REESE LLP
Michael R. Reese
100 West 93rd Street, 16th Floor
New York, New York 10025
Telephone: 212-643-0500
Email: *mreese@reesellp.com*

Counsel for Plaintiff and the Proposed Classes
(co-counsel listed on signature page)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

KATHLEEN BOYLE, individually and on behalf of all others similarly situated, Plaintiff, v. HANNAFORD BROS. CO., LLC and AHOLD DELHAIZE USA SERVICES, LLC, Defendants.	Case No. 1:26-cv-2108 (AMN/DJS) **CLASS ACTION COMPLAINT** **DEMAND FOR JURY TRIAL**

Plaintiff Kathleen Boyle ("Plaintiff") brings this action in Plaintiff's individual capacity as well as on behalf of all others similarly situated (the "Class"[1]) against Defendants Hannaford Bros. Co., LLC ("Hannaford") and Ahold Delhaize USA Services, LLC ("ADUSA") (collectively, "Defendants"), and alleges, upon personal knowledge as to Plaintiffs' own actions, Plaintiffs' counsel's investigation, and upon information and good faith belief as to all other matters, as follows:

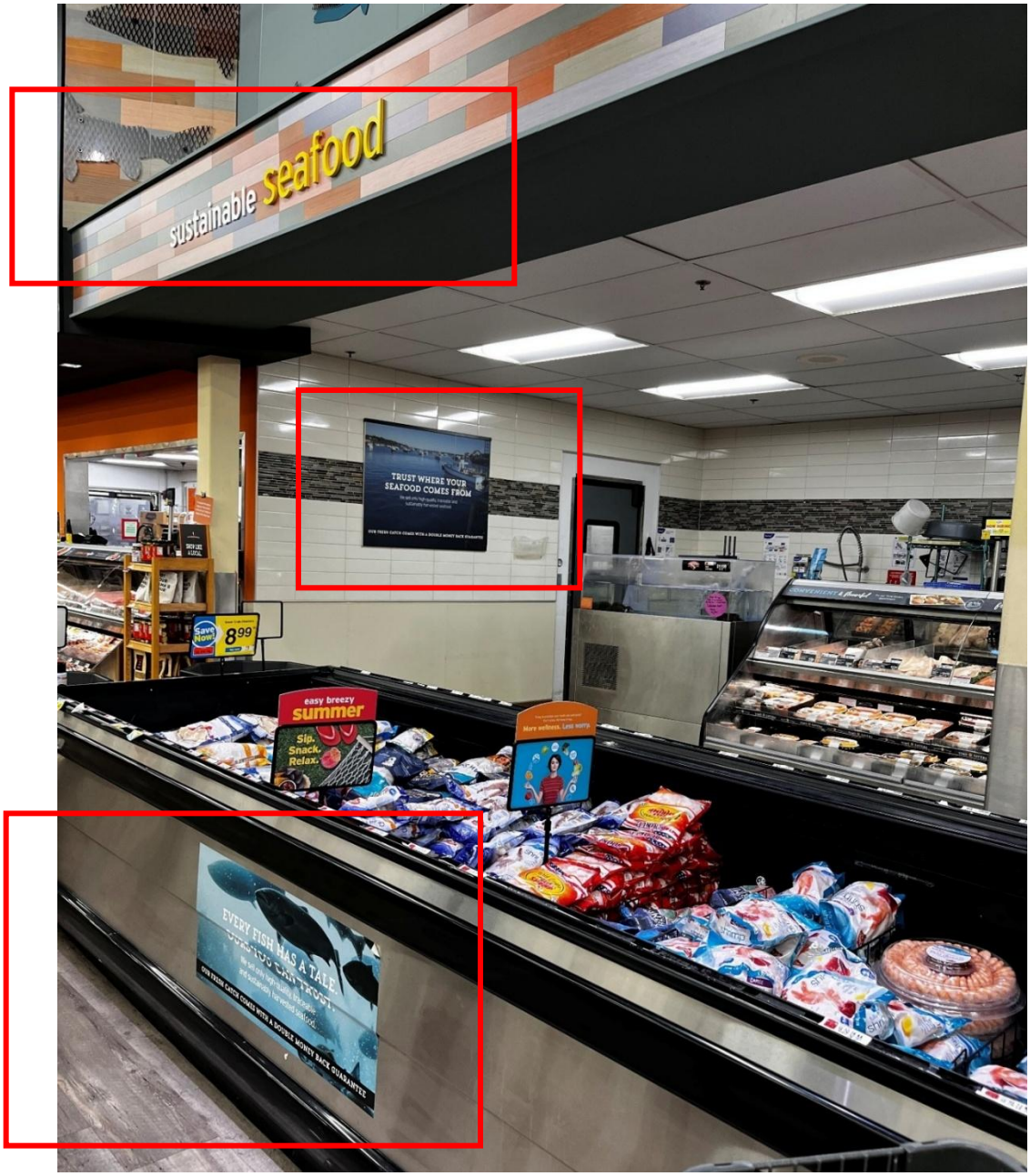
NATURE OF THE SUIT

1. This consumer protection lawsuit aims to protect seafood purchasers from a uniform and pervasive array of misleading sustainability guarantees Hannaford displays throughout the seafood sections of its grocery stores.

2. Defendants promise shoppers that Hannaford sells only sustainable seafood. These representations surround and accompany Defendants' salmon Products.[2] In every Hannaford store, often in multiple places throughout the seafood section, as shown below, Hannaford broadly advertises "sustainable seafood," claiming, "We sell only high-quality, traceable and sustainably harvested seafood."

[1] *See* Class Definitions, paragraph I. C.186, *infra*.

[2] As described herein, "Products" refers to all farmed salmon products sold at Hannaford during the Class Period, as defined below, including but not limited to: Maine-farmed Atlantic salmon from the fresh seafood counter; pre-portioned "Gulf of Maine" farmed Atlantic salmon fillets; packaged frozen Atlantic salmon products (True North Seafood's frozen salmon burgers; C. Wirthy's frozen salmon burgers); packaged smoked Atlantic salmon products (True North Seafood; Ducktrap; Acme; Taste of Inspirations; Nature's Promise; Echo Falls).



3. Hannaford signage boasts, "Every fish has a tale. Ours you can trust[,]" with its "sustainably harvested" promise backed by a "double money back guarantee."

4. All of Defendants' Hannaford stores contain at least one of these above-listed sustainability claims, and most contain multiple.[3]

5. Unfortunately, Defendants' claims and promises are false.

6. In reality, Hannaford sells industrially farmed salmon whose production inflicts grave harms on pristine marine ecosystems and has caused the destruction of marine life around the world, from Canada to Chile. No reasonable consumer would believe that such farmed salmon products are sustainable.

7. Defendants' marketing promises are no accident. Defendants know their customers care about the health of marine ecosystems and increasingly demand sustainably fished and farmed seafood products. Defendants thus know they must provide sustainably harvested seafood in order to protect their market share. And Defendants know that reasonable consumers believe "sustainably harvested" seafood comes from sources that are "well managed to ensure . . . farming methods have a minimal environmental and social impact," as Defendants describe in further sustainability promises on the Hannaford website.

8. Defendants' pervasive "sustainable" seafood marketing campaign thus enables them to charge a premium for their salmon Products.

9. However, Defendants know or have reason to know that the farmed salmon they sell, grown by the thousands in crowded ocean cages, is neither "sustainable" nor "sustainably harvested." Defendants know or should have known that their farmed salmon suppliers engage in the following conduct, which indisputably defies Defendants' claims of sustainability:

- producing nutrient pollution that can create oxygen-free dead zones in the ocean, harming marine wildlife;

[3] *Sustainable Seafood*, HANNAFORD, https://hannaford.com/pages/sustainable-seafood (last visited Sept. 17, 2026); *Nature & Climate*, AHOLD DELHAIZE, https://aholddelhaize.com/sustainability/nature-climate/ (last visited Sept. 17, 2026).

- allowing the release of fecal matter, dead fish, and trash (including Styrofoam, pieces of cage structure and rope, plastic feeding equipment, buoys, polyvinyl chloride pipe, and plastic bags), which kills, sickens, and injures native marine animals;

- using chemical substances, drugs, and pesticides, such as emamectin benzoate, hydrogen peroxide, azamethiphos, and Flex Guard, which can flow into the water surrounding marine cages and have harmful effects on some aquatic species;

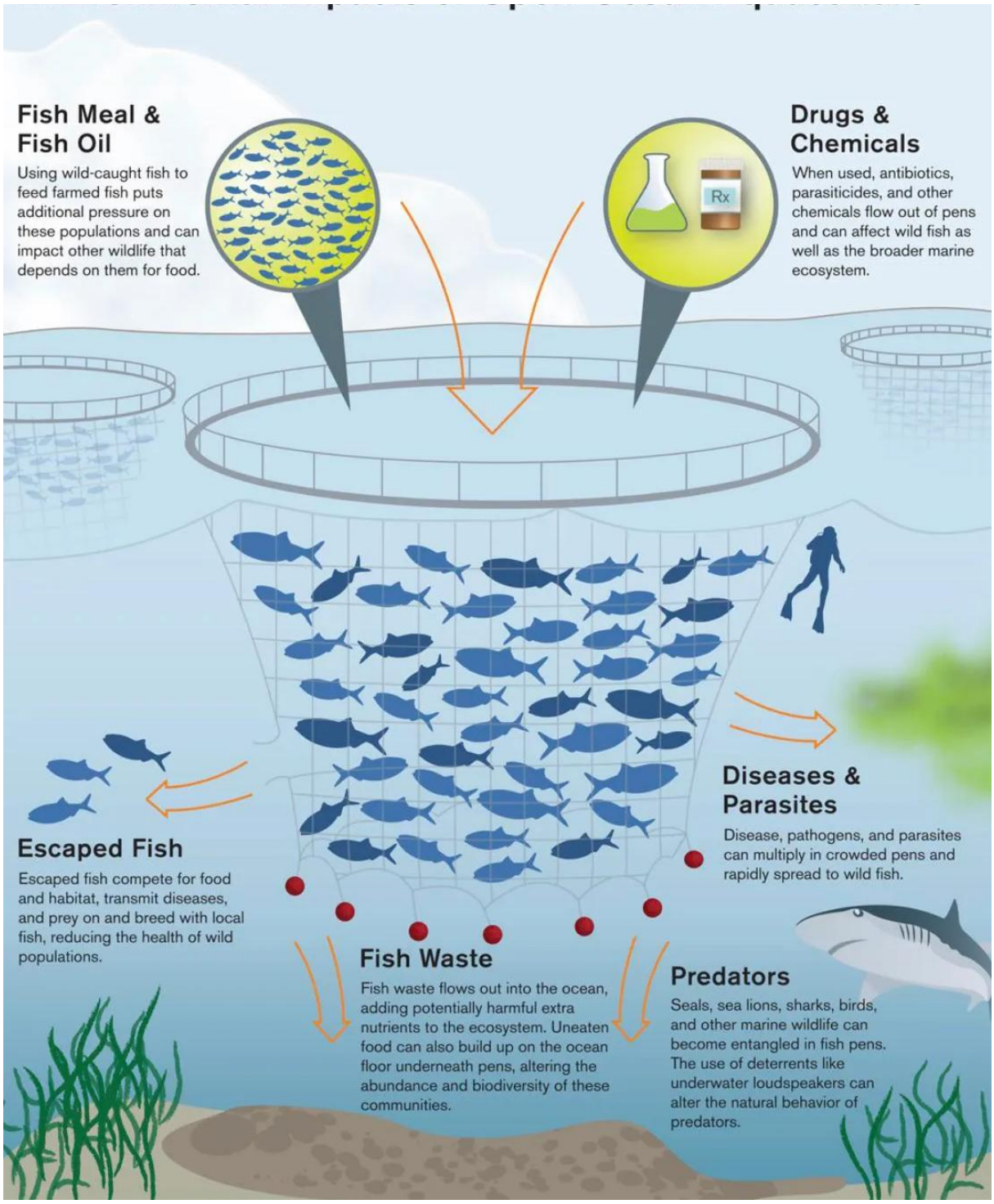
- failing to prevent farmed salmon from escaping, which introduces new pathogens and diseases to local fish populations and creates a risk of farmed salmon interbreeding with endangered wild Atlantic salmon, colonizing their habitat, and/or competing with them for food;

- managing net pens in such a way that farms experience mass salmon mortality events, in which thousands of fish die of disease, parasites, or oxygen starvation;

- crowding the fish into such dense conditions that their welfare suffers due to diseases, parasites, and aggression among the fish; and

- sourcing salmon feed from the forage fishing market, which depletes ocean resources and has been linked to forced labor.

10. The following visual succinctly captures some of the environmental harms caused by industrial net pen aquaculture used to produce the farmed salmon that Defendants sell in Hannaford stores:



11. Defendants' representations about the Products misled the Plaintiff and mislead reasonable consumers. Reasonable consumers are not required to look beyond marketing representations to understand a company's promises. Here, Hannaford's prominent in-store

representations lead reasonable consumers to believe that Defendants have taken steps to ensure that every seafood product they sell is sustainably fished or farmed and that its production does not cause indiscriminate damage to marine life. That includes the salmon Products Plaintiff and Class Members purchased.

12. Indeed, Defendants not only claimed "sustainable" seafood, but emphasized that consumers could trust these sustainability assurances, because Defendants purportedly have rigorous, company-wide monitoring to trace and verify the sustainability of all suppliers' fish harvesting practices, whether "fresh, frozen, or farm-raised."

13. By failing to disclose that their farmed salmon Products are *unsustainably* harvested, through use of polluting and ecosystem-destructive production methods, and by representing that the Products are "sustainable," Defendants induced reasonable consumers, including Plaintiff and Class Members, to become unwitting participants in the very harm to the oceans they attempt to avoid by purchasing and paying a premium for Defendants' "sustainable" Products.

14. Defendants' failure to ensure the truthfulness of their sustainability promises constitutes a violation of the explicit commitments they make to consumers in every Hannaford store.

15. Plaintiff and Class Members purchased the Products based upon their reasonable belief and reliance on Defendants' sustainability promises. Had Plaintiff and Class Members known that Defendants' Products are not sustainably harvested, Plaintiff and Class Members would not have purchased the Products or paid as much for them, as Defendants could not have charged an inflated price for them. Accordingly, Plaintiff and Class Members were and continue to be injured by Defendants' deceptive business practices.

JURISDICTION AND VENUE

16. This Court has original jurisdiction under 28 U.S.C. § 1332(d)(2) because the matter in controversy: (1) is a class action involving more than 100 Class Members; (2) involves members of a proposed Class with citizens of states that are different from Defendants' home states; and (3) exceeds the sum or value of $5,000,000.00, exclusive of interests and costs.

17. This Court has personal jurisdiction over Hannaford because Hannaford conducts and transacts substantial business in New York. Hannaford has intentionally and purposefully

marketed, promoted, distributed, and sold the Products at issue in New York, rendering exercise of jurisdiction by New York courts permissible.

18. This Court has personal jurisdiction over ADUSA because ADUSA conducts and transacts substantial business in New York. Through its Hannaford brand, ADUSA has intentionally and purposefully marketed, promoted, distributed, and sold the Products at issue in New York, rendering exercise of jurisdiction by New York courts permissible.

19. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391 because a substantial part of the events and omissions giving rise to Plaintiff's and Class Members' claims occurred in this District.

PARTIES

Plaintiff Kathleen Boyle

20. Plaintiff Kathleen Boyle resides in Queensbury, New York, and is a citizen of New York. Throughout the relevant period, Plaintiff purchased the Products at issue in this lawsuit and was exposed to Defendants' sustainable seafood representations, including Defendants' sustainability promises to consumers on in-store signage and marketing. Specifically, Plaintiff purchased Hannaford Grab & Go Farm-Raised Gulf of Maine Salmon and Hannaford Farm-Raised Coho Salmon Fillet from a local Glens Falls, New York Hannaford store numerous times in 2025 and 2026. Plaintiff reasonably believed, from Hannaford's in-store signage, that the Products were sustainably harvested, meaning they were sourced from suppliers whose practices did not harm marine ecosystems, and used minimal toxic chemicals and pharmaceuticals.

21. Plaintiff paid an increased cost for the Products, which were worth less than represented because the statements were not true and were highly misleading. The sustainability representations in the Hannaford store were part of the basis of the bargain in that Plaintiff

attributed value to those representations, and Plaintiff would not have purchased them on the same terms if she knew the sustainability representations were untrue and/or misleading. Plaintiff paid a price premium for empty promises of sustainability that Defendants did not keep.

Defendant Hannaford Bros. Co., LLC

22. Defendant Hannaford Bros. Co., LLC is incorporated in the State of Maine with its principal place of business in Scarborough, Maine. Hannaford transacts, or has transacted, business in this District, as well as throughout the United States and worldwide.

23. Hannaford Bros. Co., LLC is responsible for the content and design of its stores and sells the Products in all of its stores, including the stores located within the State of New York. Upon information and belief, Hannaford is the only member of the limited liability company.

Defendant Ahold Delhaize USA Services, LLC

24. Defendant Ahold Delhaize USA Services, LLC, is a corporation whose principal place of business is Salisbury, North Carolina. Through management of its U.S. grocery brands, ADUSA transacts, or has transacted, business in this District, as well as throughout the United States.

25. ADUSA is the parent company of Defendant Hannaford Bros. Co., as well as U.S. grocery brands Food Lion, Giant Food, The GIANT Company, and Stop & Shop. Together, ADUSA brands, including Hannaford, comprise the largest grocery retail group on the East Coast.

26. ADUSA has a complex structure. On information and belief, ADUSA is the sole shareholder of Delhaize U.S. Holdings, Inc., a Delaware corporation with its principal place of business in Salisbury, North Carolina. The sole shareholder of ADUSA, in turn, is Ahold Delhaize Investment Holding, Inc., a Delaware corporation. The sole shareholder of Ahold Delhaize Investment Holding, Inc., is Ahold Delhaize America Holding, Inc., a Delaware corporation.

27. Ahold Delhaize America Holding, Inc.'s indirect parent is global food retailer Koninklijke Ahold Delhaize N.V., a Dutch public company whose principal place of business is Zaandam, the Netherlands.

FACTUAL BACKGROUND

I. Consumer Demand for Sustainable Seafood Drives Defendants' Aggressive Marketing as Sustainable Seafood Retailers

28. Consumers demand and will pay more for seafood fished or farmed sustainably.

29. A survey by Cargill found that 88% of Americans (and 93% of millennials) are willing to pay more for sustainably and responsibly sourced seafood.[4]

30. Another study found that consumers are willing to pay 14% more on average for seafood that is sustainably produced or for seafood "produced according to higher animal welfare standards."[5]

31. Consumers want and expect "sustainable" food to be produced with higher environmental, animal welfare, and worker welfare standards. One study, for example, showed that large margins of North American consumers associate the term "sustainable" with environment and atmosphere preservation (73%) and animal welfare (69%).[6]

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[4] *Survey says: Americans will splurge on sustainable seafood*, LQRA (Sept. 11, 2017), https://www.lrqa.com/en/latest-news/survey-says-americans-will-splurge-on-sustainable-seafood/.

[5] Katrin Zander et al., *Consumers' Willingness to Pay for Sustainable Seafood Made in Europe*, 30 J. INT'L FOOD & AGRIBUSINESS MARKETING 251, 262 (Dec. 22, 2017), https://www.researchgate.net/publication/322017984_Consumers'_Willingness_to_Pay_for_Sustainable_Seafood_Made_in_Europe.

[6] Krystle Morrison, *How Do Consumers Really Feel About Sustainability?*, FOOD INDUSTRY EXECUTIVE (Jan. 25, 2022), https://foodindustryexecutive.com/2022/01/how-do-consumers-really-feel-about-sustainability/; Kerry, *Sustainability in motion* 8 (2021), https://www.kerry.com/sustainability/Sustainability-in-Motion.pdf.

32. Another study found that consumers who were generally concerned with sustainability had strong associations between sustainability terms and animal welfare, labor rights, and environmental welfare. The association was so strong that the study concluded that companies can convey all these attributes with a single, powerful claim—"sustainable."[7]

33. This holds true for seafood, in particular. As one study noted, researchers tested consumers' preference for "sustainably produced" seafood because that term "can be taken as umbrella term for all the other issues or inclined attributes asked for and, thus, might be preferred by consumers over isolated sustainability issues."[8]

34. Consumers in this same study ranked "minimal use of hormones and drugs," "helping to protect endangered species," "no pollution to the environment," and "respect to fish welfare" as the four most essential elements of sustainable aquaculture.[9]

35. Many consumers also favor seafood sourced from local fisheries and farms, associating local seafood with being fresher, more sustainable, and supporting local fishers and farmers. In one study, consumers were found to be willing to pay over 12% more for locally produced seafood.[10]

36. As one market research firm noted, "[c]onsumer demand for local seafood is growing rapidly, driven by a shift in priorities from price and convenience to trust and sustainability."[11]

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[7] Muriel C.D. Verain et al., *Sustainable Food Choice Motives: The development and cross-country validation of the Sustainable Food Choice Questionnaire (SUS-FCQ)*, 93 FOOD QUALITY AND PREFERENCE 104267, 4 & 8 (Oct. 2021).

[8] Zander et al, *Consumer Willingness*, *supra* note 5, at 262.

[9] *Id.* at 259.

[10] *Id.* at 262.

[11] Jodie Shaw, *Why Local Seafood Is Gaining Ground in a Global Market*, KADENCE INT'L, https://kadence.com/en-us/knowledge/why-local-seafood-is-gaining-ground-in-a-global-

37. In one recent survey of seafood consumers, nearly three-quarters of respondents reported that sustainability is important when purchasing seafood, while 60% said purchasing locally sourced seafood is important.[12]

38. In marketing literature, sustainability is known as a "credence attribute," meaning it is a quality consumers cannot easily verify at the point of sale or even after purchase.[13] Because consumers lack the information necessary to verify whether sustainability claims are true, when making purchasing decisions, they must rely on retailers and sellers to tell the truth.

39. Consumers thus expect businesses to do their due diligence to ensure suppliers are meeting sustainability standards. Indeed, one study suggested that companies wishing to boost consumer trust for their brand should evaluate potential suppliers' "environmental risk," because, the study found, consumers who learned of suppliers' environmentally destructive practices no longer believed the product to be responsibly sourced.[14]

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market/#:~:text=Consumer%20demand%20for%20local%20seafood,sustainably%20sourced%2C%20locally%20caught%20products (last visited Sept. 17, 2026).

[12] Illinois-Indiana Sea Grant et al., *Seafood Survey Results: Consumer Purchase Preferences* (2021), https://iiseagrant.org/wp-content/uploads/2021/04/Seafood-Survey-Results-Consumer-Purchase-Preferences-1.pdf.

[13] Peggy Schrobback et al., *Food Credence Attributes: A Conceptual Framework of Supply Chain Stakeholders, Their Motives, and Mechanisms to Address Information Asymmetry*, 12 MDPI FOODS 538 (2023), https://www.mdpi.com/2304-8158/12/3/538.

[14] Prabhjot S. Mukandwal et al., *Consumer reactions to environmentally irresponsible sourcing practices: An intentionality and motive perspective*, 60(3) J. OF SUPPLY CHAIN MGMT., 39, 48 (2024), https://doi.org/10.1111/jscm.12320.

40. Learning about companies' irresponsible sourcing of food makes consumers less likely to purchase the companies' products,[15] an effect that is even more pronounced if consumers learn the company knowingly or deliberately sourced from environmentally harmful producers.[16]

41. This makes the trustworthiness of sustainability marketing critical. As a former Federal Trade Commission Chair explained, when companies don't tell the truth: "it distorts the market for environmentally friendly products. It puts honest companies, who bear the costs of green business practices, at a competitive disadvantage. And it harms consumers who want to make conscientious decisions about what products to buy and what businesses to support."[17]

42. As sophisticated corporations, Defendants know all of this. They know that consumers prefer sustainably harvested seafood products, that providing such products is a business imperative, and that customers are relying on and expecting Defendants to ensure the sustainability of the seafood products they sell.

43. In fact, Defendant ADUSA's research about its own customers bears this out. A survey ADUSA touts on its website found that 25% of its shoppers (shoppers at Hannaford, Giant, Stop & Shop, etc.) highly value sustainability and most frequently seek out sustainable products—more than among the general population.[18] Nearly two-thirds of ADUSA Brand shoppers believe

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[15] Claire Veit et al., *The Impact of Sustainable Sourcing on Customer Perceptions: Association by Guilt from Scandals in Local vs. Offshore Sourcing Countries*, MDPI SUSTAINABILITY, at 8–12 (2018), https://doi.org/10.3390/su10072519.

[16] Mukandwal et al., *Consumer reactions*, *supra* note 14, at 48.

[17] *Statement of Chair Lina M. Khan Regarding the Regulatory Review of the Guides For the Use of Environmental Marketing Claims*, FEDERAL TRADE COMMISSION (Dec. 14, 2022), https://www.ftc.gov/system/files/ftc_gov/pdf/statement_of_chair_lina_m._khan_re_green_guides_-_final.pdf.

[18] *Sustainability*, AHOLD DELHAIZE, https://www.adusa.com/sustainability (last visited Sept. 17, 2026).

companies have a responsibility to take action on sustainability.[19] And nearly 80% say acting sustainably is important, with a third reporting buying sustainable products.[20]

44. Defendants have known for years how important *seafood* sustainability, in particular, is to their customers. In a 2018 presentation on Ahold Delhaize and Hannaford's "sustainable seafood story," for example, two Hannaford executives defined sustainable seafood as "seafood products that are caught or farmed in a manner that ensures supply for future generations and minimizes the impact on ecosystems."[21]

45. Defendants have acknowledged seafood sustainability as critical to their business growth, too. As Defendant ADUSA's parent company Ahold Delhaize stated in a 2024 report, "long-term consumer preferences, demographics and trends continue to evolve. We are seeing a need for deeper personalization, both in-store and online, and an increased consciousness around health, *sustainability* and the community."[22] In this same report, Ahold Delhaize acknowledged that the "responsibility" of being "a large retailer . . . helps drive our approach to supporting a healthy planet and healthy communities, which is key for our long-term business resilience and competitive advantage."[23]

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[19] *Id.*

[20] *Id.*

[21] *Retail Responsibility: Our Sustainable Seafood Story*, GULF OF MAINE RESEARCH INSTITUTE, at 22:02 (YouTube, May 10, 2018), https://www.youtube.com/watch?v=uNPW1iW62Ms&t=1180s.

[22] *2024 Annual Report: Strategic Report*, AHOLD DELHAIZE, https://www.aholddelhaize.com/media/2qadjzgz/annual-report-2024-ahold-delhaize-strategic-report.pdf (emphasis added).

[23] *Id.*

46. Ahold Delhaize reiterated this asserted commitment in its 2025 sustainability report, specifically highlighting the seafood sustainability commitment of ADUSA.[24] Ahold Delhaize claims to be one of the world's largest sellers of seafood.

47. Defendants' decision to market themselves to the sustainability-conscious consumer is thus a logical move in alignment with their overall business strategy.

II. Defendants Promise Sustainability Through Ubiquitous In-Store Signage as Well as Online and Other Marketing

48. Consistent with Defendants' business imperatives, a walk through the seafood section of a Hannaford store presents the customer with a panoply of sustainability representations. The following images were taken in Hannaford stores in Vermont, New York, and Maine.

[24] *2025 Annual Report: Sustainability Statements*, AHOLD DELHAIZE, https://aholddelhaize.com/digitalannualreport/2025/documents/Sustainability-statements---annual-report-2025.pdf.

TRUST WHERE YOUR SEAFOOD COMES FROM
We sell only high-quality, traceable and sustainably harvested seafood.
OUR FRESH CATCH COMES WITH A DOUBLE MONEY BACK GUARANTEE

Fresh SEAFOOD
Harvested with sustainability in mind.
2% REWARDS
$14.49
Haddock Fillets
$9.99
GRILL OR OVEN READY TO EAT!

EVERY FISH HAS A TALE.
OURS YOU CAN TRUST.
We sell only high-quality, traceable and sustainably harvested seafood.
OUR FRESH CATCH COMES WITH A DOUBLE MONEY BACK GUARANTEE

NEXT WAVE
MUSSELS
NATURAL
SALMON
SALMON
ATLANTIC SALMON PORTIONS
We're committed to providing FRESH, SUSTAINABLE SEAFOOD.
$6.99
$6.99

49. As shown above, Hannaford's in-store representations include:

- "sustainable seafood"
- "Trust where your seafood comes from"
- "We sell only high-quality, traceable and sustainably harvested seafood."
- "Fresh, frozen or farm-raised, our seafood is sustainably harvested"
- "Fresh seafood harvested with sustainability in mind"
- "Every fish has a tale. Ours you can trust."
- "We're committed to providing fresh, sustainable seafood."
- "Fresh. Sustainable. Local."

50. Consumers who go beyond the pervasive in-store signage to research Hannaford's seafood sourcing practices, moreover, are confronted with yet further assurances of sustainability.

51. The seafood sustainability page of Hannaford's website reiterates Defendants' sustainability promise, stating that the company's "seafood sourcing policy means that if a seafood product is sold at Hannaford, we have done our homework and assessed whether it was harvested in an environmentally responsible manner."[25]

52. This "environmental integrity" commitment means Hannaford "sourc[es] only seafood from fisheries and farms that are well managed to ensure that fish populations remain healthy and fishing and farming methods have a minimum environmental and social impact."[26]

53. Consumers "can trust that the seafood products you buy in our stores are brought to you in a way that you can feel good about," Defendants say, because Hannaford's products

[25] *Sustainable Seafood*, HANNAFORD, *supra* note 3, *Nature & Climate*, AHOLD DELHAIZE, *supra* note 3.

[26] *Sustainable Seafood*, HANNAFORD, *supra* note 3.

"must be fully traceable to the wild fishery or farm and must meet key environmental sustainability criteria."[27]

54. Defendant ADUSA echoes this promise: "[a]ll seafood sold across the Ahold Delhaize USA brands, whether it is fresh, frozen, or canned, must meet important sustainability criteria, and suppliers must provide detailed traceability information."[28]

55. Defendants repeat their seafood sustainability promises in social media advertising,[29] podcast advertisements, e-commerce platforms, and elsewhere. "Whether you purchase salmon or sturgeon at Hannaford, you can rest assured that it comes from a sustainable source," a typical video advertisement claims.[30] "That's because 100% of the seafood we sell is sustainable."

56. As an Instagram post says, "Things at Hannaford that just make sense" include "100% sustainable seafood":[31]

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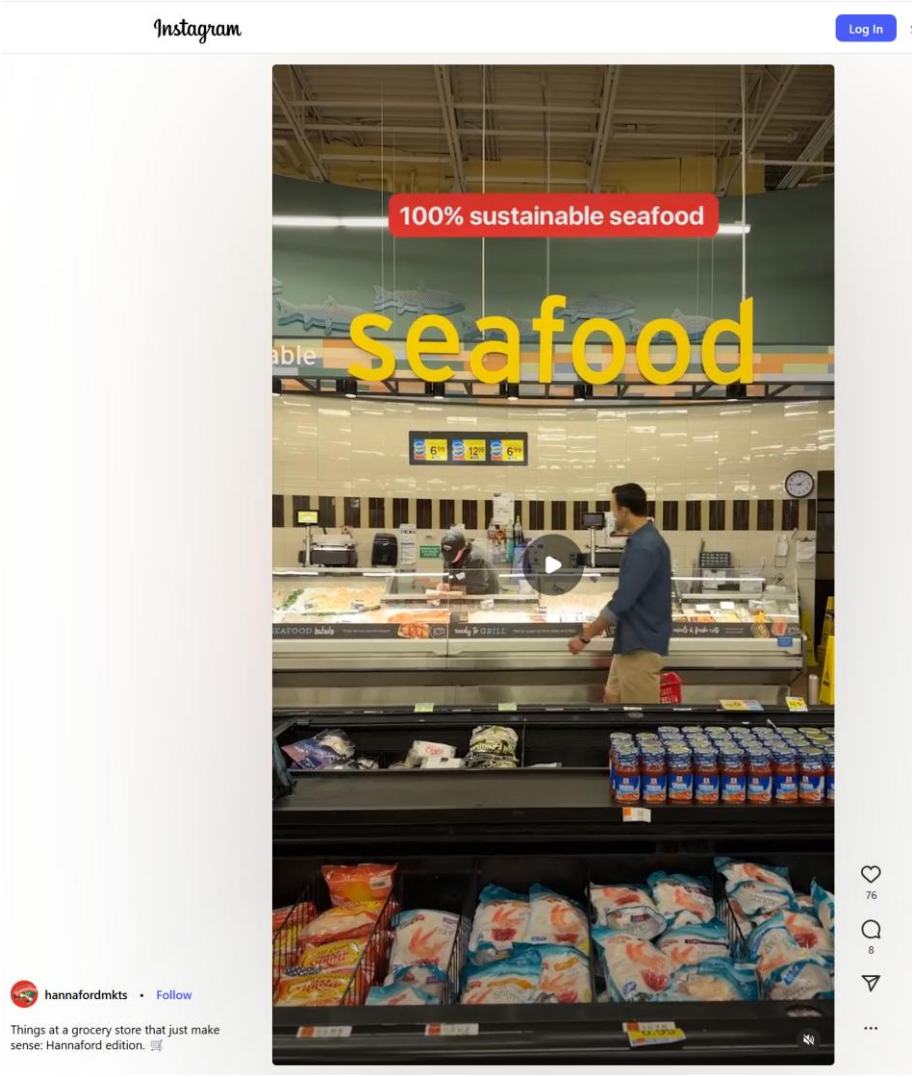
[27] *Id.*

[28] *2025 Annual Report: Sustainability Statements*, *supra* note 24, at 111.

[29] *See*, *e.g.*, Video posted by Hannaford Supermarkets, FACEBOOK, *Every day is Earth Day at Hannaford* (April 22, 2024) https://www.facebook.com/Hannaford/videos/every-day-is-earth-day-at-hannaford-thats-why-100-of-the-seafood-we-sell-is-sust/1103786937407791/; HANNAFORD PEOPLE AND CULTURE, *Hannaford Sustainability Commitment*, (YouTube, Mar. 26, 2024), https://www.youtube.com/watch?v=W-ZsafZl8Qs (see caption and 3:33 – 4:09 in video clip); Video posted by Hannafordmkts, INSTAGRAM, *Every Day is Earth Day* (Apr. 22, 2023), https://www.instagram.com/reel/CrWEMy7sHLj/?igsh=djd1a2hpZmhpemQ4; Video posted by Hannaford Supermarkets, FACEBOOK, *Whether you purchase salmon or sturgeon at Hannaford, you can rest assured that it comes from a sustainable source.* (Apr. 18, 2023), https://www.facebook.com/Hannaford/videos/199279816188265/ (includes specific reference to salmon); Video posted by Hannaford Supermarkets, FACEBOOK, *Did you know that 100% of the seafood we sell comes from sustainable sources?* (Oct. 20, 2018), https://www.facebook.com/Hannaford/videos/local-seafood/306627499924067/; Video posted by Hannafordmkts, INSTAGRAM, *Things at a grocery store that just make sense,* https://www.instagram.com/reels/DBOy9B5AlEt/ (mentioning "100% sustainable seafood").

[30] *Whether you purchase salmon* video, *supra* note 29.

[31] *Things at a grocery store*, *supra* note 29.



57. Similarly, a 2025 advertising campaign for Hannaford, "All for good," emphasized local, traceable seafood in podcast ads. Against a background of soulful music, the ad claimed, "We know what it's like here, because we live here. It's Jess at the seafood counter, and Greg who catches that food daily at daybreak. Where purchases aren't transactional, they're catching up on town news and continuing our story from last time. Here, is good from seed to store. It's picked, stocked, and purchased local."[32]

[32] Marian Zboraj, *Hannaford Supermarkets Launches 'All for Good' Brand Campaign in Northeast*, PROGRESSIVE GROCER (July 22, 2025), https://progressivegrocer.com/hannaford-supermarkets-launches-all-good-brand-campaign-northeast.

58. Defendants' communications also make clear they understand *how* customers are viewing these "sustainable" seafood promises. Defendants consistently emphasize traceability, fisheries and farms with minimal environmental impact, and compliance with rigorous environmental criteria—not just in general or most of the time, but for every product Hannaford sells, including every salmon Product.

59. For example, in a June 8, 2022 press release, Nathan Jewell, Seafood Category Manager for Hannaford, stated: "All [our] seafood products are vetted through our robust and comprehensive sourcing policy; ensuring our seafood is fully traceable to the wild fishery or to the farm and come from responsible sources."[33]

60. Defendant ADUSA echoes those promises. As Ahold Delhaize's 2025 sustainability report states (under the heading "Seafood traceability"), ADUSA "aim[s] to source seafood from fisheries and farms that are well managed to ensure that fish populations remain healthy, and fishing and farming methods have minimal environmental and social impacts."[34]

III. Defendants Source Farmed Salmon Products from Large Marine Cages in the Coastal Waters of Maine, Canada, Chile, and Europe

61. Hannaford sources its farmed salmon from industrial fish feedlots. To raise salmon on an industrial scale, the salmon operations from which Hannaford sources the Products use net pens—enclosed, floating cages anchored to the seafloor. Net pens may be circular or rectangular, and can be anywhere from 100 to 160 meters in circumference, or approximately 30 meters by 30 meters for rectangular pens.[35]

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[33] *Hannaford Marks Sustainable Seafood Progress*, HANNAFORD (June 8, 2022), https://hannaford.com/pages/hannaford-marks-sustainable-seafood-progress.

[34] *2025 Sustainability Statements*, supra note 24, at 111.

[35] *Bigger pens help salmon farm scale new heights*, THE FISH SITE (DEC. 6, 2024), https://thefishsite.com/articles/bigger-pens-help-salmon-farm-scale-new-heights; *Nylon nets for salmon*, HUAXING NETS, https://www.huaxingnets.com/nylon-nets-for-salmon.html (last visited

62. Pens of this size can hold tens of thousands of fish each, and may be grouped together in collections of six to thirty pens.[36]

63. Defendants source their farmed salmon Products from such industrial net pen operations in Maine, Canada, and Chile. On information and belief, some of the farmed Atlantic salmon Products Defendants sell may also come from Ireland, Scotland, the Faroe Islands, and Norway.

A. *Many of Defendants' Products are sourced from Cooke Aquaculture's net pen operations in the Gulf of Maine and Eastern Canada*

64. Hannaford sources a significant amount of fresh and frozen salmon from Cooke Aquaculture Inc. ("Cooke"). Headquartered in New Brunswick, Canada, Cooke is the largest private family-owned seafood company in the world, with aquaculture and wild fishery operations in fourteen countries.[37]

65. Cooke's U.S. division, Cooke Aquaculture USA, is the sole producer of farmed Atlantic salmon in the Gulf of Maine.[38]

66. Cooke holds twenty-three current "Aquaculture Leases for Open Ocean Net-Pen Culture" of various fish, including Atlantic salmon, from the Maine Department of Natural

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Sept. 7, 2026); *Fish Farm Facts: How They Grow*, ACFFA, https://atlanticfishfarmers.com/fish-farm-facts/how-farmed-salmon-grow/#:~:text=How%20big%20are%20the%20net,are%20the%20nets%20made%20of (last visited Sept. 17, 2026).

[36] *Id.*

[37] *Our Story*, COOKE SEAFOOD, https://cookeseafood.com/about-cooke/ (last visited Sept. 17, 2026)

[38] *Aquaculture*, COOKE SEAFOOD, https://cookeseafood.com/divisions/cooke-aquaculture/ (last visited Sept. 17, 2026).

Resources.[39] The company operates clusters of net pens at these leased sites, and as of 2022 held leases spanning over 630 acres of Maine's coastal waters.[40]

67. Cooke's aquaculture operations in Atlantic Canada are similarly industrial. Cooke raises fish in net pens at a number of leased sites in Nova Scotia,[41] as well as at various sites in Newfoundland. This year, Cooke was given the go-ahead by the Nova Scotia Aquaculture Review Board to add six additional net pen facilities in Nova Scotia.[42]

68. The following is a photograph of Cooke net pens off of Starboard Island in Maine's Machias Bay:[43]

[39] *Aquaculture Lease Decisions*, ME. DEP'T MARINE RES., https://www.maine.gov/dmr/aquaculture/maine-aquaculture-leases-and-lpas/aquaculture-lease-decisions (last visited Sept. 17, 2026).

[40] *Id.*; *Finding of Fact, Conclusions of Law, & Decision*, ME. DEP'T MARINE RES. (June 28, 2022), https://www.maine.gov/dmr/sites/maine.gov.dmr/files/inline-files/SWAN%20BIS_Decision%20History.pdf.

[41] Giuliana Grillo de Lambarri, *Kelly Cove Salmon wins approval to expand Liverpool Bay fish farm, despite public opposition*, CBC (Feb. 18, 2026), https://www.cbc.ca/news/canada/nova-scotia/kelly-cove-salmon-wins-approval-to-expand-liverpool-bay-fish-farm-despite-public-opposition-9.7096264.

[42] *Id.*; Gareth Moore, *Cooke gets green light for 1,000-tonne farm expansion in Nova Scotia*, FISHFARMINGEXPERT (Feb. 18, 2026), https://www.fishfarmingexpert.com/aquaculture-review-board-cooke-aquaculture-kelly-cove-salmon/cooke-gets-green-light-for-1000-tonne-farm-expansion-in-nova-scotia/2071761.

[43] Tom Groening, *Downeast salmon business marks 20 years*, ISLAND INST. (Dec. 6, 2024), https://www.islandinstitute.org/working-waterfront/downeast-salmon-business-marks-20-years/ ("PHOTO: COURTESY COOKE INC").

69. Defendants sell Cooke's farmed Atlantic salmon in multiple forms. Upon information and belief, Hannaford stores throughout New York and New England sell Cooke's farmed salmon products both as a "local" product in the deli case, and as a packaged good distributed under Cooke's retail brand, True North Seafood Company ("True North Seafood").

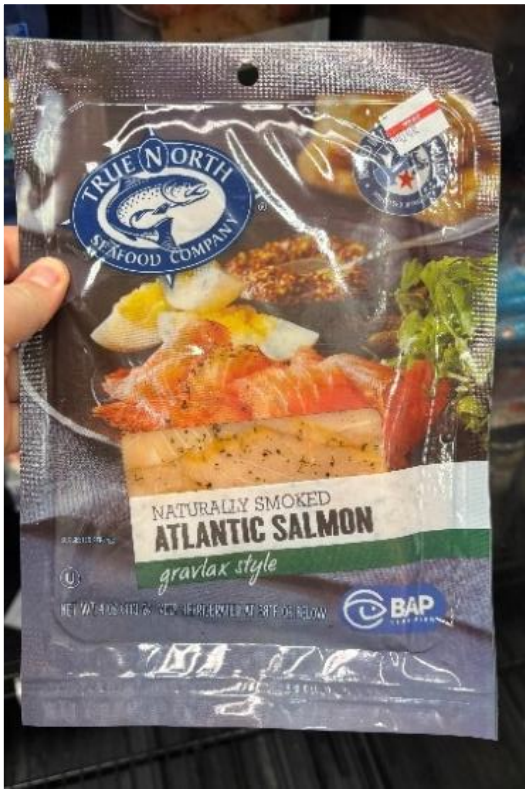
70. Cooke's Maine-farmed salmon has been identified at the fresh seafood counter in Hannaford stores in New York, Vermont, and Massachusetts.[44] The example image below depicts "Local Gulf of Maine" farm-raised Atlantic salmon fillets in the fresh seafood case at a Hannaford in Queensbury, New York:

[44] Cooke is the exclusive producer of farm-raised salmon in Maine's coastal waters.

71. Similarly, Defendants sell pre-portioned "Gulf of Maine" farmed salmon fillets in the "grab and go" section of New York and Massachusetts stores. Assuming they are properly labeled as to their source, these, too, must be from Cooke:

72. Cooke's True North Seafood frozen salmon burgers have been identified at Hannaford locations in New York, Vermont and Maine, and its "gravlax style" smoked salmon was found in those states, as well as Massachusetts. The images below depict these products at Hannaford stores in Queensbury, Hudson, and South Glen Falls, New York:

NATURALLY SMOKED
ATLANTIC SALMON
BAP


TRUE NORTH
SEAFOOD COMPANY
NATURALLY SMOKED
ATLANTIC SALMON
gravlax style
BAP

4 BURGERS
TRUE NORTH
SEAFOOD COMPANY
ATLANTIC SALMON
BURGERS
DELICIOUS SALMO
PERFECTLY SEASONED
SUGGESTED SERVING
UNCOOKED | KEEP FROZEN
PROTEIN
NET WT. 20 OZ (1.25 LB) 568g
$10.99

73. True North Seafood products are made of farmed salmon raised in Cooke's net pens. True North Seafood's smoked salmon identifies its source as the Gulf of Maine, while its Atlantic salmon burgers are identified as a "Product of Canada."

B. ***Other of Defendants' Atlantic salmon products are sourced from industrial farming operations in Chile and various Northern European countries***

74. Defendants also sell a variety of other smoked and frozen farmed salmon Products. Many of these Products are sourced from Chile. Images of these products are below.

ACME
SMOKED FISH
BROOKLYN
SINCE 1906
FOUR GENERATIONS
SMOKE SCALE
18G PROTEIN PER SERVING
1% OF SALES DONATED TO SUPPORT CLIMATE INITIATIVES
SMOKED NOVA SALMON
— PRE-SLICED & READY TO EAT —
NET WT. 3 OZ (85 G)
KEEP REFRIGERATED AT 38°F OR BELOW
SINGLE SERVE
3 OZ
SEAFOOD

DUCKTRAP
SINCE 1978
KENDALL BROOK
READY TO EAT
BAP
TRADITIONAL
COLD SMOKED ATLANTIC SALMON
NET WT 8 OZ (227g)
SEAFOOD

taste of Inspirations
SMOKED ATLANTIC SALMON
Ready to Eat
Farm Raised
Hot Smoked using a blend of natural hardwoods and fruitwoods.
SEAFOOD
BAP
KEEP REFRIGERATED
NET WT 4 OZ (113g)
PER 2 OZ
130 CALORIES
2g SAT FAT
550mg SODIUM
0g ADDED SUGARS

Nature's Promise
FARM RAISED
Atlantic Salmon Fillets
BONELESS • SKIN ON • RAW
INDIVIDUALLY WRAPPED
• No Added Hormones
ENLARGED TO SHOW TEXTURE
KEEP FROZEN
COOK THOROUGHLY
BAP CERTIFIED
NET WT 12 OZ (340g)
190 CALORIES
2g SAT FAT

75. These Products are sourced from a variety of large companies with net pen operations in Chile, including Trusal S.A. ("Trusal"), Salmones Multiexport ("Multi X") S.A., and Mowi Chile. Global agribusiness conglomerate Cargill, the largest private company in the United States by revenue, owns a 24.5 percent stake in Multi X.

76. On information and belief, the C. Wirthy salmon Products Defendants sell, produced by High Liner Foods USA, are sourced from Chilean salmon producers Trusal and Multi X. The Ducktrap and Taste of Inspirations farmed Atlantic salmon Products are imported from and processed by Mowi Ducktrap, LLC, and sourced from Chilean salmon farms run by Mowi Chile, Multi X, and a variety of other large salmon producers.

77. On information and belief, Defendants' Nature's Promise farmed salmon Products are sourced from Highland Farms, Ltd. in Miami, which imports Atlantic salmon from Chilean farms owned by Salmones Camanchaca, Multi X, and Invermar S.A.

78. Finally, on information and belief, the Acme smoked salmon Products Defendants sell are sourced, in part, from the company's Chilean subsidiary, Acme Chile, and in part from farms in Norway. Acme's reprocessing plant in New York, which receives farmed Atlantic salmon from Acme Chile, is linked to Chilean salmon producers Multi X, and Australis Mar S.A. On its website Acme states, "Acme Chile buys fresh Atlantic salmon from all of the big salmon farming companies in Chile."[45]

79. Other farmed Atlantic salmon Products Defendants sell, such as some Echo Falls smoked salmon and Next Wave Seafood frozen Atlantic salmon portions, represent that they are

[45] *From Egg to Table: A Look Inside Chile's Salmon Industry*, ACME SMOKED FISH, https://acmesmokedfish.com/blogs/news/from-egg-to-table-a-look-inside-chiles-salmon-industry (last visited Sept. 17, 2026).

produced in European countries. Defendants sell Echo Falls Smoked Scottish Atlantic salmon, which Echo Falls identifies as being harvested from the northern shores of Scotland,[46] while Next Wave Seafood frozen Atlantic salmon is labeled as a product of Keohane Seafoods in Ireland.

C. *The industrial net pen salmon farms that supply Defendants' farmed Atlantic salmon products cause immense damage to marine ecosystems and wildlife, and cause the farmed fish significant suffering*

80. Contrary to the Defendants' ubiquitous in-store representations, the farmed Atlantic salmon Products Defendants sell are not sustainably harvested. The salmon production does not have minimal environmental impacts, as Defendants claim. Quite the opposite.

1. Cooke's salmon net pen operations are not sustainable

81. On an industrial scale like Cooke's, net pen salmon aquaculture has considerable negative impacts on the marine environment.

82. Confining high densities of fish to the small, enclosed space of a net pen creates significant pollution. When operators dump large quantities of nitrogen-rich feed into net pens, of course some goes uneaten and flows out into the surrounding environment.[47] Additionally, because salmon absorb less than half of the nitrogen-rich protein they eat, much of that nitrogen content is excreted through fecal matter and flows into the surrounding waters.[48]

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[46] *Echo Falls Oak Smoked Scottish Atlantic Salmon (4oz)*, ECHO FALLS SEAFOODS https://echofallsseafoods.com/products/echo-falls-oak-smoked-scottish-atlantic-salmon-4oz (last visited Sept. 17, 2026).

[47] Akeem Babatunde Dauda et al., *Waste Production in Aquaculture: Sources, Components and Managements in Different Culture Systems*, 4 AQUACULTURE AND FISHERIES 81 (May 2019), https://doi.org/10.1016/j.aaf.2018.10.002.

[48] *Id.*; Marit Nederlof et al., *Nutrient retention efficiencies in integrated multi-trophic aquaculture*, 14 REV. AQUAC. 1194 (2022), https://onlinelibrary.wiley.com/doi/epdf/10.1111/raq.12645.

83. The nitrogen content in food and fecal matter is primarily excreted in the form of toxic ammonia, which can decrease growth in vertebrate and invertebrate species, impede their bodies' ability to regulate water and salt levels, and increase their vulnerability to pathogens.[49] Effects of ammonia on invertebrates, including shellfish and bivalves, are particularly acute: it can inhibit molting, depress feeding activities, cause deformities, and weaken how their bodies process energy and fight off disease.[50]

84. The buildup of excessive food and fecal matter creates mounds of putrid, nutrient-heavy sludge on the seabed beneath the marine cages. The excess phosphorus and nitrogen in the water column risks creating oxygen-starved or "anaerobic" dead zones. When this happens, salmon farms can experience mass salmon die-offs, leading to enormous volumes of dead fish that can foul surrounding waters and coastlines.[51]

85. Such mass mortality events have been recorded at Cooke's Maine and Newfoundland operations.[52] In 2021, for example, low dissolved oxygen in net pens at a Cooke

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[49] Dauda et al, *Waste Production*, *supra* note 47; Tian-Xu Zhang et al., *A review of the toxic effects of ammonia on invertebrates in aquatic environments*, ENV'T POLLUTION 2 (Nov. 1, 2023), https://doi.org/10.1016/j.envpol.2023.122374.

[50] Zhang et al., *A Review of the Toxic Effect of Ammonia*, *supra* note 49; Nicholas Romano & Chaoshu Zeng, *Toxic Effects of Ammonia, Nitrite, and Nitrate to Decapod Crustaceans: A Review on Factors Influencing their Toxicity, Physiological Consequences, and Coping Mechanisms*, REVS. FISHERIES SCI. 2, 9, 17 (Feb. 13, 2013), http://dx.doi.org/10.1080/10641262.2012.753404.

[51] *See, e.g.,* Alex Kennedy, *2 more mass salmon die-offs reported off south coast of Newfoundland*, CBC (July 31, 2025), https://www.cbc.ca/news/canada/newfoundland-labrador/salmon-mortality-events-1.7598607.

[52] *Id*., Jennifer Mitchell, *Authorities Investigating Mass Salmon Die-Off At Down East Aquaculture Operation*, MAINE PUBLIC (Aug. 27, 2021), https://www.mainepublic.org/business-and-economy/2021-08-27/authorities-investigating-mass-salmon-die-off-at-down-east-aquaculture-operation; Gerald G. Singh et al., *Quantitative analysis of mass mortality events in salmon aquaculture shows increasing scale of fish loss events around the world*, NATURE SCI. REP. 2 (2014), https://doi.org/10.1038/s41598-024-54033-9.

site near Mount Desert Island led to the death of approximately 100,000 fish.[53] In such extreme anaerobic conditions, these thousands of salmon essentially suffocate. This necessitates the removal and disposal of the dead fish, as shown in the images below of the aftermath of the 2021 die-off near Mount Desert Island.

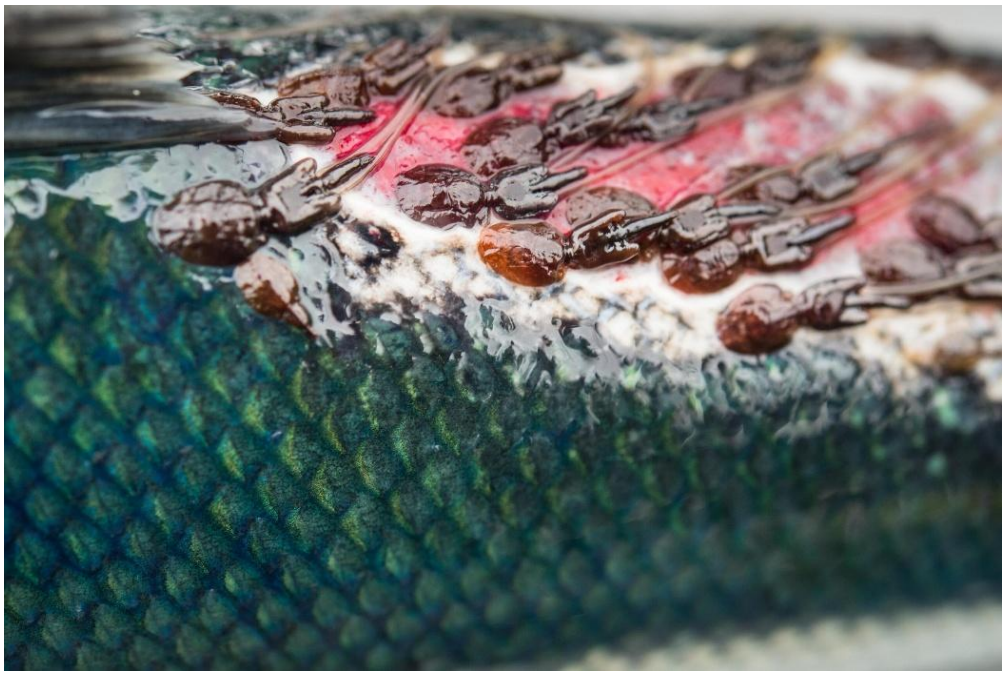
[53] *Findings imminent on death of 100k salmon at Cooke facility in Maine*, SALMONBUSINESS (Sept. 23, 2021), https://www.salmonbusiness.com/state-investigating-deaths-of-100000-salmon-at-cooke-facility-in-maine/.

86. Industrial net pens like Cooke's also create an ideal environment for the spread of parasites like sea lice among the caged fish. *Caligus elongatus* and *Lepeophtheirus salmonis*, sea lice that infest salmonids, are small crustaceans that latch onto the salmon's bodies and feed on their skin.[54]

[54] Karen McVeigh, *Sea-lice outbreak on Icelandic salmon farm a 'welfare disaster', footage shows,* THE GUARDIAN (Nov. 3, 2023), https://www.theguardian.com/environment/2023/nov/03/sea-lice-outbreak-icelandic-salmon-farm-welfare-disaster-footage-shows; Alexander Jensen et al., *Sea Lice Infestations of a Wild Fish Assemblage in the Northwest Atlantic Ocean*, 145 TRANSACTIONS OF THE AM. FISHERIES SOC. 7 (2015), https://www.canr.msu.edu/qfc/publications/pdf-publications/2016-publications/2016-13.pdf.

87. The high stocking densities of salmon net pens allow the parasites to multiply and thrive, consuming the fish's bodies and weakening their immune systems.[55] Sea lice infestations at salmon net pens can spread, putting other wild fish at risk.[56]

88. As sea lice feed on the salmon, they cause painful, open sores like that pictured below. The sores are easily susceptible to infection, which can ultimately kill the salmon.[57]



[55] *Id.*, Emily Osterloff, *The problem of sea lice in salmon farms*, NATURAL HISTORY MUSEUM, https://www.nhm.ac.uk/discover/the-problem-of-sea-lice-in-salmon-farms.html (last visited Sept. 17, 2026).

[56] Osterloff, *The Problem of Sea Lice*, *supra* note 55.

[57] McVeigh, *Sea-lice outbreak*, *supra* note 54; Kathryn S. Peiman et al., *What are the effects of sea lice on wild and farmed Pacific and Atlantic salmon? A systematic map protocol*, 6 ECOLOGICAL SOLUTIONS & EVIDENCE 3, 7 (2025), https://doi.org/10.1002/2688-8319.70104. Image from Judith Lavoie, *Sea lice are becoming more resistant to pesticides — that's a problem for B.C.'s beleaguered salmon farms*, THE NARWHAL (Mar. 28, 2022), https://thenarwhal.ca/bc-sea-lice-farmed-salmon-data/.

89. Just last summer, Cooke's operations in Newfoundland experienced two mortality events that killed more than 60,000 fish, including an incident in which Cooke attributed the deaths of 47,000 salmon to rising ocean temperatures and a sea lice infestation.[58]

90. Net pen operators employ different treatment options to control sea lice, but each comes with its own impacts, many of which contribute to poor welfare in the salmon or in wild species living near the net pens. For example, mechanical treatments that flush sea lice off the salmon's skin cause trauma to the salmon and have been found to have high mortality rates.[59]

91. Operators also administer emamectin benzoate to salmon via feed. Once in the water, however, the drug poses grave risks to marine animals like shrimp and other crustaceans, which are genetically similar to sea lice and so, particularly vulnerable to anti-sea-lice products.[60]

92. In addition to parasites, diseases can also thrive in net pens, like infectious salmon anemia ("ISA")—caused by a lethal virus causing premature death of tissue, anemia, and hemorrhaging. Cooke's Maine[61] and Canada farms have suffered outbreaks of ISA.[62] In 2020,

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[58] Kennedy, *2 more mass salmon die-offs*, *supra* note 51.

[59] Xiao Zhou et al., *Sea lice management in marine-based salmon farming: Public perceptions and acceptance in England and Scotland*, 593 AQUACULTURE (2024), https://www.sciencedirect.com/science/article/pii/S0044848624007282#bb0030.

[60] J.W. Bloodworth et al., *Negative effects of the sea lice therapeutant emamectin benzoate at low concentrations on benthic communities around Scottish fish farms*, 699 SCI. TOTAL ENV'T 91, https://www.sciencedirect.com/science/article/pii/S0048969719309428?ref=pdf_download&fr=RR-2&rr=a3cbd512af4e306f.

[61] According to a lawsuit filed by Conservation Law Foundation last year, one of Cooke's Machias Bay Cage Sites experienced an outbreak of ISA in 2022. Compl. for Declaratory and Injunctive Relief and Civ. Penalties at 19, *Conservation Law Foundation, Inc. v. Cooke Aquaculture USA, Inc.*, Case No. 1:25-cv-00013-KFW (Jan. 14, 2025).

[62] Liza Mayer, *ISA Virus Forces Early Harvest Of Salmon At Cooke's Canadian Farm*, AQUACULTURE NORTH AM. (Nov. 3, 2017), https://www.aquaculturenorthamerica.com/isa-virus-forces-early-harvest-of-salmon-at-cookes-canadian-farm-1796/; Rachel Mutter, *Cooke salmon farming operation forced to remove 485,000 fish after deadly virus strikes again*, INTRAFISH

Cooke had to kill off 1.18 million salmon at Canadian facilities to control an outbreak of the ISA virus.[63] The disease can also move between aquaculture sites and the surrounding ecosystem, similarly threatening wild fish populations.[64]

93. All of these conditions cause the salmon to suffer significantly. Even if they are not eaten alive by sea lice, plagued with disease, or suffocated, being packed in marine cages at an extremely high density causes salmon significant distress. Having enough space to swim and express natural behaviors is vital for aquatic species like salmon.[65]

94. When they are confined to crowded environments, salmon must compete for space and resources and have no ability to retreat. As a result, they can become unnaturally aggressive and maim each other.[66] A 2019 investigation by the organization Animal Outlook of a Cooke salmon hatchery in Maine documented numerous salmon with missing eyes, presumably because the eyes had been eaten by other fish.[67] In a 2025 follow-up investigation, Animal Outlook

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(Sept. 27, 2020), https://www.intrafish.com/aquaculture/cooke-salmon-farming-operation-forced-to-remove-485-000-fish-after-deadly-virus-strikes-again/2-1-882460.

[63] Rachel Sapin, *Cooke detects deadly infectious salmon anemia virus in Newfoundland salmon farming facility*, INTRAFISH (Nov. 22, 2021), https://www.intrafish.com/salmon/cooke-detects-deadly-infectious-salmon-anemia-virus-in-newfoundland-salmon-farming-facility/2-1-1102475.

[64] *Pathogens and Disease: Open net-pens allow a free exchange of pathogens between farmed and wild species*, LIVING OCEANS, https://www.livingoceans.org/initiatives/salmon-farming/issues/pathogens-and-disease-open-net-pens-allow-free-exchange-pathogens?utm_source=chatgpt.com (last visited Sept. 17, 2026); Ctr. For Food Sec. & Pub. Health et al., *Infectious Salmon Anemia* (2010), https://www.cfsph.iastate.edu/Factsheets/pdfs/infectious_salmon_anemia.pdf.

[65] *Key Aquatic Animal Welfare Recommendations for Aquaculture*, AQUATIC ANIMAL ALLIANCE 5, https://aquaticanimalalliance.org/resource-aquaculture/key-aquatic-animal-welfare-recommendations-for-aquaculture (last visited Sept. 17, 2026).

[66] Mark Borthwick, *Welfare Issues in Farmed Atlantic Salmon*, FISH WELFARE INITIATIVE 9 (May 2020), https://files.fwi.fish/Salmon_Welfare_Report.pdf (last visited Sept. 17, 2026).

[67] *Aquaculture: A Sea of Suffering*, ANIMAL OUTLOOK, https://animaloutlook.org/investigations/aquaculture/ (last visited Sept. 17, 2026).

documented continuing problems at Cooke, including "severe fungal infections eating away at [fish] faces" caused by overcrowding and unsanitary conditions, as well as pervasive animal cruelty.[68]

95. Given conditions in the net pens, the prophylactic use of drugs, antiparasitics, and antibiotics to control and address the spread of parasites and disease in net pens is commonplace.[69] Cooke has used an arsenal of substances for these purposes at its Maine sites, including tricaine methanesulfonate, florfenicol, formalin, oxytetracycline dihydrate, hydrogen peroxide and azamethiphos—the latter two of which have well-documented toxic effects on aquatic life.[70]

96. Research has indicated that salmon excrete into the environment 70% to 80% of the antibiotics producers administer to them. Antibiotic residues in the environment surrounding net pens can alter the protective effects of beneficial bacteria on the skin and in the digestive tracts of wild fish, increasing their vulnerability to infection.[71] It can also drive the growth of antibiotic-

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[68] *Cooke Aquaculture: The Cruelty Continues*, ANIMAL OUTLOOK, https://animaloutlook.org/investigations/cooke-aquaculture/ (last visited Sept. 17, 2026).

[69] Felipe Cabello, *Heavy use of prophylactic antibiotics in aquaculture: a growing problem for human and animal health and for the environment*, 8 ENV'T MICROBIOLOGY 1137 (2006), https://doi.org/10.1111/j.1462-2920.2006.01054.x.

[70] *Letter to Cooke Aquaculture USA Inc. re: Approved Coverage Under General Permit – Net Pen Aquaculture MEG130000,* ME. DEP'T OF ENV'T PROT. (Mar. 5, 2015), https://19january2017snapshot.epa.gov/www3/region1/npdes/permits/2015/finalmeg130031permit.pdf; Davide Asnicar et al., *Anti-sea lice products azamethiphos and hydrogen peroxide effects on five coastal marine organisms*, COMPARATIVE BIOCHEMISTRY AND PHYSIOLOGY PART C: TOXICOLOGY & PHARMACOLOGY, Vol. 300 (2026), https://www.sciencedirect.com/science/article/abs/pii/S153204562500273X?via%3Dihub; Aoife E. Parsons et al., *The impact of anti-sea lice pesticides, azamethiphos and deltamethrin, on European lobster (*Homarus gammarus*) larvae in the Norwegian marine environment*, ENV'T POLLUTION, Vol. 264 (2020), https://www.sciencedirect.com/science/article/pii/S0269749120302451.

[71] Carolina Ramírez, *Microbiota composition and susceptibility to florfenicol and oxytetracycline of bacterial isolates from mussels (Mytilus spp.) reared on different years and distance from salmon farms*, 204 ENV'T RSCH. 2 (Mar. 2022), https://doi.org/10.1016/j.envres.2021.112068.

resistant bacteria,[72] a global health crisis.[73] Antibiotic-resistant bacteria and genes have been found in ocean sediments below salmon farms.[74]

97. The widespread use of drugs and toxic pesticides in net pens is equally troubling. These can flow directly from pens into the open ocean. Cooke uses several chemicals, including Flex Guard, a fungicide with the active ingredient fluazinam, which has toxic effects on some aquatic species.[75]

98. In addition to these pharmaceuticals and biocides, net pen facility operators also use anti-fouling coatings on the nets themselves to prevent the growth of unwanted organisms that could impede seawater circulation. These coatings can be copper-based, zinc-based, or use other compounds such as tralopyril.[76]

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[72] Joy E. M. Watts et al., *The Rising Tide of Antimicrobial Resistance in Aquaculture: Sources, Sinks and Solutions*, MARINE DRUGS 4 (June 1, 2017), https://doi.org/10.3390/md15060158.

[73] Jonathan Lambert, *Antibiotic resistance is rising at an alarming rate*, NPR (Oct. 15, 2025), https://www.npr.org/sections/goats-and-soda/2025/10/15/g-s1-93449/antibiotic-resistance-bacteria.

[74] Javiera Ortiz-Severín et al., *Impact of salmon farming in the antibiotic resistance and structure of marine bacterial communities from surface seawater of northern Patagonia area of Chile*, 57 BIOLOGICAL RSCH. 2 (Nov. 10, 2024), https://doi.org/10.1186/s40659-024-00556-4.

[75] *Letter to Cooke Aquaculture*, ME. DEP'T OF ENV'T PROT., *supra* note 70; *Fluazinam New Use Review*, MINN. DEP'T AGRIC. (Sept. 2012), https://www.mda.state.mn.us/sites/default/files/inline-files/nur-fluazinam.pdf; Wenzhu Wu, *Acute toxicity of fluazinam to aquatic organisms and its bioaccumulation in* Brachydanio rerio, 27 ENV'T SCI. POLLUTION RES. 35000 (2020), https://link.springer.com/article/10.1007/s11356-020-09779-w.

[76] Ali Mahmoodi & Xianming Shi, *Toxicological Effects of Antifouling Agents on Non-target Marine Species*, WASH. STATE DEP'T OF ECOLOGY 23 (2023), https://apps.ecology.wa.gov/publications/documents/2304066.pdf (last visited Sept. 17, 2026); *Screening Program 2024*, NORWEGIAN INSTITUTE FOR WATER RESEARCH 5 (Sept. 25, 2025), https://www.miljodirektoratet.no/publikasjoner/2025/oktober-2025/screening-programme-2024/ (last visited Sept. 17, 2026).

99. Zinc and copper coatings accumulate in the surrounding environment and marine animals.[77] Both zinc and copper are toxic to marine animals, with one study describing copper as "one of the most hazardous metals to aquatic animals."[78] Tralopyril, meanwhile, degrades rapidly, and its derivative substances[79] are remarkably stable in marine environments, which may have long-term impacts on the surrounding environment.[80]

100. Indeed, while precise causes are unknown, an 11-year study in collaboration with lobster fishers in a Nova Scotia bay showed a direct correlation between periods of active salmon net pen operations and a decrease in average market lobster catch per unit of effort, compared with catch rates during "fallow" periods at the net pens.[81] The study also showed significantly lower

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[77] Mahmoodi, *Toxicological Effects*, *supra* note 76, at 7–8; M. A. Zyadah & T. E. Abdel-Baky, *Toxicity and Bioaccumulation of Copper Zinc and Cadmium in Some Aquatic Organisms*, 64 BULLETIN OF ENV'T CONTAMINATION AND TOXICOLOGY 740 (May 2000), https://link.springer.com/article/10.1007/s001280000066 (last visited Sept. 17, 2026).

[78] Liang Cui et al., C*omprehensive assessment of copper's effect on marine organisms under ocean acidification and warming in the 21st century*, 927 SCI. OF THE TOTAL ENV'T 1 (June 1, 2024), https://www.sciencedirect.com/science/article/abs/pii/S0048969724022885; Zyadah & Abdel-Baky, *Toxicity and Bioaccumulation*, *supra* note 77, at 742–43.

[79] Research suggests that Tralopyril may degrade into trifluoroacetic acid, a toxic "forever chemical" that causes serious health risks including infertility and damage to unborn babies. *PFAS in Pesticides*, MINN. DEP'T OF AGRIC. 28 (Feb. 1, 2025), https://www.lrl.mn.gov/docs/2025/mandated/250302.pdf; *Screening Program 2024*, NORWEGIAN INSTITUTE FOR WATER RESEARCH, *supra* note 76, at 8–9. The manufacturer published a report claiming tralopyril does not degrade into trifluoroacetic acid. *See* Tony Kempen and Don McKenzie, *How to Reconcile Clean Aquaculture Nets and Fish Welfare with a Clean Environment*, JANSSEN PMP at 15 (Feb. 2024), https://www.janssenpmp.com/sites/default/files/downloadDocuments/EconeaWhitepaper4.pdf (last visited Sept. 17, 2026). However, the manufacturer never publicly released the underlying data of this report nor the data it submitted to the EPA.

[80] Mahmoodi, *Toxicological Effects*, *supra* note 76, at 23.

[81] I. Milewski et al., *Sea-cage aquaculture impacts market and berried lobster* (Homarus americanus) *catches*, MARINE ECOLOGY PROGRESS SERIES, Vol. 598, 85–97 (June 28, 2018), https://www.jstor.org/stable/26503083.

catches in the region of the bay with the net pens, and highest catches in the region furthest away from the pens.[82]

101. Trash and debris from salmon net pen operations also end up in the ocean, particularly when salmon net pen sites go fallow. Cooke has come under fire from provincial governments and a conservation organization in Canada for abandoning sea cages and sunken debris, contributing to plastic pollution at its leased sites in Newfoundland and Labrador.[83]

102. Last year, the nonprofit conservation organization Atlantic Salmon Foundation documented, through aerial photographs, up to 25 abandoned sea cages, piles of net, rope, buoys, and feed bags dumped since at least 2011 at sites leased by Cooke Aquaculture.[84] Cooke removed the waste only after being given a deadline by a provincial fisheries minister.

103. Cooke has also come under scrutiny for polluting the Gulf of Maine with its salmon net pen operations. In 2025, the company was sued for releasing fish waste, dead fish, sea lice, diseases and trash (including Styrofoam, pieces of cage structure and rope, plastic feeding equipment, buoys, polyvinyl chloride pipe and plastic bags) at thirteen leased sites in violation of the Clean Water Act.[85]

104. This followed Cooke agreeing, in 2019, to pay approximately $156,000 to resolve multiple violations of the Maine Pollutant Discharge Elimination System General Permit for net

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[82] *Id.*

[83] *Massive Pollution: More salmon farm dumps located in N.L.*, ATLANTIC SALMON FEDERATION (Jun. 2, 2025), https://www.asf.ca/massive-pollution-more-salmon-plastic-farm-dumps-located-in-newfoundland-labrador/.

[84] *Id.*

[85] *Conservation Law Foundation* complaint, *supra* note 61, at 1, 38–39.

pen aquaculture, including by exceeding fish-density limits and failing to conduct required environmental monitoring.[86]

105. Another notable threat of salmon net pen aquaculture is fish escape. Because salmon net pens are, to seals and other marine animals that predate on fish, essentially a giant chum bag suspended on the sea floor, animals can damage and tear holes in netting, leading the farmed salmon to escape and risking the predatory animals becoming ensnared.[87] Equipment failures, poor facility maintenance, and weather events can also cause farmed fish to escape their pens.

106. Escapes are far from theoretical. In August 2023, Cooke lost approximately 50,000 fish during two escape events at Maine sites.[88] And in 2017, Cooke failed to properly maintain a Washington State net pen, and that facility released an estimated 243,000 to 263,000 non-native, farmed Atlantic salmon into the Puget Sound and Pacific Ocean.[89] Some of these escapees tested positive for piscine reovirus, a disease strain new to the entire Pacific coast and potentially very dangerous to native salmon species.[90] Subsequent investigations found inadequate maintenance and operational deficiencies partially to blame, leading Washington regulators to impose a

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[86] Robbie Feinberg, *Cooke Aquaculture To Pay State $150,000 To Resolve Multiple Violations*, MAINE PUBLIC (Oct. 18, 2019), https://www.mainepublic.org/business-and-economy/2019-10-18/cooke-aquaculture-to-pay-state-150-000-to-resolve-multiple-violations.

[87] Edward French, *Salmon escape raises concerns about seals, risk to wild fish*, THE MAINE MONITOR (Aug. 26, 2023), https://themainemonitor.org/salmon-escape-raises-concerns-about-seals-risk-to-wild-fish/.

[88] *Id.*

[89] *2017 Cypress Island Atlantic Salmon Net Pen Failure: An Investigation and Review*, WASHINGTON DEPARTMENT OF ECOLOGY (January 30, 2018), https://dnr.wa.gov/sites/default/files/2025-03/aqr_cypress_investigation_report.pdf?vdqi7rk=.

[90] Mandi Johnson, *Research shows Cypress net pen collapse released infected salmon*, HERALDNET (Aug. 23, 2018), https://www.heraldnet.com/2018/08/23/research-shows-cypress-net-pen-collapse-released-infected-salmon/.

$332,000 penalty on Cooke and terminate the company's lease at the site.[91] Cooke later agreed to pay $2.75 million to settle a Clean Water Act lawsuit arising from the incident.[92]

107. Escapes can also occur at the hatchery phase of salmon farming. In its 2025 investigation of Cooke, Animal Outlook found that workers admitted to ignoring containment protocols, increasing the risk of hatchery salmon escaping into waterways.[93]

108. Even if the escaped salmon species are native to the region in which they are raised—as Atlantic salmon farmed in the Gulf of Maine and eastern Canada are—they are genetically distinct from their wild counterparts due to decades of domestication.[94] When escaped farmed salmon interbreed with wild salmon, they can pass along traits unfavorable to wild salmon and permanently alter gene pools.[95] Even if they do not interbreed with wild stocks, escaped salmon can deplete them through competition for food and habitat. Escape is also an avenue for disease transmission: farmed escapees can transmit new pathogens and diseases to wild fish that may not have built-up immunity.[96]

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[91] *Cooke Aquaculture to Pay Full Penalty for Cypress Island Net Pen Collapse*, JD SUPRA (May 6, 2019), https://www.jdsupra.com/legalnews/cooke-aquaculture-to-pay-full-penalty-26192/.

[92] *Cooke Aquaculture to pay $2.75 million, ending WFC lawsuit over net pen collapse*, WILD FISH CONSERVANCY NORTHWEST (Nov. 27, 2019), https://wildfishconservancy.org/cooke-aquaculture-to-pay-2-75-million-ending-wfc-lawsuit-over-net-pen-collapse/.

[93] *Cruelty Continues*, ANIMAL OUTLOOK, *supra* note 68.

[94] Geir H. Bolstad et al., *Introgression from farmed escapees affects the full life cycle of wild Atlantic salmon*, SCI. ADVANCES, Vol. 7, Issue 52, 1 (Dec. 22, 2021), https://pmc.ncbi.nlm.nih.gov/articles/PMC8694624/; Ian R. Bradbury et al., *Model-based evaluation of the genetic impacts of farm-escaped Atlantic salmon on wild populations*, AQUACULTURE ENVIRONMENT INTERACTIONS, Vol. 12, 45-46, 55, (Feb. 13, 2020), https://www.int-res.com/articles/aei2020/12/q012p045.pdf.

[95] Bolstad, *supra* note 94, at 1, 8; Bradbury *supra* note 94, at 50.

[96] Rosamond Naylor et al., *Fugitive Salmon: Assessing the Risks of Escaped Fish from Net-Pen Aquaculture*, BIOSCIENCE Vol. 55 No. 5, 431 (May 2005) https://users.soe.ucsc.edu/~msmangel/Naylor%20et%20al%202005.pdf.

109. In 2009, the U.S. Fish and Wildlife Service (FWS) determined that "Atlantic salmon that escape from farms and commercial hatcheries pose a threat to native Atlantic salmon populations," in listing the population of Atlantic salmon in the Gulf of Maine as endangered under the Endangered Species Act.[97] FWS noted that "[e]scaped farmed salmon are known to enter Maine rivers" and described salmon aquaculture as "a stressor" of the native Atlantic salmon.[98]

110. Finally, even aside from these grave impacts on the marine environment and the salmon, which plague industrial net pen aquaculture like Cooke's, the high-density farming of carnivorous species like salmon is inherently unsustainable because salmon consume large quantities of feed made from wild, "forage" fish.[99] According to a recent study, it takes 3.6 to 13.7 pounds of wild-caught fish to produce a mere 2.2 pounds of farmed salmon.[100]

111. Forage fish are highly susceptible to overfishing. In most forage fisheries, catch rates are meeting or exceeding the threshold at which the fish can be sustainably harvested without long-term population impacts.[101] Indeed, recent reporting indicates that the world's largest salmon

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[97] Endangered and Threatened Species; Designation of Critical Habitat for Atlantic Salmon (Salmo salar) Gulf of Maine Distinct Population Segment, 74 Fed. Reg. 29,372 (June 19, 2009) (to be codified at 50 C.F.R. pt. 226).

[98] *Id.* at 29,373.

[99] Marianne Holmer, *Environmental issues of fish farming in offshore waters: perspectives, concerns and research needs*, 1 AQUACULTURE ENV'T INTERACTIONS 57, 61 (2010), https://www.int-res.com/articles/aei2010/1/q001p057.pdf.

[100] Kenny Torrella, *Fish farming was supposed to be sustainable. But there's a giant catch.*, VOX (Oct. 24, 2026), https://www.vox.com/future-perfect/379564/fish-farming-sustainable-wildcaught; Spencer Roberts et al., *Feeding global aquaculture*, SCI. ADVANCES, Vol. 10, Issue 42, at 5 (Oct. 16, 2024), https://www.science.org/doi/10.1126/sciadv.adn9698?referrer=https%3A%2F%2Fwww.google.com%2F.

[101] Changing Markets Found. & Compassion in World Farming, *Until the Seas Run Dry* 25 (2019), https://changingmarkets.org/report/until-the-seas-run-dry-how-industrial-aquaculture-plundering-oceans-farmed-fish/; Ellen Pikitch et al., *Little Fish, Big Impact*, LENFEST FORAGE FISH TASK FORCE 4 (2012), https://users.soe.ucsc.edu/~msmangel/Pikitch%20et%20al%202012%20ES.pdf; *Share of fish*

feed producers are depleting fish stocks that countries depend on for basic human sustenance. This reporting accused the feed industry of "extract[ing] nutrition" in some of the world's most food-insecure nations, to feed farmed salmon.[102]

112. Industrial net pen salmon farming poses such a risk to marine environments that communities across the country and the world have curtailed or banned the practice, including the State of Washington and the province of British Columbia.[103] In Maine, where Cooke Aquaculture operates, nine towns have adopted ordinances imposing strict conditions on industrial-scale aquaculture development.[104] Other states and countries are considering following suit.[105]

113. In sum, the Cooke farmed salmon Products Defendants prominently feature and sell throughout Hannaford stores are in no way "sustainable," as Defendants misleadingly claim.

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stocks that are overexploited, 2021, OUR WORLD IN DATA (last updated May 22, 2026), https://ourworldindata.org/grapher/share-of-fish-stocks-overexploited?time=latest.

[102] Feedback et al., *Blue Empire* 4 (2024), https://foodrise.org.uk/wp-content/uploads/2024/02/Feedback-BlueEmpire-Jan24.pdf. The study stated, "Each year, around one-fifth of the world's annual marine catch (over 16 million tonnes in 2020) is used to produce [fish meal and fish oil], the bulk of which goes to producing feed for the aquaculture industry." *Id.* at 7.

[103] *Washington State bans net-pen aquaculture*, NATIONAL FISHERMAN (Jan. 8, 2025), https://www.nationalfisherman.com/washington-state-bans-net-pen-aquaculture; Nia Williams, *Canada to ban open-net salmon farms in British Columbia waters by 2029*, REUTERS (June 19, 2024), https://www.reuters.com/world/americas/canada-ban-open-net-salmon-farms-british-columbia-waters-by-2029-2024-06-19/.

[104] Protect Maine's Fishing Heritage, https://www.protectmaine.com/ (last visited Sept. 15, 2026).

[105] Rachel Sapin and John Fiorillo, *Oregon lawmaker introduces bill to ban fish farming in state waters*, INTRAFISH (Feb. 28, 2025), https://www.intrafish.com/aquaculture/oregon-lawmaker-introduces-bill-to-ban-fish-farming-in-state-waters/2-1-1786512.

2. Other farmed Atlantic salmon Products Defendants sell, including the many from Chilean producers, similarly rely on unsustainable, environmentally damaging net pen production

114. Unfortunately for Plaintiff and Class Members, Cooke's Atlantic salmon products are not unique. The other farmed Atlantic salmon Products Defendants sell are similarly unsustainable and destructive to marine environments. This includes the many smoked and frozen salmon products Defendants sell.

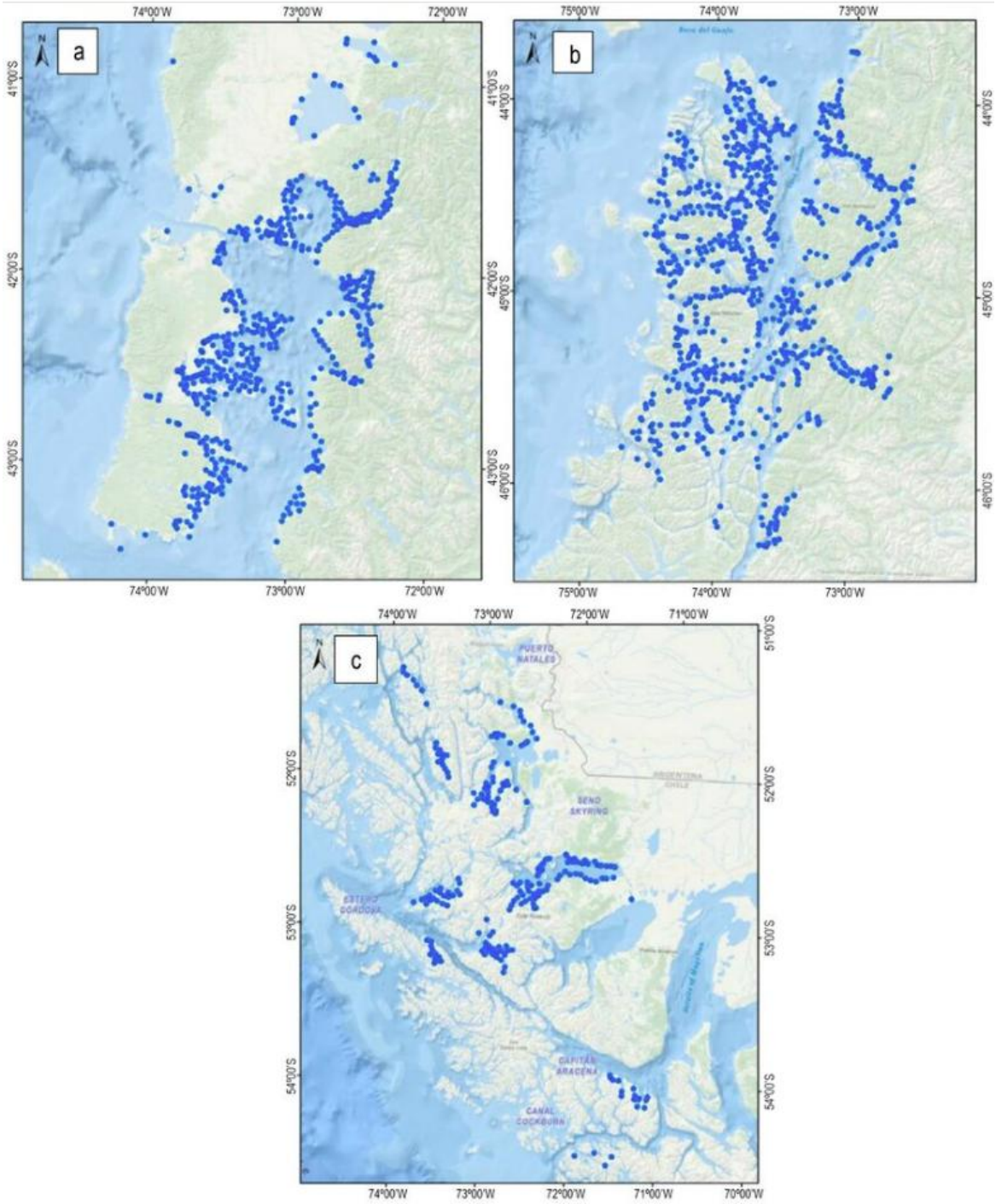
(a) The Chile-sourced Atlantic salmon Products Defendants sell are in no way sustainable

115. As noted above, Defendants sell numerous smoked and frozen Atlantic salmon products sourced from Chilean suppliers, including Trusal S.A., Multi X S.A., and Mowi Chile.

116. Farmed salmon is a massive industry in Chile, and unfortunately, salmon net pen operations in Chile are plagued with many of the same issues that Cooke's facilities in Maine and Canada feature.

117. However, the Chilean-sourced products have distinct sustainability problems. Some of these stem from where, precisely, the salmon feedlots are sited: clustered in large numbers in the waters of Chile's Los Lagos, Aysén, and Magallanes Regions, as shown in the image below ("a" is Los Lagos; "b" is Aysén; "c" is Magallanes).[106]

[106] Sandra Bravo et al., *Causal analysis of escapement of farmed salmonids in southern Chile*, 51 LATIN AM. J. AQUATIC RSCH. 363, 366 (2023), https://www.researchgate.net/figure/Map-showing-the-locations-of-salmon-farms-in-southern-Chile-where-salmon-rearing-is_fig2_371970911.



118. Each of the blue dots in the maps above represents a net pen operation like that pictured below.[107]

[107] Photo credit: Marcos Zegers / We Animals. Cochamo, Llanquihue Province, Chile, 2025.

119. The negative impacts of net pen salmon aquaculture are especially devastating because of the pristine and fragile environments of the Patagonia fjords and channels in which many these Chilean salmon farms are located.[108]

120. Chilean Patagonia includes many unique and pristine ecosystems with remarkable biodiversity. The Magallanes region alone supports one third of the world's marine diversity, including many protected species such as the blue whale and the endemic Chilean dolphin.[109]

[108] Renato A. Quiñones et al., *Environmental issues in Chilean salmon farming: a Review*, REVIEWS IN AQUACULTURE 376 (2019), https://doi.org/10.1111/raq.12337.

[109] Maximiliano Bazán & Daniel Espinoza, *95 casos de sobreproducción de salmons en reservas nacionales sin sanción—PARTE 1*, CIPER (May 7, 2024), https://www.ciperchile.cl/2024/05/07/95-casos-de-sobreproduccion-de-salmones-en-reservasnacionales-sin-sancion-parte-1/; Lucy Meyer and Casey Ann Smith, *Salmon Farms in*

121. Approximately thirty percent of salmon farming in Chile takes place in such ecologically sensitive protected areas, such as national parks and reserves.[110] Chilean suppliers of the Atlantic salmon Products Defendants sell, including Trusal, Multi X, and Mowi Chile S.A., all operate salmon net pens in such protected areas.[111]

122. A common problem in Chilean net pen operations is overproduction of salmon, where a company harvests more salmon than its license for the site allows.[112] During the environmental review process to obtain a license, regulators determine how much salmon can be produced at the site consistent with environmental safeguards. As the Chilean Superintendent of the Environment explained in 2023, licenses "granted to salmon farming projects establish maximum production limits associated with the environmental load that the sector can receive."[113]

123. When facilities exceed their production limits, as the Chilean Superintendent explained, "there is a potential risk of generating anaerobic conditions, i.e. lack of oxygen in the water column, as well as difficulties in absorbing, dispersing or consuming waste generated in the

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Patagonia Face Growing Opposition, N.Y. TIMES (Aug. 13, 2024), https://www.nytimes.com/2024/08/13/science/chile-salmon-farms-patagonia.html.

[110] Cristopher Toledo Puga & Daniel Espinoza Iglesias, Registry of Salmon Farming Concessions Located inside Protected Areas, FUNDACIÓN TERRAM, 6, 17, 21 (July 2024), salvemoslapatagonia.cl/web/wp-content/uploads/2025/01/Catastro_ingles.pdf.

[111] *Id.* at 31; *see also* Michelle Carrere & Vanessa Romo, *Chile's marine protected areas aren't safe from its salmon farms*, MONGABAY (May 19, 2021), https://news.mongabay.com/2021/05/chiles-marine-protected-areas-arent-safe-from-its-salmon-farms/.

[112] *See, e.g.,* Maximiliano Bazan, *Salmonera Aquachile produce miles de toneladas en areas protegidas sin permiso ambiental*, FUNDACIÓN TERRAM (June 2025), https://www.terram.cl/descargar/Reportaje-AquaChile-Elusion-SEIA-en-areas-protegidas.pdf.

[113] Marta Negrete, *Possible sanctions for overproduction to Chilean salmon companies Nova Austral and Multi X*, WEAREAQUACULTURE (Feb. 28, 2023), https://weareaquaculture.com/news/33318.

fattening process by food not consumed by the salmon."[114] That is especially concerning in the ecologically vulnerable areas where many of Chile's net pen operations are located.

124. Defendants' Chilean salmon suppliers have racked up numerous violations for overproduction, with facilities owned by Trusal,[115] Multi X,[116] and Mowi Chile[117] incurring sanctions by the Chilean government over the past several years.

125. Multi X's violation in 2024 was particularly severe, in part because the facility was located within the Las Guaitecas National Reserve, a sensitive and vulnerable marine ecosystem. Multi X produced over 10,000 tons of salmon more than what was authorized, causing anaerobic conditions in the seabed beneath the facility.

126. Overproduction exacerbates the harms associated with industrial salmon farming. But even when Defendants' Chilean salmon suppliers comply with production limits, they still cause tremendous damage to the marine environment.

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[114] *Id.*; Maximiliano Bazán & Daniel Espinoza, *95 casos de sobreproducción*, *supra* note 109.

[115] *FORMULA CARGOS QUE INDICA A CERMAQ CHILE S.A., TRUSAL S.A. Y SALMONES PORVENIR SPA., EN RELACIÓN AL CES SAN JUAN*, RES. EX. No. 1/ ROL D-145-2023, SUPERINTENDENCIA DEL MEDIO AMBIENTE (SMA), GOBIERNO DE CHILE (June 13, 2023), https://snifa.sma.gob.cl/General/Descargar/2060100061363; Christian Molinari, *Camanchaca, Trusal, Cermaq, Salmones Porvenir hit with overproduction charges in Chile*, SEAFOODSOURCE (June 27, 2023), https://www.seafoodsource.com/news/premium/aquaculture/chile-s-environmental-watchdog-hits-salmones-camanchaca-trusal-cermaq-and-salmones-provenir-with-overproduction-charges. The Trusal facility was being leased to Chilean salmon producer Cermaq during the violation time period.

[116] *Salmonera Multi X arriesga perder permiso ambiental por producir 10 mil toneladas en exceso dentro de un área protegida*, INTERFERENCIA (July 1, 2024), https://interferencia.cl/articulos/salmonera-multi-x-arriesga-perder-permiso-ambiental-por-producir-10-mil-toneladas-en.

[117] *Authorities charge Mowi for alleged overproduction*, SALMONBUSINESS (Dec. 14, 2020), https://www.salmonbusiness.com/authorities-charge-mowi-for-alleged-overproduction/.

127. Many of the problems with Cooke's net pen operations described above are magnified in Defendants' Chilean-sourced salmon Products because Chile does not have any native species of salmon.[118] Atlantic salmon are "exotic," or non-native, to Chile. Because of that, they are highly susceptible to native Chilean bacteria such as *Piscirickettsia salmonis*, against which the fish have no natural immunity.

128. Consequently, salmon farming corporations in Chile use extremely high levels of antibiotics—more than any other country that farms salmon.[119] In 2024, the Chilean industry used over 350 tons of antibiotics, compared to less than one ton in Norway, where Atlantic salmon are a native species.[120] As noted above, antibiotic residues leach into the environment when uneaten feed and unmetabolized antibiotics in fish feces fall to the ocean floor.[121]

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[118] Elena Basso, *'Those who eat Chilean salmon cannot imagine how much human blood it carries with it'*, THE GUARDIAN (Dec. 2, 2025), https://www.theguardian.com/globaldevelopment/2025/dec/02/chile-salmon-farms-fish-industry.

[119] *Annual Report: Chilean Salmon Antibiotic Reduction Program*, MONTEREY BAY AQUARIUM SEAFOOD WATCH 7 (2022), https://d1v5k86lqgwnzg.cloudfront.net/assets/pdfs/seafood-watch/assessments/Chilean-salmon-antibiotic-reduction-program-annual-rep-2022.pdf.

[120] John Bartlett, *Chile's Indigenous fishermen say the salmon industry threatens their way of life*, NPR (June 8, 2025), https://www.npr.org/2025/06/08/nx-s1-5309752/chile-salmon-farmsindigenous; Elias Dahlen, *Antibiotic use in Norwegian aquaculture ticks up, but still stands at fraction of Chile's*, INTRAFISH (Nov. 17, 2025), https://www.intrafish.com/aquaculture/antibiotic-use-in-norwegian-aquaculture-ticks-up-butstill-stands-at-fraction-of-chiles/2-1-1902359.

[121] Carolina Ramírez, *Microbiota composition and susceptibility to florfenicol and oxytetracycline of bacterial isolates from mussels (Mytilus spp.) reared on different years and distance from salmon farms*, 204 ENV'T RSCH. 2 (Mar. 2022), https://doi.org/10.1016/j.envres.2021.112068.

129. One of Defendants' salmon suppliers, Multi X, has one of the highest rates of antibiotic use in the industry: over 580 grams of antibiotics per ton of fish produced in the first half of 2024.[122]

130. Chile's salmon operations, like Cooke's, also use forage fish to feed the carnivorous salmon, with the same environmental impacts. To support its salmon industry, Chile is one of the largest importers of foreign fish oil created with forage fish.[123] In 2024, nearly half of the forage fish oil that Chile imported, approximately 40,000 tons, came from China.[124] Forage fisheries, including China's industry, are notorious for their unsustainable and irresponsible practices.[125]

131. The sustainability problems with Defendants' Chile-sourced Atlantic salmon products start even before the salmon reach the net pens. Salmon start life as eggs in land-based, freshwater hatcheries and farms for "smolts," or juvenile fish. In Chile, these phases of production, too, have been linked to serious environmental harm.

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[122] Francisco Soto, *Chilean salmonid sector's antibiotic use rose by 22% in first half of 2024*, FISHFARMINGEXPERT (Jan. 10, 2025), https://www.fishfarmingexpert.com/antibiotics-chilean-salmon-farming-piscirickettsiosis/chilean-salmonid-sectors-antibiotic-use-rose-by-22-in-first-half-of-2024/1876937. This figure covers Multi-X's production of Atlantic salmon, coho salmon and rainbow trout. *Id.*

[123] Patricia Majluf et al., *A review of the global use of fishmeal and fish oil and the Fish In: Fish Out metric*, SCI. ADVANCES, Vol. 10, Issue 42, 5 (2024), https://doi.org/10.1126/sciadv.adn5650.

[124] Data retrieved from *Global Aquatic Trade Statistics*, UNITED NATIONS FOOD AND AGRICULTURE ORGANIZATION (2024), https://www.fao.org/fishery/statistics-query/en?dataset=trade_partners.

[125] Senator Dan Sullivan summarized the Chinese fisheries as "illegal fishing, market manipulation, some of the worst environmental standards on oceans in the world, gray fleets that don't abide by any international treaties, and forced labor, all in one supply chain." *See Congressional-Executive Committee on China, Dark Nets, Illicit Labor—Confronting China's IUU Fishing and Seafood Supply Chain*, at 0:54, (YouTube, Apr. 16, 2026), https://www.youtube.com/watch?v=S2vZLWtnTbs.

132. Land-based flow-through systems, where water is added and flushed at regular intervals, allow feces and uneaten fish feed to be released into receiving streams, increasing nitrogen, phosphorus, and suspended solids in the waterbeds of receiving streams.[126]

133. Research has indicated that areas downstream of salmon hatcheries and smolt farms in Chile have damaged ecosystems, as only species that can tolerate higher levels of organic matter, nitrogen, and phosphorus are able to survive.[127] Pollution from hatcheries and smolt farms has caused environmental contamination in Araucanía and other regions in Chile. For example, land-based salmon farming has recently been linked to pollution of the Chesque River, with community members describing some parts of the river as "reddish and slimy."[128]

134. During their egg and fry phase, salmon are particularly susceptible to infection. This leads to the heavy use of antibiotics such as florfenicol and oxytetracycline.[129] Land-based hatcheries and smolt farms also use salt to prevent and control parasites. However, if operators do not remove the salt before discharging wastewater into streams, they can increase the salinity of waters downstream of salmon farms, harming river ecosystems.[130] In 2023, the Chilean government charged Trusal, a supplier of Defendants' salmon Products, with exceeding permit limits for chloride discharges at an inland salmon hatchery and failing to fulfill reporting requirements.[131]

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[126] Renato A. Quiñones, *Environmental issues*, *supra* note 108.

[127] *Id.* at 378.

[128] Elena Basso, *Those who eat Chilean salmon*, *supra* note 118.

[129] Renato A. Quiñones, *Environmental issues*, *supra* note 108, at 377, 385.

[130] *Id.* at 377–78.

[131] *FORMULA CARGOS QUE INDICA A TRUSAL S.A., TITULAR DEL ESTABLECIMIENTO PISCICULTURA LA TABLILLA*, RES. EX. No. 1/ F-025-2024, SUPERINTENDENCIA DEL MEDIO AMBIENTE (SMA), GOBIERNO DE CHILE (Aug. 7, 2024), 2, 23–24, https://snifa.sma.gob.cl/General/Descargar/2060100073583.

135. These environmental violations by Chilean suppliers of Atlantic salmon Products sold at Defendants' stores are not isolated incidents. Between 2018 and 2023, these suppliers have received dozens of official complaints about their aquaculture practices, with Trusal receiving 32, Multi X receiving 37, and Mowi Chile receiving 17, according to one recent tally.[132]

136. Finally, Chile's salmon industry has also come under scrutiny for its high rate of accidents and deaths of industry workers. According to one recent report, between 2013 and 2026, 90 workers have died in accidents in the sector, including in fish farms, processing plants, and transport vessels associated with Chile's salmon industry.[133] A 2022 report found that on average, one worker per month was injured or killed in the marine aquaculture industry in the previous year.[134] Between 2004 and 2022, Chile's Directorate General of Maritime Territory and Merchant Marine recorded 245 diving accidents in salmon farms, resulting in 44 deaths.[135]

(b) European-sourced farmed Atlantic salmon Products Defendants sell are not immune from the chronic sustainability problems of industrial salmon farming

137. While the exact supply chains of other farmed Atlantic salmon Products Defendants sell is less clear, on information and belief these net pen facilities cause similar harms to marine

[132] *Ranking of complaints by company: Aquaculture sector in Chile*, ANIMAL LAW FOCUS, https://www.animallawfocus.org/aquaculturerankingg (last visited Sept. 15, 2026).

[133] Elena Basso, *Those who eat Chilean salmon*, *supra* note 118; *Tragedies Persist in Salmon Farming Industry: Recent Shipwreck in Reloncaví Estuary Brings Total to 90 Worker Deaths Over 13 Years*, EL CIUDADANO (Jan. 2, 2026), https://www.elciudadano.com/en/tragedies-persist-in-salmon-farming-industry-recent-shipwreck-in-reloncavi-estuary-brings-total-to-90-worker-deaths-over-13-years/02/01/.

[134] Lissandra Souto Cavalli et al., *Salmon mass mortality events and occupational health and safety in Chilean aquaculture*, ALL LIFE, 16:1, 2207772, at 8–9 (May 3, 2023), https://www.tandfonline.com/doi/full/10.1080/26895293.2023.2207772.

[135] *Tragedies Persist*, EL CIUDADANO, *supra* note 133.

environments—harms inconsistent with Defendants' unequivocal sustainability promises to Hannaford customers.

138. Acme salmon is partially sourced from Norwegian net pen facilities.[136] Norway is the largest producer of farmed salmon worldwide, and the industry as a whole creates an enormous amount of waste along Norway's coastlines and fjords in the form of nutrient pollution from fish feces and uneaten fish feed.[137]

139. A recent report found that in 2025, the Norwegian aquaculture industry released over 75,000 tons of nitrogen, over 13,000 tons of phosphorus, and almost 360,00 tons of organic carbon in Norway's coastal waters—the equivalent of "untreated sewage from 17.21 million people (nitrogen), 19.96 million people (phosphorus), and 29.58 million people (organic carbon)."[138]

140. Nutrient pollution causes the overgrowth of lurv, an algae that suffocates the seabed, damages kelp forests, and smothers other marine life; when the algae dies in the autumn, it falls to the ocean floor and rots, depleting the seabed of oxygen.[139] As salmon net pen facilities have proliferated in Norway, researchers have been increasingly concerned about their impact on

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[136] *Raw materials*, NORLAX A/S, https://norlax.dk/raw-materials/?lang=en#laks (last visited Sept. 14, 2026); *Acme Smoked Fish acquires majority stake in Norlax A/S*, SEAFOOD SOURCE (Jan. 5, 2021), https://www.seafoodsource.com/news/business-finance/acme-smoked-fish-acquires-majority-stake-in-norlax-a/s.

[137] Ajit Niranjan, *Norwegian fish farms polluting fjords with waste likened to 'raw sewage of millions of people'*, THE GUARDIAN (May 4, 2026), https://www.theguardian.com/world/2026/may/04/norwegian-fish-farms-polluting-fjords-with-waste-likened-to-raw-sewage-of-millions-of-people.

[138] Alexandra Pires Duro and Carter Brown, *Nutrient Analysis Report*, SUNSTONE INSTITUTE (May 5, 2026), https://sunstone.institute/api/data/report/aquaculture-data-nutrient-analysis-report/download.

[139] *The waste beneath the waves*, SUNSTONE INSTITUTE, https://sunstone.institute/posts/the-waste-beneath-the-waves (last visited Sept. 14, 2026).

kelp forests, and have found less biodiversity and more lurv at sites with larger farms and higher levels of waste.[140]

141. Echo Falls smoked salmon is purportedly "harvested" in the ocean off northern Scotland.[141] Salmon is a major export in Scotland, and as in every other country where industrial salmon aquaculture is pervasive, so too are the environmental harms. In 2025, a parliamentary inquiry issued a report describing serious concerns with the salmon industry, including the threat to marine life from waste and chemical residue discharges.[142]

142. The report also noted that both the industry and the government have failed to address the impacts of farmed salmon on wild salmon, such as the risk of disease spreading and interbreeding; this issue was of particular concern given the decline of the wild salmon population in Scotland.[143] These concerns were so severe that members of Parliament "seriously considered" calling for a moratorium on new salmon farms, or the expansion of existing sites, until the concerns were addressed.[144]

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[140] Barbro Taraldset Haugland et al., *Large-scale salmon farming in Norway impacts the epiphytic community of Laminaria hyperborea*, AQUACULTURE ENVIRONMENT INTERACTIONS, Vol. 13: 81–100 (Mar. 25, 2021), https://www.int-res.com/articles/aei2021/13/q013p081.pdf.

[141] *Echo Falls Oak Smoked Scottish Atlantic Salmon (4oz)*, ECHO FALLS SEAFOODS, https://echofallsseafoods.com/products/echo-falls-oak-smoked-scottish-atlantic-salmon-4oz (last visited Sept. 14, 2026).

[142] *Follow-up inquiry into salmon farming in Scotland*, THE SCOTTISH PARLIAMENT RURAL AFFAIRS AND ISLANDS COMMITTEE (Jan. 17, 2025), 25, https://www.parliament.scot/chamber-and-committees/committees/committee-reports/rai/2025/1/17/rais062025r1/pdf.

[143] *Id.* at 38.

[144] Karen McVeigh, *Scottish government must do more to control salmon farming, inquiry finds*, THE GUARDIAN (Jan. 17, 2025), https://www.theguardian.com/environment/2025/jan/17/scottish-government-must-do-more-to-control-salmon-farming-inquiry-finds.

143. Moreover, between January 2023 and October 2025, there were over 35 million unexpected salmon deaths in Scottish fish farms, yet the government conducted only two unannounced inspections during that time period, further suggesting that the Scottish salmon industry is currently dangerously underregulated.[145]

144. Next Wave Seafood Atlantic salmon from Keohane Seafoods is sourced from Ireland. As in Scotland, researchers have raised significant concerns about the environmental impact of net pen salmon facilities, and particularly the risk the industry poses to wild salmon populations. Wild salmon populations in Ireland have declined by 90% in the past five decades, and the growth of net pen salmon farming has been linked to that decline, particularly along the coastline of western Ireland where net pen facilities operate near wild salmon rivers.[146]

145. As noted above, farmed salmon pose several distinct risks to wild salmon, such as the spread of diseases and parasites and the potential for farmed salmon to escape and interbreed with wild salmon, which can reduce their genetic fitness. A recent study led by University College Cork found that one-third of the wild salmon populations studied showed evidence of gene flow from farmed salmon.[147]

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[145] Haroon Siddique, *Anger over Scottish salmon farm inspections amid 35m unexpected fish deaths*, THE GUARDIAN (Feb. 5, 2026), https://www.theguardian.com/business/2026/feb/05/more-than-35m-unexpected-salmon-deaths-at-scottish-farms-sparks-outcry.

[146] Ella McSweeney, *Wild salmon are on the verge of extinction. There is not one fish to spare*, THE IRISH TIMES (June 14, 2026), https://www.irishtimes.com/environment/2026/06/13/wild-salmon-are-on-the-verge-of-extinction-there-is-not-one-salmon-to-spare/#:~:text=Wild%20salmon%20are%20on%20the,not%20one%20salmon%20to%20spare.

[147] *New report reveals extent of genetic introgression in wild Irish salmon populations*, UNIVERSITY COLLEGE CORK (July 14, 2026), https://www.ucc.ie/en/sustainability-institute/storiesofimpact/new-report-reveals-extent-of-genetic-introgression-in-wild-irish-salmon-populations.html.

* * *

146. In sum, none of the numerous farmed salmon Products Defendants sell under the banner of sustainability meet any reasonable consumer's understanding of that claim, nor Defendants' own definition of it. To the contrary, the industrial production of the salmon Products Defendants sell fouls marine environments, injures and sickens wildlife, introduces a panoply of toxic and harmful chemicals and pharmaceuticals into fragile ecosystems, inflicts suffering on the farmed fish, and creates pressure on the overexploited wild fish stocks that are converted into salmon feed.

IV. Defendants Knew or Should Have Known that Their Suppliers' Salmon Production Practices Breached Defendants' Sustainability Promises

147. Despite Defendants' aggressive marketing campaign to profit off the sustainability-conscious seafood consumer, Defendants' sustainability promises are false and only served to deceive Plaintiff and Class Members into purchasing salmon Products that are unsustainably produced.

A. *Defendants knew, or should have known, that their farmed salmon suppliers engage in unsustainable production practices, and therefore that their sustainability promises are false, as to these Products*

148. Defendants knew or should have known that their promises of sustainability were false, as to the farmed salmon Products, for at least four reasons. First, because Defendants claim to prize transparency and traceability in their seafood supply chain,[148] and second, because several of the Atlantic salmon Products Defendants sell are ADUSA private label products whose sourcing Defendants control. Third, the environmental criteria by which Defendants purportedly determine whether farm-raised seafood is sustainable are woefully inadequate to substantiate Defendants'

[148] *Sustainable Seafood,* HANNAFORD, *supra* note 3.

claims. And fourth, because the grave environmental consequences associated with industrial net pen salmon aquaculture are so longstanding and well-documented that Defendants could not have been unaware of them.

149. As for the first of these, in the seafood sector, effective traceability means being able to identify the origin of the product and sources of input materials, as well as the ability to conduct backward and forward tracking using recorded information to determine the specific location and history of the product.

150. As Defendants' in-store seafood advertising reflects, traceability is vital to verifying sustainability and demonstrating that a product is responsibly sourced.[149] That is presumably why Defendants tell customers they can "[t]rust where [thei]r seafood comes from," and that Hannaford is "committed to sourcing and selling sustainably raised, fished and harvested seafood."[150]

151. Defendants thus knew or should have known that with their promise of sustainable seafood, they were also selling a promise of trust and verification: that if customers see a seafood product available for sale at Hannaford, they can trust that the store "ha[s] done our homework and assessed whether it was harvested in an environmentally responsible manner,"[151] because each seafood product purportedly "must be fully traceable to the wild fishery or farm and must meet key environmental sustainability criteria."[152]

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[149] *Id.*

[150] *Id.*

[151] *Id.*

[152] *Id.*

152. Defendant ADUSA claims to use a tracing platform through which it can receive and monitor reliable data to "provide[] full-chain traceability" for its stores' seafood suppliers.[153]

153. If Defendants' traceability promise is accurate, and they can and do trace each farmed salmon product from hatchery to store, then they must be aware of the destructive industrial net pen systems from which the Products come. If the traceability promise is *in*accurate, and Defendants cannot or do not, in fact, trace their salmon products and the products' inputs back to their sources, then their sustainability promises were nevertheless empty and false as to the Products.

154. For similar reasons, Defendants knew or should have known that their sustainability claims were false and misleading, as to these Products, because Defendants themselves sourced some of them.

155. Specifically, Defendants sell numerous types of frozen and smoked Atlantic salmon through ADUSA private label brands, Taste of Inspirations and Nature's Promise. Defendant ADUSA is uniquely responsible for and knowledgeable about these products' sourcing.

156. Third, Defendants knew or should have known of their sustainability claims' falsity because Defendants' purported standards for the farm-raised salmon they sell in no way ensure those Products' sustainability, as a reasonable consumer would understand that claim.

157. On their website, Defendants state that for farm-raised seafood products, suppliers must have farm-level certification against a Global Sustainable Seafood Initiative ("GSSI")-benchmarked standard, be "[i]n improvement and sourced from a credible Aquaculture Improvement Project (AIP)," *or* be "[i]n assessment and sourced from a farm that is actively

[153] *2025 Annual Report: Sustainability Statements*, AHOLD DELHAIZE, *supra* note 24, at 111.

working towards certification."[154] None of these three criteria is sufficient to ensure farmed products' sustainability.

158. GSSI is not an independent sustainability auditor or standards-setter, but a seafood industry-dominated network in which Defendant ADUSA's parent company Ahold Delhaize, and many of the corporations supplying Defendants with farmed Atlantic salmon (Cooke; Acme Smoked Fish Corporation; High Liner Foods, Inc.; Mowi; Multi X), are funding partners.[155]

159. Defendants also fail to mention that, of the seven GSSI-benchmarked standards,[156] several have come under fire for failing to ensure seafood products' sustainability. One such standard is the Global Seafood Alliance's ("GSA") Best Aquaculture Practices ("BAP") certification, whose seals, shown below, appear on the front and back of the package of several of the salmon Products Defendants sell:

Front of package seal

Back of package seal

[154] *Id.*

[155] *Our Global Partnership*, GSSI, https://ourgssi.org/our-partners/ (last visited Sept. 14, 2026).

[156] *Global Benchmarking Tool*, GSSI, https://ourgssi.org/benchmarking/ (last visited Sept. 14, 2026).

160. In 2024, a group of 76 environmental, community, and animal welfare groups from around the world penned an open letter to the GSA after the organization solicited public consultation on the third iteration of its BAP certification Salmon Farm Standard.[157]

161. As the groups observed, BAP's Salmon Farm Standard "has no meaningful metric limits or performance expectations for certified farms on critical environmental impacts such as sea lice, disease, parasiticides, antibiotics, dissolved oxygen, and endangered, threatened and protected species."[158] The standard also fails to impose strict stocking density and water quality monitoring requirements, which can lead to poor health and welfare for confined fish.[159]

162. The letter accused BAP of being "nothing more than a checkbox exercise of confirming a company's legal obligations, status quo farming practices and management plans," and noted that even when BAP-certified farms violate regulations in their home jurisdictions, few lose their certification.[160]

163. Indeed, as the letter noted, in 2014, one year after pleading guilty to illegal pesticide use at 15 Canadian sites, which killed commercially caught lobster, Cooke achieved BAP certification for all its North American sites.[161]

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[157] *Open Letter to the Global Seafood Alliance* (May 5, 2024), https://www.seachoice.org/wp-content/uploads/2024/05/BAP-Open-letter.pdf.

[158] *Id.*

[159] *Id.*

[160] *Id.*

[161] *Id.*; *Aquaculture company on the hook for $500K for pesticide use*, CBC (Apr. 26, 2013), https://www.cbc.ca/news/canada/new-brunswick/aquaculture-company-on-the-hook-for-500k-for-pesticide-use-1.1317105; *Environment & Conservation*, COOKE SEAFOOD, https://cookeseafood.com/innovation/environment-conservation/ (last visited Sept. 14, 2026).

164. Similarly, in 2021, Multi X achieved BAP certification for its "May" farm, located inside Chile's Las Guaitecas National Reserve.[162] Yet even after Chilean salmon industry regulators initiated sanctioning procedures against the farm in 2023 due to overproduction during the 2018 to 2020 growing cycle, the "May" farm remained—and remains—BAP certified.[163]

165. These critiques of BAP are nothing new. Despite scientists and environmentalists raising alarms about the standard's weaknesses to protect marine life back in 2011 (the last time the GSA solicited public input), in the thirteen years since, the letter's authors observed, the GSA had failed to meaningfully improve the BAP standard.[164]

166. In addition to failing to ensure environmental sustainability, GSSI-benchmarked certifications have further come under fire for failing to ensure the welfare of salmon raised in certified farms. A watchdog organization rated several of the GSSI-benchmarked certifications, including BAP and GLOBAL G.A.P., low on a range of welfare criteria.[165]

167. In other words, Defendants knew or should have known that having "[f]arm-level certification against a GSSI-benchmarked standard" does not, in fact, ensure the sustainability of

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[162] *Open Letter*, *supra* note 157; *BAP Certificate Issued to SALMONES MULTIEXPORT S.A. – MAY*, BEST AQUACULTURE PRACTICES (Sept. 23, 2021), https://www.multi-xsalmon.com/wp-content/uploads/2021/10/F10539J.21-BAP-May.pdf.

[163] *Possible sanctions for overproduction to Chilean salmon companies Nova Austral and Multi X,* WEAREAQUACULTURE (Feb. 28, 2023), https://weareaquaculture.com/news/33318; *Producers List*, PRISM, https://prism-landing.globalseafood.org/producers (last visited Sept. 14, 2026).

[164] *Open Letter*, *supra* note 157.

[165] *Aquaculture Certification Schemes Benchmark*, AQUATIC LIFE INSTITUTE 22, 25 (2025), https://drive.google.com/file/d/1ubphTjWAJkzcSfPvmqZZXYlXSV2CPk1Q/view; *2025 Aquaculture Certification Schemes Benchmark: Detailed Evaluation*, AQUATIC LIFE INSTITUTE, https://drive.google.com/file/d/1-WM7hXJJIfKAao3-twLacv6nVTdEfhdg/view.

salmon. That necessarily means that a product's being "[i]n assessment and sourced from a farm that is actively working towards certification" does not, either.[166]

168. Defendants' criterion that products be sourced from a credible Aquaculture Improvement Project (AIP) is an empty promise as to salmon, too. The AIP website does not list any salmon farms among the AIPs.[167]

169. Finally, Defendants knew or should have known that their sustainability pledges are false, as to the farmed salmon Products they sell, because the environmental destruction caused by industrial net pen salmon aquaculture is far from a secret. There have been dozens of news articles, scientific reports, and studies documenting the serious sustainability problems with the production system. Defendants—a sustainability-conscious multinational grocery conglomerate's U.S. and Maine-based subsidiaries who tout their commitment to seafood traceability—could not have missed them.

B. *Defendants have deceived and misled reasonable consumers by failing to adhere to their sustainable seafood promises*

170. Defendants have deceived and misled reasonable consumers who purchased the Products.

171. In purchasing farmed salmon Products from Defendants' Hannaford stores with Defendants' sustainability promises prominently and pervasively displayed on in-store signage, reasonable consumers expect that Defendants would trace and verify the sustainability of *all*

[166] *Sustainable Seafood*, HANNAFORD, *supra* note 3.

[167] *Find an Aquaculture Improvement Project (AIP)*, AQUACULTURE STEWARDSHIP COUNCIL, https://asc-aqua.org/find-aip/ (last visited Sept. 14, 2026).

seafood suppliers' practices so as to "ensure" their "farming methods have a minimal environmental and social impact."[168]

172. Defendants confirm the reasonable consumer's understanding of their in-store sustainability promises. Defendants' definition is directly in line with that of reasonable consumers: "sustainable" seafood farming practices promote marine health and do not harm the marine ecosystem.

173. However, as described herein, no reasonable consumer would deem the industrial net pen aquaculture practices Defendants' salmon providers use to be sustainable, given the immense harm they cause marine ecosystems.

174. In sum, Defendants' representations mislead the reasonable consumer into believing that they are purchasing sustainably sourced Products because, contrary to Defendants' representations, the farmed salmon Products Defendants sell are not sustainably harvested.

V. Plaintiff and Class Members Viewed Defendants' Deceptive Sustainability Promises in their Purchase of the Products at a Premium

175. Consumers are unable to discover the true nature of Defendants' Products from the Products' packaging or Defendants' in-store signage. Ordinary consumers do not have sufficient knowledge about the salmon aquaculture industry to know or ascertain that Defendants' Products are sourced using unsustainable practices that effectively destroy marine ecosystems. Likewise, ordinary consumers do not have sufficient knowledge about Defendants' practices to know or ascertain whether Defendants actually comply with their pervasive sustainability marketing campaign.

[168] *Sustainable Seafood*, HANNAFORD, *supra* note 3.

176. Defendants knew, or should have known, that their Products are not sourced sustainably. In making false, deceptive, and misleading representations, Defendants intend to deceive reasonable consumers into buying and/or paying more for Products marketed with the sustainability promises pervasively and prominently displayed in every Hannaford store.

177. Defendants' material misrepresentations and omissions set forth in this Complaint are disseminated uniformly to Plaintiff and all Class Members through prominent and pervasive in-store signage in every one of the Hannaford stores, exposing Plaintiff and Class Members to Defendants' false, deceptive, and misleading advertising and unfair, unlawful, and fraudulent business practices.

178. When purchasing Defendants' Products, Plaintiff viewed Defendants' misrepresentations and omissions.

179. Plaintiff was injured at the time of purchase as she would not have paid a premium price had Defendants made truthful advertising statements and disclosed material information concerning the farming and production practices involved with their Products, including their failure to comply with Defendants' pervasive sustainability marketing campaign.

180. Had Defendants advertised their Products truthfully, Plaintiff would not have been willing to pay a price premium for the Products.

181. Plaintiff and Class Members were, and will continue to be, deceived or misled by Defendants' false and misleading misrepresentations and omissions concerning the production practices used to source their Products.

182. Plaintiff and Class Members are reasonable consumers who were and continue to be injured by purchasing Defendants' Products. Because of Defendants' material misrepresentations and omissions in their statements and advertisements concerning their

Products, including prominent and pervasive in-store signage, Plaintiff and Class Members were harmed at the time of purchase.

183. Defendants' conduct injured Plaintiff and Class Members because Defendants' Products are not sustainably harvested. Rather, the production practices of Defendants' farmed salmon suppliers are known to be destructive. Defendants failed to conspicuously disclose this reality to Plaintiff and Class Members.

184. Defendants continue to engage in the unlawful acts and practices set forth in this Complaint.

CLASS DEFINITIONS AND ALLEGATIONS

185. Plaintiff brings this matter on behalf of herself and those similarly situated. As detailed at length in this Complaint, Defendants orchestrated deceptive marketing and advertising practices. Defendants' customers were uniformly impacted by and exposed to this misconduct. Accordingly, this Complaint is uniquely situated for class-wide resolution.

186. Plaintiff brings this action as a class action pursuant to Federal Rules of Civil Procedure ("FRCP") Rule 23 on behalf of herself and all others similarly situated as members. The Class is defined as:

> **All persons who purchased in the State of New York any of the Products, within the applicable statute of limitations, until the date notice is disseminated.**

187. Specifically excluded from the Class are: (1) Defendants, any entity in which Defendants have a controlling interest, and their legal representatives, officers, directors, employees, assigns and successors; (2) the Judge to whom this case is assigned and any member of the Judge's staff or immediate family; and (3) Class Counsel. Plaintiff reserves the right to amend the class definitions as necessary.

188. The Class is properly brought and should be maintained as a class action under Rule 23(a), satisfying the class action prerequisites of numerosity, commonality, typicality, and adequacy because:

189. **Numerosity**: Class Members are so numerous that joinder of all members is impracticable. Plaintiff believes that there are thousands of consumers who are Class Members that have been damaged by Defendants' deceptive and misleading practices.

190. **Commonality**: The questions of law and fact common to the Class Members, which predominate over any questions that may affect individual Class Members include, but are not limited to:

(a) Whether Defendants are responsible for the conduct alleged herein, which was uniformly directed at all consumers who purchased the Products;

(b) Whether Defendants' misconduct set forth in this Complaint demonstrates that Defendants have engaged in unfair, fraudulent or unlawful business practices with respect to the advertising, marketing and sale of their Products;

(c) Whether Defendants made false and/or misleading statements to the Class and the public concerning the contents of their Products;

(d) Whether Defendants' false and misleading statements concerning their Products were likely to deceive the public;

(e) Whether Plaintiff and the Class are entitled to money damages and/or restitution under the same causes of action as the other Class Members and, if so, the amount of such damages or restitution; and

(f) Whether Plaintiff and other Class Members are entitled to other equitable relief.

191. **Typicality**: Plaintiff is a member of the Class. Plaintiff's claims are typical of the claims of each Class Member in that every member of the Class was susceptible to the same deceptive, misleading conduct and purchased Defendants' Products. Plaintiff is entitled to relief under the same causes of action as the other Class Members.

192. **Adequacy**: Plaintiff is an adequate Class representative because her interests do not conflict with the interests of the Class Members she seeks to represent; her consumer protection claims are common to all members of the Class, and she has a strong interest in vindicating their rights; she has retained counsel that is competent and experienced in complex class action litigation, and she intends to vigorously prosecute this action.

193. **Predominance**: Pursuant to Rule 23(b)(3), the common issues of law and fact identified above predominate over any other questions affecting only individual members of the Class. The Class issues fully predominate over any individual issue because no inquiry into individual conduct is necessary; all that is required is a narrow focus on Defendants' deceptive and misleading marketing and labeling practices.

194. **Superiority**: A class action is superior to other available methods for the fair and efficient adjudication of this controversy because:

(a) The joinder of thousands of individual Class Members is impracticable, cumbersome, unduly burdensome, and a waste of judicial and/or litigation resources;

(b) The individual claims of the Class Members may be relatively modest compared with the expense of litigating the claim, thereby making it

impracticable, unduly burdensome, and expensive—if not totally impossible—to justify individual actions;

(c) When Defendants' liability has been adjudicated, all Class Members' claims can be determined by the Court and administered efficiently in a manner far less burdensome and expensive than if it were attempted through filing, discovery, and trial of all individual cases;

(d) This class action will promote orderly, efficient, expeditious, and appropriate adjudication and administration of Class claims;

(e) Plaintiff knows of no difficulty to be encountered in the management of this action that would preclude its maintenance as a class action;

(f) This class action will assure uniformity of decisions among Class Members;

(g) The Class is readily definable and prosecution of this action as a class action will eliminate the possibility of repetitious litigation;

(h) Class Members' interests in individually controlling the prosecution of separate actions are outweighed by their interest in efficient resolution by a single class action; and

(i) It would be desirable to concentrate in this single venue the litigation of all plaintiffs who were induced by Defendants' uniform false marketing and advertising to purchase their Products as being sustainable.

195. Accordingly, this Class is properly brought and should be maintained as a class action under Rule 23(b)(3) because questions of law or fact common to Class Members predominate over any questions affecting only individual members, and because a class action is superior to other available methods for fairly and efficiently adjudicating this controversy.

CLAIMS FOR RELIEF

COUNT ONE

VIOLATION OF NEW YORK'S DECEPTIVE PRACTICES ACT
N.Y. Gen. Bus. Law §§ 349, *et seq.*
(On Behalf of Plaintiff and the Class)

196. Plaintiff re-alleges paragraphs 1 through 195 above as if set forth fully in this Count.

197. The New York General Business Law ("GBL") § 349 prohibits "[d]eceptive acts or practices in the conduct of any business, trade or commerce or in the furnishing of any service in this state . . . ." GBL § 349(a).

198. The practices alleged herein—namely, deceiving customers into believing that the Products are sustainably sourced—are unfair, deceptive, and misleading in violation of GBL § 349.

199. The foregoing deceptive acts and practices were directed at Plaintiff and members of the Class.

200. Plaintiff and members of the Class were injured as a direct and proximate result of Defendants' unlawful acts, as they would not have purchased or would have paid less for Defendants' Products but for Defendants' material misrepresentations regarding the sustainability of the Products, as described in this Complaint.

201. As a result of Defendants' unlawful actions, Plaintiff and members of the Class seek to recover the greater of their actual damages or fifty dollars ($50.00) per violation; and to recover treble damages, reasonable attorneys' fees and all other remedies this Court deems proper.

COUNT TWO

VIOLATION OF NEW YORK'S DECEPTIVE PRACTICES ACT
N.Y. Gen. Bus. Law §§ 350, *et seq.*
(On Behalf of Plaintiff and the Class)

202. Plaintiff re-alleges paragraphs 1 through 195 above as if set forth fully in this Count.

203. GBL § 350 provides in relevant part: "False advertising in the conduct of any business, trade or commerce . . . in this state is hereby declared unlawful."

204. In turn, GBL § 350-a defines false advertising as:

> advertising, including labeling, of a commodity . . . if such advertising is misleading in a material respect. In determining whether any advertising is misleading, there shall be taken into account (among other things) not only representations made by statement, word, design, device, sound or any combination thereof, but also the extent to which the advertising fails to reveal facts material in the light of such representations with respect to the commodity. . . to which the advertising relates under the conditions prescribed in said advertisement, or under such conditions as are customary or usual.

205. Defendants' claims that the Products are sustainable, including the prominent and pervasive in-store representations of sustainability, are untrue, materially misleading, and deceive consumers into believing the Products possess traits which they do not.

206. Plaintiff and members of the Class were injured as a direct and proximate result of Defendants' unlawful acts, as they would not have purchased or would have paid less for Defendants' Products but for Defendants' material misrepresentations regarding the sustainability of the Products, as described in this Complaint.

207. As a result of Defendants' unlawful actions, Plaintiff and members of the Class seek to recover the greater of their actual damages or five hundred dollars ($500.00) per violation; and to recover treble damages, reasonable attorneys' fees and all other remedies this Court deems proper.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, individually and on behalf of members of the proposed Class, respectfully requests that the Court enter judgment in Plaintiff's favor and against Defendants as follows:

A. Declaring that this action is a proper class action, certifying the Class as requested herein, designating Plaintiff as Class Representative and appointing the undersigned counsel as Class Counsel;

B. Declaring that Defendants are financially responsible for notifying the Class members of the pendency of this suit;

C. Ordering payment of actual and punitive damages;

D. Ordering payment of statutory damages pursuant to N.Y. Gen. Bus. Law §§ 349(h) and 350-d(1);

E. Ordering Defendants to pay attorneys' fees and litigation costs to Plaintiff and members of the Class;

F. Ordering Defendants to pay both pre- and post-judgment interest on any amounts awarded; and

G. Ordering such other and further relief as may be just and proper.

DEMAND FOR JURY TRIAL

Plaintiffs and the Class demand a jury trial on all issues in this Complaint that are so triable as a matter of right.

DATED: October 13, 2026

Respectfully Submitted,

/s/ Michael R. Reese
Michael R. Reese N.D.N.Y. Bar No: 517774)
REESE LLP
100 West 93rd Street, 16th Floor
New York, New York 10025
Telephone: (212) 643-0500
Email: *mreese@reesellp.com*

Charles D. Moore (to be admitted *pro hac vice*)
121 N. Washington Ave., 2nd Floor
Minneapolis, Minnesota 55401
Telephone: (212) 643-0500
Email: *cmoore@reesellp.com*

JENNINGS & EARLEY PLLC
Tyler Ewigleben (N.D.N.Y. Bar No. 704117)
500 President Clinton Avenue Suite 110
Little Rock, Arkansas 72201
Telephone: (501) 255-8569
Email: *tyler@jefirm.com*

FarmSTAND
Kelsey R. Eberly (to be admitted *pro hac vice*)
712 H Street NE Suite 2534
Washington, D.C. 20002
Telephone: (202) 595-8816
Email: *kelsey@farmstand.org*

CENTER FOR FOOD SAFETY
Amy van Saun (to be admitted *pro hac vice*)
2009 NE Alberta St. Suite 207
Portland, Oregon 97211
Telephone: (971) 271-7372
Email: *avansaun@centerforfoodsafety.org*

Counsel for Plaintiff and the Proposed Classes