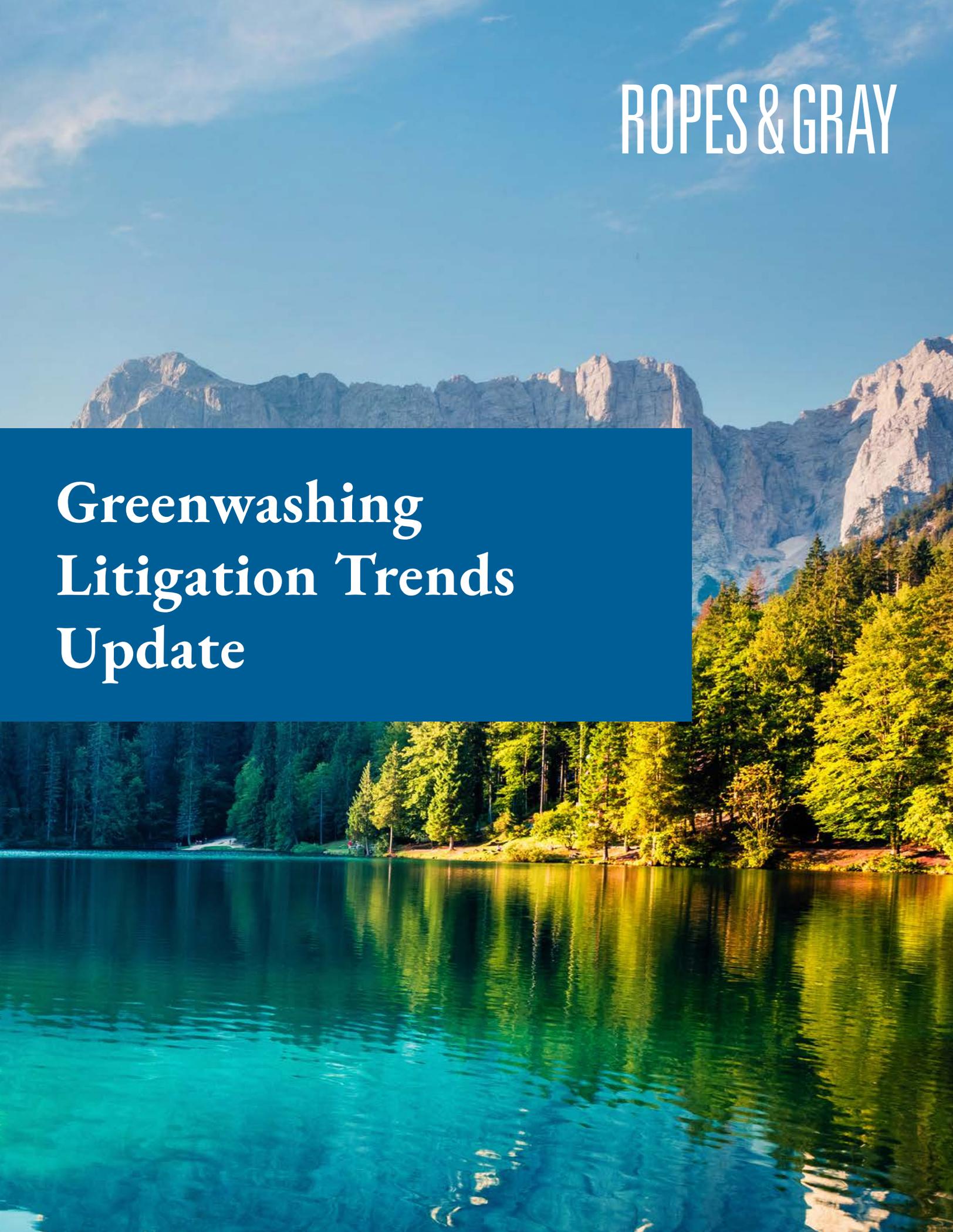


ROPES & GRAY

Greenwashing Litigation Trends Update



Greenwashing Litigation Update – U.S.

This update provides an overview of key greenwashing litigation and regulatory developments in the United States from the later part of 2025, including government enforcement actions, state attorney general investigations, and private consumer lawsuits targeting deceptive corporate environmental marketing claims. Overall, developments reflect a growing trend of heightened scrutiny over sustainability representations and recyclability claims across multiple industries including tech, food, consumer products, and energy.

Government Action

While there has been limited activity at the federal level, states and local jurisdictions continue to pursue greenwashing claims.

PHILADELPHIA V. SC JOHNSON & BIMBO BAKERIES

The city of Philadelphia alleged [in a lawsuit](#) filed September 24, 2025 that S.C. Johnson and Bimbo Bakeries misled consumers with recyclability and sustainability claims containing overstated environmental benefits, violating Pennsylvania consumer protection law. Specifically, the suit targets the use of certain language and symbols, such as the “chasing arrows symbol” on Bimbo’s plastic bread bags and SC Johnson’s Ziploc packaging. The use of the “How2Recycle” label, which contains phrases like “Recycle if Clean & Dry” or “Remove Paper Label Before Recycling,” has also been alleged as misleading. The complaint explains that consumers will consider “any indicia of recyclability,” including these familiar phrases and symbols, as indicating the material is fully recyclable, and use of this language is misleading because “the design of Ziploc and Bimbo bags make those products non-recyclable.” The city seeks injunctive changes to marketing and disclosures, compensatory and punitive damages, civil penalties, and restitution.¹

MONTANA-LED PROBE TARGETS BIG TECH’S RENEWABLE ENERGY CLAIMS

On October 2, 2025, the Attorney General for Montana [announced](#) an investigation led by a coalition of 16 attorneys general into “100% renewable” claims by four major tech companies. The investigation centers on these companies “purchasing unbundled ‘renewable energy certificates’ (RECs), which are tradeable credits showing renewable energy was produced and added to the grid.” Claims made by the tech companies that they are now using “100% renewable energy” are being targeted as misleading because “purchasing unbundled REC’s does not reduce their own or any emissions” and the

companies are still using fossil fuels, particularly at their data centers. The investigation requested detailed substantiation and records from the companies regarding their energy usage by October 27, 2025, though details of these submissions have yet to be publicly released as of early 2026.

CONNECTICUT SUES EXXON MOBIL UNDER CUPTA

In a notable development for a lawsuit ranging back to 2020, the Superior Court of Connecticut allowed a deceptive advertising lawsuit against ExxonMobil to proceed, [denying](#) defendant’s motion to strike the complaint in December 2025². The lawsuit [alleges](#) that ExxonMobil has engaged in a “systematic campaign of lies and deception” to hide its contributions to climate change by failing to disclose facts about its use of resources and attempting to “bolster its image as an environmental steward.” In denying the motion to strike, while the court did not explicitly disagree with Exxon’s argument that their advertising claims were not actionable as statements of opinion, the court did not believe such a determination was appropriate on motion to strike due to the fact-specific inquiry necessary to address plaintiff’s claims for violations of CUPTA, and it is “for a factfinder to determine whether the defendant’s alleged greenwashing efforts are likely to mislead a reasonable consumer.”

Private Action

TYSON FOODS SETTLES GREENWASHING LAWSUIT

Tyson Foods and the Environmental Working Group (“EWG”) reached a [settlement](#) in November 2025 over claims that Tyson Foods’ promises to reach “net zero” greenhouse gas emissions by 2050 and to sell “climate smart” products were not grounded in credible evidence. In its complaint, originally filed in 2024, EWG [alleged](#) Tyson has “no adequate plan or any intention to substantially reduce, let alone eliminate, its emissions” and has “no currently ability to offer consumers ‘climate-smart’ beef,”

¹ *City of Philadelphia v. Bimbo Bakeries USA and S.C. Johnson & Son* (Philadelphia County Court, filed 2025).

² *Connecticut v. Exxon Mobil Co.* (Sup. Ct. of Ct., filed September 2020).

thus rendering any claims to the contrary materially deceptive to consumers. The settlement agreement, filed in D.C. Superior Court, restricts Tyson from making similar environmental claims for five years, and any future claims must be supported by verifiable evidence and expert analysis. There is no monetary payment as part of the settlement agreement.

CHARMIN CLASS ACTION CASES

A multi-state class action lawsuit against Procter & Gamble (specifically Charmin Toilet Paper and Puffs Tissues) filed by individual consumers who have purchased the products at issue alleges the “Keep Forests as Forests” and “Protect–Grow–Restore” messaging overstates environmental benefits and misled consumers into believing P&G products were sustainably sourced.³ In particular, the complaint alleges that P&G’s actions amount to “forest degradation” which is “devastating to the long-term health of primary forests. Plaintiffs also challenge use of certification logos and omissions under the FTC Green Guides, seeking injunctive relief, substantiation, and damages. The cases were consolidated and [transferred](#) to the Southern District of Ohio on August 8, 2025, and P&G subsequently filed a motion to dismiss on October 30, 2025. The court has yet to rule on this motion.

COSTCO SHAREHOLDER PROPOSAL ON GREENWASHING RISK

In September 2025, the National Center for Public Policy Research’s Free Enterprise Project (“FEP”) asked the SEC to keep a “Greenwashing Risk Audit” proposal on Costco’s proxy, arguing it addresses fraud and reputational disclosure (i.e., not ordinary business) and has social significance, meriting a shareholder vote. The Audit would call on the board to issue a report assessing such risks in connection with Costco’s Climate Action Plan. The FEP was successful in its efforts, as the Greenwashing Audit proposal was included on the proxy for the company’s January 2026 Annual Meeting of Shareholders. While the results of the vote are yet to be publicly released, the push underscores private actors’ rising scrutiny of deceptive environmental marketing.

³ *In re: Procter & Gamble Company Protect Grow and Restore Marketing and Sales Practices Litigation*, (S.D. Ohio, filed August 2025).

⁴ *Ramos et. al v. Amazon.com Inc.* (Dist. of Wa., Motion to Dismiss filed July 2025).

AMAZON BRAND PAPER PRODUCTS

A consumer-led class action spanning four different states filed in Washington D.C. alleges advertising efforts behind Amazon’s “Basics” and “Aware” toilet paper lines is misleading to consumer.⁴ The complaint alleges that, by undertaking “these misleading practices, Amazon is able to suggest to consumers that two of its private brands have identical environmental benefits — even though the supply chain for one of these products is devastating to the environment.” Specifically, the Sustainability Leaf, “Climate Pledge Friendly,” and Forest Stewardship Council (“FSC”) marks and logos featured on the website imply broad environmental benefits and sustainable sourcing not supported by supply-chain realities (including boreal clearcutting), in violation of the FTC Green Guides. The suit seeks damages and injunctive relief under Washington’s CPA, including corrective disclosures. Amazon filed a motion to dismiss and strike class allegations in July of 2025, which the court has yet to rule on.

ABOUT OUR PRACTICE

Ropes & Gray has a leading ESG, CSR and business and human rights compliance practice. We offer clients a comprehensive approach in these subject areas through a global team with members in the United States, Europe and Asia. Senior members of the practice have advised on these matters for more than 30 years, enabling us to provide a long-term perspective and depth and breadth of experience that few firms can match. For further information on the practice, click [here](#).

For more information on any of these issues, or if you would like to speak with someone with particular experience in any of these areas, please email Alexander Simkin (Alexander.Simkin@ropesgray.com), Michael Littenberg (Michael.Littenberg@ropesgray.com), Eileen Falk (Eileen.Falk@ropesgray.com), or Matt Luchinsky (Matthew.Luchinsky@ropesgray.com).