

# **BOTTLED WATER GIANT BLUETRITON ADMITS CLAIMS OF RECYCLING AND SUSTAINABILITY ARE “PUFFERY”**

BlueTriton, owner of Poland Spring and other brands of water packaged in plastic, stated in a court filing that its claims of sustainability are “vague and hyperbolic.”

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Packaged bottles of Poland Spring water on a conveyer belt in 2016. Photo: Shawn Patrick Ouellette/Portland Portland Press Herald via Getty Images

In ongoing litigation over the greenwashing of plastic recycling, the bottled water company BlueTriton made a revealing argument: its claims of being environmentally friendly aren't violations of the law, because they are "aspirational."

BlueTriton – which owns Poland Spring, Pure Life, Splash, Ozarka, and Arrowhead, among many other brands – is estimated to contribute hundreds of millions of pounds of plastic to U.S. landfills each year. BlueTriton used to be known as Nestlé Waters North America, which was bought by the private equity firm One Rock Capital Partners in March 2021. The company, which has a history of [draining aquifers](#) to get the water that it encases in polluting plastic, owns about a third of bottled water brands in the U.S. Yet with sleek, green – and blue – PR materials, BlueTriton markets itself as a solution to the problems of plastic waste and water.

“Water is at the very core of our sustainable efforts to meet the needs of future generations,” BlueTriton declares on its [website](#), spelling out its promise for sustainable stewardship over a picture of pine trees, pristine water, and clouds. The company’s Instagram account is similarly nature-oriented and wholesome, filled with green-tinged images of people [hiking](#) and [enhancing the native trout population](#).

The claims were a bridge too far for the environmental group Earth Island Institute, which [sued](#) BlueTriton in August, arguing that its misleading sustainability claims violate a local Washington, D.C., law known as the Consumer Protection Procedures Act, which is designed to prevent “deceptive trade practices.” In response, the company defended its green self-promotion by explaining that everyone should realize that the claims are meaningless nonsense.

“Many of the statements at issue here constitute non-actionable puffery,” BlueTriton’s attorneys wrote in a [motion to dismiss](#) the case submitted to a D.C. court in March. “BlueTriton’s representation of itself as ‘a guardian of sustainable resources’ and ‘a company who, at its core, cares about water’ is vague and hyperbolic,” the attorneys continued. “Because these statements are ‘couched in aspirational terms,’ they cannot serve as the basis for Plaintiff’s CPPA claim.”

## **Dirty Business**

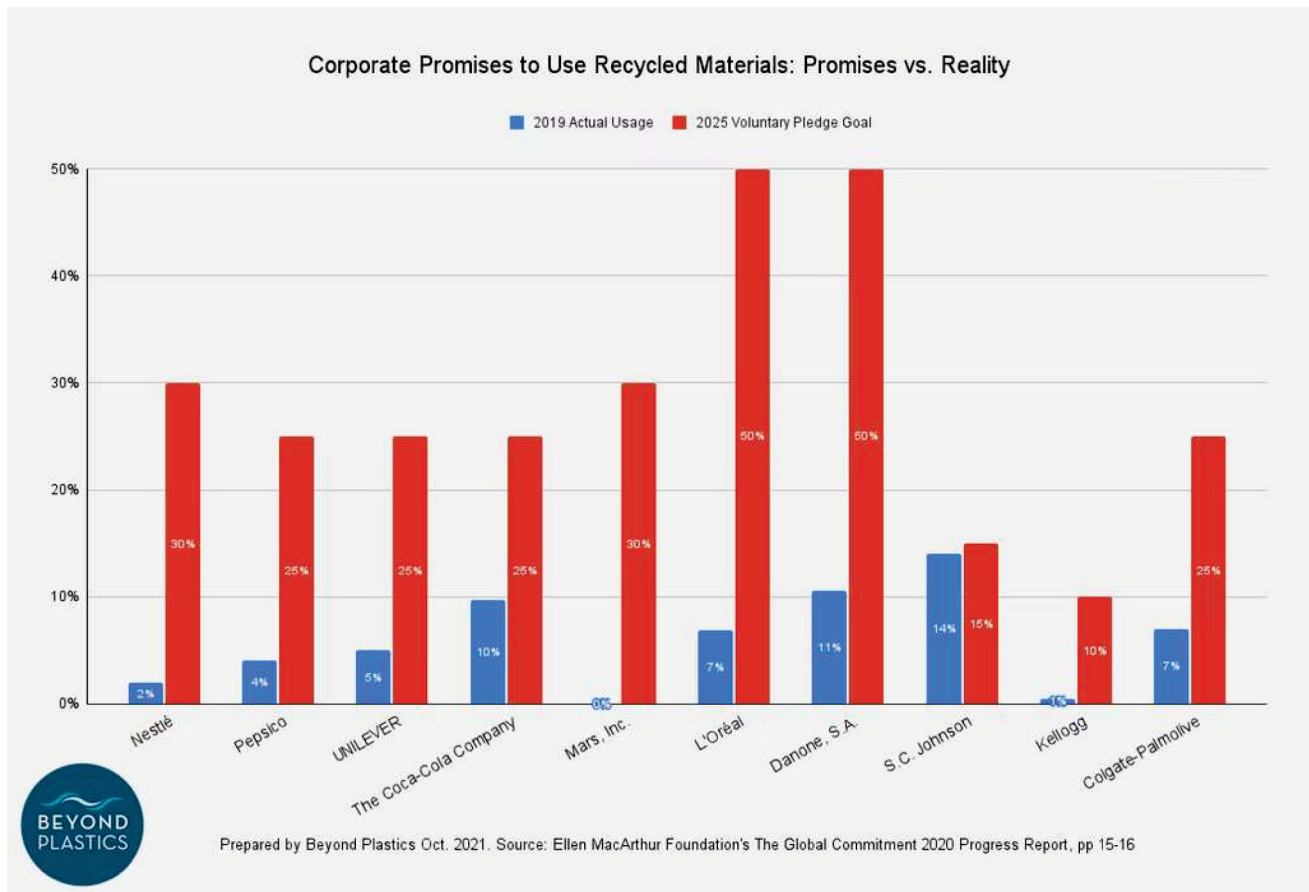
When BlueTriton picked a new logo in April 2021, it explained its choice on [Instagram](#) as a nod to its commitment to nature and environmentalism. “Triton is a god of the sea in classical Greek mythology,” the company wrote. “Combined with the color blue, representing water, the new name and logo reflect our role as a guardian of sustainable resources and a provider of fresh water.”

Several of its brands go even further, suggesting that they are helping address the plastic problem because the bottles can in principle be recycled. BlueTriton brands Poland Spring, Ozarka, and Zephyrhills Water advertise that “We use #1PET plastic, which can be used over and over again!” Pure Life water boasts that all its bottles are “100% recyclable ... and can be used for new bottles and all sorts of new, reusable things.” Deer Park claims that its recyclable bottles help “keep plastic out of landfills” and that the company “care[s] about you & our planet.”

In truth, there is **overwhelming evidence** that recycling cannot solve the plastic problem. Since the 1950s, only 9 percent of plastic produced has been recycled, while the vast majority of plastic waste is either landfilled or incinerated. **Six times** more plastic waste is burned than recycled in the United States. Packaging, including the PET bottles that BlueTriton brands describe as recyclable, account for more than half the plastic that winds up in landfills.

As the complaint notes, plastic pollution is now so widespread that the average person is drinking more than 1,700 tiny bits of plastic in a week's worth of drinking water – the equivalent of an entire credit card. Microplastics are found in 94.4 percent of tap water samples in the U.S. and may be an even bigger problem in bottled water, despite bottled water companies marketing their product as pollution-free. One BlueTriton brand, Pure Life, had twice the level of plastic fibers as tap water.

Meanwhile, as BlueTriton touts itself as a solution to America's water problems, it has been **caught extracting water from the national forest** without authorization. The practice of tapping into natural water supplies has been shown to drain aquifers and rivers, taking water from plants and animals as well as public drinking water reserves.



Graphic: Beyond Plastic

## Empty Promises

With rising public awareness of the role played by bottled water companies in the plastic pollution crisis, companies have publicly pledged to do better. In 2008, Nestlé Waters North America

committed to recycling 60 percent of PET bottles by 2018. The company **proudly announced** its intentions in its first corporate citizenship report (which is no longer available online). But when the deadline came and its recycling rate was still less than half of its goal – just 28.9 percent, according to a 2020 **report** by the Changing Markets Foundation – the company just issued **another pledge** rather than dwelling on its failure to meet the earlier one.



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The loud announcement of lofty goals for plastic recycling followed by the quiet failure to meet them is part of a larger **pattern**. Since at least 1990, Coca-Cola has made **repeated** promises on the plastics front, including commitments to use more recycled plastic, recover and refill more of its bottles, and incorporate more plant-based materials. The company, which has **fought against** efforts that would reduce plastic waste and recently **hired Bill Nye** to help clean up its image, regularly rolls out these goals with much fanfare and rarely, if ever, meets them. Coca-Cola did not respond to an inquiry for this story.

The distances between PR and reality are particularly pronounced around pledges to increasingly rely on recycled plastic, which is far more expensive to use than new plastic. According to Beyond Plastics, 10 major corporations – including L’Oréal,

Unilever, Nestlé, and PepsiCo – had promised vast reductions in their dependence on virgin plastic while continuing to rely on new plastic. The environmental advocacy organization based its findings on 2019 data, the most recent available.

BlueTriton, which does not publicly list a media contact and provides no way for reporters to ask questions, did not respond to an inquiry from The Intercept for this article (which was conveyed through a message left with the sales department). But in its filing that asks the court to dismiss the greenwashing suit, the company argues that some of its brands have taken several steps that show they are genuinely sustainable. It says that Pure Life, for instance, has converted the cooling towers in its bottling plants to reuse water that was previously discharged. And that company is also “reduc[ing] the amount of plastic in our 0.5 liter bottles by over 40%” and “improving our production processes to reduce the amount of water needed to make one liter of Pure Life® purified water.” One Rock Capital Partners, the private equity firm that bought Nestlé Waters North America, also did not respond to an inquiry from The Intercept.

Sumona Majumdar, general counsel at the Earth Island Institute, dismissed those claims. “You can’t claim to be a sustainable company while using plastic as your primary packaging,” said Majumdar. “Maybe there

**“They’re admitting that they use these sustainability commitments just as marketing tools.”**



was a time when, as a company, you might have thought our plastic is getting recycled and getting turned back into plastic. But at this point, everybody knows that's not true.”

Majumdar counts the company's executives among those who clearly understand that they are contributing to the plastic waste crisis – even as their spin suggests otherwise.

“When you look at their Instagram feeds and their statements about sustainability, it seems like a fait accompli. But in this brief they filed, they're admitting that they use these sustainability commitments just as marketing tools,” said Majumdar. “It's just to get consumers to buy their goods, and not because they actually intend to follow through with their promises.”



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