

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
CIVIL DIVISION**

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INTERNATIONAL LABOR RIGHTS FORUM  
d/b/a GLOBAL LABOR JUSTICE-INTERNATIONAL  
LABOR RIGHTS FORUM,  
a non-profit corporation,  
1634 I Street NW, Suite 1000  
Washington, D.C. 20006  
  
Plaintiff,  
  
v.  
  
BUMBLE BEE FOODS, LLC  
280 10th Avenue,  
San Diego, CA 92101  
  
Defendant.

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**COMPLAINT**

On behalf of itself and the general public, and in the interest of consumers, Plaintiff International Labor Rights Forum d/b/a Global Labor Justice–International Labor Rights Forum (“GLJ-ILRF”) brings this action against Defendant Bumble Bee Foods, LLC (“Bumble Bee”) concerning its false and deceptive marketing representations that its industrial tuna products are produced through a “fair and safe supply chain,” despite significant evidence of forced labor and worker safety violations. GLJ-ILRF alleges the following based upon personal knowledge, information, and belief.

**INTRODUCTION**

1. The use of fair labor practices and the promotion of worker safety is of growing concern to consumers.

2. This is a consumer-protection case concerning deceptive marketing representations about Bumble Bee’s tuna products (the “Products”).<sup>1</sup> This case is brought by GLJ-ILRF, a non-profit, public-interest organization dedicated to fair labor practices, workers’ rights, and consumer education. GLJ-ILRF seeks no monetary damages, only an end to the deceptive marketing and advertising at issue.

3. Defendant Bumble Bee is one of the largest producers of canned tuna in the United States, which it markets under its name and various other brand names.

4. In June 2020, Bumble Bee was acquired by FCF Co. Ltd. (“FCF”), a Taiwan-based seafood producer. Even before Bumble Bee was formally acquired by FCF, the company acquired between 70% and 95% of the tuna used in its major Products through FCF.<sup>2</sup>

5. Most of the tuna produced through FCF’s supply chain comes from fishing methods and regions recognized by U.S. government agencies as high risk for forced labor and other abuses.<sup>3</sup> Bumble Bee has thus long relied on FCF’s supply chain and profited from the well-documented and endemic labor abuses therein.<sup>4</sup>

6. Nevertheless, Bumble Bee makes marketing and advertising representations that convey to consumers, including consumers in the District of Columbia, that Bumble Bee is “best-in-class” in terms of its worker safety standards and that it is the company’s “mission” to “champion sustainable fishing” throughout the Products supply chain.

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<sup>1</sup> Discovery may reveal that additional Bumble Bee brands and products should be included within the scope of the allegations in this Complaint, and Plaintiff reserves the right to add such products.

<sup>2</sup> Declaration of Kent McNeil in Support of Chapter 11 Petitions and First-Day Motions at 50, *In re Bumble Bee Parent, Inc.*, No. 19-12502, 2020 Bankr. LEXIS 3369 (Bankr. D. Del. Dec. 1, 2020).

<sup>3</sup> *2020 List of Goods Produced by Child Labor or Forced Labor*, U.S. Department of Labor (Sept. 2020), [https://www.dol.gov/sites/dolgov/files/ILAB/child\\_labor\\_reports/tda2019/2020\\_TVPRAList\\_Online\\_Final.pdf](https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2019/2020_TVPRAList_Online_Final.pdf).

<sup>4</sup> *Seafood Stewardship Index: FCF Co., Ltd.*, World Benchmarking Alliance, <https://www.worldbenchmarkingalliance.org/publication/seafood-stewardship-index/companies/fcf-co/> (last visited Mar. 21, 2022).

## WORKER SAFETY

We will continue to champion our best-in-class culture of safety in Bumble Bee facilities to ensure adherence to established and thorough safety protocols.

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Our purpose is to feed people's lives through the power of the ocean. It is our mission to champion sustainable fishing and advocate for fishers, setting tomorrow's standards through the actions we take today.

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7. In reality, far from being “advocate[s]” for fishers, Bumble Bee and its supplier and parent company FCF have a long history of engaging in and/or allowing unfair and dangerous labor practices in the commercial fishing of the seafood that ends up in Bumble Bee Products. Bumble Bee’s supply chain not only falls short of international laws and standards regarding fair labor practices, but also employs fishing methods that are inherently dangerous for workers. These failures have resulted in documented instances of forced labor, human trafficking, and numerous other violations of worker safety.

8. Thus, Bumble Bee’s marketing—which suggests that Bumble Bee is advocating for fishers and that it is committed to a “fair and safe supply chain”—is false and misleading.

9. Deceptive marketing representations that purport to ensure fair labor practices and worker safety in fact *impede* meaningful efforts for change. As a market leader, Bumble Bee is able to use its “fair and safe” claims to convince wide swaths of consumers that they can support ethical practices without needing to change their purchasing habits, and to shut out advocacy groups and competitors in efforts for genuine reform in commercial fishing. Indeed, Bumble Bee

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<sup>5</sup> *Impact: Sustainability and Social Impact*, The Bumble Bee Seafood Company, <https://thebumblebeecompany.com/impact/> (last visited Mar. 14, 2022).

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

developed its code of conduct with the Seafood Task Force, an industry-led group—ensuring that standards are set according to industry norms, instead of according to best practices.<sup>7</sup>

### **STATUTORY FRAMEWORK**

10. This action is brought under the District of Columbia Consumer Protection Procedures Act (“CPPA”), D.C. Code § 28-3901, *et seq.*

11. 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).

12. A violation occurs regardless of “whether or not any consumer is in fact misled, deceived or damaged thereby.” *Id.*

13. 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.*

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<sup>7</sup> Hannah Boles, *Tracking Progress: Assessing Business Responses to Forced Labour and Human Trafficking in the Thai Seafood Industry*, Praxis Labs, at 10–11 (2019), [http://www.praxis-labs.com/uploads/2/9/7/0/29709145/09\\_hu\\_report\\_final.pdf](http://www.praxis-labs.com/uploads/2/9/7/0/29709145/09_hu_report_final.pdf).

14. Because GLJ-ILRF is a public-interest organization, it may act on behalf of the general public and bring any action that an individual consumer would be entitled to bring:

[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.”

15. A public-interest organization may act on behalf of consumers, *i.e.*, the general public of the District of Columbia, so long as the organization has a “sufficient nexus to the interests involved of the consumer or class to adequately represent those interests.” *Id.* § 28-3905(k)(1)(D)(ii). As set forth in this Complaint, *see infra* ¶¶ 66-69, Plaintiff GLJ-ILRF’s mission is to advocate for workers and educate consumers on fair and safe labor practices, which it has long done within the District of Columbia. GLJ-ILRF thus has a sufficient nexus to District consumers to adequately represent their interests.

16. This is not a class action, or an action brought on behalf of any specific consumer, but an action brought by GLJ-ILRF on behalf of the general public, *i.e.*, District consumers who purchase seafood and may be targeted by Bumble Bee’s marketing claims. No class certification will be requested.

17. This action does not seek damages. Instead, GLJ-ILRF seeks to end the unlawful conduct directed at District consumers. Remedies available under the CPPA include “[a]n injunction against the use of the unlawful trade practice.” *Id.* § 28-3905(k)(2)(D). GLJ-ILRF also seeks declaratory relief in the form of an order holding Bumble Bee’s conduct to be unlawful.

## FACT ALLEGATIONS

### **I. Bumble Bee’s Marketing Represents That its Labor Practices Are Fair and Safe.**

18. Bumble Bee, one of America’s largest producers of canned tuna products,<sup>8</sup> markets and advertises the Products in the District of Columbia. It seeks to reach the District consumer base online through its social media platforms, company websites, and other media.

19. Bumble Bee’s marketing targets consumers concerned with fair and safe supply chains by, among other things, making promises that its labor practices are “best-in-class.”<sup>9</sup>

20. Across its advertising, Bumble Bee makes representations that its labor practices are superlative. Bumble Bee leads consumers to believe that it leads the industry in upholding standards for fair and safe working conditions.



21. On a webpage of Bumble Bee’s website labeled “Sustainability & Social Impact,” the company boasts that it is a “champion [for] sustainable fishing and advocate for fishers” and “committed to ensuring the safe treatment” of everyone in its supply chain.<sup>11</sup>

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<sup>8</sup> Sam Bloch, *Bumble Bee, one of America’s largest tuna companies, files for bankruptcy*, The Counter (Nov. 22, 2019), <https://thecounter.org/bumble-bee-canned-tuna-bankruptcy-christopher-lischewski/>.

<sup>9</sup> *Impact: Sustainability and Social Impact*, *supra* note 5.

<sup>10</sup> *Seafood Future Report 2020*, The Bumble Bee Company, [https://thebumblebeecompany.com/wp-content/uploads/2020/06/Bumble-Bee-Seafood-Future-Report\\_High-Res.pdf](https://thebumblebeecompany.com/wp-content/uploads/2020/06/Bumble-Bee-Seafood-Future-Report_High-Res.pdf) (last visited Mar. 14, 2022).

<sup>11</sup> *Impact: Sustainability and Social Impact*, *supra* note 5.

22. Bumble Bee reiterates its commitment to “fair and responsible working conditions,” as well as “sustainable livelihoods for workers,” in its Seafood Future Report (the “Report”).<sup>12</sup> The Report also emphasizes the importance of “the safety and well-being of all those who contribute” to Bumble Bee’s supply chain.<sup>13</sup>

23. In the Report, Bumble Bee states that it has “continued to lead the charge through [its] work as founders of the International Seafood Sustainability Foundation, [its] role in the world’s first Fair Trade Certified fishery in Indonesia and [its] leadership driving longline tuna Fishery Improvement Projects.”<sup>14</sup>

24. Additionally, Bumble Bee promises to “Do[] good for [its] communities near and far,” while also promising a “fair and safe supply chain.”<sup>15</sup>

25. Bumble Bee uses its social media accounts to reinforce its commitment to fair and safe working practices.

26. For example, Bumble Bee’s Instagram emphasizes its commitment to ensuring its workers’ safety. In a post celebrating World Ocean’s Day, the company wrote that it will “always advocate for [its] fishers and support [its] communities.”<sup>16</sup>

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<sup>12</sup> *Seafood Future Report 2020*, *supra* note 10.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> Bumble Bee Seafoods (@bumblebeefoods), Instagram (Jun. 8, 2020), <https://www.instagram.com/p/CBMZ5f0ISB5/>.



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27. Bumble Bee also touts its commitment to promoting fair and safe working conditions by claiming that it requires its suppliers to comply with the Seafood Task Force Code of Conduct (the “Code”) in order to maintain a relationship with the company.

**II. Bumble Bee’s Supply Chain Involves Unfair and Unsafe Commercial Fishing Practices.**

28. Contrary to Bumble Bee’s representations, Bumble Bee and its parent company and supplier FCF engage in, and allow members of their supply chain to engage in, unfair and unsafe labor practices.

29. Indeed, Bumble Bee and FCF’s poor track record for labor practices is so well-documented that in September 2021, Greenpeace (with the backing of several other human rights organizations) lodged a Section 307 petition<sup>18</sup> with the U.S. Customs and Border Protection, requesting that the U.S. government investigate and possibly block the import of FCF seafood,

<sup>17</sup> *Id.*

<sup>18</sup> Section 307 of the U.S. Tariff Act of 1930, 19 U.S.C. § 1307, prohibits the entry into the United States of products manufactured through the use of forced labor.



including that imported under the Bumble Bee brand, to U.S. markets due to concerns over forced labor in the supply chain.<sup>19</sup>

30. In commenting on the petition, Greenpeace stated:

“For years, Greenpeace and other organizations have documented reports of destructive fishing practices and human rights abuses in FCF’s supply chains. We’re confident that there is enough reasonable suspicion that seafood traded by FCF and imported by Bumble Bee and other US companies is produced by forced labor.”<sup>20</sup>

31. The Section 307 petition reflects the long history of labor abuses in Bumble Bee’s supply chain. This supply chain relies on fishing methods widely recognized as inherently prone to labor abuses. Far from being “best-in-class,” the labor standards touted by Bumble Bee to address these issues fall far short of international standards. There is also a documented history of abuses and subpar working conditions in fishing vessels associated with the production of Bumble Bee’s Products.<sup>21</sup>

32. In short, Bumble Bee has repeatedly failed to actualize its claims that it prioritizes the fair treatment and safety of its laborers.

**A. Bumble Bee’s Supply Chain Employs Fishing Methods That are Inherently Unsafe.**

33. The tuna in Bumble Bee’s Products is sourced through “distant water fishing,” a practice that involves vessels traveling long distances outside of their own nation’s waters and that is recognized by the U.S. Customs and Border Protection as a practice at high risk for forced labor:

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<sup>19</sup> *Organizations urge U.S. to block From Taiwanese seafood giant over forced labor concerns*, Greenpeace (Sept. 9, 2021), <https://www.greenpeace.org/southeastasia/press/44640/organizations-urge-u-s-to-block-imports-from-taiwanese-seafood-giant-over-forced-labor-concerns/>.

<sup>20</sup> *Id.*

<sup>21</sup> *Choppy Waters: Forced Labour and Illegal Fishing in Taiwan’s Distant Water Fisheries*, Greenpeace (Mar. 19, 2020), <https://www.greenpeace.org/usa/wp-content/uploads/2020/03/b87c6229-2020-choppy-waters-en.pdf>.

“The distant water fishing industry is at high risk of forced labor as foreign companies often coerce vulnerable migrant workers to perform hazardous labor for little or no pay about distant water fishing vessels that may spend months at sea without making port calls.”<sup>22</sup>

34. Due to the migration habits of tuna, the tuna fishing industry particularly relies on distant water fishing, resulting in fleets that operate far from shore, unlike most other fishing vessels.<sup>23</sup>

35. The long periods of time that such vessels spend at sea, without monitoring, inherently foster conditions that permit forced labor and other abuses to occur.<sup>24</sup> These harsh conditions typically fall to poor, indebted migrant workers who are unable to escape their situation due to the time at sea.<sup>25</sup>

36. This risk is heightened by the practice of transshipment at sea, a process associated with distant water fishing and permitted by Bumble Bee, which requires an exchange of goods between ships while out at sea.<sup>26</sup> Transshipment has been highlighted by many organizations as an easy way for fishing vessels to commit human rights abuses because of lack of oversight.<sup>27</sup>

37. Global Fishing Watch describes transshipment as a process involving floating unregulated ports that can “open the door” for “maritime crimes to take place, such as the trafficking of weapons, drugs, and even people.”<sup>28</sup>

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<sup>22</sup> *CBP Issues Withhold Release Order on Chinese Fishing Fleet*, U.S. Customs and Border Protection (May 28, 2021), <https://www.cbp.gov/newsroom/national-media-release/cbp-issues-withhold-release-order-chinese-fishing-fleet>.

<sup>23</sup> *Revealing the Supply Chain at Sea*, Global Fishing Watch (Apr. 2021), at 4, [https://globalfishingwatch.org/wp-content/uploads/Revealing-the-Supply-Chain-at-Sea\\_FINAL\\_2021.pdf](https://globalfishingwatch.org/wp-content/uploads/Revealing-the-Supply-Chain-at-Sea_FINAL_2021.pdf).

<sup>24</sup> *Id.* at 1.

<sup>25</sup> Andy Shen, *Why Bumble Bee Tuna Should Concern You (Hint: It's Human Rights and Destructive Fishing)*, Greenpeace (Mar. 19, 2020), <https://www.greenpeace.org/usa/why-bumble-bee-tuna-should-concern-you-hint-its-human-rights-and-destructive-fishing/>.

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> *Transshipment*, Global Fishing Watch, <https://globalfishingwatch.org/transshipment-success/#:~:text=Trouble%20with%20transshipment&text=It%20can%20enable%20fishers%20to,need%20to%20return%20to%20port> (last visited Mar. 17, 2022).

38. Transshipment can allow for the skirting labor and other regulations by transferring catches from vessels that may be denied access to ports due to past infringements and onto other boats, thus mixing legal and illegal catches.<sup>29</sup>

39. In a submission to the World Trade Organization regarding concerns over forced labor in the fishing industry, the U.S. government noted that transshipment “enables a vessel to offload fish and receive fuel and supplies at sea, without returning to port for long periods of time, [which] may also allow vessels using forced labor to evade detection.”<sup>30</sup>

40. Bumble Bee’s supply chain also practices “longline” fishing, a fishing technique that “requires backbreaking, dangerous, and relentless work.”<sup>31</sup>

41. Thus, Bumble Bee’s representations that it is “best-in-class” in terms of fair and safe labor practices and that it is a “champion [for] sustainable fishing and advocate for fishers”<sup>32</sup> are contradicted by the inherent problems in Bumble Bee’s fishing practices.

**B. Bumble Bee Fails to Abide by Relevant International Laws and Standards Regarding Worker Safety and Fair Labor Practices.**

42. Bumble Bee’s worker safety policies and procedures outlined in the Code are based on a set of principles it developed with the Seafood Task Force—an industry-led, non-independent group.<sup>33</sup>

43. Because the Code is designed to serve as an industry-wide set of minimum standards, followed by most of Bumble Bee’s competitors,<sup>34</sup> Bumble Bee’s adoption of the Code

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<sup>29</sup> *Transshipment*, *supra* note 28, at 2.

<sup>30</sup> Office of the United States Trade Representative, *The Use of Forced Labor on Fishing Vessels: Submission of the United States* (May 26, 2021), <https://ustr.gov/sites/default/files/IssueAreas/Trade%20Organizations/WTO/US.Proposal.Forced.Labor.26May2021.final%5B2%5D.pdf>.

<sup>31</sup> Shen, *supra* note 25.

<sup>32</sup> *Impact: Sustainability and Social Impact*, *supra* note 5.

<sup>33</sup> Shen, *supra* note 25.

<sup>34</sup> *Current Members*, Seafood Task Force, <https://www.seafoodtaskforce.global/about/current-members/> (last visited Mar. 17, 2022).

cannot be said to represent “best-in-class” standards or anything that would ensure uniquely “fair” or “safe” practices in Bumble Bee’s supply chain.

44. Moreover, these internal standards offer far less protection for workers than is available under international law.<sup>35</sup>

45. The labor protections in the Code fall short of those set by the International Labor Organization’s (the “ILO”) Work in Fishing Convention.<sup>36</sup>

46. For example, the policy of FCF, Bumble Bee’s parent company and primary supplier, says only that crew must have “sufficient time to rest”—far short of the ILO’s Work in Fishing Convention mandate that crew must have at least 10 hours of rest per day.<sup>37</sup>

47. FCF also fails to prohibit widespread abusive practices like recruitment fees and repatriation deposits, which are used to financially burden poor, migrant workers.<sup>38</sup> In addition, FCF’s requirements for regular pay only call for workers to be paid quarterly, as opposed to the ILO’s Work in Fishing Convention’s monthly payment mandate.<sup>39</sup>

48. Even FCF’s inadequate standards are largely unenforced, with only a minority of its long-term suppliers falling under the company’s social auditing program,<sup>40</sup> and as many as 40% the vessels it sources from are free agents whose labor conditions FCF cannot control.<sup>41</sup> FCF does

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<sup>35</sup> Shen, *supra* note 25. See also Taking Stock: Labor Exploitation, Illegal Fishing and Brand Irresponsibility in the Seafood Industry, ILRF, at 42 (May 2018), <https://laborrights.org/sites/default/files/publications/Taking%20Stock%20final.pdf> and Helen Packer et al., *Corporate Social Responsibility (CSR) Practices of the Largest Seafood Suppliers in the Wild Capture Fisheries Sector: From Vision to Action*, 11 Sustainability 2254 (2019).

<sup>36</sup> *Choppy Waters*, *supra* note 21.

<sup>37</sup> *Id.*

<sup>38</sup> *Tuna Sustainability Policy*, FCF Co., Ltd. (Oct. 13, 2020), [https://fcf.com.tw/wp-content/uploads/2021/07/FCF-Tuna-Sustainability-Policy\\_v3.0-101320-1-1.pdf](https://fcf.com.tw/wp-content/uploads/2021/07/FCF-Tuna-Sustainability-Policy_v3.0-101320-1-1.pdf).

<sup>39</sup> *Id.*

<sup>40</sup> *Company Update (Vol. 1): Social Responsibility Program*, FCF Co., Ltd. (Apr. 2020), <https://fcf.com.tw/company-update-vol-1/>.

<sup>41</sup> *Choppy Waters*, *supra* note 21.

not appear to have any formal process of identifying and addressing human rights risks among its suppliers.<sup>42</sup>

49. Bumble Bee's own monitoring policies are also woefully insufficient, with Bumble Bee itself admitting in 2020 that it had only audited 30 supplier vessels.<sup>43</sup>

50. Tragically, these policy failures are not just theoretical. They have enabled the dangerous, unfair, and abusive treatment of Bumble Bee's workers.

51. In 2020, Greenpeace released a report<sup>44</sup> chronicling the abuse experienced by workers on board a supply ship employed by Bumble Bee and FCF,<sup>45</sup> Bumble Bee's parent company and supplier. The report gave detailed accounts of 34-hour workdays, inadequate sleep, withheld wages, and little to no food.<sup>46</sup>

52. These abusive conditions and reports of forced labor prompted the U.S. government to halt imports from that same Taiwan-based fishing vessel implicated in the Greenpeace report.<sup>47</sup>

53. Neither Bumble Bee nor FCF disputed the connection to the Taiwanese fishing vessel.<sup>48</sup>

54. Furthermore, the ILO also emphasizes the importance of regularly conducting audits of fishing vessels by trained and impartial observers to ensure fair and safe working

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<sup>42</sup> *Seafood Stewardship Index*, *supra* note 4.

<sup>43</sup> *Seafood Future Report 2020*, *supra* note 10.

<sup>44</sup> *Choppy Waters*, *supra* note 21.

<sup>45</sup> Ben Fox, *US halts imports linked to Taiwan-based fishing vessel*, Associated Press (Aug. 20, 2020), <https://apnews.com/article/0cb7aa0b2980d741ecc72e755e0ea852>.

<sup>46</sup> *Choppy Waters*, *supra* note 21.

<sup>47</sup> Fox, *supra* note 45.

<sup>48</sup> *Id.*

conditions aboard fishing vessels.<sup>49</sup> These fishery observers risk their lives to provide oversight and protect workers.<sup>50</sup>

55. Bumble Bee has failed to protect these fishery observers, and in so doing has failed to protect the safety of its workers.

56. In March 2020, fisheries observer Eritara Aati Kaierua was reported dead by crewmembers working aboard Win Far No. 636, a Taiwanese-flagged tuna vessel associated with FCF.<sup>51</sup> Kaierua was employed through a regional observer program of the Western and Central Pacific Fisheries Commission (“WCPFC”). Many observers employed by WCPFC have reported instances of intimidation and requests by the crew to not report any observations.<sup>52</sup>

### **III. Bumble Bee’s Representations Are Material and Misleading to Consumers.**

57. Bumble Bee’s false and misleading representations about its fair and safe labor practices are material to consumers.

58. Consumers care deeply about human trafficking and other forms of forced labor in supply chains. A national survey found that 60% of consumers would stop using a product if they knew that human trafficking or forced labor was used to create it.<sup>53</sup>

59. A majority of consumers would stop buying from brands that they believe are unethical. Moreover, 35% of consumers would stop buying from brands they perceive as unethical

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<sup>49</sup> *Handbook on Improving living and working conditions on board fishing vessels*, International Labour Organization, [https://www.ilo.org/wcmsp5/groups/public/---ed\\_dialogue/---sector/documents/publication/wcms\\_162323.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/publication/wcms_162323.pdf) (last visited Mar. 17, 2022).

<sup>50</sup> *Observer Deaths and Disappearances*, Association for Professional Observers, <https://www.apo-observers.org/misses> (last visited Mar. 17, 2022).

<sup>51</sup> *Alleged Murdered Kiribati Fisheries Observer Family Left Without Financial Support*, Human Rights at Sea (June 8, 2020), <https://www.humanrightsatsea.org/news/alleged-murdered-kiribati-fisheries-observer-family-left-without-financial-support/>; see also, *UN intervention needed on suspected murder case linked to Bumble Bee Foods parent company*, Greenpeace (June 13, 2020), <https://www.greenpeace.org/usa/news/un-intervention-needed-on-suspected-murder-case-linked-to-bumble-bee-foods-parent-company/>.

<sup>52</sup> *Observer Deaths and Disappearances*, *supra* note 50.

<sup>53</sup> *Even If Consumers Aren’t Aware of Human Trafficking, Companies Need to Be*, Enterra Solutions (Mar. 6, 2020), <https://enterrasolutions.com/blog/even-if-consumers-arent-aware-of-human-trafficking-companies-need-to-be/>.

even if there is no substitute is available.<sup>54</sup> Additionally, 63% of consumers feel that ethical issues are becoming more important.<sup>55</sup>

60. Consumers are concerned with fairness and safety issues throughout the supply chain.

61. A survey of 5,000 consumers showed that significant segments of the national consumer base prioritize “more transparency from food producers and retailers,” “accountability and transparency through the entire food supply chain,” and “fair treatment of workers.”<sup>56</sup>

62. Consumers expect, at a minimum, that the fair and safe labor practices outlined by Bumble Bee’s Seafood Future Report or social media posts would be adhered to.

63. Because there have been numerous documented reports of Bumble Bee’s failure to provide fair and safe working conditions for its laborers (*see supra* Section II), and because Bumble Bee’s labor standards fall far short of international expectations, its marketing of its Products as “best-in-class” in terms of worker safety and labor practices are misleading to consumers.

## **PARTIES**

64. Defendant Bumble Bee Foods, LLC is incorporated in Delaware and has its principal executive office in San Diego, California. Bumble Bee produces, processes, markets, and distributes canned and pouch-packaged tuna products, meal kits, and snack products. As of June 2020, it is owned by FCF Co. Ltd., a Taiwanese seafood producer.

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<sup>54</sup> *56% of Americans Stop Buying From Brands They Believe Are Unethical*, Mintel (Nov. 18, 2015), <https://www.mintel.com/press-centre/social-and-lifestyle/56-of-americans-stop-buying-from-brands-they-believe-are-unethical>.

<sup>55</sup> *Id.*

<sup>56</sup> *Consumer Survey Shows Changing Definition of Food Safety*, Food Safety News (Feb. 4, 2016), <https://www.foodsafetynews.com/2016/02/123246/>.

65. Bumble Bee’s Products are available in a wide variety of national supermarket chains, regional stores, and other retail outlets, including stores in the District.

66. Plaintiff GLJ–ILRF is a § 501(c)(3) non-profit public-interest organization dedicated to achieving dignity and justice for workers worldwide. GLJ-ILRF focuses on enforcing labor rights and promoting decent work conditions consistent with best practices and ILO standards in the low-wage sections of global supply chains such as commercial fishing. GLJ-ILRF engages in research, policy work, advocacy, and education of the public and consumers.

67. A central part of GLJ-ILRF’s work is to inform and educate the public, including consumers, about global supply chain business models that create patterns of harm to workers, including those working in commercial fishing.<sup>57</sup> Believing that “[c]onsumers have the right to know and the power to advance transparency and accountability,”<sup>58</sup> GLJ-ILRF “is working to make corporate global supply chains more transparent so consumers can use their dollars to stand with workers.”<sup>59</sup> Historically, GLJ-ILRF has also published materials, like its “Shop With a Conscience” Consumer Guides, aimed at helping consumers shop ethically.<sup>60</sup>

68. GLJ-ILRF also works to shed light on the falsity of various certification schemes in the seafood industry, which consumers rely on in making their purchases.<sup>61</sup> These include the

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<sup>57</sup> *ILRF’s key strategy for change is to strengthen the voices of workers and ensure they have access to justice*, ILRF, <https://laborrights.org/strategies> (last visited Mar. 17, 2022).

<sup>58</sup> *About*, ILRF, <https://laborrights.org/about> (last visited Mar. 17, 2022).

<sup>59</sup> *ILRF’s key strategy*, *supra* note 57.

<sup>60</sup> *Shop with a Conscience Consumer Guide Launched*, ILRF (Nov. 17, 2009), <https://laborrights.org/blog/200911/shop-conscience-consumer-guide-launched>.

<sup>61</sup> “We [...] work to ensure consumers can depend on the integrity of labels and certifications that purport to guarantee decent working conditions for workers who make the products.” *ILRF’s key strategy*, *supra* note 57.



FISH Standard for Crew<sup>62</sup> and the Marine Stewardship Council's revised Chain of Custody Certification.<sup>63</sup>

69. GLJ-ILRF works with unions, civil society, and high-level actors in global supply chains to achieve responsible business practices and meaningful change.<sup>64</sup> GLJ-ILRF coordinates the Seafood Working Group, a global coalition of human rights, labor and environmental organizations that work together to develop and advocate for effective government policies and industry actions to end the related problems of labor exploitation, illegal fishing and overfishing in the international seafood trade.<sup>65</sup>

### **JURISDICTION AND VENUE**

70. This court has personal jurisdiction over the parties in this case. GLJ-ILRF performs its work throughout the United States, including the District of Columbia. GLJ-ILRF is registered as a nonprofit in the District of Columbia, and some of GLJ-ILRF's staff reside and work in or near the District.

71. This Court has personal jurisdiction over Bumble Bee because Bumble Bee has purposefully directed its conduct to the district and has availed itself of the benefits and protections of District of Columbia law.

72. The Court has subject matter jurisdiction over this action under the CPPA, D.C. § 28-3901, *et seq.*

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<sup>62</sup> Seafood Working Group, *Retailers: The FISH Standard for Crew will fail to detect labor abuse*, ILRF (Apr. 20, 2021), <https://laborrights.org/publications/retailers-fish-standard-crew-will-fail-detect-labor-abuse>.

<sup>63</sup> *Public Statement on MSC's Revised Chain of Custody Certification*, ILRF (June 10, 2019), <https://laborrights.org/publications/public-statement-mscs-revised-chain-custody-certification>.

<sup>64</sup> Kimberly Rogovin, *Time for a Sea Change*, ILRF (Mar. 2020), [https://laborrights.org/sites/default/files/publications/ILRF\\_TimeforaSeaChange.pdf](https://laborrights.org/sites/default/files/publications/ILRF_TimeforaSeaChange.pdf).

<sup>65</sup> *Seafood Working Group*, ILRF, [https://laborrights.org/industries/seafood?qt-quicktabs\\_seafood=3#qt-quicktabs\\_seafood](https://laborrights.org/industries/seafood?qt-quicktabs_seafood=3#qt-quicktabs_seafood) (last visited Mar. 21, 2022).

73. Venue is proper in this Court because Bumble Bee aims marketing and advertising material at consumers within the District. Bumble Bee internet advertising is accessible in the District. Bumble Bee's Products can be, and are, purchased in the District by District consumers.

### **CAUSE OF ACTION**

#### ***Violations of the District of Columbia Consumers Protection Procedures Act***

74. GLJ-ILRF incorporates by reference all the allegations of the preceding paragraphs of this Complaint.

75. GLJ-ILRF is a non-profit, public-interest organization that brings these claims on behalf of the general public and District consumers. *See* D.C. Code § 28-3905(k)(1)(D)(i).

76. Through § 28-3905(k)(1)(C), the D.C. CPPA allows for non-profit organizational standing to the fullest extent recognized by the D.C. Court of Appeals in its past and future decisions addressing the limits of Constitutional standing under Article III.

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

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

79. Bumble Bee has advertised and marketed the Products with phrases such as "best-in-class culture of safety" and "fair and responsible working conditions," when, in fact, Bumble Bee sells tuna products caught by laborers who are subjected to inhuman conditions that do not meet the standards Bumble Bee set for itself. Thus, Bumble Bee has violated the CPPA by "represent[ing] that goods . . . have a source . . . [or] characteristics . . . that they do not have";

“represent[ing] that goods . . . are of a particular standard, quality, grade, style, or model, if in fact they are of another”; “misrepresent[ing] as to a material fact which has a tendency to mislead”; “fail[ing] to state a material fact if such failure tends to mislead”; “us[ing] innuendo or ambiguity as to a material fact, which has a tendency to mislead”; and “advertis[ing] . . . goods . . . without the intent to sell them as advertised.” See *id.* § 28-3904(a), (d), (e), (f), (f-1), (h).

**JURY TRIAL DEMAND**

80. Plaintiff GLJ-ILRF hereby demands a trial by jury.

**PRAYER FOR RELIEF**

*Wherefore*, Plaintiff GLJ-ILRF prays for judgment against Bumble Bee and requests the following relief:

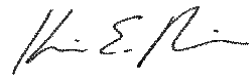
- a. A declaration that Bumble Bee’s conduct is in violation of the CPPA;
- b. An order enjoining Bumble Bee’s conduct found to be in violation of the CPPA;

and

- 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.

DATED: March 21, 2021

**RICHMAN LAW & POLICY**



\_\_\_\_\_  
Kim E. Richman (D.C. Bar No. 1022978)  
Clark Binkley (pro hac vice forthcoming)  
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Irvington, NY 10533  
T: (718) 705-4579  
krichman@richmanlawpolicy.com  
cbinkley@richmanlawpolicy.com

# Superior Court of the District of Columbia

## CIVIL DIVISION- CIVIL ACTIONS BRANCH

INTERNATIONAL LABOR RIGHTS FORUM INFORMATION SHEET  
 d/b/a GLOBAL LABOR JUSTICE-INTERNATIONAL  
 LABOR RIGHTS FORUM

Case Number: \_\_\_\_\_

vs

Date: 3/21/2022

BUMBLE BEE FOODS, LLC

One of the defendants is being sued  
 in their official capacity.

Name: <i>(Please Print)</i> Kim E. Richman	Relationship to Lawsuit <input checked="" type="checkbox"/> Attorney for Plaintiff
Firm Name: Richman Law & Policy	<input type="checkbox"/> Self (Pro Se)
Telephone No.: <u>(718) 705-4579</u>	<input type="checkbox"/> Other: _____
Six digit Unified Bar No.: <u>1022978</u>	

TYPE OF CASE:  Non-Jury       6 Person Jury       12 Person Jury  
 Demand: \$ N/A      Other: \_\_\_\_\_

**PENDING CASE(S) RELATED TO THE ACTION BEING FILED**

Case No.: \_\_\_\_\_ Judge: \_\_\_\_\_ Calendar #: \_\_\_\_\_

Case No.: \_\_\_\_\_ Judge: \_\_\_\_\_ Calendar#: \_\_\_\_\_

**NATURE OF SUIT: (Check One Box Only)**

**A. CONTRACTS**

**COLLECTION CASES**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> 01 Breach of Contract        | <input type="checkbox"/> 14 Under \$25,000 Pltf. Grants Consent                            | <input type="checkbox"/> 16 Under \$25,000 Consent Denied |
| <input type="checkbox"/> 02 Breach of Warranty        | <input type="checkbox"/> 17 OVER \$25,000 Pltf. Grants Consent                             | <input type="checkbox"/> 18 OVER \$25,000 Consent Denied  |
| <input type="checkbox"/> 06 Negotiable Instrument     | <input type="checkbox"/> 27 Insurance/Subrogation  | <input type="checkbox"/> 26 Insurance/Subrogation         |
| <input type="checkbox"/> 07 Personal Property         | Over \$25,000 Pltf. Grants Consent   | Over \$25,000 Consent Denied                              |
| <input type="checkbox"/> 13 Employment Discrimination | <input type="checkbox"/> 07 Insurance/Subrogation  | <input type="checkbox"/> 34 Insurance/Subrogation         |
| <input type="checkbox"/> 15 Special Education Fees    | Under \$25,000 Pltf. Grants Consent  | Under \$25,000 Consent Denied                             |
|   | <input type="checkbox"/> 28 Motion to Confirm Arbitration<br>Award (Collection Cases Only) |   |

**B. PROPERTY TORTS**

- |   |   |                                      |
|---|---|--------------------------------------|
| <input type="checkbox"/> 01 Automobile                          | <input type="checkbox"/> 03 Destruction of Private Property | <input type="checkbox"/> 05 Trespass |
| <input type="checkbox"/> 02 Conversion                          | <input type="checkbox"/> 04 Property Damage                 |                                      |
| <input type="checkbox"/> 07 Shoplifting, D.C. Code § 27-102 (a) |   |                                      |

**C. PERSONAL TORTS**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> 01 Abuse of Process                      | <input type="checkbox"/> 10 Invasion of Privacy                              | <input type="checkbox"/> 17 Personal Injury- (Not Automobile,<br>Not Malpractice) |
| <input type="checkbox"/> 02 Alienation of Affection               | <input type="checkbox"/> 11 Libel and Slander                                | <input type="checkbox"/> 18 Wrongful Death (Not Malpractice)                      |
| <input type="checkbox"/> 03 Assault and Battery                   | <input type="checkbox"/> 12 Malicious Interference                           | <input type="checkbox"/> 19 Wrongful Eviction                                     |
| <input type="checkbox"/> 04 Automobile- Personal Injury           | <input type="checkbox"/> 13 Malicious Prosecution                            | <input type="checkbox"/> 20 Friendly Suit   |
| <input checked="" type="checkbox"/> 05 Deceit (Misrepresentation) | <input type="checkbox"/> 14 Malpractice Legal                                | <input type="checkbox"/> 21 Asbestos  |
| <input type="checkbox"/> 06 False Accusation                      | <input type="checkbox"/> 15 Malpractice Medical (Including Wrongful Death)   | <input type="checkbox"/> 22 Toxic/Mass Torts                                      |
| <input type="checkbox"/> 07 False Arrest                          | <input type="checkbox"/> 16 Negligence- (Not Automobile,<br>Not Malpractice) | <input type="checkbox"/> 23 Tobacco   |
| <input type="checkbox"/> 08 Fraud                                 |  | <input type="checkbox"/> 24 Lead Paint  |

SEE REVERSE SIDE AND CHECK HERE IF USED

# Information Sheet, Continued

## C. OTHERS

- |   |   |
|---|---|
| <input type="checkbox"/> 01 Accounting                                  | <input type="checkbox"/> 17 Merit Personnel Act (OEA)   |
| <input type="checkbox"/> 02 Att. Before Judgment                        | (D.C. Code Title 1, Chapter 6)  |
| <input type="checkbox"/> 05 Ejectment                                   | <input type="checkbox"/> 18 Product Liability   |
| <input type="checkbox"/> 09 Special Writ/Warrants<br>(DC Code § 11-941) | <input type="checkbox"/> 24 Application to Confirm, Modify,<br>Vacate Arbitration Award (DC Code § 16-4401) |
| <input type="checkbox"/> 10 Traffic Adjudication                        | <input type="checkbox"/> 29 Merit Personnel Act (OHR)   |
| <input type="checkbox"/> 11 Writ of Replevin                            | <input type="checkbox"/> 31 Housing Code Regulations  |
| <input type="checkbox"/> 12 Enforce Mechanics Lien                      | <input type="checkbox"/> 32 Qui Tam   |
| <input type="checkbox"/> 16 Declaratory Judgment                        | <input type="checkbox"/> 33 Whistleblower   |

## II.

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> 03 Change of Name                                 | <input type="checkbox"/> 15 Libel of Information                                    | <input type="checkbox"/> 21 Petition for Subpoena<br>[Rule 28-I (b)] |
| <input type="checkbox"/> 06 Foreign Judgment/Domestic                      | <input type="checkbox"/> 19 Enter Administrative Order as<br>Judgment [ D.C. Code § | <input type="checkbox"/> 22 Release Mechanics Lien                   |
| <input type="checkbox"/> 08 Foreign Judgment/International                 | 2-1802.03 (h) or 32-151 9 (a)]  | <input type="checkbox"/> 23 Rule 27(a)(1)<br>(Perpetuate Testimony)  |
| <input type="checkbox"/> 13 Correction of Birth Certificate                | <input type="checkbox"/> 20 Master Meter (D.C. Code §                               | <input type="checkbox"/> 24 Petition for Structured Settlement       |
| <input type="checkbox"/> 14 Correction of Marriage<br>Certificate          | 42-3301, et seq.)   | <input type="checkbox"/> 25 Petition for Liquidation                 |
| <input type="checkbox"/> 26 Petition for Civil Asset Forfeiture (Vehicle)  |   |  |
| <input type="checkbox"/> 27 Petition for Civil Asset Forfeiture (Currency) |   |  |
| <input type="checkbox"/> 28 Petition for Civil Asset Forfeiture (Other)    |   |  |

## D. REAL PROPERTY

- |  |  |
|--|--|
| <input type="checkbox"/> 09 Real Property-Real Estate                | <input type="checkbox"/> 08 Quiet Title                                  |
| <input type="checkbox"/> 12 Specific Performance                     | <input type="checkbox"/> 25 Liens: Tax / Water Consent Granted           |
| <input type="checkbox"/> 04 Condemnation (Eminent Domain)            | <input type="checkbox"/> 30 Liens: Tax / Water Consent Denied            |
| <input type="checkbox"/> 10 Mortgage Foreclosure/Judicial Sale       | <input type="checkbox"/> 31 Tax Lien Bid Off Certificate Consent Granted |
| <input type="checkbox"/> 11 Petition for Civil Asset Forfeiture (RP) |  |



Attorney's Signature

3/21/2022

Date