

Message

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Sent: 22/04/2021 16:44:42
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CC: Crawford, Mark A (Legal) [REDACTED]@bp.com]
Subject: Privileged & Confidential: New York City Sues ExxonMobil, Shell, BP, and The American Petroleum Institute for Systematically and Intentionally Deceiving New Yorkers

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April 22, 2021

City argues deceptive trade practices and greenwashing violate City's Consumer Protection Law

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NEW YORK — Today, on Earth Day, Mayor Bill de Blasio and Corporation Counsel James E. Johnson announced the filing of a lawsuit against Exxon, Shell, BP, and the American Petroleum Institute for violating New York City's Consumer Protection Law through false advertising and deceptive trade practices.

"Our children deserve to live in a world free from climate change, and we must do everything in our power to give them hope and stop climate change in its tracks," said Mayor Bill de Blasio. "That means taking on some of the biggest polluting corporations for false advertising and greenwashing, in direct violation of our Consumer Protection Laws. My Earth Day message to Big Oil: See you in court."

"Climate change is very much on the mind of New Yorkers. Overwhelmed with the idea that there is nothing they can do, consumers are looking for ways to help, including by spending money on fossil fuel alternatives and rewarding companies that seem green," said Corporation Counsel James E. Johnson. "The defendants in our lawsuit have spent millions to persuade consumers that they present a clean, green choice. But they don't. They say they are making meaningful investments to protect the environment. But they aren't. They would like us to believe they are good faith partners in the drive to reduce fossil fuel consumption. And we don't. Consumers are entitled to clear, accurate information about products they may choose. We are bringing this litigation to protect that right. The defendants' deceptive practices are squarely prohibited by New York City law and cannot be allowed to continue."

The lawsuit was filed in the Supreme Court of the State of New York in the County of New York. It calls out defendants for "systematically and intentionally deceiving New Yorkers" in violation of New York City's Consumer Protection Law (New York City Administrative Code §§ 20-700 et seq.) Specifically, the complaint lays out a case showing that:

Defendants' product promotions, which are positioned to convince consumers that the purchase and use of their products is beneficial in addressing climate change, are false and misleading because they fail to disclose the disastrous impacts associated with the use of those same fossil fuel products; and

Through their aggressive and multi-pronged greenwashing campaigns directed at NYC consumers, Defendants falsely present themselves and the oil and gas industry as corporate leaders in the fight against global warming, recognizing that they can sell more products if they are viewed as environmentally responsible corporate citizens.

The lawsuit seeks relief to stop Defendants from engaging the deceptive practices alleged in the complaint and to recover civil penalties for every violation of New York City's Consumer Protection Law. The City is represented in this matter by the Law Department and Sher Edling, one of the nation's premier law firms on the cutting-edge of environmental and consumer protection litigation.

"When oil companies advertise their core products with words like 'greener' and 'cleaner' while failing to disclose the actual impacts of those products, it impairs consumers' ability to make informed purchasing decisions," said Lorelei Salas, Department of Consumer and Worker Protection. "Many New Yorkers want to make smart, green choices and these companies have deceived them into believing they were. We cannot allow them to continue to profit from these deceptions."

"Shell, Exxon, and BP recognize that their corporate image matters to their bottom line, and so they are spending millions of dollars to "green" their brand, but not their business. As public officials responsible for the well-being of our residents, we must take a stand against their efforts in order to safeguard the health of current and future New Yorkers," said Dave A. Chokshi, Department of Health and Mental Hygiene.

"Big Oil lied to New York City, so we'll see them in court. The corporate deception of Exxon, Shell, BP, and API makes it harder for consumers to discern what is true. It is imperative that, as the largest municipality in the country, New York City works to hold these oil companies to account for their misleading statements to our residents," said Ben Furnas, Mayor's Office of Climate and Sustainability.

"Fossil fuel companies are continuing to spin a tangled web of lies about the deadly products they produce and sell after decades of misleading consumers," said Jainey Bavishi, Director of the Mayor's Office of Climate Resiliency. "There's undeniable scientific evidence that oil, gas, and coal are warming our planet and making climate disasters more frequent and more severe. We won't be able to protect New York City from climate change unless we stop these companies from lying to New Yorkers – and that's what we intend to do."