SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION

MIGHTY EARTH, 1701 Rhode Island Ave NW Suite 3-123 Washington, DC 20036, Plaintiff, v. JBS USA FOOD COMPANY and JBS USA FOOD COMPANY HOLDINGS, 1770 Promontory Circle, Greeley, CO 80634 Defendants.	**COMPLAINT** 2025-CAB-006549

PREAMBLE

This complaint asserts that the world's largest producer of animal protein (meat) is deceiving District of Columbia consumers with feel-good promises of "net zero" emissions that the company has neither the intention nor the capability of fulfilling. Plaintiff Mighty Earth, a not-for-profit public interest organization, acting on behalf of D.C. consumers, brings this action against Defendants JBS USA Food Company and JBS USA Food Company Holdings, (collectively referred to as "JBS USA") and alleges the following based upon personal knowledge, information, and belief.

Consumers increasingly care about environmental issues like deforestation and climate change and prefer to purchase products that do not damage the environment. JBS USA purposely appeal to these consumer preferences by advertising a goal to achieve "net zero emissions by 2040" and the "elimination of illegal deforestation." Contrary to the reasonable expectations these representations create for consumers, however, the operations of JBS USA, along with the operations of its direct and indirect parents, subsidiaries, and affiliates (collectively "JBS Group") cause massive amounts of greenhouse gases to be emitted into the atmosphere and contribute to significant deforestation. JBS USA has no plan to achieve its purported net zero environmental goals and is failing to take meaningful steps to do so. JBS USA markets and sells considerable amounts of their beef products to consumers throughout the country and in the District of Columbia. From May 2024 through April 2025, JBS Group imported $767,000,000 worth of beef products from Brazil to the United States. JBS USA's false and misleading representations that it can achieve "net zero by 2040" and material omissions about the environmental harm caused by its operations violate the D.C. Consumer Protection Procedures Act ("CPPA"), and should be enjoined. This Complaint is brought by Mighty Earth on behalf of the general public, that is, consumers in the District of Columbia.

INTRODUCTION

1. Consumers are increasingly concerned about the sustainability and environmental impact of their purchasing habits and the food that they eat.

2. Modern consumers are particularly aware of climate change and its potential for damaging ecological health.

3. Due to this increasing concern, consumers are more likely to purchase products or services from businesses that market their practices and products as sustainable, or that claim to address the negative environmental impacts of their supply chain, with the intention to avoid enabling business practices that damage the environment and the climate.

4. Many businesses, including those in the animal agriculture industry, take advantage of this widely known consumer interest in sustainability and climate health by overstating the environmental benefits of their products, along with understating or completely omitting the negative environmental and climate consequences of their business practices.

5. Animal agriculture is the largest single contributor to anthropogenic methane emissions on the planet.[1] Methane is a highly potent greenhouse gas ("GHG"), more than 80 times more harmful per unit than carbon dioxide on a 20-year timescale.[2]

6. Industrialized beef production in particular is responsible for more GHG emissions than any other major food product, largely due to the natural digestive process in cows that produces methane as a byproduct which is then belched out and released into the atmosphere, known as enteric fermentation, and land use changes such as deforestation.[3]

7. In order to skew consumer perception of animal products, and beef products in particular, as significant contributors to climate change, some companies market themselves and/or their products as sustainable via "net zero" claims.

8. "Net zero" claims are representations that a company will negate its climate footprint by removing at least as much GHG emissions as its value chain produces.

9. In addition to net zero claims, animal agriculture companies commonly represent their land use practices as sustainable while downplaying facts to the contrary. Industrial animal agriculture companies tend to make these representations despite being inextricably linked to inherently unsustainable land practices.

10. Commercial agriculture and the conversion of natural habitats to pastures and arable land for animal feed is the largest driver of deforestation globally.[4] Deforestation exacerbates the effects of climate change by destroying naturally available carbon sinks that sequester carbon dioxide from the air and store it in biomass.

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[1] Xiaoming Xu, et al., *Global greenhouse gas emissions from animal-based foods are twice those of plant-based foods*, 2 Nature Food*,* 724-32 (2021).

[2] Rajendra Pachauri, et al., Climate Change 2014: Synthesis Report, Intergovernmental Panel on Climate Change 87, (available at https://www.ipcc.ch/site/assets/uploads/2018/05/SYR_AR5_FINAL_full_wcover.pdf).

[3] Xu, *supra* note 1.

[4] Mighty Earth, Mighty Earth Statement of Facts—JBS 40 (May 2024) (available at https://mightyearth.org/wp-content/uploads/2024/08/Mighty-Earth-JBS-Statement-of-Facts.pdf).

11. Defendants JBS USA are one of the hundreds of subsidiaries of JBS Group's ultimate parent, JBS N.V.

12. JBS Group constitutes the world's largest producer of animal protein with an aggregate daily processing capacity of approximately 75,622 heads of cattle. Investigations have shown that JBS Group is the fifth largest emitter of methane on the planet and is responsible for more methane emissions than ExxonMobil and Shell combined.[5] JBS Group's supply chain has also been linked to widespread deforestation over the course of decades in fragile Brazilian ecosystems.[6]

13. JBS Group's ultimate parent, JBS N.V., determines environmental, social, and governance ("ESG") policy for all of the entities within JBS Group, including JBS USA.

14. JBS USA conducts JBS Group's operations in the United States. From May 2024 through April 2025, JBS Group imported $767,000,000 worth of JBS Group beef products from Brazil to the United States to sell under JBS Group, including JBS USA, brands.

15. Despite JBS Group's unsustainable practices, JBS USA represents itself to D.C. consumers as a sustainable company committed to environmental conservation, and claims that corporate sustainability is a "core pillar" of its business.[7]

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[5] Greenpeace, Turning Down the Heat: Pulling the Climate Emergency Break on Big Meat and Dairy 6*,* (Oct. 2024), (available at https://www.greenpeace.org/static/planet4-sweden-stateless/2024/10/2996f732-2024.10.07_turning-down-the-heat-report-with-design_english.pdf) (hereinafter *Turning Down the Heat*).

[6] Mighty Earth, Rapid Response #5 [cattle]: Monitoring deforestation in Brazilian supply chain*s*, (Jul. 6, 2025) (available at https://mightyearth.org/wp-content/uploads/2025/06/RapidResponse5Eng_vf.pdf) (hereinafter *Rapid Response #5*); Mighty Earth, Rapid Response #3: Monitoring deforestation in Brazilian supply chains (Sept. 17, 2024) (available at https://mightyearth.org/wp-content/uploads/2024/08/RapidResponse3EngHD_set.pdf) (hereinafter *Rapid Response #3*); *Supra* note 4; Submissions No. 2 On The Merits, To the Presidents and the Judges of the 34th Chamber of the Paris Judicial Court, 10 April 2025, No.22/04723, p32-41: https://drive.google.com/file/d/1jET2Nc54zdpKSVNcG80oyjdWdI0bCkQ9/view.

[7] *Our Approach to Net Zero*, JBS Foods Group, https://jbsfoodsgroup.com/our-purpose/net-zero (last visited Apr. 13, 2025).

16. JBS USA first announced in 2021 that it, along with the other entities in JBS Group, will achieve net zero emissions by 2040.[8] JBS USA maintains this claim and that it is actively meeting its interim goals to achieve that target.

17. JBS USA additionally claims that it is committed to "eliminating deforestation" and advertises JBS Group policies that prohibit the purchase of products linked to deforested land.[9]

18. JBS USA advertises these claims on its company website, including webpages dedicated to sustainability and net zero. Additionally, JBS USA advertises its net zero representations to consumers through a Washington Post Creative Group website.[10]

19. Contrary to its net zero claims, JBS Group is a behemoth GHG emitter.[11] JBS Group and JBS USA knowingly misrepresent their GHG emissions to consumers by identifying and targeting reductions to only 3% of its emissions, those attributable to JBS Group facilities, and leaving out the emissions associated with JBS Group's supply chain—in particular, the production of beef. The reality is that neither JBS USA nor JBS Group has an adequate plan to eliminate, or even meaningfully reduce, their total volume of GHG emissions. In fact, JBS Group is determined to expand its beef operations across the globe including six new meat plants in Nigeria,[12] and two

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[8] Press Release, *JBS Makes Global Commitment to Achieve Net-Zero Greenhouse Gas Emissions by 2040*, JBS Foods Group (Mar. 23, 2021), https://jbsfoodsgroup.com/articles/jbs-makes-global-commitment-to-achieve-net-zero-greenhouse-gas-emissions-by-2040 (hereinafter 2021 Press Release).

[9] *Id.*; *Sustainability*, JBS Foods Group, https://jbsfoodsgroup.com/our-purpose/sustainability (last visited Jul. 29, 2025) (hereinafter Sustainability).

[10] *See Charting a path to more sustainable food production via 5 big goals*, Washington Post, https://www.washingtonpost.com/creativegroup/jbs/charting-a-path-to-more-sustainable-food-production-via-5-big-goals/?utm_source=Twitter&utm_medium=Social&utm_campaign=JBS (last visited Aug. 22, 2025).

[11] Changing Markets Foundation & Institute for Agriculture and Trade Policy, Emissions Impossible: how emissions from big meat and dairy are heating up the planet, (Nov. 2022), https://changingmarkets.org/wp-content/uploads/2022/11/Emission-Impossible-Full.pdf.

[12] Clarice Couto, *JBS Jumps on $2.5 Billion Meatpacking Project in Nigeria*, Bloomberg (November 21, 2024) https://www.bloomberg.com/news/articles/2024-11-22/jbs-eyes-africa-growth-with-2-5-billion-meatpacking-investment?embedded-checkout=true.

new meat factories in Vietnam,[13] with millions of dollars invested to increase production in Saudi Arabia,[14] Brazil,[15] and the United States.[16]

20. Any actions that JBS USA or JBS Group may be taking are fundamentally inadequate to achieve net zero emissions because they do not address the vast majority of their emissions. A New Climate Institute assessment of JBS Group's net zero initiative determined that: "JBS [Group] does not have an emission reduction target alongside its net-zero emission target for 2040" and that "Its [JBS Group's] interim targets for 2030 would lead to a 1% emission reduction compared to its reported 2021 emissions, if interpreted generously."[17] JBS USA's net zero by 2040 claims are therefore deceptive to consumers.

21. Directly after JBS publicly announced its pledge to reach "net zero" by 2040, JBS USA raised $3 billion from investors by selling special "Sustainability-Linked bonds." These net-zero related bonds allowed JBS USA to uniquely profit from its deception because the company was able to lock in historically low borrowing costs—only 3% to 4.25% interest per year—for the next ten years.[18]

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[13] Patricia Vilasboas, *Brazil Meatpacker JBS to spend $100 million to build 2 factories in Vietnam*, Reuters (March 29, 2025) https://www.reuters.com/markets/commodities/brazil-meatpacker-jbs-spend-100-million-build-2-factories-vietnam-2025-03-29/.

[14] Andy Coyne, *JBS moves to quadruple production in Saudi Arabia*, Just Food (July 30, 2024) https://www.just-food.com/news/jbs-acts-to-quadruple-production-in-saudi-arabia/.

[15] Eszter Racz, *JBS to double beef capacity at Brazil plant after China export approval*, Just Food (April 17, 2024) https://www.just-food.com/news/jbs-doubles-brazil-based-meat-facility-support-export-to-china/.

[16] *JBS rolls out $200m investment to ramp up US beef production*, Just Food (February 5, 2025) https://www.just-food.com/news/jbs-investment-beef-production/.

[17] New Climate Institute & Carbon Market Watch, Corporate Climate Responsibility Monitor 2025: Food and Agriculture Sector Deep Dive 22, 19 (Jun. 3, 2025) (accessible at https://newclimate.org/resources/publications/corporate-climate-responsibility-monitor-2025-food-and-agriculture-sector).

[18] JBS S.A.—Offers to Exchange All Outstanding Unregistered Notes of the Series Specified Below, Subsidiaries, Sec. Exch. Comm'n, https://www.sec.gov/Archives/edgar/data/1450123/000121390023067880/ea183598-424b3_jbssa.htm (last visited Sept. 18, 2025). Indenture, Pilgrim's Pride Corporation (Apr. 8, 2021), https://www.sec.gov/Archives/edgar/data/802481/000080248121000040/exhibit41-ppcxindenture2.htm

22. Industry regulators have taken issue with JBS USA's net zero claims. In 2023, the National Advertising Division ("NAD") of the Better Business Bureau determined that JBS USA's net zero claims were unsubstantiated and issued a decision recommending that the company discontinue such marketing.[19] The NAD decision was subsequently upheld by the National Advertising Review Board ("NARB").[20]

23. Despite these industry admonishments, JBS USA continues to use net zero claims in its marketing and advertising to consumers. Due to JBS USA's failure to discontinue the misleading marketing claims, the New York Attorney General brought an action in the Supreme Court of the State of New York, New York County, alleging that JBS USA "has repeatedly and persistently made unsubstantiated and misleading environmental marketing claims to New York consumers" in violation of New York State consumer protection statutes and General Business Law §§ 349 and 350.[21] The New York Attorney General's complaint alleges that JBS USA is aware that sustainability-related representations influence consumer choice, and that a review of JBS Group's agricultural practices shows these marketing claims to be deceptive, false, and fraudulent.[22] The New York Attorney General's lawsuit seeks to enjoin JBS USA from violating consumer protection laws, disgorgement of profits accrued through false net zero statements, imposition of civil penalties, an independent audit of JBS Group's practices, and to recover its costs and attorney's fees.[23] The case was filed February 28, 2024 and dismissed with leave to

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[19] *Institute for Agriculture and Trade Policy v. JBS USA Holdings, Inc.*, No. 7135 (NAD 2023) (hereinafter NAD Decision).

[20] *National Advertising Review Board Recommends JBS Discontinue "Net Zero" Emissions by 2040 Claims*, Better Business Bureau National Programs (Jun. 20, 2023), https://bbbprograms.org/media/newsroom/decisions/narb-jbs-net-zero-emissions (hereinafter NARB Decision).

[21] People v. JBS USA Food Co., No. 450682/2024, at 4 (N.Y. Sup. Ct. 2024) (hereinafter NY Complaint).

[22] *Id*., at 18–20, 33, 36.

[23] *Id*., at 37.

amend on January 13, 2025. The parties agreed by stipulation to extend the deadline to amend to September 30, 2025.[24]

24. Further contrary to JBS USA's sustainability claims, JBS Group has a long history linked to deforestation in Brazil. JBS Group purchases thousands of cattle from deforested land, including from ranchers who have been fined for illegally deforesting Brazilian lands as recently as 2024.[25]

25. JBS USA's Global Chief Sustainability Officer has even admitted that the company has "zero operational, legal or contractual control over its supply chain," acknowledging that illegal deforestation is almost certainly baked into the company's business model even today.[26]

26. Because JBS USA's marketing and advertising are false and misleading and are materially deceptive about the environmental impact of its products and business practices, JBS USA's false and misleading representations and omissions violate the D.C. CPPA.

27. This case is brought by Mighty Earth, a non-profit public interest organization dedicated to protecting the environment, animals, and consumers. Plaintiff Mighty Earth seeks no money damages, only to end the deceptive marketing and advertising at issue.

STATUTORY FRAMEWORK

28. This action is brought under the CPPA, D.C. Code § 28-3901, *et seq*.

29. The CPPA "is a comprehensive statute with an extensive regulatory framework designed to remedy all improper trade practices." *Osbourne v. Capital City Mortg. Corp.*,

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[24] Stipulation and Order Extending Time To File The Amended Complaint, People v. JBS USA Food Co., No. 450682/2024 (N.Y. Sup. Ct. 2024).

[25] *Rapid Response, supra* note 6; Jack Nicas & Flávia Milhorance, *The New Threat to Brazil's Forests: Chemicals,* New York Times (Oct. 9, 2024), https://www.nytimes.com/2024/10/29/world/americas/brazil-forest-amazon-chemicals.html.

[26] *See* Stephanie Eschenbacher, et al., *Brazilian Meatpacker JBS Says Net-Zero Emissions Pledge Was 'Never A Promise'*, Reuters (Jan. 15, 2025), https://www.reuters.com/sustainability/brazilian-meatpacker-jbs-says-net-zero-emissions-pledge-was-never-promise-2025-01-15/.

727 A.2d 322, 325 (D.C. 1999) (quotations omitted). "The CPPA protects consumers from those unlawful trade practices enumerated in § 28-3904, as well as practices prohibited by other statutes and common law." *Id*. (quotations omitted).

30. The CPPA makes it a violation for "any person" to, *inter alia*:

> Represent that goods or services have a source, sponsorship, approval, certification, accessories, characteristics, ingredients, uses, benefits, or quantities that they do not have;
>
> Represent that goods or services are of a particular standard, quality, grade, style or model, if in fact they are of another;
>
> Misrepresent as to a material fact which has a tendency to mislead;
>
> Fail to state a material fact if such failure tends to mislead;
>
> Use innuendo or ambiguity as to a material fact, which has a tendency to mislead; or
>
> Advertise or offer goods or services without the intent to sell them or without the intent to sell them as advertised or offered.

D.C. Code § 28-3904(a), (d), (e), (f), (f-1), (h).

31. Under the CPPA, businesses are precluded from misrepresenting any "material fact which has a tendency to mislead," and this prohibition extends beyond literal falsehoods and includes any omissions, "innuendo[s]" or "ambiguit[ies]" that have a tendency to mislead reasonable consumers. *Id*.

32. A matter is "material" if a reasonable person would attach importance to it when deciding whether to make a transaction. A matter is also "material" if the representor knows or should know that the matter is likely to be important to the message recipient's choice of action.

33. A violation occurs regardless of "whether or not any consumer is in fact misled, deceived or damaged thereby," *id.*; a violation occurs as soon as misinformation enters the District of Columbia marketplace.

34. The CPPA "establishes an enforceable right to truthful information from merchants about consumer goods and services that are or would be purchased, leased, or received in the District of Columbia." *Id.* § 28-3901(c). It "shall be construed and applied liberally to promote its purpose." *Id*.

35. The CPPA affords Mighty Earth, a public interest organization, a right to bring this action on behalf of the general public, *i.e.*, District of Columbia consumers:

> [A] public interest organization may, on behalf of the interests of a consumer or a class of consumers, bring an action seeking relief from the use by any person of a trade practice in violation of a law of the District if the consumer or class could bring an action under subparagraph (A) of this paragraph for relief from such use by such person of such trade practice.

Id. § 28-3905(k)(1)(D)(i). Subparagraph (A) provides: "A consumer may bring an action seeking relief from the use of a trade practice in violation of a law of the District."

36. Remedies available for any CPPA claim include "[a]n injunction against the use of the unlawful trade practice" and "[a]ny other relief which the court determines proper." *Id*. § 28-3905(k)(2)(D), (F).

FACT ALLEGATIONS

I. JBS USA Represents That It Will Be Net Zero by 2040, Which Is False and Misleading to D.C. Consumers.

37. Since 2021, JBS USA has repeatedly represented to consumers that it will be net zero by 2040. As a part of the company's net zero initiative, JBS USA has repeatedly represented to consumers that it is committed to reducing emissions and eliminating deforestation.[27] Contrary

[27] *See supra* notes 9 and 10.

to these claims, JBS Group is a major emitter of GHGs, and the company's stated net zero goals fail to account for 97% of its emissions. Additionally, JBS Group has a long history tied to deforestation, including purchasing cattle from illegally deforested land in Brazil as recently as 2024. JBS USA's net zero claims are inherently false and misleading to D.C. consumers, in violation of the CPPA.

A. JBS USA Represents That It Will Achieve Net Zero by 2040.

38. In a March 2021 press release, JBS USA announced a "commitment to achieve net-zero greenhouse gas emissions by 2040" and hailed itself as the "first major company in its sector to set a net-zero target." [28] A screenshot taken from JBS USA's March 2021 press release, which remains on the JBS USA website as of the filing of this Complaint, is shown below.

Commitment is a First for the Global Meat and Poultry Sector

[28] *2021 Press Release*, *supra* note 8.

39. JBS USA further stated that this commitment "spans [JBS Group's] global operations . . . as well as its diverse value chain of agricultural producer partners, suppliers and customers in their efforts to reduce emissions across the value chain."[29]

40. Since the 2021 press release, JBS USA has repeatedly advertised its net zero claims and continues to feature them prominently on the company's website to this day.[30] Additionally, JBS USA includes references to the 2021 announcement on multiple company webpages.

41. On its "sustainability" webpage, JBS USA provides "Our Approach to Net Zero," listing five steps the company claims will allow it to reach net zero emissions by 2040.[31] These steps include promising to invest more than $1 billion in upgraded facilities, research and development, and "reduc[ing] emissions in all of JBS [Group's] facilities by 30%" all by 2030.[32] In this approach, JBS Group does not address reducing emissions associated with its value chain, which account for 97% of the company's emissions.

42. A screenshot taken from JBS USA's "Net Zero" webpage, which remains on the JBS USA website as of the filing of this Complaint, is shown below.

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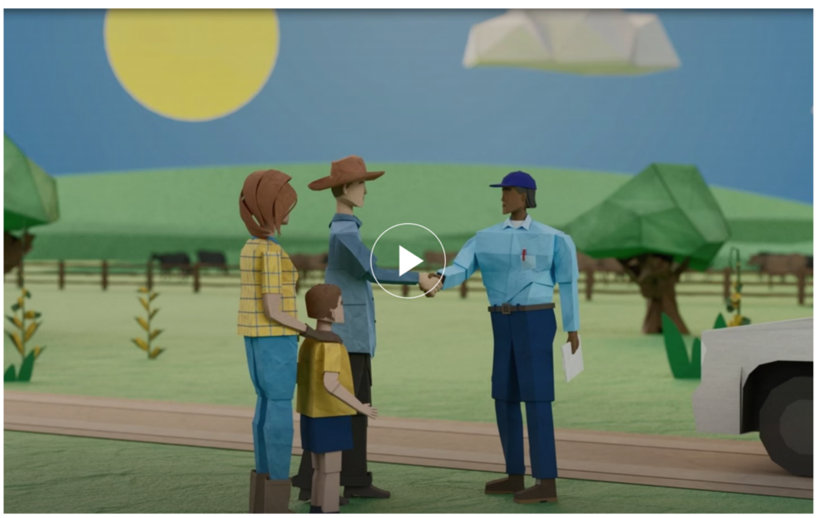
[29] *Id.*
[30] Sustainability*, supra* note 9.
[31] *Id.*
[32] *Id.*

(JBS)

Our Purpose Our Business Our Locations Our Brands

Our Approach to Net Zero

Our ambition is to achieve net-zero greenhouse gas emissions by 2040 across our global operations and diverse supply chain including agricultural producer partners, suppliers and customers.

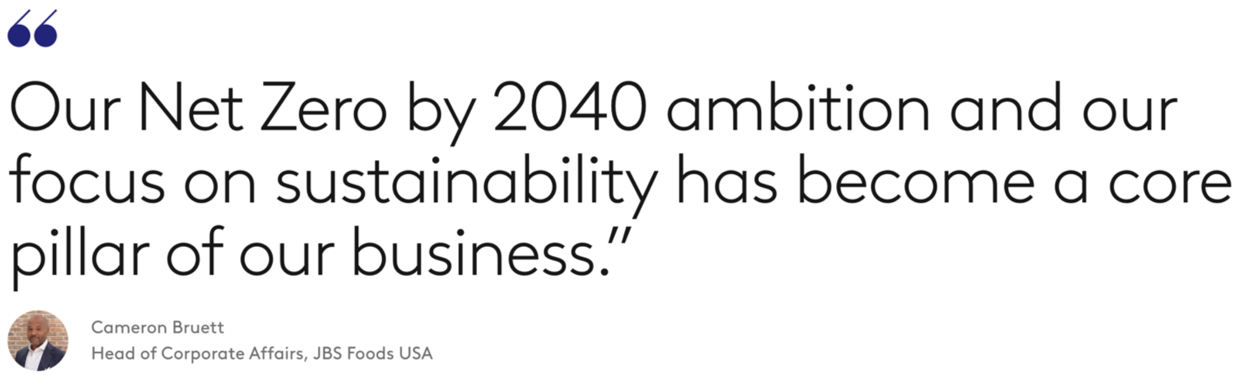


Five Initial Steps to Reach Net Zero

1. Invest more than $1 billion in upgrading facilities and equipment by 2030.
2. Invest $100 million in research and development projects by 2030.
3. Reduce emissions in all JBS facilities by 30% by 2030.
4. Use 100% renewable electricity by 2040.
5. Tie environmental performance to executive compensation to ensure accountability.

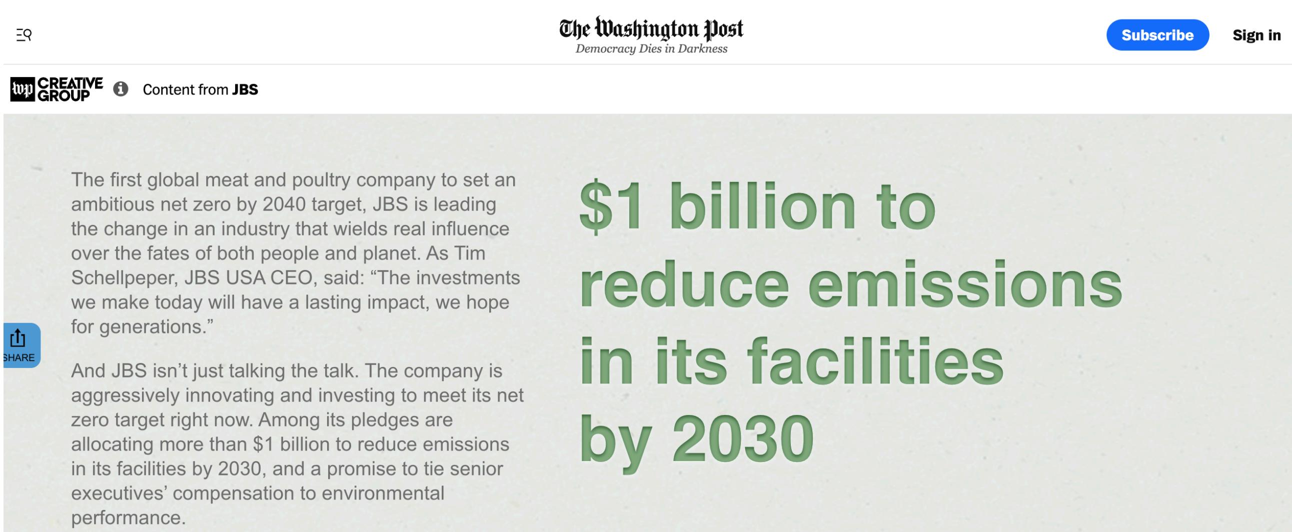
43. JBS USA has a dedicated net zero webpage advertising a quote from Cameron Bruett, JBS USA's Head of Corporate Affairs, that the net zero initiative and sustainability are "core pillar[s]" of its business.[33]

[33] *Our Approach to Net Zero*, *supra* note 7.



44. On company webpages, JBS USA touts a plan to reduce its Global Greenhouse Gas Emissions Intensity by the end of 2030.[34]

45. On a website published by The Washington Post, with content paid for and created by JBS USA, JBS USA claims to be "leading the change" in regard to the net zero by 2040 target. JBS USA additionally represents that their net zero "commitment" is "realistic and achievable."[35] Screenshots of two portions of The Washington Post website are shown below:



[34] *Energy and Emissions,* JBS USA https://sustainability.jbsfoodsgroup.com/chapters/environment/energy-emissions/ (last visited Aug. 22, 2025)

[35] *Supra* note 10.

> While achieving net zero by 2040 is undoubtedly an ambitious commitment from a global food producer, it's not an impossible one, as the progress already made by JBS attests. "Net zero by 2040 is certainly an audacious goal, but we believe that through innovation, investment and collaboration across our supply chain, it is a realistic and achievable one," said JBS USA Chief Sustainability Officer, Cameron Bruett.
>
> And that's the kind of confidence that comes with having a plan. With a roadmap consisting of numerous focused, interim goals, considerable investments, and a commitment to site-specific research and innovation, JBS is on track to meet its target—charting a course for the rest of this pivotal industry to follow, and fast.

46. JBS USA attributes its "confidence" in its net zero goals to "having a plan" including "a roadmap consisting of numerous focused, interim goals, considerable investments, and a commitment to site-specific research and innovation" that puts JBS USA "on track to meet its target."[36]

47. Emission "scopes" refer to types of polluting activities. Scope 1 emissions are those that come directly from a company's owned or controlled sources. Scope 2 emissions are those that arise from the generation of purchased energy. Scope 3 emissions are those that occur throughout a company's upstream and downstream value chain.[37]

48. Notably missing from JBS USA's net zero representations is any strategy to meaningfully reduce Scope 3 emissions. Indeed, JBS Group chooses to measure its progress in achieving net zero by calculating reductions in its "GHG emissions intensity." Calculating GHG emissions intensity typically requires accounting for total emissions, that is Scopes 1, 2, and 3, however JBS Group and JBS USA exclude Scope 3 emissions from their calculation.

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[36] *Id.*

[37] Environmental Protection Agency, *Center for Corporate Climate Leadership, Scopes 1, 2 and 3 Emissions Inventorying and Guidance*, https://www.epa.gov/climateleadership/scopes-1-2-and-3-emissions-inventorying-and-guidance (last visited May 16, 2025).

49. JBS USA nevertheless advertises reductions in its GHG emissions intensity without this important context. Representations that JBS USA and JBS Group are "100% complete" with these interim net zero goals omit the fact that these goals only apply to 3% of the JBS Group's total emissions.

50. Similarly, the companies omit from the statements challenged herein that (a) the negative effects of GHGs on the planet are caused by an absolute increase in GHG emissions; (b) GHG emissions intensity is a measure of emissions per unit of meat produced; and (c) any reduction in GHG emissions intensity can easily be negated by an overall increase in the production of meat.[38]

51. The majority of JBS Group's Scope 3 emissions can be attributed to its upstream value chain, primarily from livestock-related methane emissions and emissions associated with deforestation and land use change.

52. JBS Group does not include emissions associated with deforestation and land use change in its Scope 3 emissions calculations.

53. JBS Group dropped a prior commitment to set net zero by 2040 targets that are third-party validated by the Science Based Targets initiative ("SBTi") when SBTi clarified that agriculture companies must include land-based Scope 3 emissions in their target calculations. To this day, JBS Group's net zero claims are not third-party validated.

54. In JBS USA's 2021 net zero press release, the company also included "eliminating deforestation" as one of its strategies to achieve reduced emissions.[39]

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[38] *Turning Down the Heat*, *supra* note 5, at 25.
[39] *2021 Press Release*, *supra* note 8.

55. In the 2021 announcement, JBS USA claimed JBS Group "will eliminate illegal Amazon deforestation from its supply chain—including the suppliers of its suppliers—by 2025, and in other Brazilian biomes by 2030."[40]

56. JBS USA and JBS Group maintain and repeat these representations to this day on company webpages and SEC filings.

57. JBS Group's webpage dedicated to ESG goals lists deforestation as the first and "greatest opportunity" for reducing GHG emissions. This webpage includes representations such as JBS Group "prohibits the purchase of livestock from farms involved in illegal deforestation" and that the company actually makes forests healthier through "promoting sustainable development."[41]

58. JBS Group and JBS USA advertise a "zero-tolerance deforestation sourcing policy" as a part of its alleged efforts to combat deforestation.

59. In January 2025, JBS USA's Global Chief Sustainability Officer, Jason Weller, claimed in an interview with Reuters that JBS USA and JBS Group's net zero commitment was never a promise to achieve net zero and that JBS USA had "'zero operational, contractual or legal control of its supply chain.'"[42]

60. JBS USA, however, has since walked back Weller's comment, stating that "JBS takes its commitment to a more sustainable future for agriculture very seriously, and our climate ambitions have not changed" and "any assertion otherwise is completely untrue." JBS USA continues to make its public-facing net zero promises to consumers.[43]

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[40] *Id*.

[41] *Our Climate Strategy*, JBS ESG HUB, https://jbsesg.com/our-environment/climate/ (last visited Jul. 3, 2024).

[42] Eschenbacher, *supra* note 26.

[43] Simon Harvey, *JBS backs away from sustainability officer's comments on emission goals,* Just Food (Jan. 16, 2025), https://www.just-food.com/news/jbs-backs-away-from-assertion-made-by-meat-giants-sustainability-officer/.

B. JBS USA's Net Zero Claims Are False and Misleading to Consumers.

61. JBS USA's net zero representations in its marketing and other materials are purposely designed to create the misimpression that JBS USA and JBS Group are committed to achieve net zero emissions throughout its entire value chain, including Scope 1, 2 and 3 emissions, by 2040, that this plan is realistic, and that JBS USA and JBS Group are on target to achieve that goal by meeting interim emissions goals.

62. JBS USA's net zero claims are false and misleading because they fail to account for the Scope 3 emissions that are associated with JBS Group's value chain, resulting in an unrealistic target and a sustained failure to make meaningful progress towards achieving net zero.

63. Scope 3 emissions account for 97% of its total GHG emissions inventory. As a result, nearly all of JBS Group's emissions fall outside of the reduction targets and interim goals that are based on the GHG emissions intensity which JBS Group uses to measure its progress in achieving net zero.

64. By failing to identify and include 97% of the company's GHG emissions in its calculations in the statements challenged herein, any targets for net zero identified by JBS USA in those statements are inherently unrealistic. This is not what reasonable consumers would expect, based on JBS USA's marketing.

65. A New Climate Institute assessment of JBS Group's net zero plans reasoned that "JBS [Group] does not have an emission reduction target alongside its net-zero emission target for 2040. Its interim targets for 2030 would lead to a 1% emission reduction compared to its reported 2021 emissions, if interpreted generously."[44]

[44] *Supra* note 17, at 22.

66. Any measures of JBS Group's net zero goals that exclusively include Scope 1 and Scope 2 emissions or GHG emissions intensity are worthless because these measures apply only to 3% of the company's emissions portfolio and can make no meaningful impact towards achieving net zero by 2040. Yet JBS USA's representations to consumers addressed in this complaint omit these material facts in a way that make the representations unlawfully deceptive.

67. The NAD reached a similar conclusion when it considered whether JBS USA Holding Inc.'s net zero claims were misleading to consumers in 2023. In its ruling, the NAD held that "an aspirational 'net zero' emissions claim reasonably creates high expectations on the part of consumers and requires significant evidence that the advertiser's efforts are providing environmental benefits with a very specific measurable outcome." [45]

68. The NAD found that JBS USA Holding Inc.'s marketing "reasonably creates consumer expectation that the advertiser's efforts are providing environmental benefits," when it']s published climate strategies do not amount to "a plan it is implementing today to achieve net zero operational impact by 2040."[46] This decision was subsequently upheld by the NARB.[47]

69. Despite these findings, JBS USA continues to advertise its net zero goals and has not presented any realistic plan for meaningfully reducing its total emissions by 2040.

70. Further, JBS USA's deforestation representations in its marketing and other materials create the expectation from consumers that JBS USA is committed to "eliminating deforestation" and is actively taking steps to do so in order to meet their net zero goals.

71. Contrary to these representations, JBS USA's supply chains are linked to significant deforestation.

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[45] *NAD Decision*, *supra* note 19, at 1.
[46] *Id*.
[47] *NARB Decision*, *supra* note 20.

72. Mighty Earth's Rapid Response deforestation monitoring program found that 27 JBS Group-affiliated cattle slaughterhouses in Brazil were linked to nearly 470,000 hectares of deforestation and ecosystem conversion in the Amazon and Cerrado biomes in Brazil between 2009 and 2023, through both direct and indirect supply chains.[48]

73. JBS Group's beef supply chains were shown by Mighty Earth and The New York Times to be linked to the aerial spraying of thousands of hectares of Pantanal wetlands in Brazil with highly toxic pesticides and herbicides such as 2,4-D, a key component of Agent Orange.[49]

74. JBS Group has sourced thousands of cattle from Claudecy Oliveira Lemes, who is currently facing charges from the Brazilian government for defoliating and illegally deforesting 81,200 hectares of the Pantanal wetlands through aerial sprays in what has been described as "the largest environmental crime ever recorded" in the Brazilian state of Mato Grasso.[50]

75. JBS Group has sourced cattle from Lemes as recently as 2024.[51]

76. Additionally, after a three-month investigation, Brazil's federal agency tasked with environmental enforcement, IBAMA, fined JBS Group more than $100,000 in October 2024 for purchasing cattle from illegally deforested land in the Amazon biome.[52]

77. In the twelve months from May 2024 through April 2025 alone, JBS Group imported approximately $767,000,000 worth of fresh, frozen, and processed beef products from Brazil to the United States to sell under JBS Group, including JBS USA, brands.[53]

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[48] *Rapid Response 3*, *supra* note 6, at 2.
[49] *Id.,* at 3*;* Nicas & Milhorance, *supra* note 25.
[50] *Rapid Response 3*, *supra* note 6, at 3.
[51] Nicas & Milhorance, *supra* note 25.
[52] Fabiano Maisonnave, *Brazil fines meatpacking companies, including giant JBS, for buying illegally raised cattle*, AP News (October 28, 2024), https://apnews.com/article/amazon-deforestation-cattle-jbs-nyse-brazil-76bd1fe0c0f3cd77f0e5a4be8e366ab5
[53] Analysis of Panjiva shipment data by the Environmental Investigations Agency US of JBS S.A. imports of beef products from Brazil to the United States between 1 May 2024 to 30 April 2025, see: https://eia.org/wp-content/uploads/2025/06/052024.xlsx.

78. JBS USA has, therefore, repeatedly broken its own policy prohibiting the purchase of livestock from farms involved in illegal deforestation, while simultaneously marketing that policy to D.C. consumers and alleging that its operations make forests healthier.

79. In reality, JBS Group has a devastating history of deforestation in Brazil that is ongoing today. These realities directly contradict JBS USA's environmental representations on the issue and any claimed contribution their deforestation policies have in reaching their net zero goal.[54]

80. JBS USA's net zero and deforestation claims are unsubstantiated and omit material facts necessary to make the claims not false, deceitful, or misleading to consumers.

II. Climate Change and Environmental Sustainability Are Important to Consumers

81. Studies show that consumers care about the environmental impact of their consumption habits, including the impact of the food they eat.

82. These claims are material, as consumers are willing to pay more for environmentally responsible products and prefer supporting businesses that prioritize sustainability in their business practices. A 2024 survey conducted by PwC found that 43% of respondents are trying to reduce their impact on climate change by buying what they perceive to be more sustainable food products, while 32% are eating different foods to reduce their climate impact.[55]

83. In response to increasing consumer demand for more environmentally friendly products, many companies have developed marketing strategies that emphasize and tout the

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[54] *Rapid Response #5*, *supra* note 6; *Rapid Response #3, supra* note 6; Mighty Earth Statement of Facts—JBS, *supra* note 4. ; Submissions No.2 On The Merits, To the Presidents and the Judges of the 34th Chamber of the Paris Judicial Court, 10 April 2025, No.22/04723, p32-41. https://drive.google.com/file/d/1jET2Nc54zdpKSVNcG80oyjdWdI0bCkQ9/view

[55] 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) (available at https://www.pwc.com/gx/en/news-room/press-releases/2024/pwc-2024-voice-of-consumer-survey.html).

environmental benefits of their products and their corporate sustainability goals in advertising campaigns, on their websites, and through other public disclosures.

84. Consumers lack the ability to independently verify environmental claims made by corporations. Consumers must trust the environmental marketing claims that corporations make because of this inability to verify.

85. Corporations that make false or misleading claims about their sustainability or environmental friendliness therefore deceive eco-conscious consumers who pay more for their products, trusting the purported environmental benefits the corporation claims.

86. Both JBS USA defendants are Delaware corporations with their principal places of business in Greeley, Colorado.

87. Both JBS USA defendants are wholly owned indirect subsidiaries of their ultimate parent, JBS N.V.[56]

88. JBS USA and its affiliated entities constitute the largest producer of animal protein on the planet and conduct business on five continents throughout twenty-five countries or more.[57] JBS USA claims to be the number one beef producer, and the number two pork and poultry producer, in the United States.[58] JBS USA markets and sells products in the United States under dozens of brand names including Swift, Aspen Ridge Natural Angus Beef, Just Bare, Pilgrim's, 1855 Black Angus Beef, 5 Star, Blue Ribbon Beef, Certified Angus Beef, Clear River Farms, Four Star Beef, Gourmet Burger, Swift Black Angus, and many others.[59] These brands can be found in major retailers throughout the country and are available for purchase by D.C. consumers.

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[56] JBS S.A.—Subsidiaries, Sec. Exch. Comm'n, https://www.sec.gov/Archives/edgar/data/1450123/000121390023056592/ff42023a1ex21-1_jbssa.htm (last visited Apr. 13, 2025).

[57] *JBS*, JBS ESG HUB, https://jbsesg.com/jbs/ (last visited Jun. 25, 2025)

[58] *Our Locations—United States,* JBS Foods Group, https://jbsfoodsgroup.com/locations/united-states (last visited Apr. 13, 2025).

[59] *Our Brands,* JBS Foods Group, https://jbsfoodsgroup.com/our-brands (last visited Apr. 13, 2025).

89. JBS USA markets and advertises its meat products to consumers, including those in the District, through traditional marketing media as well as through online marketing platforms such as YouTube, Facebook, Twitter, and through its company websites.

90. Plaintiff Mighty Earth is a global advocacy organization, and 501(c)(3) non-profit headquartered in Washington D.C. and working to defend a living planet. Mighty Earth's goal is to protect half of Earth for Nature and secure a climate that allows life to flourish. One way Mighty Earth pursues this goal is through consumer advocacy campaigns seeking transparency from corporations and proper disclosure of environmental impact to consumers.

JURISDICTION AND VENUE

91. This Court has personal jurisdiction over the parties in this case.

92. Mighty Earth is headquartered in the District and consents to this Court having personal jurisdiction over it.

93. This Court has personal jurisdiction over both JBS USA defendants because they have purposefully directed their conduct to the District and have availed themselves of the benefits and protections of District of Columbia law.

94. This court has subject-matter jurisdiction over this action under the CPPA, D.C. Code §28-3901, *et seq.*

95. Venue is proper in this Court because JBS USA aims its marketing and advertising at consumers within the District. JBS USA internet advertising is accessible in the District. JBS USA products are available within the District and are purchased in the District by District consumers.

CAUSE OF ACTION

VIOLATION OF THE D.C. CONSUMER PROTECTION PROCEDURES ACT

96. Mighty Earth incorporates by reference all the allegations of the preceding paragraphs of this Complaint.

97. Mighty Earth is a non-profit, public interest organization that brings these claims on behalf of the affected consumers and the general public of the District of Columbia. *See* D.C. Code § 28-3905(k)(1)(D).

98. Through § 28-3905(k)(1)(D), the D.C. CPPA explicitly allows for public interest organizational standing even beyond that which is afforded pursuant to Article III and allows a public interest organization to stand in the shoes of a consumer to seek relief from any violation of the CPPA.

99. JBS USA is a "person" and a "merchant" that provides "goods" within the meaning of the CPPA. *See id.* § 28-3901(a)(1), (3), (7).

100. JBS USA is engaged in "trade practices" under the CPPA because it is engaged in "act[s] which . . . create, [] furnish, make available, provide information about, or . . . offer for or effectuate, a sale . . . of consumer goods." *See id.* § 28-3901(a)(6).

101. JBS USA has violated the CPPA by engaging in the following unfair and deceptive trade practices regarding net zero claims:

a. representing that JBS USA's products have characteristics that they do not have, in violation of D.C. Code § 28-3904(a);

b. representing that its products are of a particular standard, which they are not, in violation of D.C. Code § 28-3904(d);

c. misrepresenting material facts that tend to mislead consumers, in violation of D.C. Code § 28-3904(e);

d. representing that a transaction involves obligations which it does not involve, in violation of D.C. Code § 28-3904(e-1);

e. failing to state material facts that tend to mislead consumers, in violation of D.C. Code § 28-3904(f);

f. using innuendo or ambiguity as to material facts that tend to mislead consumers, in violation of D.C. Code § 28-3904(f-1).

JURY TRIAL DEMAND

102. Plaintiff hereby demands a trial by jury.

PRAYER FOR RELIEF

Wherefore, Plaintiff Mighty Earth prays for judgment against JBS USA and requests the following relief:

a. A declaration that JBS USA's conduct is in violation of the CPPA;

b. An order enjoining JBS USA's conduct found to be in violation of the CPPA, as well as requiring redress in the form of corrective advertising to address consumer misunderstanding about the environmental harms associated with JBS USA's practices;

c. An order granting Plaintiff costs and disbursements, including reasonable attorneys' fees and expert fees, and prejudgment interest at the maximum rate allowable by law;

d. An order granting any additional equitable relief as may be necessary to disgorge JBS USA of any monies which may have been acquired by means of its unlawful trade practices; and

e. Any such further relief as this Court may deem to be just and proper.

DATED: September 29, 2025

Respectfully submitted,

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