

*** NEWS RELEASE ***

DISTRICT ATTORNEY ANNOUNCES SETTLEMENT WITH AMAZON.COM, INC. FOR SALES OF FOIE GRAS

FOR IMMEDIATE RELEASE

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Monterey County District Attorney Dean D. Flippo announced today that his office, along with the Los Angeles County District Attorney's Office and the Santa Clara County District Attorney's Office, resolved a consumer protection action against Amazon.com, Inc. ("Amazon") for sales of foie gras. The settlement was based on allegations of unlawful sales to California of foie gras on Amazon's web site. The settlement was filed in Santa Clara County Superior Court.

In 2004, former California Governor Schwarzenegger signed into law Health and Safety Code section 25982, which banned the sale in California of foie gras ("fat liver" from duck or goose liver which can also be made into a mousse or pate) produced by "force feeding a bird for the purpose of enlarging the bird's liver beyond normal size," effective July 1, 2012. California also banned the production of foie gras via such force-feeding in California. These laws were enacted because of the cruelty suffered by birds that are force-fed to make foie gras. In addition to the pain caused by having metal pipes forced down their throats, force-feeding damages the livers of the birds so badly it induces an extremely painful disease known as hepatic lipidosis.

Upon contact from prosecutors regarding sales of foie gras to consumers in California, Amazon took immediate steps to stop such sales. As the parties were in negotiations, in January 2015 a Federal District Court, in a lawsuit filed by the foie gras industry against the California Attorney General, found that California's law was preempted by the federal Poultry Products Inspection Act. This decision was overturned on appeal by the Ninth Circuit Court of Appeals in September 2017. During the long pendency of the appeal, Amazon continued to block sales of foie gras to California.

In early 2018, the foie gras industry plaintiffs appealed the Ninth Circuit's decision to the United States Supreme Court, and also obtained a stay on the Ninth Circuit's mandate to the lower federal court. The United States Supreme Court, upon request of the plaintiffs, invited the input of the U.S. Solicitor General. On December 4, 2018, the U.S. Solicitor General filed a brief stating its agreement with the Ninth Circuit's decision and recommending that the United States Supreme Court deny the foie gras plaintiff's petition to review the decision. The United States Supreme Court's decision whether to review it is still pending.

In a stipulated judgment, Amazon agreed to pay \$96,000 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 foie gras in violation of Health and Safety Code section 25982.