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FILED
ALAMEDA COUNTY

APR 27 2021

CLERK OF THE SUPERIOR COURT
By *Jessica Flores* Deputy

5 Additional Plaintiff's counsel listed in Appendix hereto

6 *Attorneys for Plaintiff,*
7 *The People of the State of California*

8
9 **SUPERIOR COURT OF CALIFORNIA**
10 **IN AND FOR THE COUNTY OF ALAMEDA**

11
12 THE PEOPLE OF THE STATE OF CALIFORNIA,)

Case No. **RG21097047**

13 Plaintiff,)

COMPLAINT FOR INJUNCTION,
14 CIVIL PENALTIES, AND OTHER
EQUITABLE RELIEF

14 v.)

15 TARGET CORPORATION, a Minnesota Corporation,)

16 Defendant.)
17)
18)

19 Plaintiff, THE PEOPLE OF THE STATE OF CALIFORNIA, brings this action to
20 protect consumers from false and misleading advertising including advertising regarding the
21 environmental impact of plastic products, to protect against environmental harm caused by the
22 littering of plastic products, and to protect against unfair competition and unlawful business
23 practices. Plaintiff alleges the following upon information and belief.

24 **JURISDICTION AND VENUE**

25 1. Plaintiff is authorized to bring this action pursuant to Public Resources Code
26 sections 42357 and 42358 and Business and Professions Code sections 17500, 17580, 17200,
27 17203, 17204, 17206, 17535, and 17536.
28

1 6. The Legislature also stated its intent to prevent an increase in plastic litter
2 associated with consumers given a false belief by degradability claims that such products are not
3 harmful to the environment if littered (See Cal. Pub. Res. Code § 42355(b)) and set forth the
4 public policy of the state that environmental marketing claims, whether explicit or implied,
5 should be substantiated by competent and reliable evidence to prevent deceiving or misleading
6 consumers about the environmental impact of plastic products.” The Legislature found, “For
7 consumers to have accurate and useful information about the environmental impact of plastic
8 products, environmental marketing claims should adhere to uniform and recognized standards,
9 including those standard specifications established by the American Society for Testing and
Materials.” (See Cal. Pub. Res. Code § 42355(b).)

10 7. The Legislature concluded, “Given these and other constraints, and the significant
11 environmental harm that is caused by plastic litter, the use of these terms must be prohibited
12 unless, or until the time as there is established, an American Society for Testing and Materials
13 (ASTM) standard specification for the term claimed that has been approved by the Legislature.”
14 (See Cal. Pub. Res. Code § 42355(f).) For example, the Legislature has approved a standard
15 specification called ASTM D6400, a term that indicates a plastic product is compostable in a
16 municipal or industrial composting facility. (See Cal. Pub. Res. Code §§ 42356 and 42357(a).)

17 8. Given the above, claims that a plastic product is “biodegradable” or any similar
18 claim or implication that the plastic product will break down in a landfill or other environment,
19 also constitute deceptive advertising in violation of Business and Professions Code sections
17500 and 17580.5.

20 9. Finally, each violation of Public Resource Code section 42357(b) and Business
21 and Professions Code Sections 17500 and 17580.5 constitutes an unlawful business practice, and
22 therefore a violation of California’s unfair competition law, Business and Professions Code
23 Section 17200.

GENERAL ALLEGATIONS

24
25 10. Within the last four years up and until the filing of this Complaint, Defendant
26 sold and advertised for sale, including on its web site, plastic products that were labeled with
27 claims that stated and/or implied that the plastic product would break down, fragment,
28 biodegrade, or decompose in a landfill or other environment. Such plastic products included

1 bags for dog waste disposal. Such products were not compostable as demonstrated by meeting
2 an applicable compostability standard such as ASTM D6400. Dog waste is only generally
3 appropriate for disposal in a landfill facility in any event, an environment which generally
4 impedes any biodegradation.

5 **FIRST CAUSE OF ACTION**

6 **(Pub. Res. Code Section 42357(b))**

7
8 11. Plaintiff realleges and incorporates all previous paragraphs of this Complaint.

9 12. Within four years prior to the filing of this Complaint, Defendant sold plastic
10 products labeled with the term "biodegradable," "degradable," or "decomposable," or any form
11 of those terms, and/or implied that the plastic products would break down, fragment,
12 biodegrade, or decompose in a landfill or other environment in violation of Public Resources
13 Code section 42357(b).

14 **SECOND CAUSE OF ACTION**

15 **(Bus. & Prof. Code sections 17500 and 17580.5)**

16 13. Plaintiff realleges and incorporates all previous paragraphs of this Complaint.

17 14. Within three years preceding the filing of this Complaint, Defendant, made
18 untrue and/or misleading statements to the public in violation of Business and Professions
19 Code sections 17500 and 17580.5 with the intent to sell merchandise. These untrue and
20 misleading statements include, but are not limited to, environmental marketing claims relating
21 to the biodegradability, degradability, and/or compostability of plastic products.

22 15. Defendant knew, or by the exercise of reasonable care should have known, that
23 the statements set forth in paragraph 13 were untrue and/or misleading at the time they were
24 made.

25 **THIRD CAUSE OF ACTION**

26 **(Bus. & Prof. Code §17200)**

27 16. Plaintiff realleges and incorporates all previous paragraphs of this Complaint.

28 17. Within four years preceding the filing of this Complaint, Defendant violated

1 Business and Professions Code section 17200 by engaging in unlawful business acts or
2 practices, including, but not limited to; the following acts or practices:

3 A. Defendant violated Public Resource Code section 42357(b) as more
4 particularly described in the FIRST CAUSE OF ACTION of this Complaint;
5 and

6 B. Defendant violated Business and Professions Code Sections 17500 and
7 17580.5 as more particularly described in the SECOND CAUSE OF ACTION
8 of this Complaint.

9
10 **PRAYER**

11 WHEREFORE, Plaintiff prays for judgment as follows:

12 1. Injunctive relief against Defendant, its officers, directors, employees, agents,
13 franchisees, successors, assignees and representatives, and all natural persons, partnerships,
14 corporations or other entities acting for, by, or on behalf of Defendant, or acting in concert or in
15 participation with or for it with actual or constructive notice of this injunction, as necessary to
16 prevent future acts of unfair competition.

17 2. For civil penalties, according to proof;

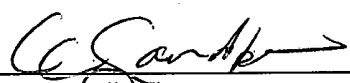
18 3. For costs to Plaintiff of investigation and enforcement herein.

19 4. That Plaintiff be given such other and further relief as the nature of this case
20 may require and this Court deems equitable, just, and proper.

21
22 Respectfully submitted,

23
24 Dated: 4/20/21

NANCY O'MALLEY
Alameda County District Attorney

25
26 By: 
27 Alyce Sandbach
Deputy District Attorney

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