



January 26, 2026

**VIA EMAIL**

Attorney General Letitia James

Jane Azia, Chief, Bureau of Consumer Frauds and Protection

Michael Myers, Senior Counsel, Environmental Protection Bureau

Ashley Gregor, Assistant Attorney General, Environmental Protection Bureau

New York State Attorney General's Office

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

Dear Attorney General James and Attorneys Azia, Myers, and Gregor:

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 New York law.<sup>1</sup>

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 New York consumers are being impacted by Keurig's deception but also because of New York's dedication to addressing greenwashing.<sup>2</sup>

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

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

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<sup>1</sup> N.Y. Gen. Bus. Law §§ 349, 350, 350-a.

<sup>2</sup> 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>; Press Release, Attorney General James Secures \$1.1 Million for Climate-Smart Agriculture from World's Largest Beef Producer (Nov. 3, 2025), <https://ag.ny.gov/press-release/2025/attorney-general-james-secures-11-million-climate-smart-agriculture-worlds>; Press Release, Attorney General James Takes Historic Action Against PepsiCo for Endangering the Environment and Public Health With Plastic Pollution (Nov. 15, 2023), <https://ag.ny.gov/press-release/2023/attorney-general-james-takes-historic-action-against-pepsico-endangering>.

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