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California SB 343 Enforcement Preliminarily Enjoined: Regulation of Chasing Arrows and Recyclability Claims Escaping Enforcement (For Now)

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Months before California's new recyclability-labeling law was set to take effect, the Southern District of California preliminarily enjoined the State Attorney General from enforcing SB 343, closely watched legislation regulating when companies may use the chasing-arrows symbol or other recyclability claims on products and packaging. *California League of Food Producers v. Bonta*, No. 3:26-cv-01675-WQH-BLM (S.D. Cal. July 14, 2026).

The recyclability labeling restrictions of SB 343, set to go into effect on October 4, 2026, were purportedly designed to combat consumer confusion and "greenwashing" by establishing statewide criteria for recyclability claims. Under the law, products or packaging using recyclability symbols, statements, or recycling instructions are deemed deceptive unless they satisfy California's recyclability standards, including the so-called "60/60 requirement": the material must be collected by recycling programs covering at least 60% of California's population and sorted by facilities serving at least 60% of recycling programs statewide.

A coalition of trade associations in California challenged the law under the First and Fourteenth Amendments, arguing that the requirements of SB 343 were unconstitutionally vague, and infringed on businesses' free speech rights by forcing them to remove truthful recyclability claims and leave consumers with less useful disposal information. The Court agreed that plaintiffs were likely to succeed on both grounds and preliminarily enjoined the State Attorney General and those in privity or acting in concert with him from enforcing SB 343 until further order of the Court.

The Court found that SB 343 likely violates the First Amendment's protections for commercial speech. Although California has legitimate interests in reducing consumer confusion and improving recycling rates, the Court held that the State had not shown that SB 343 would actually advance those goals. Instead, the record suggested the law could have the opposite effect: companies might remove recyclability claims altogether—including truthful, qualified claims—rather than undertake costly packaging redesigns or risk liability.

The Court was especially concerned that SB 343 swept broadly enough to restrict useful statements such as "recyclable where facilities exist" or component-specific recycling instructions. That breadth, the Court reasoned, was more extensive than necessary, particularly where narrower disclosures could address consumer confusion without suppressing accurate information.

On vagueness, the Court found several key provisions insufficiently clear, including SB 343's requirements that businesses understand (1) whether materials "routinely become feedstock used in the production of new products or packaging," (2) whether materials will be sent to a reclaiming facility "consistent with the requirements of the Basel Convention," (3) whether materials contain elements that "prevent the recyclability of the packaging according to the APR Design® Guide published by the Association of Plastic Recyclers," and (4) whether products and non-plastic packaging are "designed to ensure recyclability" and do not "include any components . . . that prevent [] recyclability." In the Court's view, those standards left manufacturers guessing about downstream recycling practices, shifting market conditions, evolving private standards, and information they may have no practical way to obtain. The Court did find that each of these challenged provisions was grammatically severable from the remaining text of the bill, but given its finding on the likelihood of success on the merits of plaintiffs' First Amendment challenge, the Court preliminarily enjoined the enforcement of SB 343 in its entirety.

This decision marks a significant development in the enforcement of California's closely-watched legislation on recyclability claims. However, it does not invalidate SB 343, and we will continue to monitor the case for further developments, including any appeal and motion to stay the preliminary injunction. We also invite you to reach out to us at bvinti@proskauer.com, jwarshafsky@proskauer.com, and jyang@proskauer.com to discuss the practical significance of this decision for your business in the weeks leading up to (and after) SB 343's restrictions are due to take effect.

Related Professionals

- **Baldassare Vinti**
  Partner
- **Jeff H. Warshafsky**
  Partner
- **Jennifer Yang**
  Partner
- **Jana R. Ruthberg**
  Associate