



STATE OF FLORIDA

JAMES UTHMEIER
ATTORNEY GENERAL

October 29, 2025

Mr. Wai-Chan Chan
The Consumer Goods Forum
nyc@theconsumergoodsforum.com

RE: Antitrust and Consumer Protection Concerns

Dear Mr. Chan:

We, the undersigned Attorneys General of five States, write to express our collective concern that The Consumer Goods Forum (“the Forum”) may be violating Federal and State antitrust laws. As you are aware, the “mission” of the Forum includes “[b]ringing together consumer goods manufacturers and retailers in pursuit of business practices for efficiency and positive change.”¹ To further this mission, the Forum is actively involved in attempts to create “a circular economy” regarding “plastic usage.”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 your mission is “nothing less than a frontal assault on the basic policy of the Sherman Act.”³

The Forum has made clear its goals. The Forum seeks to “bring[] consumer goods retailers and manufacturers together globally ... to collaborate, alongside other key stakeholders, to secure consumer trust and drive positive change.”⁴ The Forum also pursues “[m]oving from a linear to a circular economy,” which requires “a different approach to plastic usage, from production, consumption and reuse, to recycling and disposal.”⁵

The Forum is clear that it is forcing collaboration that otherwise would not have occurred. As the Forum explains, “[t]his new approach will require collaboration, knowledge and experience sharing, and creating partnerships with different sectors and organisations that, under different circumstances, might not normally have come together to act.”⁶ Indeed, the Forum believes that “the plastic waste challenge will only be solved by global collaboration between companies,

¹ The Consumer Goods Forum, theconsumergoodsforum.com (last visited Oct. 29, 2025).

² The Consumer Goods Forum, *Mission*, theconsumergoodsforum.com/planet/plastic-waste/about/mission/ (last visited Oct. 29, 2025).

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 The Consumer Goods Forum, *Our Mission: Better Lives Through Better Business*, theconsumergoodsforum.com/who-we-are/overview/ (last visited Oct. 29, 2025).

⁵ The Consumer Goods Forum, *Mission*, theconsumergoodsforum.com/planet/plastic-waste/about/mission/ (last visited Oct. 29, 2025).

⁶ *Id.*

national and local governments, multinational organisations, the recycling industry and consumers.”⁷

These goals appear to be designed to ensure as many stakeholders as possible, across entire markets, artificially implement a “new approach” that affects 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” that the antitrust laws seek to prevent.⁸

The Forum’s focus on “transforming” entire industry behavior around plastic packaging is particularly concerning. The Forum’s “Coalition of Action on Plastic Waste” has “committed to transforming how [the] industry designs, produces and manages plastic packaging in order to accelerate progress towards our vision of a circular economy.”⁹ In fact, that same Coalition has developed at least four goals in furtherance of this “transforming” endeavor: (1) implement certain “impactful ‘Golden Design Rules’ on packaging design”; (2) align principles for “optimal Extended Producer Responsibility (EPR) schemes” to assist with member engagements with governments; (3) assist in the design and investment in “regional scale pilots” to demonstrate the most effective strategies “in transitional markets”; and (4) align “within the Coalition” on the “role of chemical recycling in a circular economy for plastics and engaging with stakeholders.”¹⁰

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,”¹¹ or “an agreement not to compete in terms of price or output,”¹² 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.”¹³ This is because “[a]n agreement ‘to make a product of inferior quality ... counts as an output reduction,’” which are illegal.¹⁴

Unfortunately, it appears that the Forum’s activities and mission may be violating prohibitions. The Forum is clear about its desire to “transform” entire industry behavior, steer entire value chains toward its own uniform “‘positive change’ agenda,” and implement an artificial “new approach” through “global collaboration” among stakeholders. Coordinated, transformative market changes to output and quality of goods and services may violate antitrust laws. Indeed, the Forum appears to be aware of the antitrust implications of its activities, given its “Antitrust Compliance Guidelines” and its haste to include, in its otherwise seemingly inapposite mission statement, the phrase: “without impeding competition.” When it comes to enforcing applicable antitrust laws, we will not remain idle.

Intentions of the Forum, including its environmental goals, do not excuse violations of the law.

⁷ *Id.*

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 The Consumer Goods Forum, *Commitments & Achievements*, theconsumergoodsforum.com/planet/plastic-waste/about/our-achievements/ (last visited Oct. 29, 2025).

¹⁰ *Id.*

¹¹ *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)).

¹² *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)).

¹³ *United States v. Google LLC*, 747 F. Supp. 3d 1, 118 (D.D.C. 2024) (citation omitted).

¹⁴ *In re German Auto. Mfrs. Antitrust Litig.*, 392 F. Supp. 3d 1059, 1069 (N.D. Cal. 2019) (cleaned up).

Restraints on competition “cannot be justified solely on the basis of social welfare concerns.”¹⁵ 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.”¹⁶ 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.’”¹⁷ No matter how noble the Forum 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, Forum members who fail to meet the Coalition of Action on Plastic Waste’s four goals or otherwise set unrealistic goals at the urging of the Forum misleads consumers by failing to disclose material facts regarding the viability of an unrealistic and artificial Forum agenda. The Forum and its members also may be misleading consumers about the benefits of achieving the targets or about the alleged harm that the Forum 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 for why you believe the Consumer Goods Forum 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.

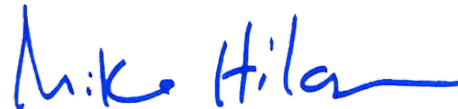
Sincerely,



James Uthmeier
Florida Attorney General



Brenna Bird
Iowa Attorney General



Mike Hilgers
Nebraska Attorney General



Austin Knudsen
Montana Attorney General



Ken Paxton
Texas Attorney General

¹⁵ *Brown Univ.*, 5 F.3d at 669 (citing *Nat’l Soc’y of Pro. Eng’rs*, 435 U.S. at 695).

¹⁶ *Nat’l Soc’y of Pro. Eng’rs*, 435 U.S. at 695.

¹⁷ *Ind. Fed’n of Dentists*, 476 U.S. at 463 (quoting *Nat’l Soc’y of Pro. Eng’rs*, 435 U.S. at 695).