

**Press Release in *John Doe I, et al. v. Nestle USA, Inc., et al.***

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On July 14, 2016, six former child slaves who had been trafficked from Mali to Cote D'Ivoire, filed an amended class action complaint alleging they were forced to harvest cocoa for Nestle, Cargill and Archer Daniels Midland. This continues their nearly 11-year legal battle to establish that they have the legal right to sue these companies for knowingly providing substantial assistance to plantation owners in Cote D'Ivoire who systematically use child slaves to harvest cocoa for the international market. There is no room to dispute that the cocoa sector of Cote D'Ivoire has been using child slaves for years without consequence. This is well-documented by the 2010 film, [\*The Dark Side of Chocolate\*](#) by Robin Romano and Miki Mistrata, <https://www.youtube.com/watch?v=7Vfbv6hNeng>. And, more recently, the U.S. Department of Labor funded a 2015 study, [\*Survey Results on Child Labor in West African Cocoa Growing Areas\*](#), which documents in great detail the ongoing use of massive numbers of children in the harvesting of cocoa in West Africa.

After first filing their case against Nestle, Cargill and Archer Daniels Midland in 2005, the former child slaves faced a protracted legal onslaught when their case was initially dismissed by the trial court. They ultimately prevailed in the Ninth Circuit Court of Appeals on September 14, 2014. The Appeals Court rejected the companies' arguments that corporations could not be sued under international law and that the former child slaves were required to prove that Nestle, Cargill and Archer Daniels Midland specifically sought to use child slaves, not just knowingly benefited from child slavery, as the companies argued. The case was sent back to the trial court to determine whether the Plaintiffs could satisfy the new jurisdictional standard set by the Supreme Court in *Kiobel v. Royal Dutch Petroleum Co.* that requires foreign plaintiffs suing under the Alien Tort Statute, a law dating to 1787 and allowing suits under the "law of nations," to show that their case "touches and concerns" the United States.

Paul Hoffman, counsel for the Plaintiffs and the attorney who argued *Kiobel* in the Supreme Court, stated "the allegations of these Plaintiffs should be sufficient to meet the new *Kiobel* test. The Plaintiffs allege that Nestle (USA), Cargill and Archer Daniels Midland acted to protect the system in Cote D'Ivoire from meaningful regulation to continue to benefit from low-priced cocoa for the U.S. market. In particular, the complaint alleges that key decisions to facilitate child slavery were made by the corporations in the United States."

Terry Collingsworth, another of Plaintiffs' attorneys, stated that "the former child slaves are looking to the U.S. court to hold these U.S. companies accountable for the years they have profited from child slavery. This case is their only hope for justice."

Catherine Sweetser, another of Plaintiffs' attorneys, noted that "This case belongs in the United States courts. Whether U.S. corporations are held accountable for knowingly aiding and profiting from slavery and forced labor concerns all Americans."