief from such use by such person of such trade practice."

194. The only limitation on this power of a public interest organization to act on behalf of consumers is that the public interest organization must have "sufficient nexus to the interests involved of the consumer or class to adequately represent those interests." D.C. Code § 28-3905(k)(1)(D)(ii). As set forth in this Complaint, PPC was founded with the purpose of advocating for and educating consumers, including consumers in the District of Columbia, in the arena

of environmental responsibility. In addition, PPC has retained the undersigned competent counsel, who have significant experience in litigating under the CPPA, to pursue this action.

195. Through Section 28-3905(k)(1)(C), the CPPA explicitly allows nonprofit organizations acting on behalf of the general public to establish “tester” standing.

196. PPC is a “person” within the meaning of D.C. Code Section 28-3901(a)(1) and a “public interest organization” within the meaning of D.C. Code Section 28-3901(a)(15).

JURY TRIAL DEMAND

197. PPC hereby demands a trial by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff PPC respectfully prays for judgment against Defendant PepsiCo and requests the following relief:

- A. A declaration that PepsiCo’s marketing of its Aquafina Products is in violation of the CPPA;
- B. An order enjoining PepsiCo’s conduct found to be in violation of the CPPA;
- C. Plaintiff’s costs and disbursements, including reasonable attorneys’ fees and expert fees, and prejudgment interest at the maximum rate allowable by law; and
- D. Such other and further relief as the Court may deem just and proper.

DATED: April 4, 2025

Respectfully submitted,



Kim E. Richman (Bar No. 1022978)

RICHMAN LAW AND POLICY

1 Bridge Street, Suite 83

Irvington, NY 10533

Telephone: (914) 693-2018

kritchman@richmanlawpolicy.com

Attorney for Plaintiff

Superior Court of the District of Columbia

CIVIL DIVISION - CIVIL ACTIONS BRANCH INFORMATION SHEET

PLASTIC POLLUTION COALITION, A PROJECT OF EARTH ISLAND INSTITUTE

Plaintiff(s)

vs

PEPSICO, INC.

Defendant(s)

Case Number: 2025-CAB-002131

Date: 4/4/25

One of the defendants is being sued
in their official capacity.

Name: <i>(Please Print)</i> Kim E. Richman	Relationship to Lawsuit <input checked="" type="checkbox"/> Attorney for Plaintiff <input type="checkbox"/> Self (Pro Se) <input type="checkbox"/> Other: _____
Firm Name: RICHMAN LAW AND POLICY, 1 Bridge Street, Suite 83, Irvington, NY 10533	
Telephone No.: (914) 693-2018 DC Bar No.: 1022978	

TYPE OF CASE: Non-Jury 6 Person Jury 12 Person Jury
 Demand: \$ _____ Other: _____

PENDING CASE(S) RELATED TO THE ACTION BEING FILED
 Case No.: _____ Judge: _____ Calendar #: _____
 Case No.: _____ Judge: _____ Calendar #: _____

NATURE OF SUIT: <i>(Check One Box Only)</i>		
CONTRACT <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Breach of Warranty <input type="checkbox"/> Condo/Homeowner Assn. Fees <input type="checkbox"/> Contract Enforcement <input type="checkbox"/> Negotiable Instrument	COLLECTION/INS. SUB <input type="checkbox"/> Debt Collection <input type="checkbox"/> Insurance Subrogation <input type="checkbox"/> Motion/Application for Judgment by Confession <input type="checkbox"/> Motion/Application Regarding Arbitration Award	EMPLOYMENT DISPUTE <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Discrimination <input type="checkbox"/> Wage Claim <input type="checkbox"/> Whistle Blower <input type="checkbox"/> Wrongful Termination
REAL PROPERTY <input type="checkbox"/> Condo/Homeowner Assn. Foreclosure <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Drug Related Nuisance Abatement	<input type="checkbox"/> Ejectment <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Interpleader	<input type="checkbox"/> Other <input type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance
ADMINISTRATIVE PROCEEDINGS <input type="checkbox"/> Administrative Search Warrant <input type="checkbox"/> App. for Entry of Jgt. Defaulted Compensation Benefits <input type="checkbox"/> Enter Administrative Order as Judgment <input type="checkbox"/> Libel of Information <input type="checkbox"/> Master Meter <input type="checkbox"/> Petition Other	<input type="checkbox"/> Release Mechanics Lien <input type="checkbox"/> Request for Subpoena MALPRACTICE <input type="checkbox"/> Medical – Other <input type="checkbox"/> Wrongful Death	<input type="checkbox"/> FRIENDLY SUIT <input type="checkbox"/> HOUSING CODE REGULATIONS <input type="checkbox"/> QUI TAM <input type="checkbox"/> STRUCTURED SETTLEMENTS AGENCY APPEAL <input type="checkbox"/> Dangerous Animal Determination <input type="checkbox"/> DCPS Residency Appeal <input type="checkbox"/> Merit Personnel Act (OEA) <input type="checkbox"/> Merit Personnel Act (OHR) <input type="checkbox"/> Other Agency Appeal
<input type="checkbox"/> APPLICATION FOR INTERNATIONAL FOREIGN JUDGMENT		

Information Sheet, Continued

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) Attorney's Signature

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**Superior Court of the District of Columbia
Civil Division - Civil Actions Branch
500 Indiana Ave NW, Room 5000, Washington DC 20001
202-879-1133 | www.dccourts.gov**

Case Number: 2025-CAB-002131

Case Style: Plastic Pollution Coalition, A Project Of Earth Island Institute v. PepsiCo, Inc.

INITIAL ORDER

Initial Hearing Date: Friday, 07/11/2025	Initial Hearing Time: 9:30 AM	Courtroom Location: Remote Courtroom 415
Please see attached instructions for remote participation.		
Your case is assigned to Associate Judge Julie H Becker.		

Pursuant to D.C. Code § 11-906 and District of Columbia Superior Court Rule of Civil Procedure ("Super. Ct. Civ. R.") 40-1, it is hereby ORDERED as follows:

- 1) This case is assigned to the judge and calendar designated above. All future filings in this case shall bear the calendar number and judge's name along with the case number in the caption.
- 2) Within 60 days of the filing of the complaint, plaintiff must file proof of service on each defendant of copies of the summons, the complaint, and this Initial Order. The court will dismiss the claims against any defendant for whom such proof of service has not been filed by this deadline, unless the court extended the time for service under Rule 4.
- 3) Within 21 days of service (unless otherwise provided in Rule 12), each defendant must respond to the complaint by filing an answer or other responsive pleading. The court may enter a default and a default judgment against any defendant who does not meet this deadline, unless the court extended the deadline under Rule 55(a).
- 4) At the time stated above, all counsel and unrepresented parties shall participate in a hearing to establish a schedule and discuss the possibilities of settlement. Counsel shall discuss with their clients before the hearing whether the clients are agreeable to binding or non-binding arbitration. This order is the only notice that parties and counsel will receive concerning this hearing.
- 5) If the date or time is inconvenient for any party or counsel, the Civil Actions Branch may continue the Conference once, with the consent of all parties, to either of the two succeeding days when the calendar is called. To reschedule the hearing, a party or lawyer may call the Branch at (202) 879-1133. Any such request must be made at least seven business days before the scheduled date. No other continuance will be granted except upon motion for good cause shown.
- 6) Parties are responsible for obtaining and complying with all requirements of the General Order for Civil cases, each judge's Supplement to the General Order and the General Mediation Order. Copies of these orders are available in the Courtroom and on the Court's website <http://www.dccourts.gov/>.

Chief Judge Milton C. Lee, Jr.

To Join by Computer, Tablet, or Smartphone:

- 1) Copy and Paste or Type the link into a web browser and enter the Webex Meeting ID listed below.

Link: dccourts.webex.com/meet/ctb415

Meeting ID: 129 314 3475

- 2) When you are ready, click “Join Meeting”.
- 3) You will be placed in the lobby until the courtroom clerk gives you access to the hearing.

Or to Join by Phone:

- 1) Call 202-860-2110 (local) or 844-992-4726 (toll-free)
- 2) Enter the Webex Meeting ID listed above followed by “##”

Resources and Contact Information:

- 1) For best practices on how to participate in Webex Meetings, click here <https://www.webex.com/learn/best-practices.html>.
- 2) For technical issues or questions, call the Information Technology Division at 202-879-1928 and select option 2.
- 3) For case questions, call the Civil Actions Branch Clerk’s Office at 202-879-1133.
- 4) To change your method of hearing participation, visit www.dccourts.gov/hearing-information for instructions and forms.

Tips for Attending Remote Hearings - Civil Division

Your court hearing may be held remotely. This means that you will participate by phone or by video conference instead of coming to the courthouse. Here are some tips on how to prepare.

How do I know if I have a remote hearing?

The Court will contact you to tell you that your hearing is remote. They may contact you by sending you an email, letter in the mail, or by calling you.



How do I take part in a remote hearing?

The Court will give you step-by-step instructions on how to take part in the remote hearing.

If you lose your written notice, call the Civil Actions Clerk's Office for instructions at:



202-879-1133

Is there anything that I should do before the day of the hearing?

Let the court know immediately if you cannot join a hearing because you do not have a phone or computer.



Civil Actions Clerk's Office: 202-879-1133

You may want to contact an attorney for legal help.

You can also find the list of legal services providers at www.dccourts.gov/services/represent-yourself by clicking on the link that says, "List of Legal Service Providers for Those Seeking an Attorney or Legal Advice".

Evidence: if you want the judge to review photos or documents, ask the judge how to submit your evidence.

Witnesses: tell the judge if you want a witness to testify at your hearing.

Accommodations & Language Access: let the court know if you need an interpreter or other accommodation for your hearing.

Tips for the Hearing



Join the hearing a few minutes early!

Charge your computer or phone and make sure you have enough minutes to join the call. Find a private and quiet space. If possible, be alone in a room during the hearing. Try to limit distractions as much as possible. If others are in the room with you, ask if they can be quiet during the hearing.

Mute your microphone when you are not talking. Mute all sounds on your phone or computer.



Say your name before you speak so the record is clear. Be prepared to identify your role in the hearing (e.g., observer, plaintiff, defendant, witness, etc.).

Speak slowly and clearly so everyone hears what you are saying.

Pause before speaking in case there is a lag. Use a headset or headphones if you can. This will free up your hands and sound better.

Try not to talk over anyone else. Only one person can speak at a time. If you talk while someone else is talking, the judge will not be able to hear you.

Have all your documents for the hearing in front of you. Have a pen and paper to take notes.

If you are not ready for your hearing or want to speak with an attorney, you can ask the judge to postpone your hearing for another date.

If your sound or video freezes during the hearing, use the chat feature or call the Clerk's Office to let them know that you are having technical issues.

Special Tips for Video Hearings

[\(Click here for more information\)](#)



Download the court's hearing software, WebEx, in advance and do a test run! The Court will provide you with a WebEx link in advance of the hearing.

Set up the camera at eye level. If you are using your phone, prop it up so you can look at it without holding it.

Look at the camera when you speak and avoid moving around on the video.

Wear what you would normally wear to court.

Sit in a well-lit room with no bright lights behind you.

If possible, find a blank wall to sit in front of. Remember the judge will be able to see everything on your screen, so pick a location that is not distracting.



District of Columbia Courts



Tips for Using DC Courts Remote

The DC Courts have **remote hearing sites** available in various locations in the community to help persons who may not have computer devices or internet service at home to participate in scheduled remote hearings. The Courts are committed to enhancing access to justice for all.

There are six remote access sites throughout the community which will operate: **Monday – Friday, 8:30 am – 4:00 pm.**

The remote site locations are:

Remote Site - 1

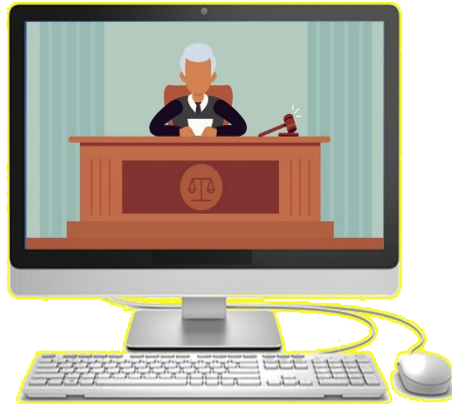
Balance and Restorative Justice Center
1215 South Capitol Street, S
Washington, DC 20003

Remote Site - 2

Balance and Restorative Justice Center
1110 V Street, SE
Washington, DC 20020

Remote Site - 3

Balance and Restorative Justice Center
118 Q Street, NE
Washington, DC 20002



Remote Site - 4

Balance and Restorative Justice Center
Rhode Island Avenue, NE
Washington, DC 20018

Remote Site - 5

Justice Center
14th Street, NW, 2nd Floor
Community Room
Washington, DC 20009

Remote Site - 6

Justice Center
2000 14th Street, NW, Suite 300N
Office of the Tenant Advocate
Washington, DC 20009
**** No walk-ins at this location****

If you want to use a remote site location for your hearing, call **202-879-1900** or email DCCourtsRemoteSites@dcsc.gov at least **24 hours before your hearing to reserve a remote access computer station**. If you require special accommodations such as an interpreter for your hearing, please call **202-879-1900 at least 24 hours in advance of your hearing so the Courts can make arrangements**.

You should bring the following items when you come to your scheduled site location

1. Your **case number** and any **hyperlinks** provided by the Courts for your scheduled hearing.
2. Any documents you need for the hearing (evidence), including exhibits, receipts, photos, contracts, etc.
3. Materials for notetaking, including pen and paper.

***Safety and security measures are in place at the remote sites.**

Contact information to schedule your remote access computer station:

Call: **202-879-1900**

Email: DCCourtsRemoteSites@dcsc.gov



Tribunales del Distrito de Columbia

Consejos para usar los sitios de audiencia remota de los Tribunales de DC



Los Tribunales de DC disponen de **sitios de audiencia remota** en distintos centros de la comunidad para ayudar a que las personas que no tienen dispositivos informáticos o servicio de Internet en su casa puedan participar en audiencias remotas programadas. Los Tribunales honran el compromiso de mejorar el acceso de toda la población a la justicia.

En toda la comunidad hay seis sitios de acceso remoto que funcionarán de **lunes a viernes, de 8:30 am a 4:00 pm**.

Los centros de acceso remoto son:

<p>Sitio Remoto - 1 Balance and Restorative Justice Center 1215 South Capitol Street, SW Washington, DC 20003</p>
<p>Sitio Remoto - 2 Balance and Restorative Justice Center 1110 V Street, SE Washington, DC 20020</p>
<p>Sitio Remoto - 3 Balance and Restorative Justice Center 118 Q Street, NE Washington, DC 20002</p>



<p>Sitio Remoto - 4 Balance and Restorative Justice Center 920 Rhode Island Avenue, NE Washington, DC 20018</p>
<p>Sitio Remoto - 5 Reeves Center 2000 14th Street, NW, 2nd Floor Community Room Washington, DC 20009</p>
<p>Sitio Remoto - 6 Reeves Center 2000 14th Street, NW, Suite 300N Office of the Tenant Advocate Washington, DC 20009 <i>*No se puede entrar sin cita previa*</i></p>

Si desea usar un sitio remoto para su audiencia, llame al **202-879-1900** o envíe un mensaje de correo electrónico a DCCourtsRemoteSites@dcsc.gov **al menos 24 horas antes de la audiencia, para reservar una estación de computadora de acceso remoto**. Si necesita adaptaciones especiales, como un intérprete para la audiencia, llame al **202-879-1900 al menos 24 horas antes de la audiencia para que los Tribunales puedan hacer los arreglos necesarios**.

Cuando concurra al sitio programado debe llevar los siguientes artículos

1. Su **número de caso** y todos los **hipervínculos** que le hayan proporcionado los Tribunales para la audiencia programada.
2. Cualquier documento que necesite para la audiencia (prueba), incluidos documentos probatorios, recibos, fotos, contratos, etc.
3. Materiales para tomar nota, como papel y lápiz.

***Los sitios de acceso remoto cuentan con medidas de seguridad y protección.**

Información de contacto para programar su estación de computadora de acceso remoto:

Teléfono: **202-879-1900**

Correo electrónico: DCCourtsRemoteSites@dcsc.gov