

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

<p>GMO FREE USA d/b/a TOXIN FREE USA, P.O. Box 458, Unionville, CT 06085,</p> <p>CORPORATE ACCOUNTABILITY LAB, 6214 N Glenwood Ave, Chicago, IL, 60660</p> <p style="text-align:center">Plaintiffs,</p> <p style="text-align:center">v.</p> <p>AQUA STAR (USA), CORP., 2025 First Avenue, Suite 200, Seattle, WA 98121,</p> <p style="text-align:center">Defendant.</p>	<p>Case No. <u>2026-CAB-001574</u></p> <p>COMPLAINT</p> <p><u>DEMAND FOR JURY TRIAL</u></p>
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Plaintiffs GMO Free USA d/b/a Toxin Free USA (“TFUSA”) and Corporate Accountability Lab (“CAL”) (together, “Plaintiffs”) bring this action against Defendant Aqua Star (USA), Corp. (“Aqua Star”) concerning Aqua Star’s false and deceptive marketing representations of its shrimp products (“Products”) as “responsibly sourced” despite the documented presence of exploitative labor practices in the products’ supply chain, “sustainably” farmed despite the documented use of unsustainable and environmentally destructive practices at the shrimp farms from which the products are sourced, and as “pure” despite findings of illegal antibiotics and possible contamination with Cesium-137, a man-made radioactive isotope. This Complaint is brought under the District of Columbia Consumer Protection Procedures Act (“CPPA”), D.C. Code §§ 28-3901–13 by Plaintiffs TFUSA and CAL on behalf of themselves and the general public of the District of Columbia, that is, District consumers who are exposed, or may be exposed in the future, to Aqua Star’s false and/or deceptive advertising. Plaintiffs allege the following based upon personal knowledge, information, belief, and the investigation of counsel.

INTRODUCTION

1. This is a consumer protection case concerning deceptive marketing representations about shrimp Products produced, distributed, and marketed by Aqua Star.¹ This case is brought by Plaintiffs, both of which are nonprofit, public interest organization dedicated to consumer protection and education. Plaintiffs seek no monetary damages—only an end to the deceptive marketing and advertising at issue. Plaintiffs act on behalf of themselves and the general public of the District of Columbia—namely, District consumers who are exposed, or may be exposed, to Aqua Star’s false and deceptive marketing of its shrimp products.

2. Aqua Star is one of the world’s largest producers of shrimp products.² Aqua Star’s Products are widely sold throughout the United States and are available to consumers in the District at several retail locations including Target,³ Giant, Balducci’s, Safeway, Save A Lot, Harris Teeter, and Kroger.⁴

3. The Products are made from whiteleg shrimp (also known by its scientific name, *Litopenaeus vannamei* or *L. vannamei*) from countries that include India, Indonesia, and Vietnam.⁵

¹ The Products include, but are not limited to, Aqua Star’s Raw Easy-Peel Shrimp; Raw Peeled Tail-On Shrimp; Raw Peeled Tail-Off Shrimp; Shrimp Skewers; Crunchy Breaded Butterfly Shrimp; Coconut Breaded Shrimp; and Cocktail Shrimp. The Products also include any additional Aqua Star products that fall within this definition, as revealed through discovery; Plaintiffs reserve the right to amend this Complaint to add any additional Products that fall within this definition.

² See *Leading Companies in the United States Shrimp Market, Driven by Shift in Consumer Preference Towards Sustainably Sourced Seafood*, CLAIGHT CORP., <https://www.expertmarketresearch.com/articles/top-shrimp-companies-in-united-states> (last visited Jan. 21, 2025); *Top 12 Companies in the Shrimp Market*, imarc, <https://www.imarcgroup.com/shrimp-companies> (last visited Jan. 21, 2025); *Aqua Star*, FishChoice, <https://fishchoice.com/business/aqua-star-2> (last visited Jan. 21, 2025); and *Shrimp Market Size to Worth USD 53.63 Billion by 2028*, GlobeNewswire (June 14, 2023, 3:09 PM), <https://www.globenewswire.com/news-release/2023/06/14/2687803/0/en/Shrimp-Market-Size-to-Worth-USD-53-63-Billion-by-2028-At-a-CAGR-of-6-81.html>.

³ *Aqua Star*, Target, (n.d.), <https://www.target.com/b/aqua-star/-/N-whg50/> (last visited Mar. 4, 2026).

⁴ See *Store Locator*, AQUA STAR, <https://www.Aqua Star.com/store-locator/> (last visited Apr. 4, 2025).

⁵ *Another Company Recalls Frozen Shrimp Due to Radioactive Contamination*, NEWSWEEK (Oct. 18, 2025), <https://www.newsweek.com/another-company-recalls-frozen-shrimp-due-to-radioactive-contamination-10900805>; *(Trade Atlas) Aqua Star Imports from India January, 2020 to February, 2025*, TRADEATLAS, https://docs.google.com/spreadsheets/d/1xZwBUmJ7yphBxXs_LVRhtQ8LNcBnNKE-kzX8Cl_ffKc/edit?gid=0#gid=0 (last visited Sept. 29, 2025).

4. India, Indonesia, and Vietnam house both smallholder and large industrial shrimp farms and processing facilities that use production methods that harm the environment,⁶ commit human rights abuses,⁷ and produce antibiotic-laden shrimp.⁸

5. Aqua Star markets its Products with its “Seafood Forever™, Responsibly Sourced” label, placed on the front of the package, and accompanying on-package representations that the shrimp is “sustainably sourced” or “responsibly and naturally farmed,” as seen on the examples below:

⁶ *The pushback against Aquaculture Inc*, GRAIN (Dec. 10, 2024), <https://grain.org/en/article/7218-the-pushback-against-aquaculture-inc> (“In India, industrial shrimp farming has destroyed the fishing grounds of local communities by polluting waters with antibiotics and chemicals.”); *see, e.g., Shrimp Aquaculture in Indonesia*, MANGROVE PHOTOGRAPHY AWARDS, <https://www.photography.mangroveactionproject.org/stories-post/shrimp-aquaculture-indonesia> (last visited Mar. 27, 2025).

⁷ *See generally Hidden Harvest: Human Rights and Environmental Abuses in India’s Shrimp Industry*, CORPORATE ACCOUNTABILITY LAB (Mar. 2024), <https://corpaccountabilitylab.org/hidden-harvest> (hereinafter “Hidden Harvest Report” or “HHR”); *see also Smash & Grab: Conflict, Corruption & Human Rights Abuses in the Shrimp Farming Industry*, ENV’T JUSTICE FOUNDATION (Jan. 1, 2003), https://ejfoundation.org/resources/downloads/smash_and_grab.pdf.

⁸ *Which Countries Continue to Use Antibiotics in Shrimp Aquaculture? The EU, Japan, and the United States All Find the Same Thing: India and Vietnam*, SOUTHERN SHRIMP ALLIANCE (Jan.30, 2025), <https://shrimpalliance.com/which-countries-continue-to-use-antibiotics-in-shrimp-aquaculture-the-eu-japan-and-the-united-states-all-find-the-same-thing-india-and-vietnam/>





RESERVE

BUTTERFLY COCONUT SHRIMP



INCLUDES
SWEET CHILI
SAUCE

Oven Ready
Responsibly Sourced



35-40
LARGE SHRIMP
Net Wt 1.5 lb (680g)
Keep Frozen

6. Aqua Star’s claims about “sustainably” and “responsibly” sourced shrimp deceives consumers into believing that the Products are sourced in an ethical, environmentally sound, and socially conscious manner throughout the Products’ supply chain.

7. Despite Aqua Star’s claims, the Products contain shrimp that are farmed using unsustainable practices that are environmentally destructive and produced via exploitative labor practices, including forced labor, hazardous working conditions, and unfair and unlivable wages.

8. Furthermore, Aqua Star represents its Products as “pure” and “naturally farmed,” leading consumers to believe that its Products are safe to consume and promote general health and wellbeing.⁹

9. In reality, the Products have been recalled due to possible contamination with the man-made radioisotope of Cesium-137, which can elevate a person’s risk of developing cancer.¹⁰ These recalls occurred on August 27, 2025; August 28, 2025; September 20, 2025; September 23, 2025; and October 17, 2025,¹¹ and all involved shipments from one of Aqua Star’s largest suppliers: P.T. Bahari Makmur based in Sejati, Indonesia.¹²

10. The U.S. Food and Drug Administration (“FDA”) also refused entry for shrimp exported by another Indonesian Aqua Star supplier, PT Pabrik Lamongan BMI on June 30, 2025; August 28, 2025; September 25, 2025; September 29, 2025; and October 14, 2025, to shrimp

⁹ *Aqua Star Practices*, AQUA STAR (n.d.), <https://www.aquastar.com/about-us/quality-commitment-sourcing-sustainability/> (last visited Mar. 6, 2026).

¹⁰ See *Cesium CAS #7440-46-2*, AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY (Apr. 2024), <https://www.atsdr.cdc.gov/toxfaqs/tfacts157.pdf>.

¹¹ *2025 Recalls of Frozen Shrimp Products Associated with Cesium-137 Contamination from PT. Bahari Makmur Sejati Due to Potential Safety Concerns*, FOOD & DRUG ADMIN (2026), <https://www.fda.gov/safety/major-product-recalls/2025-recalls-frozen-shrimp-products-associated-cesium-137-contamination-pt-bahari-makmur-sejati-due> (last visited Mar. 9, 2026).

¹² *Aqua Star Imports from India January, 2020 to February, 2025*, TRADEATLAS, https://docs.google.com/spreadsheets/d/1xZwBUmJ7yphBxXs_LVRhtQ8LNcBnNKE-kzX8Cl_ffKc/edit?gid=0#gid=0 (last visited Mar. 9, 2026).

contaminated with nitrofurans, antibiotics, and/or veterinary drug residues.¹³ The United States Food and Drug Administration (“FDA”) stated that “[s]hrimp or prawns that contain residues of nitrofurans ... are adulterated and not permitted in United States commerce.”¹⁴

11. Thus, Aqua Star’s representations that its Products are “sustainable,” “responsibly sourced,” “naturally farmed”, and that its Products are “pure” are false and misleading to District consumers, who rely on Aqua Star’s representations to determine whether the Products are in fact sustainable, safe, and “responsibly sourced.”

STATUTORY FRAMEWORK

12. This action is brought under the District of Columbia Consumer Protection Procedures Act.

13. The CPPA makes it a violation for “any person” to, *inter alia*:

- “represent that goods or services have a source, . . . characteristics, . . . [or] benefits . . . that they do not have,” D.C. Code §§ 28-3904(a);
- “represent that goods or services are of a particular standard, quality, grade, style, or model, if in fact they are of another,” *id.* § 28-3904(d);
- “misrepresent as to a material fact which has a tendency to mislead,” *id.* § 28-3904(e);
- “fail to state a material fact if such failure tends to mislead,” *id.* § 28-3904(f);
- “use innuendo or ambiguity as to a material fact, which has a tendency to mislead,” *id.* § 28-3904(f-1); or

¹³ *FDA Confirms Abuse of Antibiotics in Indonesian Shrimp Aquaculture with Refusals in September and October*, SOUTHERN SHRIMP ALLIANCE (Nov. 4, 2025), <https://shrimpalliance.com/fda-confirms-abuse-of-antibiotics-in-indonesian-shrimp-aquaculture-with-refusals-in-september-and-october/>; *Although the FDA Has Again Confirmed Antibiotic-Abuse in Indonesian Shrimp Aquaculture, the Agency’s New Certification Requirements for Indonesian Shrimp Do Not Cover this Risk to Human Health*, SOUTHERN SHRIMP ALLIANCE (Oct. 7, 2025), <https://shrimpalliance.com/although-the-fda-has-again-confirmed-antibiotic-abuse-in-indonesian-shrimp-aquaculture-the-agencys-new-certification-requirements-for-indonesian-shrimp-do-not-cover-this-risk-to-human-health/>.

¹⁴ *FDA Issues Import Alert on Imported Shrimp and Prawns from Peninsular Malaysia*, FOOD & DRUG ADMIN (Apr. 18, 2026), <https://www.fda.gov/food/hfp-constituent-updates/fda-issues-import-alert-imported-shrimp-and-prawns-peninsular-malaysia#:~:text=Despite%20Malaysia's%20ban%20on%20the,by%20accessing%20the%20Import%20Alert.>

- “advertise or offer goods or services . . . without the intent to sell them or without the intent to sell them as advertised or offered,” *id.* § 28-3904(h).

14. A violation of the CPPA occurs when a person “engages in an unfair or deceptive trade practice,” regardless of “whether or not any consumer is in fact misled, deceived or damaged thereby.” *Id.* § 28-3904.

15. 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). The statute “shall be construed and applied liberally to promote its purpose.” *Id.*

16. Under the CPPA, “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” and 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)(i), (ii).

17. As set forth in this Complaint, *see infra* ¶¶ 121-23, Plaintiffs are public interest organizations with a strong nexus to the interests of consumers in this case, *i.e.*, consumers’ interest in receiving truthful information about the shrimp Products. TFUSA’s mission is to advocate for and educate consumers on healthy food and ecological systems, which it has long done within the District of Columbia. CAL’s mission is to expose human rights violations in global supply chains and seek accountability from multinational companies responsible for those violations. Both TFUSA and CAL have previously represented District consumers in actions under the CPPA and have a sufficient nexus to District consumers to adequately represent their interests.

18. District consumers are generally consumers who would be entitled to bring this action under the CPPA because Aqua Star has exposed these consumers to its false and/or misleading marketing in the District’s marketplace.

19. Plaintiffs may, therefore, bring this action on behalf of D.C. consumers.

20. This is not a class action, or an action brought on behalf of a specific consumer. This is an action brought by Plaintiffs on behalf of themselves and the general public of the District of Columbia—specifically, District consumers who purchase shrimp from Aqua Star. No class certification will be requested.

21. This is an action for injunctive and/or declaratory relief brought pursuant to Section 28-3905(k)(1)(D) on behalf of District consumers. It is not a class action and therefore does not require class certification and is not subject to the Class Action Fairness Act.¹⁵

22. This action does not seek monetary damages. Instead, Plaintiffs seek to end the unlawful conduct directed at D.C. consumers by ending Aqua Star’s false and deceptive advertising in regard to its shrimp Products.

23. Remedies available under the CPPA 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

24. Aqua Star markets the Products throughout the District of Columbia via both on-packaging representations and online marketing.

25. Aqua Star offers its Products for sale within the District of Columbia, and many more products are available to be purchased via delivery services into the District.

¹⁵ See *Animal Legal Def. Fund v. Hormel Foods Corp.*, 258 A.3d 174, 190 (D.C. 2021).

26. Through the Products’ packaging, labeling, and online descriptions, Aqua Star markets the Products as “ocean friendly,” “sustainable,” “socially responsible,” and “socially and environmentally responsible,” while using its “Seafood Forever™, Responsibly Sourced” (collectively, “Responsible Sourcing Representations”) logos to represent claims about the Products’ sustainability and socially responsible sourcing. Aqua Star also markets its Products as “healthy” and “pure.”

27. As detailed below, Aqua Star’s Responsible Sourcing Representations are false and misleading in that they lead District consumers to believe that Aqua Star’s Products are responsibly sourced with an emphasis on social welfare for workers and minimal negative impacts on the environment when, in reality, Aqua Star’s supply chain is riddled with environmental and labor abuses. Additionally, Aqua Star’s representations that its shrimp Products “healthy”, “pure”, and in compliance with “food safety” are false and misleading, as there have been findings of illegal antibiotics and possible contamination with Cesium-137 in Aqua Star’s shrimp Products.

I. FAIR LABOR REPRESENTATIONS

A. Aqua Star’s Responsible Sourcing Representations Lead Consumers to Believe Its Sourcing Practices Ensure Fair Labor

28. As detailed below, Aqua Star’s Responsible Sourcing Representations are false and misleading in that they lead District consumers to believe that Aqua Star’s Products are responsibly sourced with fair labor practices.

29. The retail packaging of the Products features the claim, “Seafood Forever™, Responsibly Sourced,” which assures consumers that the Products are good for the “long-term health of our people and our planet.”¹⁶

¹⁶ Aqua Star Practices, Aqua Star (n.d.), <https://www.aquastar.com/about-us/quality-commitment-sourcing-sustainability/> (last visited Mar. 6, 2026).

30. Aqua Star makes identical representations through its website, claiming on the Products' webpages that the Products fall under its Seafood Forever™ program.¹⁷

31. Aqua Star claims that its Seafood Forever™ program is its “social and environmental responsibility program [that] represents nearly two decades of investment in the future of our people, our planet and our seafood.”¹⁸

32. On its website, the company says, “[a]t Aqua Star, we know the future of our industry relies on sourcing seafood in a *socially* and environmentally *responsible manner*. Our Seafood Forever™ program is based on four pillars we view as critical to the long-term health of our people and our planet: Responsibility, Traceability, Social Responsibility, and Food Safety” (emphasis added).¹⁹

33. Aqua Star also makes more general Responsible Sourcing Representations about the Products through its consumer-facing company website.

34. For example, Aqua Star claims to “require quality, compliance traceability, *fair labor practices*, and environmental stewardship” in the context of harvesting and processing” (emphasis added).²⁰

35. On social media, Aqua Star frequently promotes the Seafood Forever™ program, and the company’s “responsible sourcing,” including with the repeated use of the below graphic, which tells consumers that Products with the “Seafood Forever™, Responsibly Sourced” graphic are “ocean friendly,” “sustainable,” and “socially responsible.”²¹

¹⁷ *Seafood Forever™*, Aqua Star, <https://www.AquaStar.com/about-us/seafood-forever/> (last visited Mar. 13, 2025).

¹⁸ *Seafood Forever™*, Aqua Star, <https://www.AquaStar.com/about-us/seafood-forever/> (last visited Mar. 13, 2025).

¹⁹ Aqua Star Practices, *supra* note 9.

²⁰ *Id.*

²¹ *See generally* Aqua Star, FACEBOOK (June 8, 2022), <https://www.facebook.com/photo.php?fbid=10160262973138383&set=pb.100068460795753.-2207520000&type=3> (last visited Feb. 6, 2026).



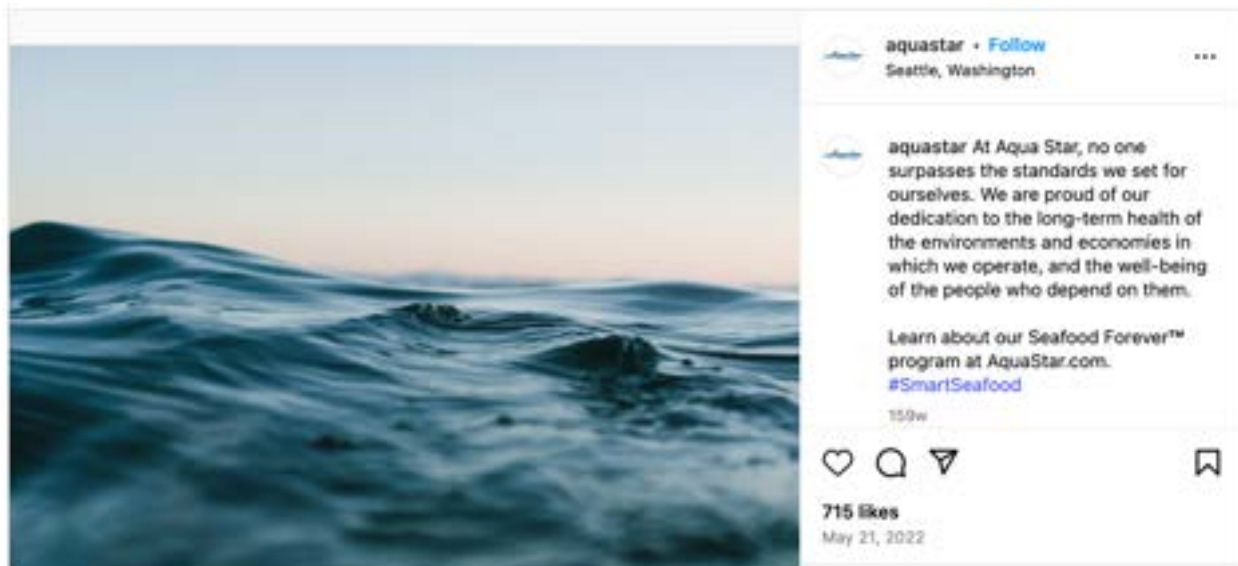
36. Aqua Star displays these and other misleading representations throughout its Facebook and Instagram, including using the following affirmative representations and misleading language:

- “[W]e *continue to invest* in the future of sustainable seafood” (emphasis added)²²;

²² Aqua Star, FACEBOOK (Apr. 22, 2023) <https://www.facebook.com/share/p/1NDyp9Ge2E/>.



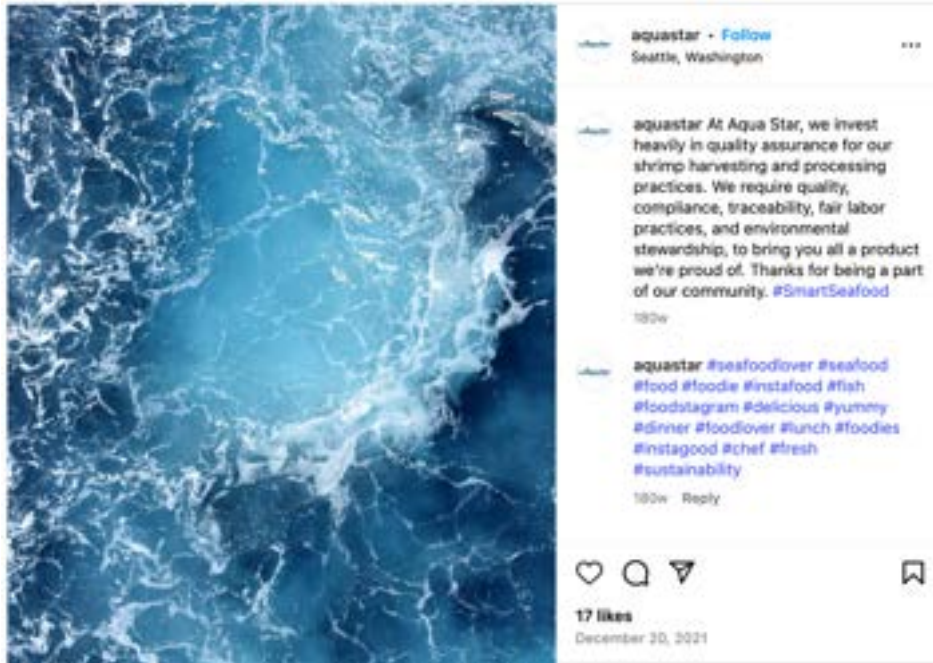
- “[N]o one surpasses the standards we set for ourselves”²³;



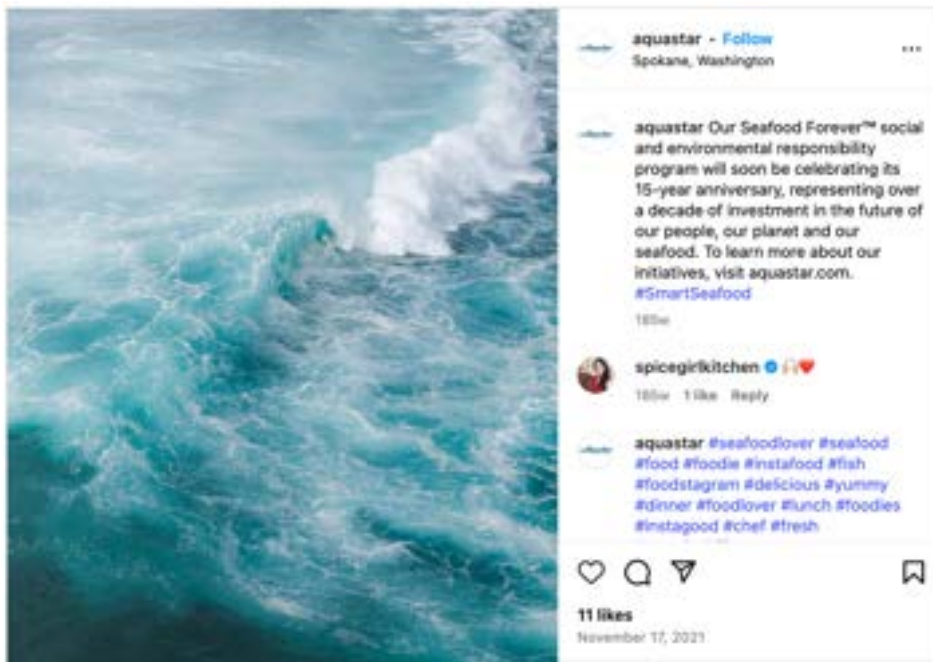
- “We *require* quality, compliance, traceability, *fair labor practices*, and environmental stewardship, to bring you all a product we’re proud of” (emphasis added)²⁴; and

²³ Aqua Star, INSTAGRAM (May 21, 2022), https://www.instagram.com/p/Cd1_XoxrVpS/.

²⁴ Aqua Star, INSTAGRAM (Dec. 20, 2021), <https://www.instagram.com/p/CXuKrBWvwPN/>.



- “Our Seafood Forever™ social and environmental responsibility program will soon be celebrating its 15-year anniversary, representing over a decade of investment in the future of our people, our planet and our seafood.”²⁵



²⁵ Aqua Star, INSTAGRAM (Nov. 17, 2021), <https://www.instagram.com/p/CWZkuEIJDLu/>.

37. These representations mislead consumers into believing that Aqua Star takes great care not to exploit its workers. These representations also signal to consumers that Aqua Star monitors its *entire supply chain* to ensure that this is true along every step. These representations are, unfortunately, equally misleading and material to D.C. consumers.

B. Aqua Star’s Responsible Sourcing Representations About Its Supply Chain Fair Labor Create Expectations Material to D.C. Consumers.

38. CPPA Sections 28-3904(a), (d), and (h) do not require any showing of materiality. Sections 28-3904(e) and (f-1) claims do include a materiality component, and, in fact, Aqua Star’s representations are material to D.C. consumers.

39. Aqua Star’s use of its “Seafood Forever™, Responsibly Sourced” label and its further representations that its farmed shrimp is “responsibly sourced” and that Aqua Star engages in “fair labor practices” are material to consumers.

40. Consumers view “responsibly sourced” claims to be very similar to “sustainably sourced” claims.²⁶

41. Consumers also care deeply about exploitative labor practices in supply chains. A national survey found that “60 percent of consumers would stop using a product if they knew that human trafficking or forced labor was used to create it.”²⁷

²⁶ See *Falcone v. Nestle USA, Inc.*, No. 3:19-cv-723-L-DEB, 2024 U.S. Dist. LEXIS 214648, at *2 (S.D. Cal. Sep. 25, 2024). There, Nestlé’s chocolate chip and cocoa product labeling included “sustainably sourced” and “responsibly sourced” claims. Falcone challenged the claims based on its allegation that Nestlé sourced its cocoa from West African plantations that contribute to deforestation, and which relies on forced labor, including child slave labor. *Id.* at *3. In its discussion on commonality, the court pointed out that consumer research points to how they viewed the ‘sustainably sourced’ and ‘responsibly sourced’ terms as one and the same—as a representation addressing consumers’ environmental concerns and social issues. *Id.* at *16.

²⁷ Stephen DeAngelis, *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-traffickingcompanies-need-to-be/>.

42. ***Most consumers would stop buying from brands that they believe are unethical.***

Moreover, “over one-third (35 percent) of consumers would stop buying from brands they perceive as unethical even if there is no substitute available.”²⁸ Additionally, 63 percent of “consumers feel that ethical issues are becoming more important.”²⁹

43. 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.”³⁰

44. Another survey found that “81 percent” of consumer respondents said that “purchasing ethically sourced and/or produced products matters,”³¹ and a study showed that ***consumers are more likely to buy a product marketed as ethical and sustainable***, with the “data show[ing] a positive correlation between [product] growth rate and . . . multiple types of [environmentally and socially responsible] claims.”³²

45. Previous studies have also shown that shoppers are willing to pay a premium for products containing “labels with information about certified fair labor standards.”³³

46. Aqua Star is aware that consumers are willing to pay more for responsibly sourced seafood.

²⁸ *56% of Americans stop buying from brands they believe are unethical*, MINTEL (Nov. 18, 2015), <https://www.mintel.com/press-centre/56-of-americans-stop-buying-from-brands-they-believe-are-unethical/>.

²⁹ *Id.*

³⁰ *Consumer Survey Shows Changing Definition of Food Safety*, FOOD SAFETY NEWS (Feb. 4, 2016) <https://www.foodsafetynews.com/2016/02/123246/>.

³¹ Steve Banker, *Do Consumers Care About Ethical Sourcing?*, FORBES (Oct. 5, 2021), <https://www.forbes.com/sites/stevebanker/2021/10/05/do-consumers-care-about-ethical-sourcing/?sh=4c6fe92c5f50>.

³² *Consumers Care About Sustainability – and Back It Up with Their Wallets*, MCKINSEY & CO., (Feb. 6, 2023), <https://www.mckinsey.com/industries/consumer-packaged-goods/our-insights/consumers-care-about-sustainabilityand-back-it-up-with-their-wallets>.

³³ Michael J. Hiscox, *Consumer Demand for Fair Labor Standards: Evidence from a Field Experiment on eBay*, ELSEVIER INC. (Apr. 12, 2011), https://scholar.harvard.edu/files/hiscox/files/consumer_demand_fair_labor.pdf.

47. Aqua Star tailors its marketing, including its Responsible Sourcing Representations, to present its farmed shrimp Products as sustainable and ethical to sell more Products, and to profit from its misrepresentations to consumers.

C. Aqua Star’s Products Are Sourced from Shrimp Processing Facilities That Use Practices That Exploit Workers.

48. Aqua Star’s suppliers subject workers in shrimp processing plants to hazardous, unsanitary working conditions while paying them low wages and providing unlivable housing. The International Labour Organization defined forced labor as “all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily.”³⁴ The abusive treatment Aqua Star’s suppliers subjects its workers to meets this definition despite its marketing the Products as “responsibly sourced.”

49. Aqua Star directly sources the Products’ shrimp from Nekkanti Sea Foods—an Indian shrimp company that perpetuates human rights abuses among its workers, including forced labor.

50. Low wages and poor working conditions are well-documented at Nekkanti Sea Foods’ (“Nekkanti”) facilities.³⁵

51. Female workers at Nekkanti have reported being paid significantly less than the living wage in Andhra Pradesh, India. In 2023, the living wage in India was INR 16,999 (about \$207 USD)³⁶ per month.³⁷ In 2023, women workers at Nekkanti made anywhere from INR 250

³⁴ *What is Forced Labour?*, INT’L LAB. ORG. (n.d.), <https://www.ilo.org/topics/forced-labour-modern-slavery-and-trafficking-persons/what-forced-labour>

³⁵ HHR, *supra* note 7, at 39, 56, 72, 73.

³⁶ This conversion is calculated based on the exchange rate on March 31, 2023. See *Fiscal Data*, CURRENCY EXCHANGE RATES CONVERTER, <https://fiscaldata.treasury.gov/currency-exchange-rates-converter/>.

³⁷ *Living Wage Update Report: Rural Andhra Pradesh, India 2023*, ANKER RESEARCH INSTIT. (2023), https://www.globallivingwage.org/wp-content/uploads/2023/08/Update-report_India_Rural-Andhra-Pradesh_2023_JUNE.pdf.

(about \$3.04 USD)³⁸ to INR 300 (about \$3.65 USD)³⁹ per day,⁴⁰ and, in some cases, did not receive compensation for overtime work, “even when they work[ed] an entire month with no days off.”⁴¹

Women were making *less than half* of a living wage each month.⁴²

52. Nekkanti has endangered its workers’ physical health, with employees reporting hazardous conditions in shrimp processing facilities.

53. Indian aquaculture shrimp employees have reported receiving insufficient protective gear. They report that if their gloves get torn throughout the day, their employers fail to provide them with a replacement pair, leading to injuries including frostbite from handling frozen shrimp, and rashes from prolonged contact with frozen shrimp, chemicals, and brine.⁴³ These injuries are exacerbated by workers’ inability to take time off to heal.⁴⁴

54. In 2016, Nekkanti had an ammonia leak that caused forty-four workers to become sick, leaving some with long-term injuries.⁴⁵ According to one tradesman in the industry, “at least a couple” of ammonia gas leaks occur every year in the sector.⁴⁶

55. Nekkanti workers also reported being forced to live in overcrowded, unsanitary, company-owned and controlled hostels.⁴⁷

³⁸ This conversion is calculated based on the exchange rate on March 31, 2023. See *Fiscal Data*, CURRENCY EXCHANGE RATES CONVERTER, <https://fiscaldata.treasury.gov/currency-exchange-rates-converter/>.

³⁹ *Id.*

⁴⁰ HHR, *supra* note 7, at 39, 72.

⁴¹ *Id.* at 1, 41, 72.

⁴² There is no evidence to suggest that working conditions or pay conditions have changed at these facilities since 2023.

⁴³ HHR, *supra* note 7, at 2, 73.

⁴⁴ *Id.* at 10.

⁴⁵ *Id.* at 38.

⁴⁶ *Id.*

⁴⁷ *Id.* at 6, 8, 54, 72-73.

56. Nekkanti relies on contractors to recruit migrant workers. These contractors take a portion of each workers' pay and often entrap them in debt bondage systems, preventing workers from leaving.⁴⁸

57. An individual at Nekkanti Sea Foods stated that “[r]ecruitment agencies employed by us bring migrant workers from Odisha and West Bengal. They look for workers in rural areas who need money desperately. These recruitment agency agents will provide the money to the workers and bring them to our company on the condition that they will be allowed to leave only after the loan and interest are cleared.”⁴⁹

58. Workers who live in company hostels have described the conditions as “like deciding to reside in an open jail.”⁵⁰ One worker explained that “the freedom of movement of workers is restricted without compromise.”⁵¹ Even within the hostels, workers' actions, such as telephone communications, are constrained.⁵² Workers are only allowed to leave the hostels once a month or at most once a week.⁵³

59. According to a supervisor at Nekkanti, the company hides migrant workers from inspectors.⁵⁴ Workers hidden from inspectors are especially vulnerable to abuse.

61. Nekkanti workers similarly report labor issues including low wages, no employee benefits, abusive labor practices, and company attempts to curb their freedom of movement.⁵⁵

64. Workers are also underpaid, lack contracts with the company, and are often not given health insurance or paid social security benefits they are owed.⁵⁶

⁴⁸ *Id.* at 7, 47-49.

⁴⁹ *Id.*

⁵⁰ *Id.* at 54.

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.* at 54, 72.

⁵⁴ *See id.* at 33.

⁵⁵ *Id.* at 32, 47, 48.

⁵⁶ *Id.* at 48.

65. Migrant workers live in guarded company hostels, segregated by gender.⁵⁷ Workers report that the rooms in these hostels are overcrowded.⁵⁸

66. Nekkanti is not an outlier in the Indian shrimp sector; forced labor is endemic across the supply chain, in hatcheries, on shrimp farmers, and in processing facilities. Additional reporting has confirmed the widespread use of such practices.⁵⁹ According to the U.S. Department of State: “Observers report indicators of forced labor—including failure to pay a minimum wage, restricted freedom of movement, and dangerous working conditions—in some shrimp and aquaculture facilities, particularly in Andhra Pradesh. The exploitative conditions in these aquaculture facilities also creates debt bondage, especially among migrant workers and scheduled castes.”⁶⁰ In 2024, the U.S. Department of Labor also added shrimp from India to its List of Goods Produced by Child Labor or Forced Labor.⁶¹

67. Aqua Star also imports from the four top Indonesian shrimp exporters—Makmur Sejati, Sekar Bumi Tbk, Bumi Menara Internusa, and PT Pabrik Lamongan BMI—all of which source from farms that primarily use informal employment arrangements that increase the risk of exploitative and forced labor.⁶²

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ Ben Blakenship, *The Whistleblower*, OUTLAW OCEAN PROJECT (Mar. 20, 2024), <https://theoutlawocean.com/investigations/india-shrimp-a-growing-goliath/the-whistleblower/>; Martha Mendoza, Mahesh Kumar & Piyush Nagpal, AP Finds Grueling Conditions in Indian Shrimp Industry that Report Calls ‘Dangerous and Abusive’, ASSOCIATED PRESS (Mar. 20, 2024), <https://apnews.com/article/india-shrimp-seafood-industry-labor-abuses-us-imports-e5b51878eafbb6e28977710b191eb7de>; Shashikala VP & Noemi Cassanelli, *The US is India’s Biggest Importer of Shrimp. Teenage Girls and Women Working in the Booming Industry Describe Grueling Conditions*, CNN, <https://www.cnn.com/interactive/asequals/indian-seafood-industry-women-exploitation-as-equals-intl-cmd/>.

⁶⁰ *2024 Trafficking in Persons Report: India*, U.S. DEP’T OF STATE <https://www.state.gov/reports/2024-trafficking-in-persons-report/india/>.

⁶¹ *2024 List of Goods Produced by Child Labor or Forced Labor*, U.S. DEP’T OF LAB. 17 (2024) https://www.dol.gov/sites/dolgov/files/ilab/child_labor_reports/tda2023/2024-tvpra-list-of-goods.pdf.

⁶² *Net Profits Human Costs*, AKATIGA CENTER FOR SOCIAL ANALYSIS, ELSAM & MIGUNANI RSCH. INSTIT. (Sept. 2024), <https://www.akatiga.org/wp-content/uploads/2024/09/Net-Profits-Human-Costs-Indonesia-Report.pdf> at 26, 28-29, 40-43.

68. Aqua Star’s marketing of its Products—which mislead consumers into believing that the Products are made from shrimp that are responsibly sourced and produced by workers not suffering major labor rights violations—is false and misleading.

II. ENVIRONMENTAL REPRESENTATIONS

A. Aqua Star’s Sustainable Sourcing Representations Lead Consumers to Believe Its Sourcing Practices Minimize Environmental Harm.

69. As detailed below, Aqua Star’s Sustainable Sourcing Representations also lead District consumers to believe that Aqua Star’s Products are sustainably sourced with minimal negative impacts on the environment when, in reality, Aqua Star’s supply chain causes significant environmental destruction.

70. The retail packaging of the Products features the claim, “Seafood Forever™, Responsibly Sourced,” which assures consumers that the Products are good for the “long-term health of our people and our planet.”⁶³

71. Aqua Star makes identical representations through its website, claiming on the Products’ webpages that the Products fall under its Seafood Forever™ program.⁶⁴

72. Aqua Star claims that its Seafood Forever™ program is its “social and environmental responsibility program [that] represents nearly two decades of investment in the future of our people, our planet and our seafood.”⁶⁵

73. On its website, the company says, “[a]t Aqua Star, we know the future of our industry relies on sourcing seafood in a *socially and environmentally responsible manner*. Our Seafood Forever™ program is based on four pillars we view as critical to the long-term health of

⁶³ Aqua Star Practices, *supra* note 9.

⁶⁴ *Seafood Forever™*, AQUA STAR (n.d.), <https://www.AquaStar.com/about-us/seafood-forever/> (last visited Mar. 6, 2026).

⁶⁵ *Id.*

our people and our planet: Responsibility, Traceability, Social Responsibility, and Food Safety” (emphasis added).⁶⁶

74. Aqua Star also makes more general Responsible Sourcing Representations about the Products through its consumer-facing company website.

75. For example, Aqua Star claims to “require quality, compliance traceability, fair labor practices, and *environmental stewardship*” in the context of harvesting and processing” (emphasis added).⁶⁷

76. Aqua Star also claims that it “deliver[s] the best shrimp today and for future generations” and to “*train our people and care for the environment every step of the way.*”⁶⁸

77. On social media, Aqua Star frequently promotes the Seafood Forever™ program, and the company’s “responsible sourcing,” including with the repeated use of the below graphic, which tells consumers that Products with the “Seafood Forever™, Responsibly Sourced” graphic are “ocean friendly,” “sustainable,” and “socially responsible.”⁶⁹

⁶⁶ Aqua Star Practices, *supra* note 9.

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ See generally Aqua Star, FACEBOOK (June 8, 2022), <https://www.facebook.com/photo.php?fbid=10160262973138383&set=pb.100068460795753.-2207520000&type=3> (last visited Feb. 6, 2026).



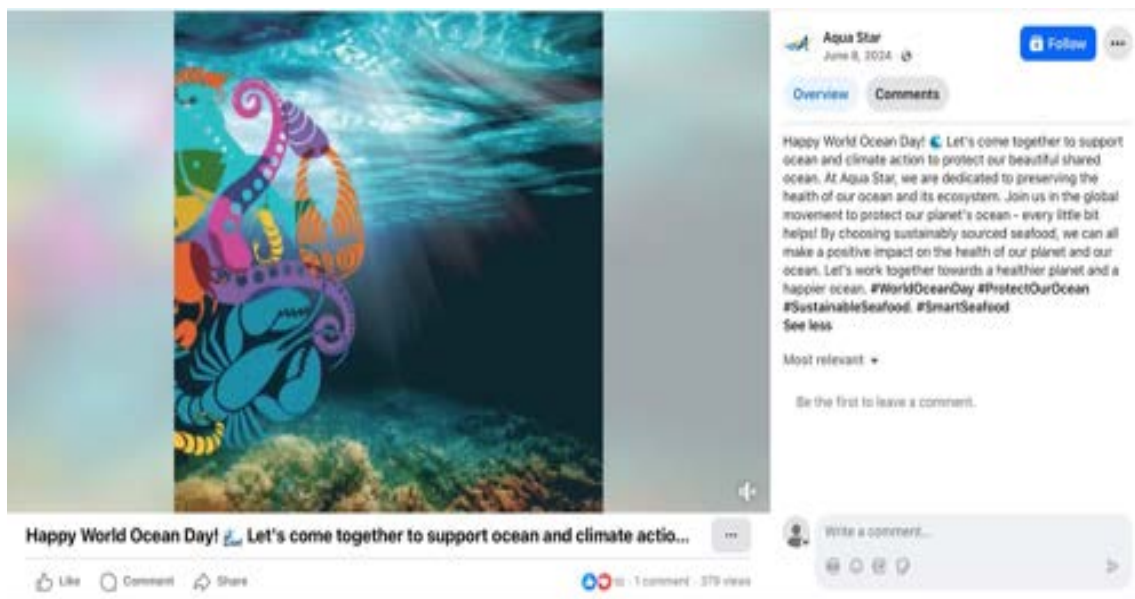
78. Aqua Star displays these and other similar representations throughout its Facebook and Instagram accounts, including using the following affirmative representations and misleading language:

- “A big thank you to @TastingTable for recognizing Aqua Star as one of the top frozen shrimp brands! And for sharing the love for our Shrimp Scampi & Linguine Smart Seafood Sauté AND our Breaded Butterfly Crunchy Shrimp. 🍤 Our commitment to quality, taste, texture, affordability, sustainability, and availability has set us apart. Dive into a delicious seafood adventure with Aqua Star, available nationwide! 🌊🌟 #SeafoodLovers #AquaStar #TopBrand #SmartSeafood;”⁷⁰

⁷⁰ Aqua Star, INSTAGRAM (May 2, 2025), <https://www.instagram.com/p/DJKUG3GvF1c/?hl=en>.



- “[W]e are *dedicated to preserving the health of our ocean and its ecosystem*. Join us in the global movement to protect our ocean - every little bit helps! By choosing sustainably sourced seafood, we can all make a positive impact on the health of our planet and our ocean. Let's work together towards a healthier planet and a happier ocean” (emphasis added)⁷¹;



⁷¹ Aqua Star, Facebook (June 8, 2024) <https://www.facebook.com/watch/?v=388999837496673&ref=sharing>

- “By buying sustainably sourced seafood we can all help make an impact toward a healthier planet and a happier ocean.”⁷²;



- “[W]e know the future of the seafood industry relies on sourcing seafood in a socially and environmentally responsible manner”⁷³;



⁷² Aqua Star, FACEBOOK (June 8, 2023) <https://www.facebook.com/watch/?v=971286760787854&ref=sharing>

⁷³ Aqua Star, FACEBOOK (May 23, 2023) <https://www.facebook.com/share/p/18jkDZft1M/>

- “[W]e *continue to invest* in the future of sustainable seafood” (emphasis added)⁷⁴;



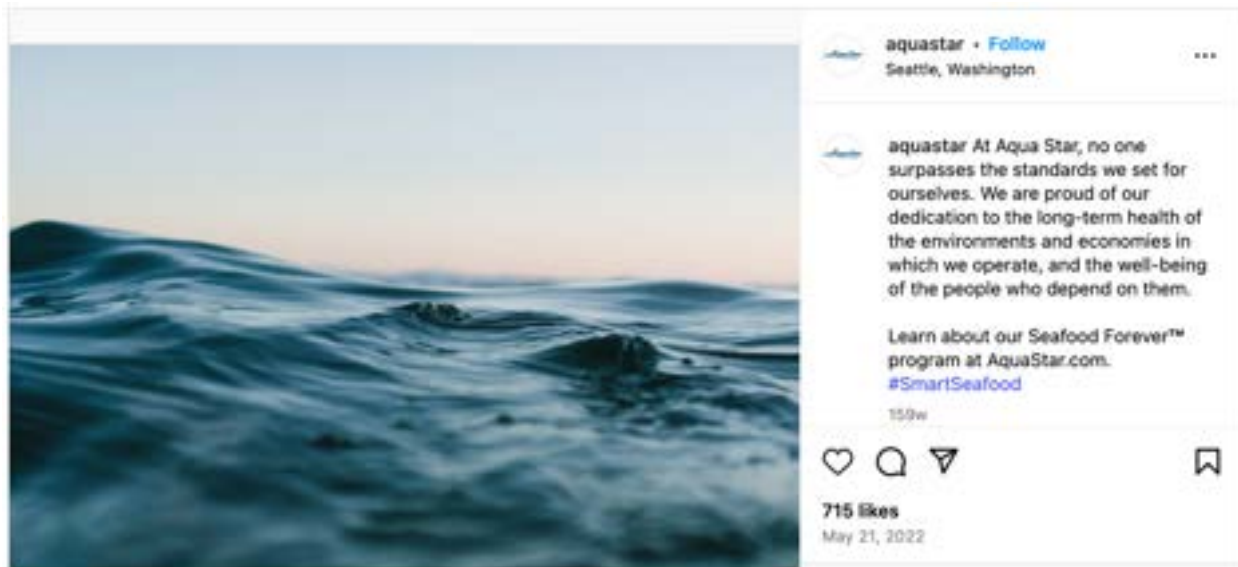
- “Our customers can *rely* on us for healthy, smart, and responsibly sourced seafood” (emphasis added)⁷⁵;

⁷⁴ Aqua Star, FACEBOOK (Apr. 22, 2023) <https://www.facebook.com/share/p/1NDyp9Ge2E/>

⁷⁵ Aqua Star, FACEBOOK (Feb. 20, 2023, 12:31 PM), <https://www.facebook.com/share/p/14okjyq1ZY/>.



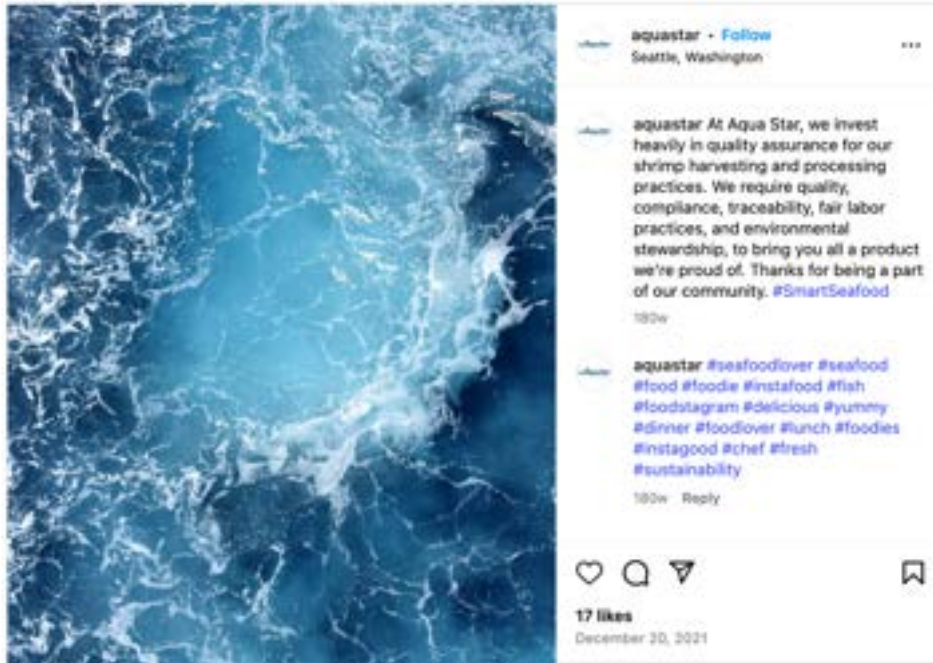
- “[N]o one surpasses the standards we set for ourselves”⁷⁶;



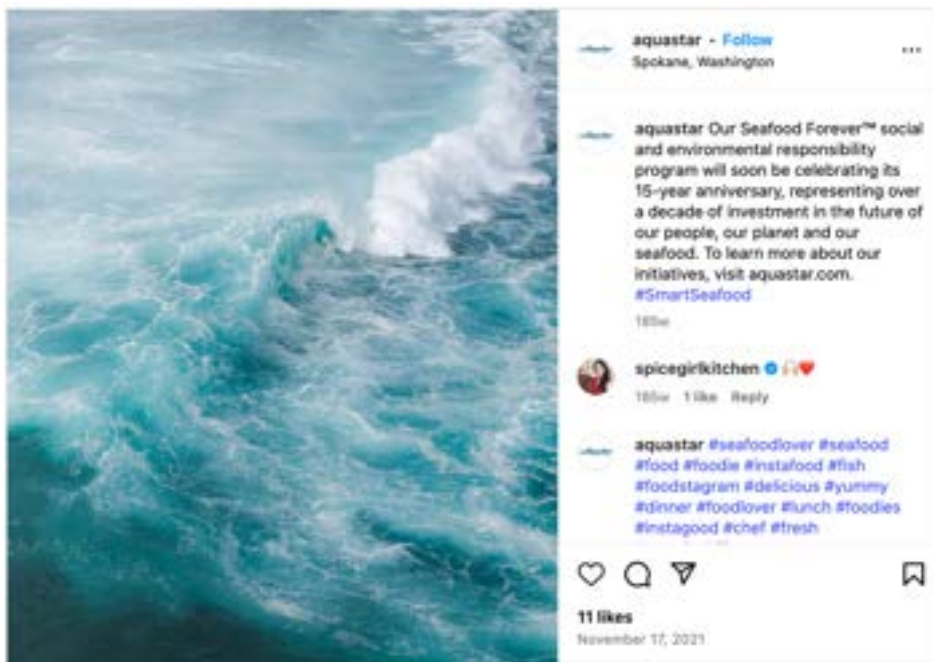
- “We *require* quality, compliance, traceability, fair labor practices, and environmental stewardship, to bring you all a product we’re proud of” (emphasis added)⁷⁷;

⁷⁶ Aqua Star, INSTAGRAM (May 21, 2022), https://www.instagram.com/p/Cd1_XoxrVpS/.

⁷⁷ Aqua Star, INSTAGRAM (Dec. 20, 2021), <https://www.instagram.com/p/CXuKrBWvwPN/>.

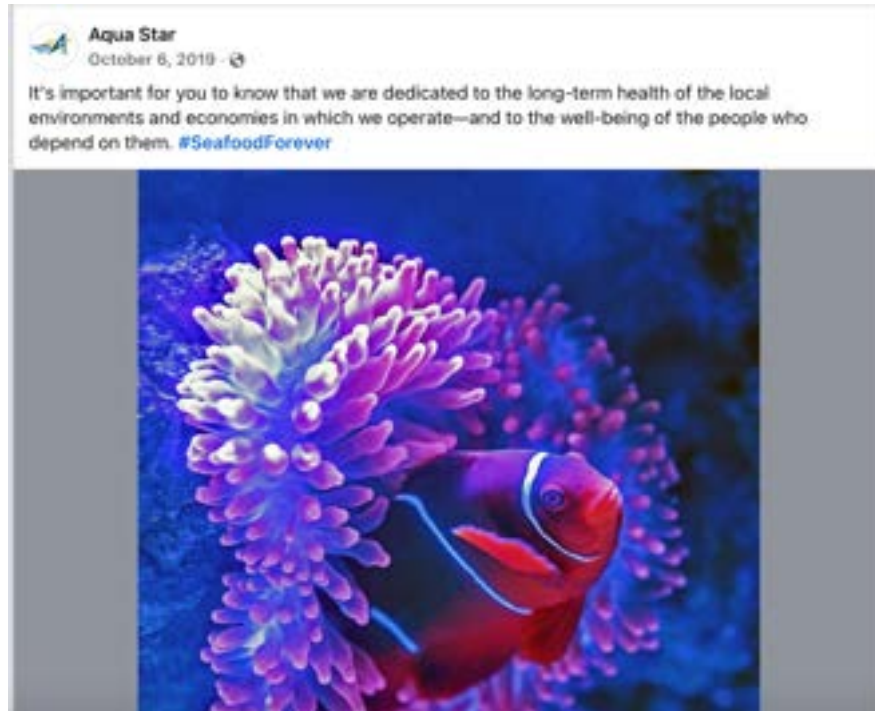


- “Our Seafood Forever™ social and environmental responsibility program will soon be celebrating its 15-year anniversary, representing over a decade of investment in the future of our people, our planet and our seafood”⁷⁸; and



⁷⁸ Aqua Star, INSTAGRAM (Nov. 17, 2021), <https://www.instagram.com/p/CWZkuEIJDLu/>.

- “It’s important for you to know that we are dedicated to the long-term health of the local environments and economies in which we operate—and to the well-being of the people who depend on them. #SeafoodForever.”⁷⁹



79. These representations mislead consumers into believing that Aqua Star takes great care to not harm the environment. These representations also signal to consumers that Aqua Star monitors its *entire supply chain* to ensure that this is true along every step. These representations are, unfortunately, equally misleading and material to D.C. consumers.

B. Aqua Star’s Responsible Sourcing Representations About Its Environmental Impact Create Expectations Material to D.C. Consumers.

80. CPPA Sections 28-3904(a), (d), and (h) do not require any showing of materiality. Sections 28-3904(e) and (f-1) claims do include a materiality component, and, in fact, Aqua Star’s representations are material to D.C. consumers.

⁷⁹ Aqua Star, FACEBOOK (Oct. 6, 2019, 9:19 PM), <https://www.facebook.com/share/p/1BHkCHMT2H/>.

81. Aqua Star’s use of its “Seafood Forever™, Responsibly Sourced” label and its further representations that its farmed shrimp is “sustainably sourced” and that Aqua Star engages in “environmental stewardship” are material to consumers.

82. Consumers view “responsibly sourced” claims to be very similar to “sustainably sourced” claims.⁸⁰

83. This finding is consistent with other research that has found that “consumers are willing to pay to improve animal welfare and reduce undesirable environmental effects from fish farming.”⁸¹

84. One survey found that “81 percent” of consumer respondents said that “purchasing ethically sourced and/or produced products matters,”⁸² and a study showed that *consumers are more likely to buy a product marketed as ethical and sustainable*, with the “data show[ing] a positive correlation between [product] growth rate and . . . multiple types of [environmentally and socially responsible] claims.”⁸³

85. Previous studies have also shown that shoppers are willing to pay a premium for products containing “labels with information about certified fair labor standards.”⁸⁴

⁸⁰ See *Falcone v. Nestle USA, Inc.*, No. 3:19-cv-723-L-DEB, 2024 U.S. Dist. LEXIS 214648, at *2 (S.D. Cal. Sep. 25, 2024). There, Nestlé’s chocolate chip and cocoa product labeling included “sustainably sourced” and “responsibly sourced” claims. Falcone challenged the claims based on its allegation that Nestlé sourced its cocoa from West African plantations that contribute to deforestation, and which relies on forced labor, including child slave labor. *Id.* at *3. In its discussion on commonality, the court pointed out that consumer research points to how they viewed the ‘sustainably sourced’ and ‘responsibly sourced’ terms as one and the same—as a representation addressing consumers’ environmental concerns and social issues. *Id.* at *16.

⁸¹ Ingrid Olesen et al., *Eliciting Consumers’ Willingness to Pay for Organic and Welfare-Labelled Salmon in a Non-Hypothetical Choice Experiment*, 127 *Livestock Sci.* 218 (Feb. 2010), <https://pubag.nal.usda.gov/catalog/775401>.

⁸² Steve Banker, *Do Consumers Care About Ethical Sourcing?*, *Forbes* (Oct. 5, 2021), <https://www.forbes.com/sites/stevebanker/2021/10/05/do-consumers-care-about-ethical-sourcing/?sh=4c6fe92c5f50>.

⁸³ *Consumers Care About Sustainability – and Back it Up with Their Wallets*, MCKINSEY & CO., (Feb. 6, 2023), <https://www.mckinsey.com/industries/consumer-packaged-goods/our-insights/consumers-care-about-sustainabilityand-back-it-up-with-their-wallets>.

⁸⁴ Michael J. Hiscox, *Consumer Demand for Fair Labor Standards: Evidence from a Field Experiment on eBay*, ELSEVIER INC. (Apr. 12, 2011), https://scholar.harvard.edu/files/hiscox/files/consumer_demand_fair_labor.pdf.

86. Aqua Star is *aware* that consumers are willing to pay more for responsibly sourced seafood.

87. Aqua Star tailors its marketing, including its Responsible Sourcing Representations, to present its farmed shrimp Products as sustainable and ethical to sell more Products and profit from consumers.

C. Contrary to Aqua Star’s Representations, its Products Are Sourced from Shrimp Farms that Use Unsustainable and Environmentally Destructive Practices.

88. Upon information and belief, Aqua Star is sourcing from facilities in India that employ the environmentally destructive practices described herein.

89. Consumers have ranked the “minimal use of hormones and drugs,” “no pollution to the environment,” and “respect of fish welfare” as three of the four most important elements of sustainable aquaculture.⁸⁵

90. The Monterey Bay Aquarium Seafood Watch (“Seafood Watch”) warns consumers to avoid whiteleg shrimp farmed in China, India, Indonesia, Malaysia, Mexico, Nicaragua, and Vietnam due to a “high risk to the environment.” Seafood Watch issues these warnings due to concerns that shrimp facilities in these countries are not properly managing effluent discharge; failing to implement and enforce regulations; and struggling to implement or enforce effective chemical regulations.⁸⁶

⁸⁵ Katrin Zander & Yvonne Feucht, *Consumers’ Willingness to Pay for Sustainable Seafood Made in Europe*, JOURNAL OF INT’L FOOD & AGRIBUSINESS MKGT, 30(3), 251–75, <https://www.tandfonline.com/doi/full/10.1080/08974438.2017.1413611>.

⁸⁶ *Sustainable Shrimp Guide*, MONTEREY BAY SEAFOOD WATCH (n.d.), <https://www.seafoodwatch.org/recommendations/download-consumer-guides/sustainable-shrimp-guide/> (last visited Mar. 4, 2026).

91. Aqua Star imports a significant amount of its shrimp products from India. Between 2020 and 2025, Aqua Star imported at least 530 shipments to the U.S. from India, according to trade data accessed through the global trade database Trade Atlas.

92. Many Indian shrimp hatcheries and shrimp farms have taken over coastal shorelines, adversely affecting marine diversity, native fishermen, farmers, and local communities.

93. Also, about 80% of shrimp farms are not registered with the Indian government, a legally mandated requirement, and most farms are not required to assess their habitat impacts.” Furthermore, Indian shrimp hatcheries and growing ponds have been found to deplete groundwater tables and contaminate nearby water supplies.⁸⁷

94. Indian hatcheries and shrimp farms release sewage into waterways and oceans, contaminating coastal waters, reducing fish populations, and threatening the economic survival of traditional fishing communities.⁸⁸

95. Discharge of waste effluents and chemicals into nearby water systems and surrounding lands impacts vulnerable, low-income communities dependent on those freshwater systems.⁸⁹

96. The release of these effluents can affect the PH and salinity of groundwater, making it non-potable.⁹⁰

97. Groundwater contamination leads communities either to spend a significant portion of their income on purchasing clean drinking water or risk adverse health effects by drinking and using contaminated water.⁹¹

⁸⁷ HHR, *supra* note 7, at 2, 57-62.

⁸⁸ *Id.* at 2, 66.

⁸⁹ *Id.* at 2, 57-62.

⁹⁰ *Id.* at 58.

⁹¹ *Id.* at 59-62.

98. Despite these risks, Aqua Star continues sourcing Indian shrimp, marketing its Products as environmentally friendly and sustainable, and touting its Seafood Forever Program label on its shrimp packaging, all of which—taken together—persuades consumers into believing they are purchasing an environmentally responsible product.

III. PURITY AND FOOD SAFETY REPRESENTATIONS

A. Aqua Star’s Representations Regarding Purity and Food Safety Lead Consumers to Believe Their Products Are Safe to Consume.

99. Aqua Star assures consumers that its Products are “pure,” “naturally farmed,” and safe to consume.

100. On its website, Aqua Star makes the following representations:

- “Our Seafood Forever™ program is based on four pillars we view as *critical to the long-term health of our people* and our planet: Responsibility, Traceability, Social Responsibility, and *Food Safety*” (emphasis added).⁹²
- “Our *deliciously pure*, nutrient-rich shrimp are the perfect source of healthy protein.”⁹³

⁹² Aqua Star Practices, *supra* note 9.

⁹³ *Shrimp Health & Nutrition*, AQUA STAR (n.d.), <https://www.aquastar.com/know-your-seafood/seafood-health-nutrition/shrimp-health-nutrition/> (last visited Mar. 9, 2026).



SHRIMP HEALTH & NUTRITION

Aqua Star shrimp is naturally free of fat, and most importantly, free of saturated fat. It's saturated fat that raises the cholesterol in your bloodstream. So enjoy a smarter eating experience with fat free, carb free, protein rich Aqua Star shrimp.

Our deliciously pure, nutrient-rich shrimp are the perfect source of healthy protein. Endlessly versatile, you'll never have to eat the same shrimp dish twice. The USDA recommends consuming eight ounces of seafood per week. With our endless varieties of shrimp preparations, it's never been so easy to enjoy tasty, healthy meals.

The USDA 2015-2020 Dietary Guidelines for Americans recommends two servings of seafood per week for a 2,000 calorie-per-day diet. Aqua Star shrimp are nutrient dense, and an excellent source of selenium and vitamin B12. They're also low in saturated fat and carbohydrates.



- “For a healthy source of protein and nutrients, look no further than *deliciously pure*, Aqua Star seafood.”⁹⁴

⁹⁴ *Id.*



SEAFOOD HEALTH AND NUTRITION

For a healthy source of protein and nutrients, look no further than deliciously pure, Aqua Star seafood. Low in fat and rich in vitamins and minerals, nutrition has never tasted so good.

B. Aqua Star’s Representations About Its Products’ Purity and Health Benefits Create Expectations Material to D.C. Consumers.

101. Aqua Star also benefits from its customers believing its Products are pure, safe, and healthy.

102. Aqua Star publishes information on its consumer-facing website representing that its products are pure and healthy.⁹⁵ Aqua Star also educates consumers about the nutritional benefits of shrimp and provides guidance on how consumers can use shrimp in a variety of

⁹⁵ *Aqua Star Shrimp Products*, AQUA STAR, (n.d.), <https://www.aquastar.com/products/shrimp/> (last visited Mar. 9, 2026).

recipes.⁹⁶

103. Consumers may visit this website and be influenced by these health-related representations while remaining unaware of the potential presence of antibiotics and radioactive isotopes in Aqua Star's Products.

104. Consumers are more likely to purchase products they believe are healthy.⁹⁷

105. Aqua Star is aware of this consumer behavior and *tailors its marketing to target health-conscious consumers* and influence them to buy Aqua Star's shrimp Products while *failing to disclose pertinent health information*.

C. Aqua Star's Products Are Sourced from Shrimp Farms That Fail to Disclose Key Food Safety Information and Could Contain FDA-Banned Antibiotics and Radioactive Isotopes.

106. In addition to Aqua Star's misrepresentations regarding the environmental and human rights impacts of its shrimp Products, Aqua Star fails to inform consumers about the safety concerns of consuming the Products, including recent product recalls and the presence of illegal antibiotics in the Products.

107. On its website, Aqua Star has landing pages such as "Shrimp Health & Nutrition" and "Shrimp FAQs" that endorse shrimp's purported health benefits.⁹⁸ These pages include data such as the protein and fat content of shrimp, touting its lack of saturated fat. Aqua Star benefits from providing its consumers with this information, as these advertisements are

⁹⁶ *Id.*

⁹⁷ See Moosa Alsubhi et al., *Consumer Willingness to Pay for Healthier Food Products: A Systematic Review*, OBES. REV. (Nov 2022), <https://pmc.ncbi.nlm.nih.gov/articles/PMC10909406/>; see *The Trends Defining the \$1.8 Trillion Global Wellness Market in 2024*, MCKINSEY & CO. (Jan. 16, 2024), <https://www.mckinsey.com/industries/consumer-packaged-goods/our-insights/the-trends-defining-the-1-point-8-trillion-dollar-global-wellness-market-in-2024>; see also Deniz Ataman, *How do Consumers' Perception of Healthy Drive Their Purchase Habits and Product Development?*, (Nov. 7, 2023), FOOD NAVIGATOR, <https://www.foodnavigator-usa.com/Article/2023/10/13/How-do-consumers-perception-of-healthy-drive-their-purchase-habits-and-product-development/>.

⁹⁸ Shrimp Health & Nutrition, *supra* note 93.

intended to encourage increased consumer demand for the Products, both in terms of the number of purchasers and the quantity purchased.

108. Nowhere on Aqua Star’s website does it indicate that on August 2025, Aqua Star recalled nearly 40,000 bags of shrimp due to possible contamination with Cesium-137, a man-made radioactive isotope, from stores across the country.⁹⁹

109. The presence of Cesium-137 in the Products is material to consumers, as consumption of contaminated Products poses an increased risk of cancer and exposes consumers to unsafe radiation.¹⁰⁰ Possible other side effects of ingesting Cesium-137 include decreased appetite, nausea, diarrhea, neurological changes, and cardiac arrhythmias.¹⁰¹

110. Furthermore, recent studies have confirmed that South and Southeast Asian countries from which Aqua Star sources its farmed shrimp use antibiotics in shrimp production.¹⁰² The Monterey Bay Institute has warned that in India, specifically, that “the United States and other countries regularly refuse imports from India because illegal antibiotic residues are found.”¹⁰³

⁹⁹ *Aquastar (USA) Corp Recalls Shrimp Because of Possible Health Risk*, FOOD & DRUG ADMIN. (Oct. 17, 2025), <https://www.fda.gov/safety/recalls-market-withdrawals-safety-alerts/aquastar-usa-corp-recalls-shrimp-because-possible-health-risk>.

¹⁰⁰ *Cesium-137*, CENTER FOR DISEASE CONTROL (Aug. 28, 2025), <https://www.cdc.gov/radiation-emergencies/hcp/isotopes/cesium-137.html#:~:text=External%20exposure%20to%20large%20amounts,radiation%20and%20increasing%20cancer%20risk>.

¹⁰¹ *Toxicological Profile for Cesium*, NAT’L LIBRARY OF MED. (n.d.), <https://www.ncbi.nlm.nih.gov/books/NBK594667/>.

¹⁰² *Food Regulatory Authorities in the EU, Japan, and the United States Once Again Confirm that India and Vietnam Continue to Use Banned Antibiotics in their Shrimp Aquaculture*, SOUTHERN SHRIMP ALLIANCE (Feb. 7, 2024), <https://shrimpalliance.com/food-regulatory-authorities-in-the-eu-japan-and-the-united-states-once-again-confirm-tha-t-india-and-vietnam-continue-to-use-banned-antibiotics-in-their-shrimp-aquaculture/#:~:text=Last%20year%2C%20the%20FDA%20refused,Vietnam%2C%20Thailand%2C%20and%20Ecuador;https://sentientmedia.org/farmed-shrimp-india/>.

¹⁰³ *Whiteleg Shrimp*, MONTEREY BAY AQUARIUM SEAFOOD WATCH (n.d.), <https://www.seafoodwatch.org/recommendation/shrimp/whiteleg-shrimp-31571?species=156/> (last visited Mar 9., 2026).

111. The Food and Drug Administration (FDA) has *not* approved the use of *any* antibiotics in shrimp aquaculture.¹⁰⁴ Yet the FDA tests very few imports of shrimp – only 0.1% of all imports.¹⁰⁵ As a result of this limited testing, the true scale of antibiotics in Aqua Star’s shrimp may be significantly underreported, posing an ongoing risk to consumers.

112. Despite the human health concerns raised by antibiotics, Aqua Star has had *hundreds of packages of shrimp* denied entry into the United States *across four separate entry lines* for antibiotic contamination.¹⁰⁶

113. Antibiotics in farmed shrimp cause significant human health concerns, including the promotion of antibiotic resistance¹⁰⁷ the potential presence of carcinogenic and genotoxic substances.¹⁰⁸

¹⁰⁴ *Banned Antibiotics*, SOUTHERN SHRIMP ALLIANCE (n.d), <https://shrimpalliance.com/take-action-2/banned-antibiotics/> (last visited Mar. 9, 2026).

¹⁰⁵ *GAO-21-231, Imported Seafood Safety: FDA Should Improve Monitoring of Its Warning Letter Process and Better Assess Its Effectiveness*, U.S. GOV’T ACCOUNTABILITY OFF. (2021), <https://www.gao.gov/assets/gao-21-231.81pdf#page=34>. This has been an ongoing problem for years: “[I]n fiscal year 2015 FDA tested 0.1 percent of about 1 million seafood entry lines for drugs of concern to FDA in an effort to detect unsafe residues.” *GAO-17-443, Imported Seafood Safety: FDA and USDA Could Strengthen Efforts to Prevent Unsafe Drug Residues*, 19 (2017), <https://www.gao.gov/assets/gao-17-443.pdf> (“In its 2010 assessment of India, FDA noted that drug residue testing required by the Indian government for seafood exports to the EU and the United States differed. Specifically, a greater level of testing was required for seafood exports to the EU. According to FDA’s assessment, the Indian government said the type of testing done on seafood intended for the EU would also be done on seafood intended for the U.S. market if FDA required that seafood exports be accompanied by a health certificate, as is required by the EU, Japan, and South Korea. However, FDA does not require health certificates and took no action to require them after completing this assessment, according to FDA officials.”).

¹⁰⁶ See *Aqua Star FDA Import Entry Lines Spreadsheet* on file with Richman Law & Policy.

¹⁰⁷ Huynh Thi Tu et al., *Effects of Pesticides and Antibiotics on Penaeid Shrimp with Special Emphases on Behavioral and Biomarker Responses*, (Dec. 23, 2009), ENV’T TOXICOLOGY & CHEMISTRY, <https://setac.onlinelibrary.wiley.com/doi/10.1002/etc.99#:~:text=Aquatic%20animals%20are%20given%20antibiotic%20risks%20to%20the%20public%2015> (finding that residual antibiotics in commercialized aquatic products may cause direct human health concerns, including antibiotic resistance); see *How Safe is Your Shrimp? Consumer Reports’ Guide to Choosing the Healthiest, Tastiest, and Most Responsibly Sourced Shrimp*, CONSUMER REPORTS (Apr. 24, 2015), <https://www.consumerreports.org/cro/magazine/2015/06/shrimp-safety/index.htm>; see generally, Adam & Bruce, *Consumer Preferences and Attitudes towards Antibiotic Use in Food Animals*, NAT’L LIBRARY OF MED., (Oct. 16, 2023), <https://pmc.ncbi.nlm.nih.gov/articles/PMC10604430/>.

¹⁰⁸ U.S. Food & Drug Administration, *Import Alert 16-129* (Apr. 24, 2024), https://www.accessdata.fda.gov/cms_ia/importalert_31.html#:~:text=Absolutely%2C%20no%20extra%2Dlabel%20use,any%20food%20animals%2C%20including%20seafood.

114. The World Health Organization (“WHO”) has described antibiotic resistance as the “next pandemic”¹⁰⁹ and as “one of the top global public health and development threats.”¹¹⁰ The overuse and misuse of antimicrobials in humans, animals and plants are the “main drivers in the development of drug-resistant pathogens,” “makes infections harder to treat,” and “makes other medical procedures and treatments – such as surgery, caesarean sections and cancer chemotherapy – much riskier.”¹¹¹

115. Aqua Star *chooses* not to inform consumers of material information regarding its Products that could negatively impacting their health and instead highlights information about its Products’ purported health benefits. Were consumers to know of these risks, it is likely they *would not purchase* these Products for the price they did or avoid buying the Products altogether. Considering this, Aqua Star failing to inform consumers about this is a violation of the CPPA. *See* D.C. Code § 28-3904(f).

116. All in all, reasonable D.C. consumers would not expect a Product touted as “pure,” “healthy,” and as in compliance with “Food Safety” to expose them to substances that have negative impacts on human health.

PARTIES

117. Defendant Aqua Star (USA), Corp. is a Washington corporation headquartered in Seattle, Washington.¹¹²

¹⁰⁹ *The Next Pandemic is Already Here: Antimicrobial Resistance is Upending a Century of Achievements in Global Health*, WORLD HEALTH ORG. (Nov. 18, 2025), <https://www.who.int/westernpacific/newsroom/commentaries/detail/the-next-pandemic-is-already-here--antimicrobial-resistance-is-upending-a-century-of-achievements-in-global-health>.

¹¹⁰ *Antimicrobial Resistance*, WORLD HEALTH ORG. (Nov. 21, 2023), <https://www.who.int/news-room/fact-sheets/detail/antimicrobial-resistance>.

¹¹¹ *Id.*

¹¹² *Contact Us*, AQUA STAR (n.d.), <https://www.aquastar.com/contact-us/> (last visited Mar. 4, 2026).

118. Aqua Star produces seafood products that are sold in all fifty states and the District of Columbia. Aqua Star’s website has a store locator where DC consumers can search for local stores that carry the Products.¹¹³

119. Aqua Star markets and distributes the Products in many large, well-known retail outlets—including Target, Giant, Balducci’s, Safeway, Save A Lot, Harris Teeter, and Kroger—in the District of Columbia.

120. Aqua Star is a “person” and “merchant” that provides “goods” within the meaning of CPPA § 28-3901(a)(1), (3), and (7).

121. Plaintiff TFUSA (previously known as GMO Free USA) is a 501(c)(3) national nonprofit, public interest organization, whose mission is to harness independent science and agroecology concepts to advocate for clean and healthy food and ecological systems. TFUSA educates consumers about potential hazards of synthetic chemicals, including pesticides and biocides, and genetically engineered organisms. TFUSA performs its work throughout the United States, including in the District of Columbia. Consequently, TFUSA strives to advance transparency in the food industry. The organization diligently works to promote food and ecological systems that are clean, accessible, and free of contamination. TFUSA’s website, publications, public education, research, network building, and mobilization activities provide an important service to consumers and community activists every month.

122. Plaintiff CAL is a 501(c)(3) nonprofit organization based in Chicago, IL whose mission is to “unleash[] the creative potential of the law to protect people and the planet from corporate abuse.”¹¹⁴ CAL is dedicated to exposing human rights violations in global supply

¹¹³ Store Locator, *supra* note 4.

¹¹⁴ *About Us*, CORPORATE ACCOUNTABILITY LAB (n.d.), <https://corpaccountabilitylab.org/our-mission/> (last visited Mar. 4, 2026).

chains and seeking accountability from multinational companies responsible for those violations. CAL promotes its mission by litigating cases, conducting research, and educating the general public, including consumers, about such abuses and the failures of multinational companies to live up to their promises relating to humane treatment of people in their supply chains through investigations and publications. Often, as in this case, CAL's goal is to influence companies like Aqua Star to honor and implement the "policies" and codes of conduct that they have already represented to consumers they follow.

123. Plaintiff CAL also has a P.O. Box in Washington D.C. This address is: P.O. Box 25193, 1215 31st St NW Washington, DC 20007-3423.

JURISDICTION AND VENUE

124. This Court has personal jurisdiction over the parties in this case. Plaintiffs TFUSA and CAL each have a presence in the District and consent to this Court's jurisdiction by filing this Complaint. Plaintiffs seek to represent the general public of the District, that is, District consumers who purchase seafood.

125. This Court has personal jurisdiction over Aqua Star under D.C. Code § 12-423(a)(1) because the claims herein arise from Aqua Star "transacting . . . business in the District of Columbia." Aqua Star has purposefully directed its marketing practices to District consumers, sells the Products throughout the District, advertises the Products throughout the District in violation of the CPPA, and has availed itself of the benefits and protections of District law. It is therefore reasonable for Aqua Star to anticipate being subject to an action in the courts of this District for violation of laws of this jurisdiction.

126. This Court has subject-matter jurisdiction over this action under the CPPA, D.C. Code § 28-3901, *et seq.*, and D.C. Code § 11-921(a).

127. Venue is proper in this Court under the CPPA because Aqua Star directs its marketing at consumers within D.C., sells its Products in D.C., and advertises its Products throughout D.C., in violation of the CPPA.

128. Pursuant to D.C. Code § 28-3905(k)(2), this action shall be brought in D.C. Superior Court. Following the principles of non-aggregation set forth in *Snyder v. Harris*, 394 U.S. 332, 335 (1969), federal jurisdiction is not present, and this action is not subject to removal to federal court. *See, e.g., Inst. for Truth in Mktg. v. Total Health Network Corp.*, 321 F. Supp. 3d 76, 91 (D.D.C. 2018); *Organic Consumers Ass'n v. R.C. Bigelow, Inc.*, 314 F. Supp. 3d 344, 350 (D.D.C. 2018); *Animal Legal Defense Fund v. Hormel Foods Corp.*, 249 F. Supp. 3d 53, 59 (D.D.C. 2017).

CAUSE OF ACTION

Violations of the District of Columbia Consumer Protection Procedures Act

129. Plaintiffs incorporate by reference all the allegations of the preceding paragraphs of this Complaint.

130. Plaintiffs are nonprofit, public-interest organizations that bring these claims on behalf of the general public of D.C. consumers. *See* D.C. Code § 28-3905(k)(1)(D).

131. Through § 28-3905(k)(1)(D), the CPPA explicitly allows a public-interest organization to stand in the shoes of a consumer to seek relief from any violation of the CPPA.

132. Aqua Star is a “person” and a merchant that provides “goods” within the meaning of the CPPA. *See id.* § 28-3901(a)(1), (3), (7).

133. As set forth in this Complaint, Aqua Star has advertised and marketed the Products with Responsibly Sourced Representations when, in fact, the Products are sourced from shrimp that is farmed using unsustainable and environmentally destructive practices; processed in facilities where production involves significant human and labor rights abuses; and shrimp

Products have been found to contain illegal antibiotics and possible contamination from Cesium-137 in contrast with Aqua Star's "pure" and healthy claims.. Thus, Aqua Star has violated the CPPA by "represent[ing] that goods . . . have a source, . . . characteristics, . . . [or] benefits . . . that they do not have"; "represent[ing] that goods . . . are of a particular standard [or] quality . . . 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] or offer[ing] goods . . . without the intent to sell them as advertised or offered." *Id.* § 28-3904(a), (d), (e), (f), (f-1), (h).

JURY TRIAL DEMAND

134. Plaintiffs TFUSA and CAL hereby demand a trial by jury.

PRAYER FOR RELIEF

Wherefore, Plaintiffs TFUSA and CAL pray for judgment against Aqua Star and requests the following relief:

- a. A declaration that Aqua Star's conduct is in violation of the CPPA;
- b. An order enjoining Aqua Star's conduct found to be in violation of the CPPA; and
- c. An order granting Plaintiffs costs and disbursements, including reasonable attorneys' fees and expert fees, and prejudgment interest at the maximum rate allowable by law.

Date: March 10, 2026

Respectfully submitted,

/s/ Kim E. Richman

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