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EXEMPT FROM FILING FEES  
UNDER GOV. CODE SEC. 6103

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 COUNTY OF SAN FRANCISCO  
12

13  
14 THE PEOPLE OF THE STATE OF  
CALIFORNIA,

15 Plaintiff,

16 v.

17  
18 NOVOLEX HOLDINGS, LLC; INTEPLAST  
GROUP CORP.; METTLER PACKAGING  
19 LLC; DOES 1–25, INCLUSIVE,

20 Defendants.  
21  
22  
23  
24

**COMPLAINT FOR CIVIL PENALTIES,  
INJUNCTION, AND DISGORGEMENT**

- 25  
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27  
28
- (1) UNLAWFUL SALE AND  
DISTRIBUTION OF PLASTIC  
GROCERY BAGS;
  - (2) MISLEADING ENVIRONMENTAL  
MARKETING;
  - (3) FAILURE TO SUBSTANTIATE  
ENVIRONMENTAL MARKETING  
CLAIMS
  - (4) UNTRUE OR MISLEADING  
ADVERTISING;
  - (5) UNLAWFUL, UNFAIR, OR  
FRAUDULENT BUSINESS  
PRACTICES

**[VERIFIED ANSWER REQUIRED  
PURSUANT TO CODE OF CIVIL  
PROCEDURE SECTION 446]**

1 Plaintiff, the People of the State of California, by and through Rob Bonta, the Attorney  
2 General of California (Plaintiff, or the People), alleges as follows:

3 **I. INTRODUCTION**

4 1. In August 2014, the California Legislature passed Senate Bill (SB) 270 (Chapter 850  
5 of the Statutes of 2014), which banned single-use plastic bags from being offered at the point of  
6 sale at certain stores across California. SB 270 went into effect in November 2016, when voters  
7 approved Proposition 67, a statewide referendum to uphold SB 270.

8 2. The Legislature passed SB 270 to address the problem of plastic bag waste and  
9 pollution in California. Billions of single-use plastic bags were entering the State’s waste stream  
10 on an annual basis and polluting and harming the environment. In remarks to the Legislature in  
11 2014, the bill’s author, then-State Senator Alex Padilla, said that the “first and foremost  
12 objective” of SB 270 was “to reduce the amount of waste going into the waste stream”—in  
13 particular, waste attributable to plastic bags.<sup>1</sup> Senator Padilla described the toll that plastic bags  
14 were taking on the environment, including polluting waterways and impairing the health of  
15 wildlife.<sup>2</sup> He also described the costly attempts by many cities and counties across California “not  
16 just to collect and dispose of plastic bags but even [to] try to recycle [the bags].”<sup>3</sup> However,  
17 according to the California Department of Resources Recycling and Recovery (“CalRecycle”) at  
18 the time, less than 5 percent of single-use plastic bags were actually recycled, and plastic bags  
19 placed into the recycling stream were jamming machinery and slowing the sortation of waste at  
20 recycling centers, costing California more than an estimated \$25 million annually to collect and  
21 landfill the plastic bag waste—facts that Senator Padilla also highlighted before the Legislature.<sup>4</sup>

22 <sup>1</sup> Sen. Com. on Environmental Quality, hearing on Sen. Bill No. 270 (2013–2014 Reg. Sess.)  
23 Aug. 29, 2014, at <[https://www.senate.ca.gov/media/20140829\\_0917\\_STV2Vid](https://www.senate.ca.gov/media/20140829_0917_STV2Vid)> [as of Sept. 29,  
2025].

24 <sup>2</sup> Sen. Floor Sess. (2013–2014 Reg. Sess.) Aug. 29, 2014, at  
25 <[https://www.senate.ca.gov/media/20140829\\_0943\\_STV1Vid](https://www.senate.ca.gov/media/20140829_0943_STV1Vid)> [as of Sept. 29, 2025]; Sen. Rules  
26 Com., Off. of Sen. Floor Analyses, analysis of Sen. Bill No. 270 (2013–2014 Reg. Sess.) Aug.  
27 28, 2014, p. 4; see also Sen. Com. on Environmental Quality, analysis of Sen. Bill No. 270  
(2013–2014 Reg. Sess.) Aug. 28, 2014, p. 5;

28 <sup>3</sup> Sen. Floor Sess. (2013–2014 Reg. Sess.) Aug. 29, 2014, *supra*.

<sup>4</sup> *Ibid.*; Sen. Com. on Environmental Quality, analysis of Sen. Bill No. 270 (2013–2014 Reg.  
Sess.), *supra*; see also Sen. Rules Com., Off. of Sen. Floor Analyses, analysis of Sen. Bill No.  
270 (2013–2014 Reg. Sess.) Aug. 28, 2014, p. 4; see also California Integrated Waste

(continued...)

3. SB 270, which is codified at Public Resources Code section 42280 et seq., addresses the problem of plastic bag waste and pollution in California by taking a multi-pronged approach. First, SB 270 prohibits covered grocery and retail stores from providing single-use plastic bags to consumers at the point of sale. (Pub. Resources Code, § 42283, subd. (a).) Second, these stores are allowed to provide to consumers at the point of sale only paper bags or plastic bags that meet specified criteria for durability and reusability (*id.*, § 42281, subd. (a))—and in the case of such bags made of plastic film (hereinafter, plastic carryout bags), they must also be “recyclable in this state.” (*Id.*, § 42281, subd. (b)(1)(C).) Third, plastic carryout bags must have printed on them the chasing arrows symbol or the term “recyclable” and instructions to consumers to return the bags to an appropriate recycling location. (*Id.*, subd. (a)(4)(D).) Fourth, covered stores must charge consumers at least 10 cents for each paper bag or plastic carryout bag that the stores provide to consumers at the point of sale. (*Id.*, § 42283, subd. (c)(2).) Fifth, SB 270 appropriated funds from the state’s Recycling Market Development Revolving Loan Subaccount to make available loans to California companies “for the creation and retention of jobs and economic activity in the state for the manufacture and recycling of plastic reusable grocery bags that use recycled content.” (*Id.*, § 42288, subd. (a).)

4. SB 270 squarely places responsibility on producers of plastic carryout bags to ensure that the plastic carryout bags sold in California comply with SB 270's requirements. (Pub. Resources Code, § 42281.5.) Further, the statute prohibits producers from selling or distributing plastic carryout bags in California without obtaining certification from third-party certification entities indicating that the plastic carryout bags are compliant with SB 270's requirements. (*Ibid.*) Producers are also required to submit these certifications in proofs of certification to CalRecycle, demonstrating the producers' and their bags' compliance with the statute. (*Ibid.*)

5. Producers are thus responsible for ensuring that their plastic carryout bags are recyclable in California before the producers can lawfully sell and/or distribute their bags to California stores covered by SB 270. (Pub. Resources Code, §§ 42281.5, 42281, subd. (b)(1)(C).)

Management Board, Plastic Film Cooperative Recycling Initiative (Plastics Recycling), Problem Statement (Jan. 1, 2006).

1           6.     Since the enactment of SB 270, Defendants have profited from the sale of billions of  
2 plastic carryout bags in California that Defendants represented as being compliant with the  
3 statute. However, the bags do not comply with SB 270, because they are not recyclable in  
4 California. Even when consumers attempt to recycle the plastic carryout bags as instructed on the  
5 bags themselves, the bags are not recycled but instead generally end up in landfills or  
6 incinerators. Defendants knew this, but continued with “business as usual,” selling billions of  
7 plastic carryout bags in violation of SB 270 and other state laws, as set forth below.

8           7.     Despite their awareness that the plastic carryout bags are not recyclable in California,  
9 Defendants have continued to mislead and deceive Californians about the recyclability of  
10 Defendants’ plastic carryout bags. On each plastic carryout bag each Defendant has sold in  
11 California, and in media and other marketing materials that have reached California, Defendants  
12 have represented that their plastic carryout bags are recyclable, when in truth they are not  
13 recyclable. Since SB 270 came into effect in 2016, the vast majority of recycling facilities in  
14 California have not recycled plastic carryout bags—indeed they generally reject them because of  
15 the difficulty in sorting and cleaning such bags. Most materials recovery facilities (MRFs) in  
16 California, where materials collected in curbside recycling commonly go for sorting, specifically  
17 and unambiguously advise consumers that they do *not* accept plastic carryout bags and similar  
18 plastic film materials in residential recycling bins. The MRFs will not accept plastic carryout bags  
19 because the bags get caught up in sorting machinery, requiring that the machinery be shut down  
20 so that the bags can be manually removed. As a result, the vast majority of plastic carryout bags  
21 are not recyclable in California and end up in landfills, incinerators, and the environment.

22           8.     By selling and/or distributing plastic carryout bags in California while claiming that  
23 those bags are “recyclable,” when the bags are not recyclable, Defendants have violated SB 270  
24 (Pub. Resources Code, § 42280 et seq.) as well as California’s Environmental Marketing Claims  
25 Act (Bus. & Prof. Code, § 17580 et seq.), False Advertising Law (*id.*, § 17500 et seq.), and Unfair  
26 Competition Law (*id.*, § 17200 et seq.).  
27  
28

## **II. PARTIES**

### **A. Plaintiff**

9. Plaintiff is the People of the State of California. This civil enforcement action is prosecuted on behalf of the People by and through Rob Bonta, Attorney General of California, under the Attorney General's broad independent powers as chief law officer of the state to enforce state laws (Cal. Const., art. V, § 13), and pursuant to Public Resources Code section 42285 and Business and Professions Code sections 17203, 17204, 17206, 17535, and 17536.

### **B. Defendants**

#### **10. Novolex Holdings, LLC**

a. Defendant Novolex Holdings, LLC (Novolex) is a privately held limited liability company formed in Delaware and headquartered in Charlotte, North Carolina, and is engaged in the business of manufacturing food, beverage, and specialty packaging, including plastic carryout bags. Novolex has been registered to do business in California since 2017.

b. Hilex Poly Co. LLC (Hilex) is a privately held limited liability company formed in Delaware and headquartered in Charlotte, North Carolina. Hilex is a wholly owned subsidiary of Novolex, acts on Novolex's behalf, and is subject to Novolex's control. Novolex publicly advertises Hilex as "a Novolex brand," including on plastic carryout bags that Novolex has sold and/or distributed in California. Hilex has been registered to do business in California since 2003.

c. Novolex controls and has controlled company-wide decisions, including those of its subsidiaries, about production, marketing, and sale and/or distribution of plastic carryout bags, including in California; about compliance with SB 270; about whether and to what extent to market, produce, and/or distribute plastic carryout bags; about marketing and advertising of the plastic carryout bags, including representations to customers and the public about the bags' recyclability; and about the company's efforts to recycle postconsumer plastic carryout bags and/or other postconsumer plastic film.

d. Novolex produces mixed paper and plastic packaging products under its Bagcraft brand at its facility in City of Industry, California, and Novolex produces various plastic

1 bags for lining containers under its Heritage brand at its facility in Rancho Cucamonga,  
2 California.

3 e. Hilex has manufactured and continues to manufacture plastic carryout bags for  
4 which Novolex has submitted proofs of certification to CalRecycle and that Novolex has sold  
5 and/or distributed in California under SB 270.

6 f. Novolex has sold and/or distributed plastic carryout bags to some of the largest  
7 grocery and retail stores in California, such as Albertsons, Circle K, Cost Plus World Market,  
8 Marshalls, Ralphs, Safeway, Target, TJ Maxx, Vons, Walgreens, and Walmart. Many of the types  
9 of plastic carryout bags sold at these stores in California include the following labeling: “this  
10 reusable bag was designed and manufactured in the United States by Hilex Poly, a NOVOLEX  
11 brand.” (See Novolex’s “Thank You 40% PCR” plastic carryout bag, sold at Safeway, a true and  
12 accurate representation of which is attached to the Complaint as Exhibit A.)

13 g. Novolex has owned and operated two facilities that recycle plastic film—one in  
14 North Vernon, Indiana, and another in Shawano, Wisconsin. Novolex has purported that its North  
15 Vernon, Indiana, recycling facility, since at least 2020, has recycled plastic bags collected through  
16 store drop-off programs and has turned the recycled bags into new plastic bags.

17 **11. Inteplast Group Corp.**

18 a. Defendant Inteplast Group Corp. (Inteplast) is a privately held corporation  
19 formed in Delaware and headquartered in Livingston, New Jersey, and is engaged in the business  
20 of manufacturing food, beverage, and specialty packaging, including plastic carryout bags.

21 b. Integrated Bagging Systems Corp. (IBS) is a privately held corporation formed  
22 in Delaware and headquartered in Livingston, New Jersey. IBS is a wholly owned subsidiary of  
23 Inteplast, acts on Inteplast’s behalf, and is subject to Inteplast’s control. IBS functions as the  
24 division of Inteplast that manufactures a variety of plastic bags, including plastic carryout bags,  
25 and other plastic film products.

26 c. IBS and its subsidiaries, such as Trinity Plastics Inc., have manufactured and  
27 continue to manufacture plastic carryout bags for which Inteplast has submitted proofs of  
28

1 certification to CalRecycle and that Inteplast has sold and/or distributed in California under SB  
2 270.

3 d. Inteplast controls and has controlled company-wide decisions, including those  
4 of its subsidiaries, about production, marketing, and sale and/or distribution of plastic carryout  
5 bags, including in California; about compliance with SB 270; about whether and to what extent to  
6 market, produce, and/or distribute plastic carryout bags; about marketing and advertising of the  
7 plastic carryout bags, including representations to customers and the public about the bags'  
8 recyclability; and about the company's efforts to recycle postconsumer plastic carryout bags  
9 and/or other postconsumer plastic film.

10 e. Inteplast has sold and/or distributed plastic carryout bags to some of the largest  
11 grocery and retail stores in California, such as Albertson's, Dollar Tree, Family Dollar,  
12 Food4Less, Petco, Ralph's, and Rite Aid. (See Inteplast's "I40-T11WHL" plastic carryout bag,  
13 sold at Dollar Tree, a true and accurate representation of which is attached to the Complaint as  
14 Exhibit B.)

15 f. Inteplast has owned and/or operated two facilities that recycle plastic film in  
16 Hazelton, Pennsylvania and in Listowel, Ontario. Inteplast has purported that both facilities  
17 recycle plastic carryout bags.

## 18 12. **Mettler Packaging LLC**

19 a. Defendant Mettler Packaging LLC (Mettler) is a privately held limited liability  
20 company formed and headquartered in Moorefield, West Virginia, and is engaged in the business  
21 of selling and/or distributing food, beverage, mailing, and specialty packaging, including plastic  
22 carryout bags. Mettler is a wholly owned subsidiary of Mettler Packaging GmbH, which itself is a  
23 wholly owned subsidiary of Papier-Mettler KG. Both parent companies are located in Germany  
24 and have production facilities in Germany and France. Mettler has distribution facilities in West  
25 Virginia.

26 b. Papier-Mettler KG and/or its subsidiaries, such as TT Plast, have manufactured  
27 plastic carryout bags in Europe that Mettler has sold and/or distributed in California under SB  
28 270.

1           c.     Papier-Mettler KG controls and has controlled company-wide decisions,  
2 including those of its subsidiaries, about production, marketing, and sale and/or distribution of  
3 plastic carryout bags, including in California; about compliance with SB 270; about whether and  
4 to what extent to market, produce, and/or distribute plastic carryout bags; about marketing and  
5 advertising of the plastic carryout bags, including representations to customers and the public  
6 about the bags' recyclability; and about the company's efforts to recycle postconsumer plastic  
7 carryout bags and/or other postconsumer plastic film.

8           d.     Mettler has sold and/or distributed plastic carryout bags to some of the largest  
9 grocery and retail stores in California, such as Aldi, CVS, H Mart, Jon's, Rite Aid, Target, and  
10 Trader Joe's. (See Mettler's "Target Drive Up Bag" plastic carryout bag, a true and accurate  
11 representation of which is attached to the Complaint as Exhibit C.)

12           13.   During the relevant period, and in order to sell and/or distribute plastic carryout bags  
13 to stores in California under the statutory scheme of SB 270, Defendants, individually and  
14 separately, have paid administrative certification fees and submitted proofs of certification to  
15 CalRecycle pursuant to Public Resources Code section 42281.5. Plastic carryout bags from the  
16 Defendants have appeared on CalRecycle's List of Certified Reusable Grocery Bags and  
17 Producers since 2017, pursuant to Public Resources Code section 42282, subdivision (e).

18           14.   Plaintiff is ignorant of the true names or capacities of the Defendants sued herein  
19 under the fictitious names DOES 1 through 25, inclusive. Each fictitiously named defendant is  
20 responsible and liable in some manner for the violations of law alleged. Plaintiff will amend this  
21 Complaint to add the true names of the fictitiously named defendants once they are discovered.  
22 Whenever reference is made in this Complaint to "Defendants," such reference shall include  
23 DOES 1 through 25 as well as the named defendants.

24           15.   When this Complaint references an act or omission of Defendants, unless specifically  
25 attributed or otherwise stated, such references mean that the officers, directors, agents,  
26 employees, or representatives of Defendants committed or authorized such an act or omission, or  
27 failed to adequately supervise or properly control or direct their employees while engaged in the  
28



1 management, direction, operation or control of the affairs of Defendants, and did so while acting  
2 within the scope of their employment or agency.

3 16. Defendants have engaged in a conspiracy, common enterprise, and/or common course  
4 of conduct, the purpose of which is and was to engage in the violations of law alleged in this  
5 Complaint. The conspiracy, common enterprise, and common course of conduct continue to the  
6 present.

### 7 **III. JURISDICTION AND VENUE**

8 17. This Court has original jurisdiction over this action pursuant to article VI, section 10,  
9 of the California Constitution.

10 18. This Court has personal jurisdiction over Defendants, pursuant to Code of Civil  
11 Procedure section 410.10, because each Defendant purposefully availed itself of the California  
12 market, and thus of the benefits of the laws of the State (including SB 270's regulatory scheme  
13 for the sale of plastic carryout bags), at all times relevant to this Complaint, so as to render  
14 California courts' exercise of jurisdiction over each Defendant consistent with traditional notions  
15 of fair play and substantial justice. Each Defendant marketed, distributed, released, promoted,  
16 and/or otherwise sold its plastic carryout bags in markets around the United States, including  
17 within California. Further, each Defendant, in order to sell and/or distribute its plastic carryout  
18 bags in California under SB 270, submitted proofs of certification to CalRecycle, pursuant to the  
19 statutory scheme of SB 270.

20 19. Additionally, jurisdiction is proper over each non-resident Defendant for the  
21 following reasons:

22 a. Each non-resident Defendant parent has the power to direct and control its non-  
23 resident subsidiaries. Thus, each subsidiary is the agent of its parent. As agents, the subsidiaries  
24 of each non-resident Defendant conducted activities in California at the direction and for the  
25 benefit of its parent company;

26 b. The subsidiaries furthered each parent company's marketing, sale, and/or  
27 distribution of plastic carryout bags in California through affirmative promotion of the parent  
28 company's plastic carryout bags as recyclable;

1 c. The subsidiaries made such affirmative promotions with knowledge of the  
2 extremely limited availability of recycling for the parent company's plastic carryout bags in  
3 California and in the United States.

4 d. Each non-resident Defendant parent's and its subsidiaries' actions, as described  
5 above, resulted in increased sales and revenue to the parent company.

6 e. Therefore, that the subsidiaries' jurisdictional activities are properly attributed  
7 to each parent company and serve as a basis to assert jurisdiction over each of the non-resident  
8 Defendant parent companies.

9 20. Venue is proper in this Court pursuant to Code of Civil Procedure section 393,  
10 subdivision (a), because the violations of law alleged in this Complaint occurred throughout  
11 California, including in San Francisco County, and are part of the cause upon which the Plaintiff  
12 seeks recovery of penalties imposed by statute.

#### 13 **IV. LEGAL FRAMEWORK**

##### 14 **A. SB 270**

15 21. SB 270's compliance requirements came into effect on November 9, 2016. The  
16 statute prohibits a covered "store" (defined at Pub. Resources Code, § 42280, subd. (g)) from  
17 "provid[ing] a single-use carryout bag to a customer at the point of sale" (*id.*, § 42283, subd. (a)),  
18 but the statute in turn allows a store to sell and/or distribute at the point of sale a reusable carryout  
19 bag, recycled paper bag, or a compostable bag, as long as the store charges at least 10 cents for  
20 each bag the store provides to a customer and the bag complies with the statute's requirements.  
21 (*Id.*, § 42283, subds. (b), (c), & (e); see also § 42283.5.)

22 22. A "reusable grocery bag" is defined as "a bag that is provided by a store to a  
23 customer at the point of sale that meets the requirements of Section 42281." (Pub. Resources  
24 Code, § 42280, subd. (d).) Among other things, section 42281 requires that a reusable grocery  
25 bag:

- 26 a. be "designed for at least 125 uses" (*id.*, subd. (a)(1));
- 27 b. be able to be cleaned and disinfected, such as in a washing machine (*id.*, subd.  
28 (a)(3));

- 1           c.     have “printed on the bag, . . . and in a manner visible to the consumer, . . . [a]  
2 statement that the bag is a reusable bag and designed for at least 125 uses” (*id.*, subd. (a)(4)(C));
- 3           d.     have “printed on the bag, . . . [i]f the bag is eligible for recycling in the state,  
4 instructions to return the bag to the store for recycling or to another appropriate recycling  
5 location” (*id.*, subd. (a)(4)(D));
- 6           e.     “[i]f recyclable in the state, the bag shall include the chasing arrows recycling  
7 symbol or the term ‘recyclable,’ consistent with the [Federal Trade Commission’s Guidelines for  
8 the Use of Environmental Marketing Claims (FTC Green Guides)<sup>5</sup> provisions for] use of that  
9 term” (*ibid.*);
- 10          f.     “[c]omplies with [the FTC Green Guides provisions] related to recyclable  
11 claims if the reusable grocery bag producer [(defined at *id.*, § 42280, subd. (e))] makes a claim  
12 that the reusable grocery bag is recyclable” (*id.*, (a)(4)(6)).

13         23.    A “reusable grocery bag made from plastic film,” or plastic carryout bag, must meet  
14 additional requirements, including but not limited to the following:

- 15           a.     “[i]t shall be recyclable in this state” (*id.*, (b)(1)(C));
- 16           b.     Effective January 1, 2020, “[i]t shall be made from a minimum of 40 percent  
17 postconsumer recycled material” (*id.*, (b)(1)(B));
- 18           c.     “[i]t shall have” printed on the bag “a statement that the bag is made partly or  
19 wholly from postconsumer recycled material and stating the postconsumer recycled material  
20 content percentage” (*id.*, (b)(1)(D));
- 21           d.     “[i]t shall be capable of carrying 22 pounds over a distance of 175 feet for a  
22 minimum of 125 uses and be at least 2.25 mil[limeters] thick” (*id.*, (b)(1)(E)).

23         24.    SB 270 requires that plastic carryout bags and those who market and sell and/or  
24 distribute them in California conform to the FTC Green Guides standards for marketers who  
25 claim that an item is recyclable. (*Id.*, § 42281, subds. (a)(4)(D) & (a)(6).) While the FTC Green  
26 Guides primarily serve as guidance to marketers at the federal level, SB 270 makes the FTC

27         <sup>5</sup> The FTC Green Guides (16 C.F.R. § 260 et seq.) provides guidance for marketers making  
28 environmental claims about their products or services to ensure that those claims are not  
deceptive or misleading to consumers.

1 Green Guides provisions for “recyclable” claims mandatory under California law for plastic  
2 carryout bags.

3 25. The FTC Green Guides state that in order for a marketer to avoid making a deceptive  
4 or misleading claim that a product or package is recyclable, the product or package should “be  
5 collected, separated, or otherwise recovered from the waste stream through an established  
6 recycling program for reuse or use in manufacturing or assembling another item.” (16 C.F.R.  
7 § 260.12(a).)

8 26. The FTC Green Guides specify that recyclable claims without any qualification or  
9 limitation are not misleading “[w]hen recycling facilities are available to a substantial majority  
10 [i.e. at least 60 percent] of consumers or communities where the item is sold.” (16 C.F.R.  
11 § 260.12(b)(1).) For an unqualified recyclable claim to not be deceptive, the recycling facilities  
12 should “actually recycle, not accept and ultimately discard, the product.”<sup>6</sup>

13 27. Under the FTC Green Guides, “[i]f any component significantly limits the ability to  
14 recycle the item, any recyclable claim would be deceptive. An item that is made from recyclable  
15 material, but, because of its shape, size, or some other attribute, is not accepted in recycling  
16 programs, should not be marketed as recyclable.” (16 C.F.R. § 260.12(d).)

17 28. Because SB 270 requires compliance with the FTC Green Guides standards, if a  
18 producer is unable to make a non-deceptive or non-misleading “recyclable” claim about the  
19 producer’s plastic carryout bags, then the bags are not eligible for sale in California under SB  
20 270.

21 29. SB 270 also provides that a producer of plastic carryout bags “shall not sell or  
22 distribute a [plastic carryout] bag in this state unless the producer is certified by a third-party  
23 certification entity pursuant to Section 42282.” Producers “shall provide proof of certification to  
24 [CalRecycle] demonstrating the bags produced by the producer comply with the provisions of  
25 [Article 2 of SB 270, including Section 42281].” (Pub. Resources Code, § 42281.5.) The producer  
26

27 <sup>6</sup> FTC Green Guides, Statement of Basis and Purpose, 2012, pp. 175–176, available at  
28 <<https://www.ftc.gov/sites/default/files/attachments/press-releases/ftc-issues-revised-green-guides/greenguidesstatement.pdf>> (last accessed September 29, 2025).

1 submits the proof of certification to CalRecycle “under penalty of perjury” and must resubmit the  
2 proof of certification to CalRecycle every two years. (*Id.*, § 42282, subds. (a) & (b).)

3 30. Thus, under SB 270, a plastic carryout bag must be recyclable in California, display  
4 either the chasing arrows symbol or the term “recyclable,” and display instructions to the  
5 consumer to return the plastic carryout bag to an appropriate recycling location. Because the  
6 display of the chasing arrows, the term “recyclable,” or instructions to the consumer to recycle the  
7 bag are each separate “recyclable” claims under the FTC Green Guides, their display on the  
8 plastic carryout bag must be consistent with the FTC Green Guides provisions for “recyclable”  
9 claims. Lastly, the producer of the plastic carryout bag must ensure that it is compliant with SB  
10 270’s requirements, including the above, and demonstrate that compliance by submitting a  
11 complete proof of certification for the plastic carryout bag to CalRecycle, before the producer can  
12 sell the bag in California. (Pub. Resources Code, § 42281.5.)

13 31. CalRecycle must accept producers’ complete proofs of certification. (Pub. Resources  
14 Code, § 42281.5, subd. (a).) SB 270 also requires CalRecycle to establish a certification fee (*id.*, §  
15 42282.1) and set up and maintain a list of certified reusable grocery bags and producers,  
16 published on a CalRecycle website (*id.*, § 42282, subd. (e)).

17 32. SB 270 authorizes the Attorney General on behalf of the People of the State of  
18 California to “impose civil liability on a person or entity that knowingly violated [SB 270], or  
19 reasonably should have known that it violated [SB 270].” (Pub. Resources Code, § 42285, subd.  
20 (a).) Violators of SB 270 are subject to civil penalties “in the amount of one thousand dollars  
21 (\$1,000) per day for the first violation of this chapter, two thousand dollars (\$2,000) per day for  
22 the second violation, and five thousand dollars (\$5,000) per day for the third and subsequent  
23 violations.” (*Ibid.*)

## 24 **B. Environmental Marketing Claims Act**

25 33. The Environmental Marketing Claims Act (EMCA) is codified at Business and  
26 Professions Code section 17580 et seq. The EMCA prohibits any person from making “an  
27 untruthful, deceptive, or misleading environmental marketing claim, whether explicit or implied.”  
28 (Bus. & Prof. Code, § 17580.5, subd. (a).) “Environmental marketing claim” is defined to

1 “include any claim contained in the [FTC Green Guides],” including “recyclable” claims. (*Ibid.*;  
2 see also FTC Green Guides, 16 C.F.R. § 260.12.)

3 34. In addition to the requirements described above, the FTC Green Guides provide that,  
4 in order to avoid misleading consumers, “marketers should qualify all recyclable claims” about an  
5 item when the substantial majority threshold is not met for the item. (16 C.F.R. § 260.12(b)(2).)

6 35. The FTC Green Guides provide that when “recycling facilities are available to  
7 slightly less than a substantial majority,” marketers can use a qualification like “Recycling  
8 facilities for this product may not exist in your area.” (16 C.F.R. § 260.12(b)(2).) When  
9 “recycling facilities are available only to a few consumers, marketers should use stronger  
10 clarifications,” such as “This product is recyclable only in the few communities that have  
11 appropriate recycling facilities.” (*Ibid.*) For qualified claims, “[t]he lower the level of [consumer]  
12 access to an appropriate recycling facility” for the item, “the more strongly the marketer should  
13 emphasize the limited availability of recycling for the [item].” (*Ibid.*)

14 36. Under the EMCA, anyone “who represents in advertising or on the label or container  
15 of a consumer good that the consumer good that it manufactures or distributes is not harmful to,  
16 or is beneficial to, the natural environment . . . through the use of a chasing arrows symbol or by  
17 otherwise directing a consumer to recycle the consumer good, shall maintain in written form in its  
18 records . . . information and documentation supporting the validity of the representation.” (Bus. &  
19 Prof. Code, § 17580, subd. (a).)

20 37. The EMCA requires maintenance of information and documentation regarding  
21 whether “the consumer good conforms with the uniform standards contained in the [FTC Green  
22 Guides] for the use of the terms ‘recycled’ [or] ‘recyclable.’” The EMCA requires that this  
23 information and documentation supporting the validity of environmental marketing and  
24 recyclable claims must be provided to any member of the public upon request. (Bus. & Prof.  
25 Code, § 17580, subds. (b) & (d).)

26 38. Violators of the EMCA are subject to injunctive relief and to civil penalties up to  
27 \$2,500 per violation. (Bus. & Prof. Code, §§ 17535, 17536.)  
28

1           **C. False Advertising Law**

2           39. The False Advertising Law (FAL) is codified at Business and Professions Code  
3 section 17500 et seq. The FAL prohibits “any person, firm, corporation or association, or any  
4 employee thereof with intent directly or indirectly to dispose of . . . property . . . or to induce the  
5 public to enter into any obligation relating thereto,” from making or disseminating, or causing to  
6 be made or disseminated, false or misleading statements about the property or its disposition,  
7 when the person, firm, corporation or association, or employee thereof either knew or should have  
8 known “by the exercise of reasonable care” that the statements were false or misleading. (Bus. &  
9 Prof. Code, § 17500.)

10          40. Violators of the FAL are subject to injunctive relief and to civil penalties up to \$2,500  
11 per violation. (Bus. & Prof. Code, §§ 17535, 17536.) Courts may also award the remedy of  
12 disgorgement for violations of the FAL in actions brought by the Attorney General. (Gov. Code,  
13 § 12527.6.)

14           **D. Unfair Competition Law**

15          41. The Unfair Competition Law (UCL) is codified at Business and Professions Code  
16 section 17200 et seq. The UCL prohibits any person from engaging in unfair competition, defined  
17 to include “any unlawful, unfair or fraudulent business act or practice and unfair, deceptive,  
18 untrue or misleading advertising and any act prohibited by [the FAL].” (Bus. & Prof. Code,  
19 § 17200.)

20          42. Violators of the UCL are subject to injunctive relief and to civil penalties up to  
21 \$2,500 per violation. (Bus. & Prof. Code, §§ 17203, 17206.) Courts may also award the remedy  
22 of disgorgement for violations of the UCL in actions brought by the Attorney General. (Gov.  
23 Code, § 12527.6.)

24           **V. FACTUAL BACKGROUND**

25           **A. Defendants’ Sale of Plastic Carryout Bags Since the Enactment of SB 270**

26          43. Since 2016 and continuing to present, Defendants have sold and/or distributed more  
27 than 4.3 billion plastic carryout bags to California stores covered by SB 270, deriving substantial  
28 profits—at least \$33.2 million from 2020 to present.

1           44. At all relevant times, Defendants have been required to comply with SB 270 in order  
2 to lawfully sell and/or distribute plastic carryout bags to covered stores in California.

3           45. Since at least 2017, to make Defendants’ plastic carryout bags eligible for sale to  
4 covered stores in California under SB 270, Defendants, individually and separately, have  
5 submitted to CalRecycle documentation that has purported to show that Defendants’ plastic  
6 carryout bags have met the requirements of SB 270, including the requirements that the bags are  
7 “recyclable in this state” and claims about the bags’ recyclability are consistent with the FTC  
8 Green Guides provisions.

9           46. At all relevant times, Defendants have marketed that the plastic carryout bags that  
10 they have sold and/or distributed to covered stores in California are recyclable. In particular, since  
11 at least 2017, Defendants have sold in California plastic carryout bags that bear various claims  
12 that the bags are recyclable. These claims have included printed language stating that the bags are  
13 recyclable; symbols, such as the chasing arrows, indicating that the bags are recyclable; and  
14 instructions for consumers to recycle the bags.

15           47. For example, Exhibit A shows one type of plastic carryout bag that Novolex has sold  
16 and/or distributed and marketed as recyclable in California since at least 2020—its “Thank You  
17 40% PCR” plastic bag. The bag type displays printed directions for recycling, including the  
18 imperative statement, in bold and capital letters, “PLEASE RETURN TO A PARTICIPATING  
19 STORE FOR RECYCLING.” This statement is accompanied by a small asterisk and, below in  
20 tiny font and normal case, “Programs may not exist in your area.” This bag also displays the  
21 chasing arrows symbol.

22           48. Exhibit B shows one type of plastic carryout bag that Inteplast has sold and/or  
23 distributed and marketed as recyclable in California since at least 2024—its “I40-T11WHL”  
24 plastic bag for the store Dollar Tree. The bag type displays printed directions for recycling similar  
25 to those on Novolex’s Thank You 40% PCR bag. Inteplast’s Dollar Tree bag type also displays  
26 the recyclable marketing claim “100% Recyclable.” Inteplast’s Dollar Tree bag type does not  
27 include a qualification of the direction for recycling or the “100% Recyclable” claim.  
28



1           49. Exhibit C shows one type of plastic carryout bag that Mettler has sold and/or  
2 distributed and marketed as recyclable in California since at least 2022—its “Target Drive Up”  
3 plastic carryout bag. The bag type displays the following directions for recycling, “Please return  
4 this bag for recycling,” and “Please recycle this bag in participating stores.” The bag also displays  
5 the chasing arrows symbol twice. The bag does not include *any* qualification about the bag’s  
6 recyclability.

7           50. The illustrations of the types of plastic carryout bags in Exhibits A through C are  
8 representative of the many other types of plastic carryout bags for which Defendants have  
9 submitted certifications to CalRecycle in order to sell and/or distribute in California and are  
10 representative of the types of recyclable marketing claims Defendants have made about the bags  
11 during the relevant period.

12           51. The recyclable claims and directions printed on the plastic carryout bags that  
13 Defendants have sold and/or distributed in California since 2017 have conveyed that the bags are  
14 recyclable. A reasonable consumer would understand the recyclable claims and directions printed  
15 on Defendants’ plastic carryout bags to mean that the bags are recyclable. A reasonable consumer  
16 would further understand from the recyclable claims and instructions printed on Defendants’  
17 plastic carryout bags that if the consumer were to follow the instructions—i.e., in the case of  
18 Novolex’s “Thank You” 40% PCR plastic carryout bag, if the consumer were to return the bag to  
19 a store that provides a bin to collect the bags for recycling—the bag would typically get recycled.  
20 But, as discussed below, the plastic carryout bags are not recyclable in California.

21           **B. Plastic Carryout Bags Are Not Recyclable in California**

22           52. The plastic carryout bags that Defendants have sold in California during the relevant  
23 period have not been recyclable in this state, as required under SB 270.

24           53. The bags are not being recycled at any meaningful rate in California.

25           54. A variety of recent surveys, studies, and reports have similarly found that plastic  
26 carryout bags are not actually getting recycled at a substantial rate in California. In 2021, a  
27 Statewide Commission on Recycling Markets and Curbside Recycling (“Commission”) released a  
28 series of reports and policy recommendations. The Commission pointed out that plastic carryout

1 bags are not widely accepted in curbside recycling programs. Further, the Commission observed,  
2 “[t]here is not a comprehensive store takeback system for plastic bags or film in California.”<sup>7</sup> The  
3 Commission further noted that the chasing arrows symbol confused consumers about the  
4 recyclability of plastic carryout bags.<sup>8</sup>

5 55. Starting in 2023, CalRecycle has released several reports indicating that the vast  
6 majority of plastic carryout bags in California are not being recycled in California. For example,  
7 as part of a materials characterization study in 2023, CalRecycle visited MRFs across the state to  
8 sample outflows of sorted materials. CalRecycle found that plastic carryout bags were not  
9 classifiable as sorted for recycling by MRFs, because plastic carryout bags rarely appeared in the  
10 outflow samples, and when CalRecycle observed the bags in the samples, the samples were  
11 destined for landfill—not for recycling.<sup>9</sup> In follow-up reports in 2024 and 2025, CalRecycle  
12 confirmed that it found insufficient evidence that MRFs sort plastic carryout bags for recycling.<sup>10</sup>

13 56. Also in December 2023, CalRecycle published a list that indicated whether various  
14 material types and forms are recyclable in California based on a standard established under SB  
15 343 in 2021. Material types and forms are considered recyclable under this standard if they are  
16 collected for recycling by programs that serve a substantial majority of the state’s population and  
17 are sorted for recycling by MRFs that serve a substantial majority of the recycling programs. (See  
18 Pub. Resources Code, § 42355.51, subd. (d)(2).) CalRecycle indicated on the list that plastic  
19 carryout bags were not recyclable in California under this standard.<sup>11</sup> CalRecycle updated the list  
20

21  
22 <sup>7</sup> California’s Statewide Commission on Recycling Markets and Curbside Recycling,  
23 Recommendations Report, Policy 21-34: Request for Enforcement of Labeling Laws (Dec. 20,  
24 2021), p. 5, available at <<https://calrecycle.ca.gov/recyclingcommission/>> [as of Sept. 29, 2025].

25 <sup>8</sup> California’s Statewide Commission on Recycling Markets and Curbside Recycling, Policy  
26 Recommendations, Policy 20-18: Label Restriction to Stop Plastic Bag/Film Contamination in  
27 Curbside Recycling (June 25, 2025), p. 105, available at  
28 <<https://calrecycle.ca.gov/recyclingcommission/>> [as of Sept. 29, 2025].

<sup>9</sup> CalRecycle, SB 343 Material Characterization Study Preliminary Findings, DRRR-2023-1728  
(Dec. 2023), Appx. 6, pp. 97–98.

<sup>10</sup> CalRecycle, SB 343 Material Characterization Study Revised Preliminary Findings, DRRR-  
2024-1746 (Dec. 2024), pp. 22, 25.

<sup>11</sup> CalRecycle, SB 54 Plastic Pollution Prevention and Packaging Producer Responsibility Act,  
Covered Material Category (CMC) List Material Characterization Study (Dec. 2023), Table 1, pp.  
8–12, available at <<https://www2.calrecycle.ca.gov/Docs/Web/126582>> [as of Sept. 29, 2025].

1 in 2025, and the agency's finding that plastic carryout bags are not recyclable remained  
2 consistent.<sup>12</sup>

3 57. CalRecycle and the Commission determined that plastic carryout bags are generally  
4 not collected and sorted by recycling programs that serve the substantial majority of California  
5 residents; accordingly, plastic carryout bags are not recycled through these waste management  
6 pathways.

7 58. Many grocery and retail stores, and other similar designated collection points in  
8 California, offer and maintain bins onsite for consumers to deposit used plastic carryout bags and  
9 other postconsumer plastic film for recycling. Instructions printed on and/or around the bins tell  
10 consumers that they can recycle plastic carryout bags by depositing the bags in the bins. The  
11 chasing arrows symbol is also often displayed on and/or around the bins. Websites, such as  
12 how2recycle.info, have directed consumers to these store drop-off bin sites to recycle plastic  
13 carryout bags.

14 59. But the vast majority of the plastic carryout bags that consumers deposit in these store  
15 drop-off bins for recycling are not recycled, in California or anywhere else. Rather, the bags end  
16 up in landfills or incinerators or are shipped to other countries.

17 60. There is no robust market for postconsumer plastic carryout bags anywhere in the  
18 United States, and few plastic film recyclers in California can process more than a modicum of  
19 plastic carryout bags for recycling. (Trex, a company that uses recycled materials to produce  
20 composite decking and lumber at facilities in Nevada and Virginia, sources plastic film from  
21 California, but it can process only a nominal amount of the film consumed by Californians.)

22 61. Defendants either knew, or should have known through the exercise of reasonable  
23 care, that the plastic carryout bags that Defendants have sold in California during the relevant  
24 period are not recyclable in California. Defendants, as active participants in the plastic film  
25 industry, knew or should have known that there has not been a viable market for postconsumer

26  
27 <sup>12</sup> CalRecycle, SB 54 Plastic Pollution Prevention and Packaging Producer Responsibility Act,  
28 Covered Material Category (CMC) List Material Characterization Study Revised Preliminary  
Findings (Jan. 1, 2025), Table 1, pp. 7–9, available at  
<<https://www2.calrecycle.ca.gov/Docs/Web/129525>> [as of Sept. 29, 2025].

1 plastic carryout bags, in California and elsewhere, that the vast majority of plastic carryout bags  
2 deposited in collection bins in California do not reach recycling facilities that actually recycle the  
3 bags, in California and elsewhere. Defendants knew or should have known of the publicly  
4 available reports and other media, from the time SB 270 was passed to the present, illustrating a  
5 lack of recycling for plastic carryout bags, in California and elsewhere.

## 6 **VI. CAUSES OF ACTION**

### 7 **FIRST CAUSE OF ACTION**

#### 8 **UNLAWFUL SALE AND DISTRIBUTION OF PLASTIC CARRYOUT BAGS**

9 (Pub. Resources Code, § 42280 et seq.)

10 (Against All Defendants)

11 62. The People re-allege and incorporate by reference the allegations in paragraphs 1  
12 through 61 as though fully set forth herein.

13 63. Defendants, and each of them, are producers of plastic carryout bags, as defined in  
14 Public Resources Code section 42280, subdivisions (d) and (e). Defendants have manufactured  
15 plastic carryout bags for sale and/or distribution to a store in California, as defined in Public  
16 Resources Code section 42280, subdivision (g), imported plastic carryout bags into California for  
17 sale or distribution to a store, and/or sold and/or distributed plastic carryout bags to a store in  
18 California.

19 64. At all relevant times, Defendants, and each of them, sold and/or distributed their  
20 plastic carryout bags to at least one store in California.

21 65. Defendants, and each of them, continue to sell and/or distribute their plastic carryout  
22 bags to at least one store in California.

23 66. At all relevant times, Defendants, and each of them, have submitted proofs of  
24 certification to CalRecycle to demonstrate that the plastic carryout bags that Defendants sell  
25 and/or distribute to stores in California comply with the requirements of Article 2 of SB 270,  
26 including Public Resources Code section 42281.

1           67. Throughout the relevant time period, Defendants’ plastic carryout bags that  
2 Defendants have sold and/or distributed and continue to sell and/or distribute in California have  
3 failed to comply with the requirements of Article 2 of SB 270 in the following ways:

4           a. Defendants’ plastic carryout bags are not “recyclable in this state,” as required  
5 under Public Resources Code section 42281, subdivision (b)(1)(C);

6           b. Defendants’ display of the chasing arrows symbol on Defendants’ plastic  
7 carryout bags is not consistent with the FTC Green Guides provisions for use of the chasing  
8 arrows symbol, as required under Public Resources Code section 42281, subdivision (a)(4)(D);

9           c. Defendants’ display of the term “recyclable” on Defendants’ plastic carryout  
10 bags is not consistent with the FTC Green Guides provisions for use of the term “recyclable,” as  
11 required under Public Resources Code section 42281, subdivision (a)(4)(D);

12           d. Defendants’ claims that Defendants’ plastic carryout bags are recyclable—  
13 including but not limited to claims made by displaying the chasing arrows symbol, the term  
14 “recyclable,” and instructions to return the plastic carryout bags to stores for recycling—do not  
15 comply with the FTC Green Guides provisions for making “recyclable” claims, as required under  
16 Public Resources Code section 42281, subdivision (a)(6).

17           68. During the relevant period, Defendants have also sold and/or distributed and continue  
18 to sell and/or distribute in California types of plastic carryout bags that have failed to comply with  
19 the requirements of Article 2 of SB 270, because the bags have not included the display of the  
20 chasing arrows symbol, the term “recyclable,” and/or instructions to return the plastic carryout  
21 bags to stores or other appropriate locations for recycling, as required under Public Resources  
22 Code section 42281, subdivision (a)(4)(D).

23           69. At all relevant times, Defendants have been in violation of SB 270 by:

24           a. Selling and/or distributing to stores in California plastic carryout bags that do  
25 not comply with the requirements of Article 2 of SB 270;

26           b. Submitting false proofs of certification to CalRecycle that Defendants’ plastic  
27 carryout bags comply with the requirements of Article 2 of SB 270, when these bags do not.

28           70. At all relevant times, Defendants knew, or reasonably should have known:

- 1           a.     Of the low level of recycling in California, and elsewhere, for plastic carryout  
2 bags;
- 3           b.     That Defendants’ plastic carryout bags that Defendants have sold and/or  
4 distributed and continue to sell and/or distribute in California are not recyclable in this state;
- 5           c.     That Defendants’ plastic carryout bags that Defendants have sold and/or  
6 distributed and continue to sell and/or distribute in California display the chasing arrows symbol  
7 and/or the term “recyclable,” inconsistent with the FTC Green Guides provisions for the use of  
8 the chasing arrows symbol or the term “recyclable”;
- 9           d.     That Defendants’ claims that the plastic carryout bags that Defendants have  
10 sold and/or distributed and continue to sell and/or distribute in California are recyclable—  
11 including but not limited to claims made by displaying the chasing arrows symbol, the term  
12 “recyclable,” or instructions to return the plastic carryout bags to stores for recycling—have not  
13 complied and do not comply with the FTC Green Guides provisions for making “recyclable”  
14 claims;
- 15          e.     That types of Defendants’ plastic carryout bags that Defendants have sold  
16 and/or distributed and continue to sell and/or distribute in California have not included the display  
17 of the chasing arrows symbol, the term “recyclable,” and/or instructions to return the plastic  
18 carryout bags to stores or other appropriate locations for recycling;
- 19          f.     That Defendants submitted under penalty of perjury false proofs of certification  
20 to CalRecycle, falsely, deceptively, and/or misleadingly representing that Defendants’ plastic  
21 carryout bags that Defendants have sold and/or distributed and continue to sell and/or distribute in  
22 California have complied with the requirements of Article 2 of SB 270, when these bags have not  
23 so complied.

24         71.    During the relevant period, DOES 1 through 25 violated Public Resource Code  
25 section 42281.5 by selling and/or distributing in California at least one type of plastic carryout  
26 bag for which, at the time of sale and/or distribution, there was not an active and complete proof  
27 of certification accepted by CalRecycle.  
28

72. DOES 1 through 25 knew, or reasonably should have known, that they were in violation of Public Resources Code section 42281.5 by selling and/or distributing at least one type of plastic carryout bag for which, at the time of sale and/or distribution, there was not an active and complete proof of certification accepted by CalRecycle.

## **SECOND CAUSE OF ACTION**

## MISLEADING ENVIRONMENTAL MARKETING

(Bus. & Prof. Code, § 17580.5)

(Against All Defendants)

73. Plaintiff re-alleges and incorporates by reference the allegations in paragraphs 1 through 72 as though fully set forth herein.

74. Defendants, and each of them, have made untruthful, deceptive, and/or misleading environmental marketing claims, whether explicitly or implicitly, that the plastic carryout bags that Defendants have sold and/or distributed and continue to sell and/or distribute in California are recyclable, when the bags are instead not recyclable, in violation of Business and Professions Code section 17580.5.

75. These misleading recyclable claims include but are not limited to such false, deceptive, and/or misleading representations as:

- a. Displaying the chasing arrows symbol on Defendants' plastic carryout bags;
- b. Displaying the terms, "recyclable," "recycle," "please recycle," or other recycling terminology on Defendants' plastic carryout bags;
- c. Displaying on Defendants' plastic carryout bags instructions to return the bags to stores or other locations for recycling;

### THIRD CAUSE OF ACTION

## FAILURE TO SUBSTANTIATE ENVIRONMENTAL MARKETING CLAIMS

(Bus. & Prof. Code, § 17580)

(Against All Defendants)

76. Plaintiff re-alleges and incorporates by reference the allegations in paragraphs 1 through 75 as though fully set forth herein.

1           77. Defendants have failed to maintain in written form and furnish to the Attorney  
2 General, upon the Attorney General's request, all of the information and documentation  
3 supporting the validity of Defendants' representations that the plastic carryout bags that  
4 Defendants have sold and/or distributed and continue to sell and/or distribute in California are  
5 recyclable, as required under Business and Professions Code section 17580, subdivision (a).

6           78. Defendants' have represented and continue to represent to California consumers that  
7 their plastic carryout bags are recyclable, and thus are not harmful to and/or beneficial to the  
8 natural environment.

9           79. Defendants' representations that their plastic carryout bags are recyclable include but  
10 are not limited to the display on the bags themselves of the chasing arrows symbol, the term  
11 "recyclable" and other recycling terminology, and instructions to return the bags to stores or other  
12 locations for recycling.

13           80. In particular, Defendants have failed to furnish to the Attorney General upon request  
14 the information and documentation supporting the validity of Defendants' display of the chasing  
15 arrows and instructions to return Defendants' plastic carryout bags to stores for recycling  
16 consistent with the FTC Green Guides provisions for "recyclable" claims.

#### 17                                   **FOURTH CAUSE OF ACTION**

#### 18                                   **UNTRUE OR MISLEADING ADVERTISING**

19                                   (Bus. & Prof. Code, § 17500)

20                                   (Against All Defendants)

21           81. Plaintiff re-alleges and incorporates by reference the allegations in paragraphs 1  
22 through 80 as though fully set forth herein.

23           82. Defendants, and each of them, have engaged in and continue to engage in acts or  
24 practices that constitute violations of the False Advertising Law, Business and Professions Code  
25 section 17500 et seq.

26           83. Defendants have acted with the intent to induce grocery and retail stores and  
27 members of the public to purchase Defendants' plastic carryout bags and made or caused to be  
28 made and/or disseminated misleading statements concerning Defendants' plastic carryout bags,



1 which Defendants knew, or by the exercise of reasonable care should have known, were untrue or  
2 misleading at the time Defendants made them. Such misrepresentations include but are not  
3 limited to:

4 a. Displaying the chasing arrows symbol on Defendants' plastic carryout bags,  
5 and thus representing that the bags are recyclable, when they are not;

6 b. Displaying the terms "recyclable," "recycle," "please recycle," or other  
7 recycling terminology on Defendants' plastic carryout bags, and thus representing that the bags  
8 are recyclable, when they are not;

9 c. Displaying on Defendants' plastic carryout bags instructions to return the bags  
10 to stores or other locations for recycling, and thus representing that the bags are recyclable, when  
11 they are not;

#### 12 **FIFTH CAUSE OF ACTION**

#### 13 **UNLAWFUL, UNFAIR, OR FRAUDULENT BUSINESS PRACTICES**

14 (Bus. & Prof. Code, § 17200)

15 (Against All Defendants)

16 84. Plaintiff re-alleges and incorporates by reference the allegations in paragraphs 1  
17 through 83 as though fully set forth herein.

18 85. Defendants have engaged in and continue to engage in unlawful, unfair, or fraudulent  
19 business acts or practices and unfair, deceptive, untrue, or misleading advertising that constitutes  
20 unfair competition as defined in the Unfair Competition Law, Business and Professions Code  
21 section 17200 et seq.

22 86. Defendants' acts in violation of the Unfair Competition Law include but are not  
23 limited to:

24 a. Selling and/or distributing plastic carryout bags that do not comply with the  
25 requirements of SB 270, and submitting false proofs of certification to CalRecycle to sell and/or  
26 distribute Defendants' plastic carryout bags under SB 270, as alleged in the First Cause of Action;

27 b. Making the misleading environmental marketing claim that Defendants' plastic  
28 carryout bags that Defendants have sold and/or distributed and continue to sell and/or distribute in

1 California are recyclable, in violation of Business and Professions Code section 17580.5, as  
2 alleged in the Second Cause of Action;

3 c. Failing to furnish to the Attorney General upon request written information and  
4 documentation supporting the validity of Defendants' representations that their plastic carryout  
5 bags that Defendants have sold and/or distributed and continue to sell and/or distribute in  
6 California are recyclable, in violation of Business and Professions Code section 17580, as alleged  
7 in the Third Cause of Action;

8 d. Making or causing to be made and/or disseminated untrue and/or misleading  
9 statements about Defendants' plastic carryout bags to the California public in order to sell and/or  
10 distribute the bags in California, in violation of the Business and Professions code section 17500,  
11 as alleged in the Fourth Cause of Action;

12 e. Representing in submissions to CalRecycle, under penalty of perjury and for  
13 the purpose of demonstrating compliance with SB 270 to sell and/or distribute Defendants' plastic  
14 carryout bags in California, that:

15 i. Defendants' plastic carryout bags are recyclable and recyclable in  
16 California, when they are not;

17 ii. Defendants' plastic carryout bags display the chasing arrows symbol  
18 and/or the term "recyclable" consistent with the FTC Green Guides provisions for use of the  
19 chasing arrows symbol or the term "recyclable," when instead Defendants' bags display the  
20 chasing arrows symbol and/or the term "recyclable," inconsistent with the FTC Green Guides  
21 provisions;

22 iii. Defendants' claims that their plastic carryout bags are recyclable  
23 complied with the FTC Green Guides provisions for making "recyclable" claims, when  
24 Defendants' "recyclable" claims did not do so.

## 25 **VII. PRAYER FOR RELIEF**

26 WHEREFORE, the People respectfully request that the Court enter judgment in favor of the  
27 People and against Defendants, as follows:  
28

1           1.     Pursuant to Public Resources Code section 42285, assessing against each Defendant a  
2 civil penalty of one thousand dollars (\$1,000) for the Defendant's first violation, two thousand  
3 dollars (\$2,000) for the Defendant's second violation, and five thousand dollars (\$5,000) for the  
4 Defendant's third and subsequent violations of SB 270, within the applicable limitations and  
5 tolling periods, as proved at trial;

6           2.     Pursuant to Business and Professions Code section 17535, entering all orders  
7 necessary to prevent Defendants, along with Defendants' successors, agents, representatives,  
8 employees, and all persons who act in concert with Defendants, from making any false or  
9 misleading statements in violation of Business and Professions Code sections 17500 and 17580.5;

10          3.     Pursuant to Business and Professions Code section 17203, entering all orders  
11 necessary to prevent Defendants, along with Defendants' successors, agents, representatives,  
12 employees, and all persons who act in concert with Defendants, from engaging in any act or  
13 practice that constitutes unfair competition in violation of Business and Professions Code section  
14 17200;

15          4.     Pursuant to Business and Professions Code section 17536, assessing a civil penalty of  
16 two thousand five hundred dollars (\$2,500) against each Defendant for each violation of Business  
17 and Professions Code section 17500, within the applicable limitations and tolling periods, as  
18 proved at trial;

19          5.     Pursuant to Business and Professions Code section 17536, assessing a civil penalty of  
20 two thousand five hundred dollars (\$2,500) against each Defendant for each violation of Business  
21 and Professions Code section 17580.5, within the applicable limitations and tolling periods, as  
22 proved at trial;

23          6.     Pursuant to Business and Professions Code section 17536, assessing a civil penalty of  
24 two thousand five hundred dollars (\$2,500) against each Defendant for each violation of Business  
25 and Professions Code section 17580, within the applicable limitations and tolling periods, as  
26 proved at trial;

27          7.     Pursuant to Business and Professions Code section 17206, assessing a civil penalty of  
28 two thousand five hundred dollars (\$2,500) against each Defendant for each violation of Business

1 and Professions Code section 17200, within the applicable limitations and tolling periods, as  
2 proved at trial;

3 8. Pursuant to Government Code section 12527.6, awarding disgorgement of profits,  
4 within the applicable limitations and tolling periods, in an amount according to proof;

5 9. Ordering that the People receive all other relief to which it is legally entitled; and

6 10. Awarding such other relief that the Court deems just, proper, and equitable.  
7

8 Dated: October 17, 2025

Respectfully submitted,

9 ROB BONTA  
10 Attorney General of California  
VANESSA MORRISON  
11 Supervising Deputy Attorney General

*/s/ Brian Calavan*

12 BRIAN CALAVAN  
13 LIZ RUMSEY  
14 RAISSA LERNER  
15 JENNIFER LODA  
16 Deputy Attorneys General  
17 *Attorneys for People of the State of*  
18 *California*  
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# EXHIBIT A

# *Thank You*

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## FOR SHOPPING WITH US.

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This reusable bag can be reused **125 times**.

Please reuse this bag on your return shopping trips and for other home and travel uses.

This bag contains at least **40%** post-consumer material.

**PLEASE RETURN TO A PARTICIPATING STORE FOR RECYCLING\***

\*Programs may not exist in your area.

**PLEASE RETURN TO A PARTICIPATING STORE FOR RECYCLING\***

\*Programs may not exist in your area.

**WARNING:** To avoid danger of suffocation, keep this plastic bag away from babies and children.

QuikMate® QuikMate FZ® Patent info at [bagpatents.info](http://bagpatents.info)

Made  
in USA  
1570

**HILEX**



MON-24

12-09C

JA1890

This reusable bag was designed and manufactured in the United States, by Hilex Poly, a NOVOLEX Brand. This reusable and recyclable bag design has been tested to carry 22lbs over 175ft during 12 reuses (EcoLogo ATP-001 / ECP CCD-100). This design will hold 15 liters; is 2.25 mils thick (ASTM D6988) and can be cleaned and disinfected after each use. Your reusable bag doesn't contain lead, cadmium, or any other heavy metal in toxic amounts and passes TPCH/CONEG—toxins in packaging standards. This reusable bag contains 40% post-consumer material.

**Novolex's "Thank You 40% PCR" Plastic Carryout Bag, sold at Safeway.**

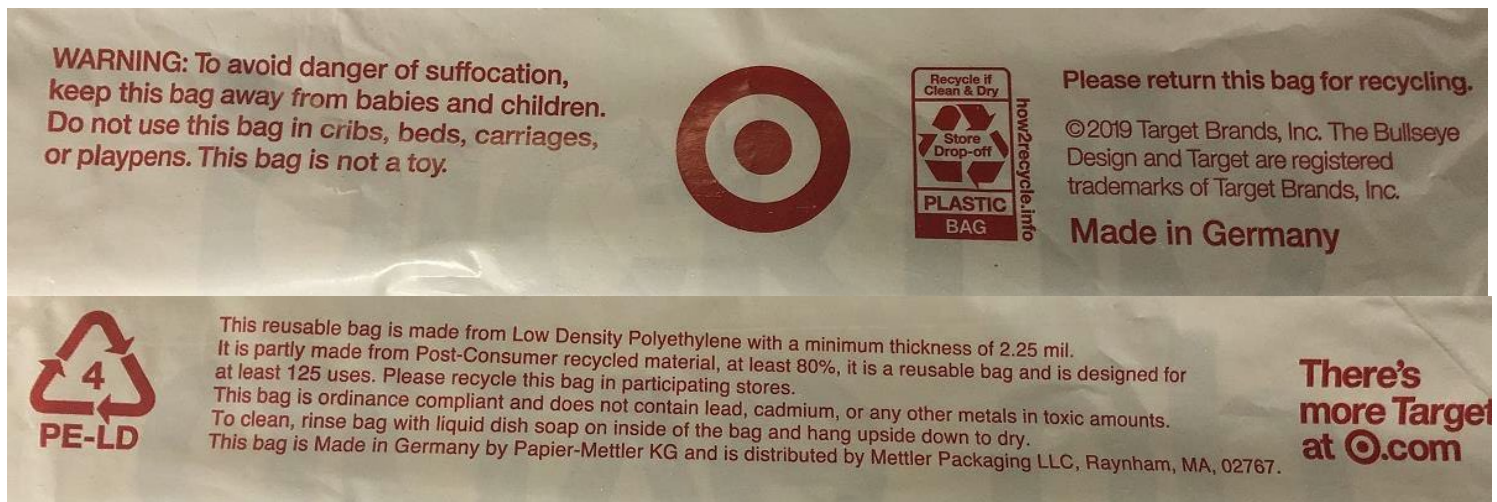
# EXHIBIT B



Inteplast's "I40-T11WHL" Plastic Carryout Bag, sold at Dollar Tree



# EXHIBIT C



Mettler Packaging LLC's "Target Drive Up Bag" Plastic Carryout Bag