



January 26, 2026

VIA EMAIL

Chris Mufarrige, Director  
Brian Berggren, Acting Associate Director  
Bureau of Consumer Protection  
Federal Trade Commission  
cmufarrige@ftc.gov  
bberggren@ftc.gov

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

Dear Mr. Mufarrige and Mr. Berggren:

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, multimaterial construction, frequent contamination issues and unfavorable economic considerations, K-Cup pods are not being recycled by the vast majority of recycling centers across the United States.



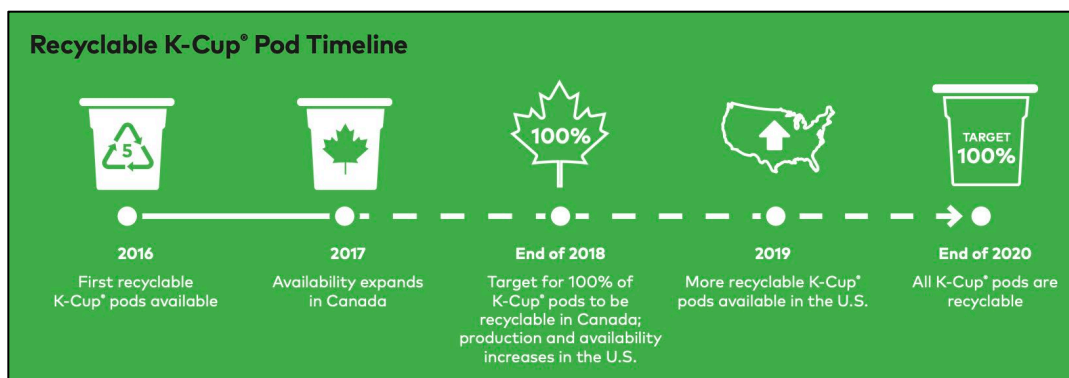
Despite these facts, Keurig markets its K-Cup pods as "recyclable" because they contain polypropylene #5 plastic, but in so doing, the company relies on a purely theoretical definition of recyclability—one that disregards the core principles of the FTC's Green Guides and consumer understanding. This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

## I. Background

Keurig has been aware for years that consumers are concerned about the environmental impact of their consumption habits.<sup>1</sup> As early as 2016, the company’s own research showed that worries about the environmental impact of K-Cup pods were influencing consumers’ purchasing decisions.<sup>2</sup> Keurig also recognized the business risk of failing to address these concerns.<sup>3</sup> In public filings, the company warned investors:

Consumers are also increasingly focused on sustainability, with particular attention to the recyclability of product packaging, reducing consumption of single-use plastics and non-recyclable materials, and the environmental impact of manufacturing operations. If we do not meet consumer demands by providing recyclable packaging options and focusing on sustainability throughout our manufacturing operations, our sales could suffer.<sup>4</sup>

In response, Keurig announced that it had developed the first “Recyclable K-Cup® pods”—pods made of polypropylene #5 plastic instead of the previously used #7 plastic—and pledged that 100 percent of its pods would be “recyclable” by the end of 2020.<sup>5</sup>



Keurig then heavily leaned into recyclability as a key focus of its marketing strategy. In its 2016 Sustainability Report, the company emphasized that consumers would “easily identify” the recyclable pods through messaging, recycling instructions on packaging, and the #5 symbol on the bottom of each pod.<sup>6</sup>

By 2019, Keurig assured investors that it was on track to meet its goal:

We are on track to make all K-Cup pods sold in the U.S. recyclable by the end of 2020 ... The new pods are made of polypropylene #5 plastic, a material that is accepted curbside for recycling by many communities, and we have conducted extensive testing with municipal recycling facilities to validate that they can be effectively recycled.<sup>7</sup>

The following year, the company asserted that it had achieved its goal, claiming that all K-Cup pods sold in the U.S. pods were now recyclable.<sup>8</sup>

What Keurig failed to disclose, however, was that two of the largest recycling companies in the United States—together operating more than one-third of U.S. recycling facilities—had raised serious concerns with the company about the recyclability of K-Cup pods and indicated that they did not plan to accept them.<sup>9</sup> This omission prompted the U.S. Securities and Exchange Commission to bring an enforcement action against Keurig, resulting in the company agreeing to a cease-and-desist order and a \$1.5 million civil penalty.<sup>10</sup>

Keurig’s statements and omissions regarding the purported recyclability of its K-Cup pods have prompted other legal actions as well. Between 2018 and 2020, two federal class-action lawsuits were filed against the company alleging that consumers had been misled into believing K-Cup pods are recyclable.<sup>11</sup> The lawsuits were jointly settled in 2023, with the company agreeing to pay \$10 million (less than one percent of Keurig’s net sales that year<sup>12</sup>) and to make only minor modifications to its “Recyclable” K-Cup pod labels, as shown below:<sup>13</sup>

**Digital K-Cup label before settlement**



Fine print states: “\*Check Locally Not Recycled in All Communities.”

**Digital K-Cup label after settlement**



Fine print states: “\*Check Locally Not Recycled in Many Communities.”

**Physical K-Cup label before settlement**



Fine print states: “Peel, Empty, Recycle. \*Not Recycled in All Communities.”

**Physical K-Cup label after settlement**



Fine print states: “Peel, Empty, Recycle. \*Check Locally - Not Recycled in Many Communities.”

Similar concerns about Keurig’s deceptive marketing have arisen internationally. In 2022, Keurig Canada was ordered to pay a \$3 million penalty to settle a Competition Bureau action regarding the company’s misleading recyclable claims for the K-Cup pods.<sup>14</sup> Keurig Canada was also ordered to modify its marketing and publish corrective notices about the recyclability of its products, among other things.<sup>15</sup>

Despite this record, as the demand for single-serve beverage pods continues to grow,<sup>16</sup> Keurig’s K-Cup sales remain strong,<sup>17</sup> and the company’s deceptive “recyclable” marketing continues.

## II. Deceptive Marketing at Issue

Keurig promotes the purported recyclability of its K-Cup pods through multiple channels, including product packaging, its website, social media platforms and online retail listings, among other places.

On product packaging, the language “Recyclable K-Cup® Pods” and the chasing arrows symbol are prominently featured on a conspicuous green banner. Qualifying information is separated from this claim and appears beneath the green banner and in significantly smaller font, often in colors that blend into the background of the packaging and are difficult to notice or read, as the examples below show:

Keurig Dunkin’ French Vanilla K-Cup Pods<sup>18</sup>



Keurig Swiss Miss Milk Chocolate K-Cup Pods<sup>19</sup>




Keurig Starbucks Caramel K-Cup Pods<sup>20</sup>



On Keurig’s website, individual product pages feature images of the product packaging described above, as well as digital “Recyclable” labels and additional promotional graphics and language emphasizing recyclability, as shown below.<sup>21</sup>



Keurig’s online product pages also include other promotional images and language further driving home the message that K-Cup pods are recyclable, as the examples below show.<sup>22</sup>




**WHY #5?**

100% of our K-Cup® pods are made from recyclable\* polypropylene plastic, otherwise known as #5 plastic. #5 plastic is now widely accepted in curbside recycling systems across North America, although many systems that accept polypropylene do not necessarily accept K-Cup® pods.

\*Check locally, not recycled in many communities.

**Inside the Recyclable K-Cup® Pod**



Hot water saturates the freshly ground beans and flows through the paper filter.


Freshly ground coffee from leading coffee brands fills our recyclable K-Cup® pods.


Gentle pressure extracts every ounce of rich, full-flavored coffee.

\*Check locally, not recycled in many communities.

**HOW TO RECYCLE K-CUP® PODS IN THREE STEPS**

**CAUTION: POD IS HOT. ALLOW TO COOL AFTER USE.**

**PEEL** Starting at puncture, peel lid and dispose. 

**EMPTY** Compost or dispose of grounds. (Filter can remain). 

**RECYCLE** Check locally\* to recycle empty cup. 

\*Not recycled in many communities. Visit Keurig.com/Recyclable to learn more.

The same digital label and marketing message are also featured in Amazon listings for Keurig K-Cup pods.<sup>23</sup> The images below offer some examples:

**RECYCLABLE K-CUP PODS**  
\*CHECK LOCALLY - NOT RECYCLED IN MANY COMMUNITIES\*

**72 COUNT**  
K-Cup® Pods  
1 Box

**Green Mountain Coffee Roasters**  
Breakfast Blend Single-Serve Keurig K-Cup Pods, Light Roast Coffee, 72 Count

Visit the Green Mountain Coffee Roasters Store  
4.7 ★★★★★ (49,776) | Search or ask

**Amazon's Choice**  
10K+ bought in past month

**Available elsewhere**

-7% **\$34.83** (\$0.48 / count)  
Typical price: \$57.49

**prime Tomorrow**  
You're invited to apply for Prime Visa. Get a \$250 Amazon Gift Card upon approval. [Find out how](#)

Flavor Name: **Breakfast Blend**

Breakfast Blend | Decaf Breakfast Blend

Ethiopia Supreme | Our Blend

Size: **72 Count (Pack of 1)**

**RECYCLABLE K-CUP PODS**  
\*CHECK LOCALLY - NOT RECYCLED IN MANY COMMUNITIES\*

**PEEL**  
Starting at puncture, peel lid and dispose.

**EMPTY**  
Compost or dispose of grounds.

**RECYCLE**  
Check locally to recycle empty cup.  
\*Not recycled in many communities

**Starbucks K-Cup Coffee Pods, Medium Roast Coffee, Pike Place Roast for Keurig Brewers, 100% Arabica, 6 boxes (60 pods total)**

Visit the Starbucks Store  
4.6 ★★★★★ (76,841) | Search or ask

**Amazon's Choice**  
10K+ bought in past month

No better price found

**\$39.99** (\$0.67 / count)

**prime Tomorrow**  
Coupon: 10% off coupon applied. Subscribe & Save orders only. [Shop items](#) | [Terms](#)

Redeemed | Save \$20 on orders \$125+ [Shop items](#)

With Amazon Business, you would have saved \$470.74 in the last year. Create a free account and save up to 14% today.

Flavor Name:  
Pike Place

Size: **10 Count (Pack of 6)**

<b>10 Count (Pack of 6)</b> \$39.99 (\$0.67 / count) FREE Delivery Tomorrow	<b>22 Count (Pack of 1)</b> \$15.24 (\$0.69 / count) FREE Delivery Tomorrow	<b>24 Count (Pack of 4)</b> \$46.64 (\$0.49 / count) FREE Delivery Overnight 4 AM	<b>40 Count (Pack of 1)</b> \$27.71 (\$0.69 / count) FREE Delivery Tomorrow
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Keurig has continued to promote the purported recyclability of its K-Cup pods on other webpages and publications as well:<sup>24</sup>

### Keurig Recyclable Webpage<sup>25</sup>

Home > Keurig Recycling - Recyclable K-Cup Pods & Recycling Information

**100% of K-Cup® Pods are Recyclable\***

Since the end of 2020, 100% of Keurig® K-Cup® pods have been recyclable. All of our K-Cup® pods are made from recyclable polypropylene (#5 plastic) which is used in a variety of common household products like butter tubs and yogurt containers. Polypropylene is widely accepted in curbside recycling across North America, although not all recycling facilities that accept polypropylene necessarily accept K-Cup® pods.

Each recycling facility differs (in fact, there are currently over 20,000 different recycling systems in the U.S.), so it's important to confirm you can recycle pods in your community. You can check your city's waste management website or sites like BeRecycled.org to see a list of accepted materials.

\*Check locally - not recycled in many communities.

*"100% of K-Cup Pods are Recyclable\*"*

## We Love Coffee

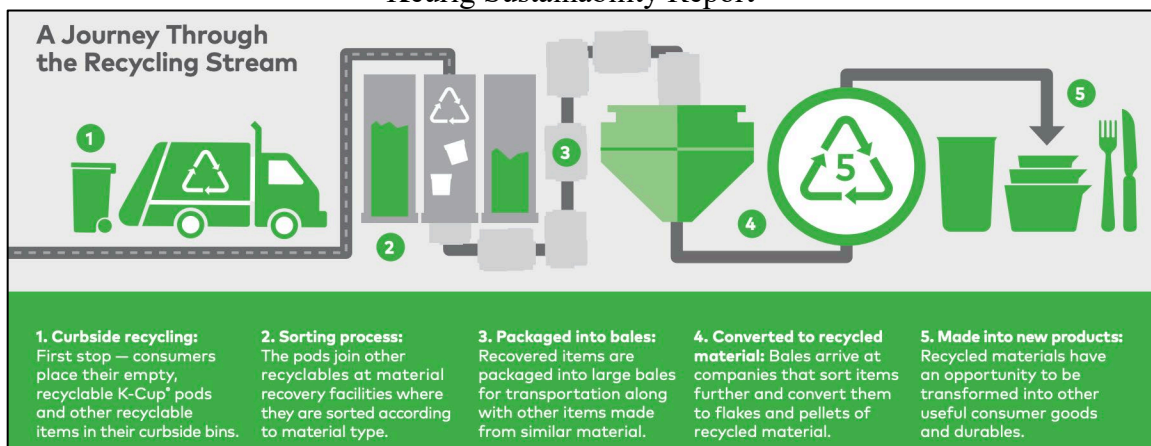
It's what we do. That's why all our coffee is 100% responsibly sourced<sup>1</sup>, 100% of our K-Cup® pods are made from recyclable material<sup>2</sup>, and why we are making more brewers with recycled plastic. And it's why we're committed to sustaining the communities involved in growing, harvesting and distributing the coffee you love.

We think of it as an ecosystem in a cup. We do it for people who love our planet, and our coffee, as much as we do – so we all can enjoy it for generations to come.

1 During 2021, COVID-19 impacts and shipping delays resulted in a very small amount conventional coffee deliveries (0.38%).  
2 Check locally, not recyclable in many communities, excluding lid and coffee grounds.

*“100% of our K-Cup® pods are made from recyclable material<sup>2</sup> ...”*

## Keurig Sustainability Report<sup>27</sup>



*“Curbside recycling: First stop — consumers place their empty, recyclable K-Cup® pods and other recyclable items in their curbside bins. ...”*

## Keurig Support for Pod Beverages<sup>28</sup>

▲ What happens if I just throw my K-Cup® pod into the recycling bin? Can it still be recycled?

Published on Apr 25, 2025

Share  

Similar to many recyclable plastic food and beverage containers that should be emptied prior to recycling, we recommend you first peel the lid, empty the grounds and then toss in the recycling bin in order to ensure successful recycling. The filter does not need to be removed. \*Check locally - not recycled in many communities

*“... toss in the recycling bin in order to ensure successful recycling ...”*

Additional examples of marketing materials that deceptively promote K-Cup pods as recyclable are available at [www.truthinadvertising.org/evidence/keurig-k-cups-database/](http://www.truthinadvertising.org/evidence/keurig-k-cups-database/).



In short, Keurig repeatedly refers to its K-Cup pods, which display the chasing arrows logo on packaging, as “recyclable” and represents that consumers can place the pods in curbside recycling bins to be recycled.

### **III. Consumers’ Understanding of These Marketing Messages**

Consumer demand for environmentally-friendly products and services is on the rise with a majority of U.S. consumers not only preferring such products, but also willing to pay more for them.<sup>29</sup> At the same time, consumers generally lack the ability to independently verify the accuracy of brands’ environmental marketing representations. As a result, they must rely heavily on representations made by advertisers. This informational asymmetry has created fertile ground for greenwashing claims, and Keurig’s recyclable marketing message clearly exploits this divide.

#### **a. General understanding of “recyclable” and “ Research shows that reasonable U.S. consumers believe that marketing an item as “recyclable” means that the product and/or packaging will be recycled in practice.<sup>30</sup> Indeed, most consumers believe that the word “recyclable” means that a product will be recycled most of the time and 30 percent (a substantial minority) of surveyed consumers think that “recyclable” means a product will be recycled 100 percent of the time.<sup>31</sup> Further, 82 percent of consumers trust that the recycling information on a product label is accurate and believe it is dishonest to put a label on a product saying it is recyclable if it will not really be recycled.<sup>32</sup>**

The chasing arrows symbol further reinforces this understanding with the vast majority of consumers interpreting the logo to represent a universal recycling symbol. Eighty-one percent of consumers believe that the symbol means a product and/or packaging can “definitely” be recycled.<sup>33</sup> Similarly, 85 percent of consumers report being “somewhat-to-very confident that what they throw in the recycling bin is actually recycled.”<sup>34</sup>

#### **b. Keurig’s specific marketing message to consumers**

Against this backdrop, Keurig’s marketing conveys a clear and unambiguous message: If consumers place K-Cup pods in their recycling bins, they will be recycled.

Few consumers shopping in grocery stores are likely to notice the asterisk accompanying the recyclability claim on packaging, and even fewer will notice and read the fine print recycling instructions or disclaimer.<sup>35</sup> As visual perception expert Dr. Jeff Johnson explained:

Even if people notice that there is fine-print information, most people will not read it. Many people over 50 years old – and some who are younger – require reading glasses to read fine print, and seldom use reading glasses while grocery shopping. Even people who don’t require reading glasses may not read the fine print; they may

assume that the recycling symbol and the word “Recyclable” tells them everything they need to know, and therefore not focus their vision on the fine print.<sup>36</sup>



Former Director of Impact Evaluation in the FTC’s Bureau of Consumer Protection, Thomas J. Maronick, has similarly observed that consumers primarily focus on front-panel claims and that Keurig has deliberately chosen to emphasize recyclability as a key assurance for environmentally-conscious shoppers, stating:

[T]he front panel of the package . . . is what a consumer sees when she encounters the product on a retailer’s shelf. . . . Keurig sees these assurances as such an important component of its marketing strategy that it places the claims prominently on the front and back panels of the K-Cup package. . . . Because consumer product labels by definition have limited space, and because consumer product manufacturers like Keurig are competing for consumers’ limited attention span in the context of a relatively low-dollar purchase decision, marketers must carefully choose the limited words they communicate on the label. . . . Keurig has clearly conveyed to consumers who seek to be “environmentally conscious” in their purchase and post-purchase behavior, “assurances” about the recyclability of their K-Cups by predominantly promoting the “Recyclable” claim and the “chasing arrow” symbol on its package . . .<sup>37</sup>

In doing so, Keurig has made its recyclable message to consumers prominent while relegating critical qualifying instructions and disclaimer information to obscurity.

#### IV. K-Cups are Not Typically Recycled in Reality

While the development of a single-serve beverage pod that could someday be widely recycled may be a laudable objective, it is just that: a goal, and one that has not yet been achieved. In practice, Keurig’s K-Cup pods overwhelmingly end up in landfills. Despite its widespread recyclable claims, Keurig has acknowledged the recycling limitations for its K-Cup pods, and experts in the field, as well as waste management companies, have asserted that the single-serve beverage pods are not generally recycled in reality.

### a. Company statements

Despite advertising its K-Cup pods as recyclable and encouraging consumers to place them in curbside recycling bins, Keurig quietly concedes that recycling the pods is far from straightforward. The company’s fine print disclaimer admits that the pods are not accepted in “many communities,” and Keurig further acknowledges ongoing efforts to make “K-Cup pod recycling more convenient.”<sup>38</sup>

Notably, for corporate clients, Keurig promotes its proprietary K-Cycle program, which requires businesses to purchase special bins and ship used pods back to Keurig via UPS for a fee.<sup>39</sup>



This program exists precisely because K-Cup pods cannot reliably be recycled through ordinary curbside systems, underscoring the misleading nature of Keurig’s consumer-facing claims. If K-Cup pods were truly recyclable through ordinary curbside programs, there would be no need for a mail-back recycle service.

### b. SCS Engineers expert report

To assess the real-world recyclability of K-Cup pods, TINA.org retained SCS Engineers (SCS), a nationally-recognized environmental consulting firm specializing in waste management solutions and recycling feasibility.<sup>40</sup> Between March and June 2025, SCS conducted comprehensive surveys with recycling industry representatives in major cities in the 10 largest U.S. states by population: California, Florida, Georgia, Illinois, Michigan, New York, North Carolina, Ohio, Pennsylvania and Texas.

Based on those survey responses, as well as a review of published reports, expert consultations<sup>41</sup> and its analysis of state waste characterization data, SCS determined that K-Cup pods are not typically accepted for recycling in the United States. Among the primary barriers:

- **Size limitations:** At approximately two inches by two inches, K-Cup pods are generally too small to be captured by the mechanical sorting equipment in many materials recovery facilities (MRFs).<sup>42</sup> Rather than being captured for further processing, the pods frequently fall through the sorting equipment and are then routed for traditional disposal with small waste material.
- **Shape and design issues:** The combination of plastic, paper filters, aluminum foil and coffee grounds that comprise K-Cup pods means that even advanced facilities

equipped with robotic sorting arms or optical sorters report low recovery rates of K-Cup pods. The pods' low weight, irregular shape and material blend interfere with automated identification systems, especially when the pods are not emptied or disassembled by consumers. Further, pods often break during sorting, which releases contaminants and leads to landfill disposal.

- **Contamination potential:** Coffee grounds and residual liquids contaminate the plastic and aluminum components of K-Cup pods. Many facilities lack the capacity to clean or separate such materials effectively and therefore reject the pods outright.
- **Economic constraints:** The market value of recovered K-Cup pod materials is generally insufficient to justify the cost of labor or equipment upgrades required to process them. Some facility operators have even reported the need to pay brokers to remove low-value mixed plastics, highlighting the negative economic return associated with K-Cup recovery.

As SCS's report concluded, recycling programs serving a substantial majority of consumers ( $\geq 60\%$ ) do not accept K-Cups and "recyclable" claims therefore overstate real-world outcomes.<sup>43</sup> And while it is true that #5 plastic is accepted by many municipal recycling programs, for the reasons discussed above, processing K-Cup pods for recycling is typically impracticable.

### c. Recycling facility statements

Statements from a multitude of recycling facilities and sources throughout the United States corroborate SCS's findings and conclusions. Across cities and counties serving tens of millions of residents, K-Cup pods are routinely identified as non-recyclable contaminants and directed to the trash—even when labeled "recyclable." The following are some examples:

- **Casella**, a publicly-traded waste management company servicing over a million customers across nine states (Connecticut, Delaware, Maryland, Massachusetts, Maine, New Hampshire, New York, Vermont and Pennsylvania)<sup>44</sup> specifically states that coffee pods are "NOT ACCEPTED" for recycling.<sup>45</sup>
- **Recology**, a waste management company servicing more than 2.5 million individuals and 100,00 commercial customers in Oregon, Washington and California<sup>46</sup> categorizes coffee pods as "Top Contaminants" that should be placed "in the garbage."<sup>47</sup>
- **Recycle By City**, a reference guide that provides city-specific recycling guidance for residents in numerous U.S. cities, including Sedona, AZ, Lafayette, CO, Shoreline, WA, Chicago, IL, Highland Park, IL, Houston, TX, Los Angeles, LA, and West Hollywood, CA,<sup>48</sup> which collectively have nearly 9 million residents,<sup>49</sup> instructs consumers in each of these cities to place coffee pods in the garbage.<sup>50</sup>

- **Hennepin County, MN** tells its more than 1.2 million residents that “Single-serve coffee makers such as Keurigs create a lot of waste with no recycling option. You can pull apart the cup and compost the coffee grounds, but no recyclers accept the plastic cup or foil lid.”<sup>51</sup>
- **The City of Seattle, WA** informs its more than 760,00 residents that coffee pods smaller than 3 inches belong in “the garbage,” further stating: “Did you know? The vast majority of coffee pods are less than 3 inches in diameter, and not recyclable. Even if they are labeled as ‘Recyclable’.”<sup>52</sup>
- **The City of Denver, CO** informs its more than 700,000 residents that coffee pods are “not accepted” for recycling.<sup>53</sup>
- **The City of Portland, OR** informs its more than 630,000 residents to place pods in the garbage.<sup>54</sup>
- **A Recycling Guide for Omaha, NE**, which has a population of more than 480,000 residents, states “DO NOT place [coffee pods] in a City of Omaha curbside recycling cart or drop-off site container. Place coffee pods in the garbage, or use an alternative option.”<sup>55</sup>
- **Howard County, MD** tells its more than 330,000 residents that, “At this time, coffee pods are NOT acceptable in curbside recycling.”<sup>56</sup>
- **The City of Cambridge, MA** informs its more than 115,000 residents that single-serve coffee pods should be placed in the “trash.”<sup>57</sup>
- **Addison County and Bennington County, VT** tell their combined 74,000+ residents that “Coffee pods made of plastic, such as K-Cups, should be disposed of with regular household trash” and that they “do not belong in the recycling bin.”<sup>58</sup>
- **The Towns of Enfield and Newington, CT**, which collectively have a population of more than 70,000,<sup>59</sup> inform their residents that “Coffee pods are NOT accepted in CT’s mixed recycling (single stream) program, even if it has the word ‘recycle’ on it. Coffee pods are OUT and considered contamination in Connecticut’s program. Please put these items in the trash.”<sup>60</sup>
- **Otter Tail County, MN** tells its 60,000+ residents the following regarding K-Cup pods:

K-cups/coffee pods: items smaller than your fist are generally not recyclable. When these items get sent on to larger automated facilities they are not recognized by sorting equipment. Just because a product claims it is recyclable does not mean it is accepted for recycling in your local

program. Almost anything is technically recyclable, but for it to actually get recycled it needs to work within recycling systems that currently exist.<sup>61</sup>

## V. Keurig's Campaign Violates FTC Law

The FTC's Green Guides prohibit marketers from labeling products as "recyclable" unless the products "can be collected, separated, or otherwise recovered from the waste stream through an established recycling program for reuse or use in manufacturing or assembling another item."<sup>62</sup> Further, unqualified recyclable claims should only be used when recycling facilities are available to a substantial majority (i.e., at least 60 percent) of consumers. As demonstrated by SCS's expert analysis, this 60 percent threshold has not been met for K-Cup pods.<sup>63</sup>

The Green Guides further state that, "If any component significantly limits the ability to recycle the item, any recyclable claim would be deceptive. An item that is made from recyclable material, but, because of its shape, size, or some other attribute, is not accepted in recycling programs, should not be marketed as recyclable."<sup>64</sup> K-Cup pods fall squarely within this prohibition.

Keurig's qualifying language on K-Cup pod packaging and other marketing—i.e., the instructions to "check locally" and the disclaimer that the pods are "not recycled in many communities"—does not cure the deception as the disclosures are neither conspicuous nor clear.

1. **Inconspicuous:** The qualifying statements are buried in inconspicuous fine print that consumers are unlikely to notice,<sup>65</sup> particularly in the context of quick, low-cost purchasing decisions.<sup>66</sup> The FTC has repeatedly cautioned that fine print and low-contrast text are insufficient to qualify otherwise misleading claims:

White text on a light or variegated background isn't likely to be noticed. Nor will a fine-print statement that has to compete with a dynamic and distracting image.<sup>67</sup>

2. **Unclear:** Keurig's qualifying disclosures are substantively inadequate and they do not clearly inform consumers that the pods are not typically recycled.<sup>68</sup>

Instructions to "check locally" are vague and impractical as consumers lack the time and expertise to determine pre-purchase whether their local recycling program accepts K-Cup pods. Even diligent consumers may receive inaccurate assurances if a municipality accepts #5 plastic generally but not K-Cup pods specifically. As Thomas J. Maronick explained:

a consumer could follow Keurig's instructions by checking locally, and end up with a favorable but incorrect response as to the recyclability of K-Cup pods since the locality could inform the consumer that it accepts #5

plastic for recycling without disclosing that it does not accept K-Cups made with #5 plastic.<sup>69</sup>

In addition, as SCS's investigation showed, not all municipalities or recycling facilities readily answer questions regarding the recyclability of specific items.<sup>70</sup>

Similarly, the statement that the pods are not recycled in "many facilities" fails to convey the significant scope of the nationwide limitations on the recyclability of K-Cup pods. With nearly 18,000 waste and recycling facilities throughout the U.S.,<sup>71</sup> the statement provides no meaningful or useful information to consumers as to whether the pods are recyclable in their own communities.<sup>72</sup> As the Green Guides explain, if recycling facilities are available only to a few consumers, marketers should use stronger clarifications, such as "This product [package] is recyclable only in the few communities that have appropriate recycling facilities."<sup>73</sup>

For years, Keurig has been marketing its K-Cup pods as recyclable despite the fact that the pods are not widely recycled in reality. And minor labeling changes made in response to legal actions have not remedied this fundamental deception.

## VI. Conclusion

Greenwashing is a pervasive problem and nowhere is that more apparent than in the case of deceptive and misleading recyclable claims. The injury caused by this type of corporate deception is not limited to consumer harm—greenwashing also harms honest businesses, undermines fair competition and impacts the one thing eco-conscious consumers are trying to protect with their purchases: the environment.<sup>74</sup> While Keurig's efforts to develop a more sustainable single-serve pod may be commendable, its decision to advertise its pods as recyclable before they are widely recycled is misleading and deceptive. TINA.org respectfully urges the FTC to commence an investigation into the deceptive marketing by Keurig and take appropriate enforcement action.

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

<sup>1</sup> Keurig Dr Pepper Inc. Form 10-K for the Year Ended December 31, 2019, <https://www.sec.gov/Archives/edgar/data/1418135/000141813520000007/kdp-10kx12312019.htm> (“Consumers are also increasingly focused on sustainability, with particular attention to the recyclability of product packaging, reducing consumption of single-use plastics and non-recyclable materials, and the environmental impact of manufacturing operations...”); Keurig Dr Pepper Inc. Form 10-K for the Year Ended December 31, 2020, <https://www.sec.gov/Archives/edgar/data/1418135/000141813521000005/kdp-20201231.htm> (same).

<sup>2</sup> Order Instituting Cease-And-Desist Proceeding Pursuant to Section 21C of the Securities and Exchange Act of 1934, *In the Matter of Keurig Dr Pepper Inc.* (2024), <https://www.sec.gov/files/litigation/admin/2024/34-100983.pdf>.

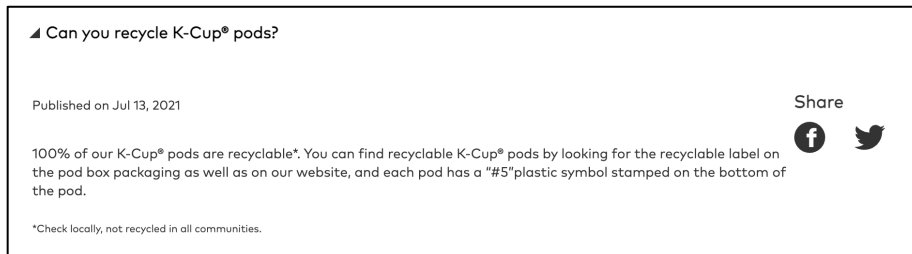
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<sup>4</sup> *Id.*

<sup>5</sup> *Brewing Transformation: Sustainability at Keurig Green Mountain*, Keurig Green Mountain, <https://www.keurigdrpepper.com/wp-content/uploads/2024/03/Keurig-Green-Mountain-Sustainability-Report-2016.pdf>.

<sup>6</sup> *Id.*

Keurig also tells consumers to specifically look for the “recyclable label on the pod box packaging” in order to identify “recyclable K-Cup pods.” See “Can you recycle K-Cup pods?” on Keurig’s Support for Pod Beverages webpage, [https://support.keurig.com/?category=EXT\\_US\\_POD\\_BEVERAGES&page=shell&shell=kdp-product&kdp-product=kdp-product-details&kmContentId=1012451](https://support.keurig.com/?category=EXT_US_POD_BEVERAGES&page=shell&shell=kdp-product&kdp-product=kdp-product-details&kmContentId=1012451) (also available at [https://truthinadvertising.org/wp-content/uploads/2025/12/Keurig\\_Website\\_FAQ.png](https://truthinadvertising.org/wp-content/uploads/2025/12/Keurig_Website_FAQ.png)).



<sup>7</sup> Keurig Dr Pepper Inc. Form 10-K for the Year Ended December 31, 2019, <https://www.sec.gov/Archives/edgar/data/1418135/000141813520000007/kdp-10kx12312019.htm>.



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<sup>8</sup> Keurig Dr Pepper Inc. Form 10-K for the Year Ended December 31, 2020, <https://www.sec.gov/Archives/edgar/data/1418135/000141813521000005/kdp-20201231.htm>; Press Release, Keurig Dr Pepper, Keurig Dr Pepper Achieves Longstanding Sustainability Commitment to Make 100% of its K-Cup Pods Recyclable (Dec. 8, 2020), <https://news.keurigdrpepper.com/2020-12-08-Keurig-Dr-Pepper-Achieves-Longstanding-Sustainability-Commitment-to-Make-100-of-its-K-Cup-Pods-Recyclable>.

<sup>9</sup> Press Release, U.S. Sec. Exch. Comm'n, SEC Charges Keurig with Making Inaccurate Statements Regarding Recyclability of K-Cup Beverage Pod (Sept. 10, 2024), <https://www.sec.gov/newsroom/press-releases/2024-122>; Hester M. Peirce, Comm'r, U.S. Sec. Exch. Comm'n, Not so Fast: Statement on In the Matter of Keurig Dr Pepper Inc. (Sept. 10, 2024), <https://www.sec.gov/newsroom/speeches-statements/peirce-statement-keurig-091024>; Order Instituting Cease-And-Desist Proceeding Pursuant to Section 21C of the Securities and Exchange Act of 1934, *In the Matter of Keurig Dr Pepper Inc.* (2024), <https://www.sec.gov/files/litigation/admin/2024/34-100983.pdf>.

<sup>10</sup> *Id.*

<sup>11</sup> TINA.org's Class-Action Tracker: The Recyclability of Keurig Green Mountain Coffee Pods, <https://truthinadvertising.org/class-action/the-recyclability-of-keurig-green-mountain-coffee-pods/>; TINA.org's Class-Action Tracker: Keurig Green Mountain Plastic Coffee Pods, <https://truthinadvertising.org/class-action/keurig-green-mountain-plastic-coffee-pods/>.

<sup>12</sup> Press Release, Keurig Dr Pepper, Keurig Dr Pepper Reports Q4 2023 Results and Provides Outlook for 2024 (Feb. 22, 2024), <https://news.keurigdrpepper.com/2024-02-22-Keurig-Dr-Pepper-Reports-Q4-2023-Results-and-Provides-Outlook-for-2024#:~:text=Net%20sales%20for%20the%20full,manageable%20elasticities%20across%20most%20categories>.

Last year, Keurig's net sales were \$15.4 billion. Press Release, Keurig Dr Pepper, Keurig Dr Pepper Reports Q4 and Full Year 2024 Results and Provides 2025 Outlook (Feb. 25, 2025), <https://news.keurigdrpepper.com/2025-02-25-Keurig-Dr-Pepper-Reports-Q4-and-Full-Year-2024-Results-and-Provides-2025-Outlook>.

<sup>13</sup> Stipulation of Settlement, *Smith v. Keurig Green Mountain*, No. 4:18-cv-06690 (N.D. Cal. Feb. 24, 2022), <https://truthinadvertising.org/wp-content/uploads/2021/06/Smith-v-Keurig-settlement-agreement.pdf>; Order Granting Final Approval of Class Action Settlement and Motion for Attorneys' Fees, *Smith v. Keurig Green Mountain*, No. 4:18-cv-06690 (N.D. Cal. Feb. 27, 2023), <https://truthinadvertising.org/wp-content/uploads/2022/09/Smith-v-Keurig-Green-Mountain-final-approval-order.pdf>.

Previous versions of Keurig's recyclable label have also existed. *See* Expert Declaration of Thomas J. Maronick in Support of Plaintiff's Motion for Class Certification at 6-8, *Smith v. Keurig Green Mountain, Inc.*, No. 4:18-cv-06690 (N.D. Cal. Dec. 17, 2019), ECF No. 65-1, available at [https://truthinadvertising.org/wp-content/uploads/2026/01/12\\_17\\_19-Expert-Declaration-of-Thomas-Maronick.pdf](https://truthinadvertising.org/wp-content/uploads/2026/01/12_17_19-Expert-Declaration-of-Thomas-Maronick.pdf).

In addition, in certain places online, other variations of Keurig's recyclability label also exist, though these appear to be rare. *See, e.g.*, Amazon listing for Black Rifle Coffee Company Dark Roast Coffee Pods, [https://truthinadvertising.org/wp-content/uploads/2025/11/Keurig\\_Amazon](https://truthinadvertising.org/wp-content/uploads/2025/11/Keurig_Amazon)

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[Black Rifle Coffee Company Tactisquatch combined.pdf](#) (no qualifying language); Amazon listing for Café Bustelo Espresso Style Dark Roast Coffee K-Cups, [https://truthinadvertising.org/wp-content/uploads/2025/11/Keurig\\_Amazon\\_Cafe\\_Bustelo\\_Estilo\\_Espresso\\_combined.pdf](https://truthinadvertising.org/wp-content/uploads/2025/11/Keurig_Amazon_Cafe_Bustelo_Estilo_Espresso_combined.pdf) (marketing is in two different languages).

<sup>14</sup> Press Release, Competition Bureau Canada, Keurig Canada to pay \$3 million penalty to settle Competition Bureau’s concerns over coffee pod recycling claims (Jan. 6, 2022), <https://www.canada.ca/en/competition-bureau/news/2022/01/keurig-canada-to-pay-3-million-penalty-to-settle-competition-bureaus-concerns-over-coffee-pod-recycling-claims.html>; Bronwyn Roe, *Keurig’s \$3 Million Fine Highlights the Pervasive Issue of Greenwashing*, Ecojustice (Jan. 14, 2022), <https://ecojustice.ca/news/keurigs-3-million-fine-highlights-the-pervasive-issue-of-greenwashing/>.

<sup>15</sup> *Id.* See also Notice by Keurig Canada Inc. Regarding Recyclability of K-Cup Pods, [https://www.keurig.ca/keurigcanadainfo?srsltid=AfmBOopcN3p\\_HP3pAjeqxMVk\\_4qKVjmZ\\_UdY5pkIYqeCzg67RbvTnnuEG](https://www.keurig.ca/keurigcanadainfo?srsltid=AfmBOopcN3p_HP3pAjeqxMVk_4qKVjmZ_UdY5pkIYqeCzg67RbvTnnuEG).

<sup>16</sup> Sneha Mali, *Coffee Pods Market Trends and Future Opportunities*, Cognitive Market Research (Jan. 28, 2025, updated June 20, 2025), <https://www.cognitivemarketresearch.com/articles/coffee-pods-market-trends-and-future-opportunities>.

<sup>17</sup> Sales of K-Cup pods account for nearly a quarter of Keurig’s total revenue. See Keurig Dr Pepper’s Revenue by Segment, Bullfincher, <https://bullfincher.io/companies/keurig-dr-pepper/revenue-by-segment>.

<sup>18</sup> Dunkin’ French Vanilla K-Cups Product Packaging, [https://truthinadvertising.org/wp-content/uploads/2025/10/Keurig\\_Product\\_Packaging\\_Dunkin\\_French\\_Vanilla\\_combined.pdf](https://truthinadvertising.org/wp-content/uploads/2025/10/Keurig_Product_Packaging_Dunkin_French_Vanilla_combined.pdf).

Keurig’s labels on K-Cup pod packaging is largely uniform between flavors and brands, with only minor differences (e.g., the color of the font of the fine print).

<sup>19</sup> Swiss Miss Milk Chocolate K-Cups Product Packaging, [https://truthinadvertising.org/wp-content/uploads/2025/10/Keurig\\_Product\\_Packaging\\_Swiss\\_Miss\\_Milk\\_Chocolate\\_combined.pdf](https://truthinadvertising.org/wp-content/uploads/2025/10/Keurig_Product_Packaging_Swiss_Miss_Milk_Chocolate_combined.pdf).

<sup>20</sup> Starbucks Caramel K-Cups Product Packaging, [https://truthinadvertising.org/wp-content/uploads/2025/10/Keurig\\_Product\\_Packaging\\_Starbucks\\_Caramel\\_combined.pdf](https://truthinadvertising.org/wp-content/uploads/2025/10/Keurig_Product_Packaging_Starbucks_Caramel_combined.pdf).

<sup>21</sup> See, e.g., Keurig Dunkin’ Original Blend Medium Roast Coffee Pods, [https://www.keurig.com/Beverages/Medium-Roast/Original-Blend-Coffee/p/original-blend-coffee-dd#22\\_CT](https://www.keurig.com/Beverages/Medium-Roast/Original-Blend-Coffee/p/original-blend-coffee-dd#22_CT) (also available at [https://truthinadvertising.org/wp-content/uploads/2026/01/Keurig\\_Dunkin\\_Original\\_Blend\\_combined.pdf](https://truthinadvertising.org/wp-content/uploads/2026/01/Keurig_Dunkin_Original_Blend_combined.pdf)).

<sup>22</sup> See, e.g., Peet’s Coffee Major Dickason’s Blend Coffee Pods, [https://truthinadvertising.org/wp-content/uploads/2025/12/Keurig\\_Peets\\_Major\\_Dickasons\\_Blend\\_combined.pdf](https://truthinadvertising.org/wp-content/uploads/2025/12/Keurig_Peets_Major_Dickasons_Blend_combined.pdf); Starbucks French Roast Coffee Pods, [https://truthinadvertising.org/wp-content/uploads/2025/12/Keurig\\_Starbucks\\_French\\_Roast\\_combined.pdf](https://truthinadvertising.org/wp-content/uploads/2025/12/Keurig_Starbucks_French_Roast_combined.pdf).

<sup>23</sup> See, e.g., Amazon listing for Green Mountain Coffee Roasters Breakfast Blend Single-Serve Keurig K-Cup Pods, [https://truthinadvertising.org/wp-content/uploads/2025/11/Keurig\\_Amazon](https://truthinadvertising.org/wp-content/uploads/2025/11/Keurig_Amazon)

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[Green Mountain Breakfast Blend combined.pdf](#); Amazon listing for Starbucks K-Cup Pike Place Roast Coffee Pods, [https://truthinadvertising.org/wp-content/uploads/2025/11/Keurig\\_Amazon\\_Starbucks\\_Pike\\_Place\\_Roast\\_combined.pdf](https://truthinadvertising.org/wp-content/uploads/2025/11/Keurig_Amazon_Starbucks_Pike_Place_Roast_combined.pdf).

<sup>24</sup> The recyclability message is also present on Keurig’s social media platforms, where images of product packaging that contain the “Recyclable” banner and chasing arrows symbol are shown. *See, e.g.*, Keurig Dr Pepper (@keurigdrpepper), Instagram (June 6, 2025), [https://www.instagram.com/p/DKj\\_xfHMNd3/](https://www.instagram.com/p/DKj_xfHMNd3/) (also available at [https://truthinadvertising.org/wp-content/uploads/2025/11/KeurigDrPepper\\_IG\\_6\\_6\\_25.mp4](https://truthinadvertising.org/wp-content/uploads/2025/11/KeurigDrPepper_IG_6_6_25.mp4)).

<sup>25</sup> Keurig’s Recyclable K-Cup Pods and Recycling Information, as of Dec. 8, 2025, <https://web.archive.org/web/20251208132506/www.keurig.com/recyclable> (also available at [https://truthinadvertising.org/wp-content/uploads/2026/01/Keurig\\_Website\\_Recycle\\_Dec\\_2025.pdf](https://truthinadvertising.org/wp-content/uploads/2026/01/Keurig_Website_Recycle_Dec_2025.pdf)). Note that after December 8, 2025, this webpage was modified. *See* Keurig’s Recyclable K-Cup Pods and Recycling Information, [www.keurig.com/recyclable](http://www.keurig.com/recyclable) (also available at [https://truthinadvertising.org/wp-content/uploads/2026/01/Keurig\\_Website\\_Recycle\\_Jan2026-scaled.png](https://truthinadvertising.org/wp-content/uploads/2026/01/Keurig_Website_Recycle_Jan2026-scaled.png)).

<sup>26</sup> Keurig’s Sustainability Hub, [www.keurig.com/hub/sustainability](http://www.keurig.com/hub/sustainability) (also available at [https://truthinadvertising.org/wp-content/uploads/2025/11/Keurig\\_Website\\_Sustainability.png](https://truthinadvertising.org/wp-content/uploads/2025/11/Keurig_Website_Sustainability.png)).

<sup>27</sup> *Brewing Transformation: Sustainability at Keurig Green Mountain*, Keurig Green Mountain, <https://www.keurigdrpepper.com/wp-content/uploads/2024/03/Keurig-Green-Mountain-Sustainability-Report-2016.pdf>.



<sup>28</sup> “What happens if I just throw my K-Cup pod into the recycling bin? Can it still be recycled?” on Keurig’s Support for Pod Beverages webpage, [https://support.keurig.com/?kmContentId=1012450&category=EXT\\_US\\_POD\\_BEVERAGES&page=shell&shell=kdp-product&kdp-product=kdp-product-details](https://support.keurig.com/?kmContentId=1012450&category=EXT_US_POD_BEVERAGES&page=shell&shell=kdp-product&kdp-product=kdp-product-details) (also available at [https://truthinadvertising.org/wp-content/uploads/2025/12/Keurig\\_Website\\_FAQ.png](https://truthinadvertising.org/wp-content/uploads/2025/12/Keurig_Website_FAQ.png)).

<sup>29</sup> Diane May, *Two-thirds of Americans Are Willing to Pay More for Sustainability*, Ceres (Nov. 19, 2025), <https://www.ceres.org/resources/news/two-thirds-of-americans-are-willing-to-pay-more-for-sustainability>; Press Release, PwC, Consumers willing to Pay 9.7% sustainability premium, even as cost-of-living and inflationary concerns weigh, PwC 2024 Voice of the Consumer Survey (May 15, 2024), <https://www.pwc.com/gx/en/news-room/press-releases/2024/pwc-2024-voice-of-consumer-survey.html>; Jordan Bar Am et al., *Consumers Care About Sustainability – And Back It Up With Their Wallets*, McKinsey & Co., Feb. 6, 2023, <https://www.mckinsey.com/industries/consumer-packaged-goods/our-insights/consumers-care-about-sustainability-and-back-it-up-with-their-wallets>; *Majority of US Consumers Say They Will Pay More for Sustainable Products*, Sustainable Brands (Aug. 29, 2022), <https://sustainablebrands.com/read/majority-of-us-consumers-say-they-will-pay-more-for-sustainable-products>; Greg Petro, *Consumers Demand Sustainable Products and Shopping Formats*, Forbes, Mar. 11, 2022, [19](https://www.forbes.com/sites/gregpetro/2022/03/11/consumers-</a></p></div><div data-bbox=)

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See also Degree to which consumers' purchasing behavior and choices shifted towards buying more sustainable products over the past five years worldwide in 2022, Statista (Nov. 25, 2025), <https://www.statista.com/statistics/1377869/global-shift-to-buying-sustainable-products/?srsltid=AfmBOooqw07xIfRCU3Pyrem7I9ZWz8J0M2F8xGk-E4Y50u3ahw9CYrVe>; Andrew Martins, *Most Consumers Want Sustainable Products and Packaging*, Bus. News Daily (updated Mar. 28, 2024), <https://www.businessnewsdaily.com/15087-consumers-want-sustainable-products.html>.

<sup>30</sup> See *How Consumers Feel About and Respond to Recycling & How2Recycle: A Consumer Research Summary*, GreenBlue, July 29, 2022, <https://greenblue.org/2022/07/29/how-consumers-feel-about-and-respond-to-recycling-how2recycle-a-consumer-research-summary/>.

<sup>31</sup> *Id.*

<sup>32</sup> *Consumer Research on Recycling Behavior and Attitudes Regarding On-Pack Labeling*, Recycling Partnership, Mar. 10, 2023, <https://recyclingpartnership.org/consumer-research-on-recycling-behavior-and-attitudes-regarding-on-pack-labeling/>.

<sup>33</sup> Carl Latkin et al., *The (Mis)Understanding of the Symbol Associated with Recycling on Plastic Containers in the U.S.: A Brief Report*, 14 Sustainability 9636 (2022), <https://www.mdpi.com/2071-1050/14/15/9636>.

<sup>34</sup> Suzanne Shelton, *Managing Packaging Perception vs. Realities for a Truly Circular Future*, GreenBiz (Sept. 2, 2019), <https://perma.cc/SLZ8-XL8E>. See also Alison Borochoff-Porte & John Cooper, *Applying Consumer Protection Basics to Greenwashing "Recyclability" Cases*, Harv. Env't L. Rev., at 12 (Apr. 10, 2023), <https://journals.law.harvard.edu/elr/2023/04/10/applying-consumer-protection-basics-to-greenwashing-recyclability-cases/>.

<sup>35</sup> See Jeff Johnson's Report (Jan. 2, 2024), available at [https://truthinadvertising.org/wp-content/uploads/2026/01/1\\_2\\_24-Jeff-Johnson-report.pdf](https://truthinadvertising.org/wp-content/uploads/2026/01/1_2_24-Jeff-Johnson-report.pdf).

Dr. Jeff Johnson is President and Principal Consultant at UI Wizards, Inc., a product usability consulting firm that specializes in evaluating and designing graphical and Web user interfaces from the perspective of users. In 2014, Dr. Johnson presented at an FTC workshop devoted to native advertising. His presentation discussed how human visual perception impacts the ability to distinguish online content from advertising. He later assisted the FTC in researching, writing a report, and preparing guidance on native advertising and sponsored search results.

TINA.org retained Dr. Johnson to provide a report that sets forth his expert opinion with respect to the perceptibility, legibility, and intelligibility of Keurig's "Recyclable" labeling.

<sup>36</sup> *Id.* ("For most consumers 'Recyclable' and the recycling symbol mean when the product is used up, its container can be placed in the recycling bin.")

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<sup>37</sup> Expert Declaration of Thomas J. Maronick, *supra* note 13, at 5, 19. (Note that at the time Mr. Maronick provided his expert opinion regarding K-Cup pod labels, a slightly different version of the label at issue was in use. *See* Section I, *supra*.)

<sup>38</sup> *See, e.g.*, Keurig’s Sustainability Hub, <https://www.keurig.com/hub/sustainability> (“We’re also working to expand EASY-PEEL lids to make K-Cup pod recycling more convenient.”); Keurig Dr Pepper Circular Design & Innovation, <https://www.keurigdrpepper.com/circular-design-innovation/> (“We have also adjusted our packaging to reflect the diverse nature and challenges within our country’s recycling capabilities across jurisdictions – including adding qualifiers such as “Check locally — not recycled in many communities” to our K-Cup pods.”).

<sup>39</sup> Keurig For Business K-Cycle K-Cup Pod Recycling & Composting Program, <https://keurigkcycle.com/>; Keurig For Business K-Cycle K-Cup Pod Recycling & Composting Program FAQs, <https://keurigkcycle.com/faq>; Keurig for Business K-Cycle K-Cup Pod Recycling & Composting Program, Place Your Order, <https://keurigkcycle.com/place-your-order>.

<sup>40</sup> *See* SCS Engineers Report (Sept. 30, 2025), available at [https://truthinadvertising.org/wp-content/uploads/2026/01/9\\_30\\_25-SCS-Engineers-Expert-Report.pdf](https://truthinadvertising.org/wp-content/uploads/2026/01/9_30_25-SCS-Engineers-Expert-Report.pdf).

<sup>41</sup> SCS Engineers interviewed a Vice President of a major North American waste management company, operating 367 collection operations, 248 transfer stations and 75 recycling centers across 41 states in the U.S. and Canada; and a Solid Waste and Recycling Manager for a large city. They were asked to give SCS Engineers their insight regarding recycling operations for coffee pods. The consensus of the discussions was that the multimaterial composition, small size and contamination of coffee pods result in their frequent rejection and disposal in landfills.

<sup>42</sup> MRFs are specialized plants that receive, separate and process recyclable materials to be sold as raw materials to manufacturers.

<sup>43</sup> SCS Engineers Report, *supra* note 40, at 10.

<sup>44</sup> Casella Services, <https://www.casella.com/services/>.

<sup>45</sup> Casella Zero-Sort Recycling Poster, [https://www.casella.com/media/5bdbwjbi/poster-zerosort-85x11\\_v05.pdf](https://www.casella.com/media/5bdbwjbi/poster-zerosort-85x11_v05.pdf).

<sup>46</sup> Recology, <https://www.recology.com/>.

<sup>47</sup> Recology Western Oregon Waste Zero Customer Service and Recycling Guide for Yamhill and Polk County 2024, [https://www.recology.com/wp-content/uploads/2024/01/RWO\\_Valley\\_ServiceGuides\\_2024.pdf](https://www.recology.com/wp-content/uploads/2024/01/RWO_Valley_ServiceGuides_2024.pdf).

<sup>48</sup> Recycle By City, <https://www.recyclebycity.com/>.

<sup>49</sup> Census Reporter Profile for Sedona, AZ, 9,770 <https://censusreporter.org/profiles/16000US0465350-sedona-az/>; Census Reporter Profile for Lafayette, CO, 30,471, <https://censusreporter.org/profiles/16000US0841835-lafayette-co/>; Census Reporter Profile for Shoreline, WA, 59,280 <https://censusreporter.org/profiles/16000US5363960-shoreline-wa/>; Census Reporter Profile for Chicago, IL, 2,664,454, <https://censusreporter.org/profiles/16000US1714000-chicago-il/>; Census Reporter Profile for Highland Park, IL, 30,229, <https://censusreporter.org/profiles/16000US1734722-highland-park->

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[il/](#); Census Reporter Profile for Houston, TX, 2,300,419, <https://censusreporter.org/profiles/16000US4835000-houston-tx/>; Census Reporter Profile for Los Angeles, CA, 3,820,963, <https://censusreporter.org/profiles/16000US0644000-los-angeles-ca/>; Census Reporter Profile for West Hollywood, CA, 35,090, <https://censusreporter.org/profiles/16000US0684410-west-hollywood-ca/>.

<sup>50</sup> Recycle By City’s Recycling in Sedona Overview, <https://www.recyclebycity.com/sedona/guide/>;  
Recycle By City’s Guidelines for Keurig Coffee Pods in Lafayette, CO, <https://www.recyclebycity.com/lafayette/guide/garbage-cart/coffee-pods/keurig-coffee-pods/>;  
Recycle By City’s Guidelines for Keurig Coffee Pods in Shoreline, <https://www.recyclebycity.com/shoreline/guide/garbage-cart/coffee-pods/keurig-coffee-pods/>;  
Recycle By City’s Guidelines for Keurig Coffee Pods in Chicago, <https://www.recyclebycity.com/chicago/guide/garbage-cart/coffee-pods/keurig-coffee-pods/>;  
Recycle By City’s Guidelines for Keurig Coffee Pods in Highland Park, IL, <https://www.recyclebycity.com/hpil/guide/garbage-cart/coffee-pods/keurig-coffee-pods/>; Recycle By City’s Recycling Basics for Houston, <https://www.recyclebycity.com/houston/guide/>; Recycle By City’s Guide for Los Angeles, <https://www.recyclebycity.com/losangeles/guide/black-bin-garbage/>; Recycle By City’s Guide for West Hollywood, <https://www.recyclebycity.com/west-hollywood/guide/black-bin-garbage/>.

<sup>51</sup> *Replacing Disposables with Reusables*, Choose to Reuse (Dec. 6, 2017), <https://www.hennepin.us/choose-to-reuse/tips/replace-with-reusables/>; Census Reporter Profile for Hennepin County, MN, <https://censusreporter.org/profiles/05000US27053-hennepin-county-mn/>.

<sup>52</sup> Seattle’s Where Does It Go? Tool for Coffee Pods, <https://www.seattle.gov/utilities/your-services/collection-and-disposal/where-does-it-go#/item/coffee-pods/>;  
About Seattle, <https://www.seattle.gov/opcd/population-and-demographics/about-seattle/>.

<sup>53</sup> Denver’s Accepted for Recycling Guide, <https://denvergov.org/Government/Agencies-Departments-Offices/Agencies-Departments-Offices-Directory/Recycle-Compost-Trash/Recycle/Accepted-for-Recycling/>; Census Reporter Profile for Denver, CO, <https://censusreporter.org/profiles/16000US0820000-denver-co/>.

<sup>54</sup> Portland’s Curbside Recycling Guide, [https://www.portland.gov/sites/default/files/2022/portland\\_curbside\\_recycling\\_guide\\_english\\_2021.pdf](https://www.portland.gov/sites/default/files/2022/portland_curbside_recycling_guide_english_2021.pdf); Census Reporter Profile for Portland, OR, <https://censusreporter.org/profiles/16000US4159000-portland-or/>.

<sup>55</sup> Omaha Recycling Guide for Coffee Pods, <https://www.omaharecyclingguide.org/coffee-pods/>;  
Census Reporter Profile for Omaha, NE, <https://censusreporter.org/profiles/16000US3137000-omaha-ne/>.

<sup>56</sup> Howard County’s Know Before You Throw Guide, <https://www.howardcountymd.gov/bureau-environmental-services/recycling/know-before-you-throw/>; About Howard County, <https://www.howardcountymd.gov/about-howard-county/>.

<sup>57</sup> Cambridge’s Blue Cart Recycling Services, <http://cambridgema.gov/Services/Recycling/>;  
Census Reporter Profile for Cambridge, MA, <https://censusreporter.org/profiles/16000US2511000-cambridge-ma/>.

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- <sup>58</sup> Addison County’s Guide for Coffee Pods, <https://www.addisoncountyrecycles.org/guide/coffee-pods>; Bennington County’s Guide for Coffee Pods, <https://bcswa.org/a-to-z/keurig-cups/>; Census Reporter Profile for Addison County, VT, <https://censusreporter.org/profiles/05000US50001-addison-county-vt/>; Census Reporter Profile for Bennington County, VT, <https://censusreporter.org/profiles/05000US50003-bennington-county-vt/>.
- <sup>59</sup> World Population Review for Enfield, CT, <https://worldpopulationreview.com/us-cities/connecticut/enfield>; World Population for Newington, CT, <https://worldpopulationreview.com/us-cities/connecticut/newington>.
- <sup>60</sup> Enfield’s Recycling Information, <https://enfield-ct.gov/402/Recycling-Information>; RecycleCT – What’s IN What’s OUT, <https://www.newingtonct.gov/2678/RecycleCT>.
- <sup>61</sup> Press Release, Otter Tail County – Minnesota, It’s A New Year – Let’s Recycle Right! (Jan. 6, 2022), [https://ottertailcounty.gov/wp-content/uploads/2022/01/Its-a-new-year\\_lets-recycle-right-.pdf](https://ottertailcounty.gov/wp-content/uploads/2022/01/Its-a-new-year_lets-recycle-right-.pdf); Census Reporter Profile for Otter Tail County, MN, <https://censusreporter.org/profiles/05000US27111-otter-tail-county-mn/>.
- <sup>62</sup> Guides for the Use of Environmental Marketing Claims, 16 C.F.R. § 260.12(a) (2012) [https://www.ftc.gov/sites/default/files/documents/federal\\_register\\_notices/guides-use-environmental-marketing-claims-green-guides/greenguidesfrn.pdf](https://www.ftc.gov/sites/default/files/documents/federal_register_notices/guides-use-environmental-marketing-claims-green-guides/greenguidesfrn.pdf).
- <sup>63</sup> SCS Report, *supra* note 40.
- <sup>64</sup> Guides for the Use of Environmental Marketing claims, 16 C.F.R. § 260.12(d).
- <sup>65</sup> Johnson Report, *supra* note 35. *See also* FTC’s Dot Com Disclosures: Information About Online Advertising (May 2000), <https://www.ftc.gov/sites/default/files/attachments/press-releases/ftc-staff-issues-guidelines-internet-advertising/0005dotcomstaffreport.pdf>.
- <sup>66</sup> Expert Declaration of Thomas J. Maronick *supra* note 13, at 15. (“few consumers read the ‘fine print’ or pay much attention to qualifying statements when making a purchase decision in a supermarket, let alone online where the qualifying language will be even less visible (if at all).”)
- <sup>67</sup> Lesley Fair, *Business Blog: Full Disclosure*, Fed. Trade Comm’n (Sept. 23, 2014), <https://www.ftc.gov/business-guidance/blog/2014/09/full-disclosure>.
- <sup>68</sup> FTC’s .com Disclosures: How to Make Effective Disclosures in Digital Advertising (Mar. 2013), <https://www.ftc.gov/sites/default/files/attachments/press-releases/ftc-staff-revises-online-advertising-disclosure-guidelines/130312dotcomdisclosures.pdf>.
- <sup>69</sup> Expert Declaration of Thomas J. Maronick *supra* note 13, at 13.
- <sup>70</sup> Further, many municipalities and recycling facilities do not readily provide this information on their websites.
- <sup>71</sup> National Waste & Recycling Association: About the Private Sector Waste and Recycling Industry, <https://wasterecycling.org/about-the-private-sector-waste-and-recycling-industry/>.

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<sup>72</sup> Expert Declaration of Thomas J. Maronick *supra* note 13, at 15 (“even if consumers do notice the qualification, it suffers from the same flaws identified above as to the ‘check locally’ qualifications. In particular, it provides no meaningful, useful information to a consumer as to whether the Challenged Products are recyclable in his or her community.”)

<sup>73</sup> Guides for the Use of Environmental Marketing claims, 16 C.F.R. § 260.12(b).

<sup>74</sup> See, e.g., Neil D’Souza & Laura Nodoph, *Whitepaper: The Cost of Greenwashing*, Makersite, <https://makersite.io/insights/whitepaper-the-cost-of-greenwashing/> (“Greenwashing is neither good for consumers nor businesses. It leads to confusion amongst consumers which ultimately results in a loss of trust in such claims. A 2021 McKinsey survey found that 88% of GenZ’ers in the US don’t trust green claims from brands. It also creates an unfair playing field for businesses where companies that are genuine about their sustainability efforts are disadvantaged compared to companies that greenwash. Moreover, greenwashing directly impedes efforts toward sustainability by allowing companies to evade accountability for their environmental impact. By promoting themselves as environmentally friendly without taking substantial action, they avoid making necessary changes to their practices, which can harm ecosystems, contribute to climate change, or exploit natural resources.”); Dr. Wan Khatina Nawawi, *Greenwashing and Market Truth: When Deception Distorts Competition and Undermines Reform*, EconWorks (July 21, 2025), <https://www.econworks.my/greenwashing-and-market-truth-when-deception-distorts-competition-and-undermines-reform/> (“[G]reenwashing may affect not only consumer trust, but also the conditions of competition. Firms that make vague or exaggerated claims may benefit from consumer demand, brand value, and procurement opportunities without incurring the cost of genuine environmental improvement. This creates the risk of distorted competition, particularly in sectors where sustainability is used as a differentiating factor.”); *What are the Legal Consequences of Greenwashing?*, Sustainability Directory (Mar. 12, 2025), <https://pollution.sustainability-directory.com/question/what-are-the-legal-consequences-of-greenwashing/> (“When a company falsely portrays its products or services as environmentally superior to its competitors, it can gain an unfair advantage. This distorts competition, disadvantages genuinely sustainable businesses, and ultimately harms consumers by limiting their access to truthful environmental information.”); *Greenwashing – The Deceptive Tactics Behind Environmental Claims*, United Nations, <https://www.un.org/en/climatechange/science/climate-issues/greenwashing> (“Through deceptive marketing and false claims of sustainability, greenwashing misleads consumers, investors, and the public, hampering the trust, ambition, and action needed to bring about global change and secure a sustainable planet.”).