

## NY AG Launches Greenwashing Lawsuit Against Beef Producer

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Recently, the New York Attorney General filed a lawsuit against the American subsidiaries of JBS Group, the Brazilian-based beef producer, asserting that JBS had “violat[ed] New York’s consumer protection statutes” through its “fraudulent and illegal environmental marketing practices.” Specifically, the lawsuit claims that “JBS Group has made sweeping representations to consumers about its commitment to reducing its greenhouse gas emissions,” even while “admit[ting] that it made its ‘Net Zero by 2040’ commitment without having calculated the vast majority of greenhouse gas emissions from its supply chain.” In essence, the New York Attorney General is pursuing consumer fraud claims against JBS Group, a leading beef producer, based upon greenwashing--that JBS falsely made “sustainability claims . . . [to] provide environmentally conscious consumers with a ‘license’ to eat beef.”

This case is noteworthy for a number of reasons. *First*, most other greenwashing lawsuits have mainly been brought by civil society organizations or individuals. The fact that this is a governmental organization pursuing claims of greenwashing is highly significant (albeit not unique). *Second*, the target of this lawsuit--a beef company--is also atypical. More frequent targets for this sort of lawsuit are companies engaged in retail activities (e.g., clothing or apparel), or transportation (e.g., airlines) or energy companies. That an agricultural company, especially one focused on beef, would be the subject of a greenwashing lawsuit is not wholly unexpected--around fifteen percent of global greenhouse gas emissions are attributable to agriculture, and cattle production is one of the most emissions-intensive agricultural activities--but this still represents an expansion of the type of companies subjected to this sort of scrutiny. *Third*, certain allegations in the lawsuit are based upon JBS Group’s alleged failure to “calculate or identify its Scope 3 emissions,” and “fail[ure] to account for the massive contribution of Amazonian deforestation” in connection with its claims to “have made a viable plan to be ‘Net Zero by 2040.’” These aspects of the complaint highlight the continued significance of Scope 3 greenhouse gas emissions (despite the SEC’s recent decision to drop its demand for mandatory disclosure of Scope 3 greenhouse gas emissions) and the importance of assessing environmental impact holistically--e.g., the contributions of cattle ranching to Amazonian deforestation--when making environmental claims, rather than adopting a narrow perspective focused solely on particular types of direct and indirect greenhouse gas emissions.

Fundamentally, this case represents yet another example of the recent proliferation of lawsuits

featuring claims about greenwashing. And both the target of the lawsuit--a beef company--and the identity of the party bringing it--the New York Attorney General--suggest that companies, even those that did not previously anticipate any potential issues, should be even more careful in their public statements concerning environmental claims, in order to avoid being sued about possible misrepresentations.

New York's Attorney General [] filed a lawsuit against JBS USA Food Company and JBS USA Food Company Holdings (JBS USA), the American subsidiary of the world's largest producer of beef products, for misleading the public about its environmental impact. JBS USA has claimed that it will achieve net zero greenhouse gas emissions by 2040, despite documented plans to increase production, and therefore increase its carbon footprint.

Beef production emits the most greenhouse gasses of any major food commodity . . . . In 2021, the JBS Group, JBS USA's global parent company, reported total global greenhouse gas emissions of over 71 million tons, more than the total emissions of some countries. Attorney General James seeks to stop JBS USA from continuing these false and misleading marketing practices, pay disgorgement of all ill-gotten profits, and penalties.

<https://ag.ny.gov/press-release/2024/attorney-general-james-sues-worlds-largest-beef-producer>

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