



January 26, 2026

VIA EMAIL

Attorney General Kathy Jennings
Vanessa Kassab, Deputy Attorney General
Delaware Department of Justice
kathleen.jennings@state.de.us
attorney.general@delaware.gov
vanessa.kassab@delaware.gov

Re: Keurig's Deceptive "Recyclable" K-Cup Pod Campaign

Dear Attorney General Jennings and Deputy Attorney General Kassab:

A recent Truth in Advertising, Inc. ("TINA.org") investigation has found that Keurig Dr Pepper Inc. ("Keurig") is deceptively labeling and advertising its K-Cup single use beverage pods as "recyclable" despite the fact that a substantial majority of consumers are not able to recycle them. Due to their small size, irregular shape, multi-material construction, frequent contamination issues and unfavorable economic considerations, K-Cup pods are not recycled by the vast majority of existing recycling centers across the United States.



Despite these facts, Keurig markets its K-Cup pods as "recyclable" because they contain polypropylene #5 plastic, but in so doing, the company relies on a purely theoretical definition of recyclability. This deceptive marketing strategy allows Keurig to exploit consumer demand for environmentally responsible products, disadvantage honest competitors and undermine fair competition, all in violation of Delaware law.¹

TINA.org has filed a complaint regarding Keurig's marketing with the Federal Trade Commission (attached), but we bring this matter to your attention as well not only because Delaware consumers are being impacted by Keurig's deception but also because of Delaware's dedication to addressing greenwashing.²

We urge your office to open an investigation into Keurig and take appropriate enforcement action.³

If you have any questions, please do not hesitate to contact us.

Sincerely,



Laura Smith, Esq.
Legal Director
Truth in Advertising, Inc.



Bonnie Patten, Esq.
Executive Director
Truth in Advertising, Inc.

Cc via email: Anthony Shoemaker, Chief Legal Officer & General Counsel, KDP

¹ 6 Del. C. §§ 2513(a), 2532.

² See e.g., Comment regarding FTC's Green Guides, Matter No. P954501 (Apr. 24, 2023), <https://www.mass.gov/doc/multistate-letter-and-comments-to-federal-trade-commission-re-green-guides/download>; Comment regarding EPA's Draft National Strategy to Prevent Plastic Pollution (July 31, 2023), <https://oag.ca.gov/system/files/attachments/press-docs/EPA%20Draft%20Plastics%20Strategy%20Comment%20Letter%20%28Final%2BBookmarks%29.pdf>.

³ TINA.org has also notified regulators in Arizona, California, Connecticut, District of Columbia, Illinois, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, and Wisconsin.