

# New York is suing the world's biggest meat company. It might be a tipping point for greenwashing

Letitia James's lawsuit accuses JBS of deceiving customers about being climate-friendly – and the implications could be far-reaching

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Fri 5 Apr 2024 15.00 BST



JBS is the parent company of the Swift, Certified Angus Beef, Pilgrim's Pride and Grass Run Farms brands. Photograph: The Washington Post/Getty Images

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hen the office of the New York attorney general, Letitia James, announced that it would be suing the world's largest meat company, JBS, for misleading customers about its climate commitments, it caused a stir far beyond the world of food. That's because the suit's impact has the potential to influence the approach all kinds of big businesses take in their advertising about sustainability, according to experts.



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It's just one in a string of greenwashing lawsuits being brought against large airline, automobile and fashion companies of late. "It's been 20 years of companies lying about their environmental and climate justice impacts. And it feels like all of a sudden, from Europe to the US, the crackdown is beginning to happen," said Todd Paglia, executive director of environmental non-profit Stand.earth. "I think greenwash[ing] is actually one of the pivotal issues in the next five years."

Research suggests that citizens are increasingly demanding more sustainably produced goods, and big businesses are taking note. But rather than actually changing their practices, many instead turn to messaging that falsely implies their products are better for the Earth than they actually are in order to keep customers happy.

That's what the attorney general has asserted that JBS – a parent company that owns brands and subsidiaries like Swift, Certified Angus Beef, Pilgrim's Pride

and Grass Run Farms – is doing. The legal complaint notes that “the JBS Group has made sweeping representations to consumers about its commitment to reducing its greenhouse gas emissions, claiming that it will be ‘Net Zero by 2040.’” But those claims aren’t grounded in reality, the complaint goes on to argue, not only because JBS isn’t taking concrete steps toward those goals, but because as recently as September 2023, the CEO admitted in a public forum that the company didn’t even know how to calculate all of its emissions. It follows that what can’t be measured won’t be mitigated.

“Consumers are beginning to be aware of the fact that meat, and particularly beef, has a very, very high climate impact. JBS is fully aware of this, and trying to get ahead of that by telling consumers, ‘Oh, don’t worry, we’ve got it under control,’” said Peter Lehner, managing attorney of the sustainable food and farming program at Earthjustice. “But these emissions are so big and so hard to abate that JBS’s actions don’t show that it’s plausible that they’ll get to their claim.”

### **Making food emissions count**

The climate crisis is often framed as primarily a problem caused by fossil fuels, and they do play an important role in heating the planet. But even if we could magically reduce fossil fuel emissions to zero tomorrow, according to data scientist and Oxford researcher Hannah Ritchie, our current food systems mean we’d still blow “well past the 1.5 degrees carbon budget, and use up nearly all of our two degrees budget”. What that ought to tell us, she added, “is that we just cannot tackle climate change without also tackling food systems”.

And beef, of which JBS is the largest producer in the world, far outpaces not only plant-based food, but other animal sources of nutrition as well, when it comes to climate impacts. Cows belch methane, and they’re largely fed grains that are grown in fertilizer-intensive monocultures where excess fertilizer causes water pollution or turns into nitrous oxide, another potent greenhouse gas, said Lehner. And that’s not even taking into account the slashing and burning of the Amazon to make room for more cattle, which JBS has been linked to many times over.



Cattle ranching produces methane, and fertilizer runoff from the cultivation of the plants that cows eat causes water pollution. Photograph: Bloomberg/Getty Images

Still, for all the environmental stakes, Lehner highlighted that the suit is at its core a consumer fraud case first and foremost. This isn't the first climate case to take on corporate greenwashing, he said, pointing to prior cases against Volkswagen, which was sued for lying about how "clean" its diesel engines were, and suits against Delta and KLM, which were taken to court for greenwashing the climate impacts of flying. But the JBS case marks "the first one against a beef company", Lehner said.

It's also unique because of who filed the suit, according to Delci Winders, director of the Animal Law and Policy Institute at Vermont Law and Graduate School. While most of the other greenwashing cases have been brought by non-profits or even individuals, the JBS suit coming directly from a state attorney general stands out. "To see the government step in like this sends a strong signal," Winders said.

The pursuit of a case was perhaps spurred on by how flagrantly JBS has gone about making unsubstantiated claims, even ignoring the advice of the advertising arm of the Better Business Bureau, a self-regulating industry body, that warned JBS to be careful about its climate-focused messaging.

The odds of the attorney general winning the case look good. Lehner, who worked at the New York attorney general's office for eight years, said: "The evidence in this case is at least as strong, if not much stronger, than the evidence and many other consumer fraud cases that have been successful."

Paglia put it even more forcefully: there's "no chance, really", of the attorney general losing, in his estimation.

## **Implications**

So what will it mean if the biggest meat company on Earth loses a lawsuit aimed at tamping down greenwashing?

First, it would mean that JBS can no longer claim to be some kind of climate hero. Rather than stating that it's headed for net zero or climate neutrality, it would probably need to stick to saying "'we sell meat,' and that would be the extent", said Paglia.

Even if JBS were somehow to win the case in New York, it would still emerge from the battle on shakier ground if other US states, or countries elsewhere, decided to take the company to court. "They would be quite vulnerable under other state consumer protection laws," said Winders.

It's not hard to imagine future suits down the line, especially since this is not the first action taken against JBS. Earlier this year, US senators wrote a bipartisan letter to the Securities and Exchange Commission asking that the company be blocked from listing on the New York Stock Exchange, essentially alleging that the company engages in investor fraud. And a call for a criminal investigation of banks invested in JBS was filed in France late last year arguing that the banks' financial support for Brazil's biggest beef companies was contributing to illegal deforestation in the Amazon.

It's not clear exactly how long the attorney general's case will take, and that could be affected by whether JBS's legal team sees it as more advantageous to be minimally cooperative to slow the case down or whether it tries to settle quickly to get the issue out of the public eye, noted Winders.

But whatever happens, the repercussions will probably affect how more and more businesses operate – or at least what they tell the public – about their climate bona fides in the future.

"If JBS loses – and they're going to – I think it's already sending a signal to major companies that you cannot just say 'We're Paris [agreement]-aligned.'

You cannot just say ‘We’re going to be net zero in 2030’ when you have no plan, and the curve for your climate pollution is going straight up,” said Paglia. “You cannot keep lying like this.”