



STATE OF FLORIDA

JAMES UTHMEIER
ATTORNEY GENERAL

October 29, 2025

Mr. Paul Nowak
Green Blue Institute
P.O. Box 1114
Charlottesville, Virginia 22902

RE: Antitrust Law Violation Concerns

Dear Mr. Nowak:

We, the undersigned Attorneys General of five States, write to express our collective concern that the Sustainable Packaging Coalition (“the Coalition”), a project of the Green Blue Institute, may be violating Federal and State antitrust laws. As you are aware, the “mission” of the Coalition is “to bring sustainable packaging stakeholders together to catalyze actionable improvements to packaging systems and lend an authoritative voice on issues related to packaging sustainability.”¹ In apparent furtherance of this mission, the Coalition seeks to harness the “power of industry” to implement change in plastic packaging.² We have grave concerns that this mission is harmful to our States’ economies, results in higher costs to our States’ consumers, unreasonably restrains trade, and reduces output and quality of goods and services. Indeed, it appears that such a mission is “nothing less than a frontal assault on the basic policy of the Sherman Act.”³

The Coalition has made clear its goals. Among other things, the Coalition seeks to assist “with research into new materials,” “[c]ollaboratives focused on end markets,” with developing a “holistic packaging design strategy.”⁴ This includes “identifying opportunities for elimination or reduction, evaluating sourcing practices,” and “redesigning packaging to address some of the most urgent drivers of climate change.”⁵ The Coalition seeks “entirely new strategies” by “explor[ing] alternative ways to approach the package/product system,” which results in “new models to deliver products and engage customers.”⁶ Notably, the Coalition states that its

¹ Sustainable Packaging Coalition, *About Us*, sustainablepackaging.org/about-us/ (last visited Oct. 29, 2025).

² *Id.*

³ See *FTC v. Ind. Fed’n of Dentists*, 476 U.S. 447, 463 (1986) (quoting *Nat’l Soc’y of Pro. Eng’rs v. United States*, 435 U.S. 679, 695 (1978)).

⁴ Sustainable Packaging Coalition, *About Our Pillars*, sustainablepackaging.org/our-pillars/ (last visited Oct. 29, 2025).

⁵ Sustainable Packaging Coalition, *Packaging Design*, sustainablepackaging.org/our-pillars/packaging-design/ (last visited Oct. 29, 2025).

⁶ Sustainable Packaging Coalition, *Innovation*, sustainablepackaging.org/our-pillars/innovation/ (last visited Oct. 29, 2025).

membership “encompasses the entire packaging value chain.”⁷

These goals appeared designed to ensure as many stakeholders as possible, across entire markets, artificially implement “new strategies” that affect the output and quality of goods and services in a uniform manner, in a way that normal, unrestrained market forces would not otherwise bring about. This has all the trappings of the sort of “adverse, anti-competitive effects” the antitrust laws seek to prevent.⁸

The undersigned Attorneys General, as chief law enforcement officers, have a duty to protect the citizens of our States from unlawful business practices. Such unlawful practices can consist of “facially anticompetitive restraints or reduced output, increased prices or reduced quality in goods or services,”⁹ or “an agreement not to compete in terms of price or output,”¹⁰ Numerous courts have focused on the antitrust issues surrounding reduced quality. “[T]he ability to degrade product quality without concern of losing consumers” has been identified as “proof of monopoly power.”¹¹ This is because “[a]n agreement ‘to make a product of inferior quality ... counts as an output reduction,’ which are illegal.”¹²

Unfortunately, the Coalition’s activities and mission may be violating these antitrust prohibitions. The Coalition is clear about its push for “entirely new strategies” across the “entire packaging value chain,” including through its “collaboratives.” Coordinated, transformative market changes to output and quality of goods and services may violate antitrust laws. When it comes to enforcing applicable antitrust laws, we will not remain idle.

The Coalition’s intentions, including its environmental goals, do not excuse violations of the law. Restraints on competition “cannot be justified solely on the basis of social welfare concerns.”¹³ Indeed, a supposed “potential threat that competition poses to the public safety” is insufficient, and there is no exception “for potentially dangerous goods and services.”¹⁴ An argument “that an unrestrained market in which consumers are given access to the information they believe to be relevant to their choices will lead them to make unwise and even dangerous choices” “amounts to ‘nothing less than a frontal assault on the basic policy of the Sherman Act.’”¹⁵ No matter how noble the Coalition believes its intentions may be, they must be pursued within the confines of the law.

In addition to antitrust laws, the various consumer protection laws of our States may also be implicated. For instance, the Coalition’s members who fail to meet the Coalition’s goals or otherwise set unrealistic goals at the urging of the Coalition risk misleading consumers by failing to disclose material facts regarding the viability of an unrealistic and artificial Coalition agenda. The Coalition and its members also may be misleading consumers about the benefits of achieving the targets or about the alleged harm that the Coalition seeks to avoid. Once again, we stand ready to enforce our laws and protect our consumers.

We request that you provide a response to these concerns. Please explain in detail the legal basis

⁷ Sustainable Packaging Coalition, sustainablepackaging.org/ (last visited Oct. 29, 2025).

⁸ See *United States v. Brown Univ.*, 5 F.3d 658, 668 (3d Cir. 1993) (citing *Tunis Bros. Co. v. Ford Motor Co.*, 952 F.2d 715, 722 (3d Cir. 1991)).

⁹ *U.S. Horticultural Supply v. Scotts Co.*, 367 F. App’x 305, 309 (3d Cir. 2010) (citing *Gordon v. Lewistown Hosp.*, 423 F.3d 184, 210 (3d Cir. 2005)).

¹⁰ *In re NFL’s Sunday Ticket Antitrust Litig.*, 933 F.3d 1136, 1151 (9th Cir. 2019) (quoting *Nat’l Collegiate Athletic Ass’n v. Bd. of Regents of Univ. of Okla.*, 468 U.S. 85, 109 (1984)).

¹¹ *United States v. Google LLC*, 747 F. Supp. 3d 1, 118 (D.D.C. 2024) (citation omitted).

¹² *In re German Auto. Mfrs. Antitrust Litig.*, 392 F. Supp. 3d 1059, 1069 (N.D. Cal. 2019) (cleaned up).

¹³ *Brown Univ.*, 5 F.3d at 669 (citing *Nat’l Soc’y of Pro. Eng’rs*, 435 U.S. at 695).

¹⁴ *Nat’l Soc’y of Pro. Eng’rs*, 435 U.S. at 695.

¹⁵ *Ind. Fed’n of Dentists*, 476 U.S. at 463 (quoting *Nat’l Soc’y of Pro. Eng’rs*, 435 U.S. at 695).

for why you believe the Sustainable Packaging Coalition is not violating antitrust or consumer protection laws. Please also provide all documents that support your position. We look forward to receiving and evaluating your response.

Sincerely,



James Uthmeier
Florida Attorney General



Brenna Bird
Iowa Attorney General



Austin Knudsen
Montana Attorney General



Mike Hilgers
Nebraska Attorney General



Ken Paxton
Texas Attorney General