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## **18 Small and Mid-Size Cocoa and Chocolate Companies file Amicus Brief with the U.S. Supreme Court in Favor of Corporate Liability for Child Trafficking**

*Brief Urges the Supreme Court to Uphold Ninth Circuit's Decision Supporting Corporate Liability Under the Alien Tort Statute*

Today, eighteen small and mid-sized cocoa and chocolate companies filed an amicus brief in the case of *Nestlé USA, Inc. v. Doe*. This was one of two briefs filed on behalf of chocolate companies in support of Respondents. The other brief was filed by Dutch chocolate company Tony's Chocolonely.

The amicus brief argues that corporate and aiding and abetting liability under the Alien Tort Statute creates a level playing field for all cocoa and chocolate companies, allowing those that source slave-free cocoa to compete fairly with those that do not. The eighteen companies argue they cannot compete with Nestlé USA and Cargill in the marketplace because their ethical sourcing practices result in higher production costs.

“Free market competition without shared values regarding human life will always result in barbaric treatment of those who have no voice,” said Kristi Wilson of Sweet Impact Chocolates. “For far too long, the big companies buying cocoa have knowingly contributed to a system that allows this to happen to children in the poorest parts of the world.”

Tom Rogan of Goodnow Farms explained: “We pay farmers what their cocoa is worth, which allows them to earn a living wage. Because we do this, our chocolate is more expensive than chocolate made by the big chocolate companies who pay artificially low prices for their cocoa. As long as these companies continue this practice, we will continue to be at a competitive disadvantage.”

“We’ve all been conditioned to pay very little for things we want without thinking about why or how they are so cheap,” said Shawn Askinosie of Askinosie Chocolate. “But we need to pay adequately for goods like chocolate. You are being fooled by companies charging \$1 for a chocolate bar if you think it was produced sustainably.”

Forced child labor is well-documented in the West African cocoa industry. While companies like Nestlé USA and Cargill have spent twenty years promising to eradicate child labor in their supply chains, they have failed to do so. According to a Department of Labor report released this week, there are currently 1.56 million children still engaged in child labor in the West African cocoa sector and the prevalence of child labor in agricultural households in the Ivorian and Ghanaian cocoa sectors actually rose by 14 percent over ten years, from 31% in 2008/09 to 45% in 2018/19. Over 90% of these children are engaged in hazardous work. Meanwhile, children continue to be trafficked into Cote d’Ivoire and forced to work on cocoa farms for little or no pay.

“Since January 1, 1863, it has been the law in the United States that ‘all persons ... henceforward shall be free.’ Allowing American corporations to knowingly purchase products that utilize slave labor violates not only the letter and spirit of the law, but does irreparable harm to the shared moral and ethical values of our society,” said Brian Horsley of Marañon Chocolate.

While Petitioners and their amici argue that any investment, regardless of harmful impacts, in countries like Cote d’Ivoire is beneficial, it is clear that investments that lead to human trafficking and forced child labor fail to improve living conditions or contribute to sustainable development. In contrast, these eighteen companies have demonstrated a variety of ways to invest in cocoa-growing communities in ways that promote human rights in the regions and improve living conditions.

Charity Ryerson, Executive Director of Corporate Accountability Lab and counsel for amici, said “Consumers and policy makers have been fooled by the inflated sustainability claims of companies like Nestlé and Cargill for 20 years. These companies have failed to eradicate child labor and trafficking from their supply chains on their own terms. Legal liability, and access to remedy for victims in particular, is necessary for meaningful, lasting change.”

**Aloha Feels**

Hakalau, HI

**Alter Eco**

San Francisco, CA

**Askinosie Chocolate**

Springfield, MO

**Dark Forest Chocolate**

Lancaster, NY

**Dwaar Chocolate**

West Bloomfield, MI

**Enliven Cacao**

Hugo, MN

**Firefly Chocolate**

Windsor, CA

**Goodnow Farms Chocolate**

Sudbury, MA

**indi chocolate**

Seattle, WA

**Island Sharks Chocolate**

Hilo, HI

**Kokoa Kamili**

Mbingu, Morogoro Region, Tanzania

**Marañon Chocolate**

Carson City, NV

**Meridian Cacao**

Portland, OR

**River-Sea Chocolates**

Chantilly, VA

**Sweet Impact Chocolate**

Kenosha, WI

**Theo Chocolate**

Seattle, WA

**Uncommon Cacao**

Berkeley, CA

**Xocolatl Small Batch Chocolate**

Atlanta, GA