

# **\* NEWS RELEASE \***

## **DISTRICT ATTORNEY ANNOUNCES SETTLEMENT WITH AMAZON.COM, INC. FOR SALES OF “BIODEGRADABLE” PLASTIC ITEMS**

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**FOR IMMEDIATE RELEASE**

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**CONTACT: DLJE NDREU, Deputy District Attorney (831) 647-7743**

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Monterey County District Attorney Dean D. Flippo announced today that his 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 Amazon advertised and sold plastic products in California that were misleadingly labeled as “biodegradable” or “compostable” in violation of California law.

Beginning in 2004, the California Legislature began limiting the sale of plastics marketed as “biodegradable” by enacting statutes under the Public Resources Code. Because the ability of plastic to biodegrade depends greatly on the environment in which it is placed, with landfills being less than ideal due to their limited sunlight, moisture, and oxygen content, the Legislature found claims of “biodegradable” plastics to be inherently misleading. The Legislature was concerned about the growing number of marketers making such claims and the potential for consumers to pay a premium for such plastic products based on an assumption that the products will quickly biodegrade after disposal.

Since January 1, 2013, the Public Resources Code has prohibited the sale or offer for sale of any plastic product labeled as “biodegradable,” “degradable,” or with language that otherwise implies that the product will break down in a landfill or other environment. The Public Resources Code also prohibits selling a plastic product labeled as “compostable” unless the product has met an established scientific standard designed to ensure the product will break down in municipal compost.

Upon contact from prosecutors regarding sales of “biodegradable” plastic products to consumers in California, Amazon took immediate steps to stop such sales, and worked cooperatively with prosecutors throughout the settlement process to refine its processes to ensure compliance with the law and to reach an agreeable resolution. “We appreciate Amazon’s leadership in complying with California law, especially in today’s world where many consumers purchase products online,” said Flippo.

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.