

United States Senate

August 17, 2021

The Honorable Gina Raimondo
Secretary of Commerce
U.S. Department of Commerce
1401 Constitution Avenue, NW
Washington, D.C. 20230

Dear Secretary Raimondo:

I am writing to you in light of the decision by Ben & Jerry's, an American company which is wholly owned by Unilever, to participate in a foreign boycott, banning sales of its ice cream in portions of Israel. I am extremely concerned with Ben & Jerry's anti-Semitic actions, and as the Office of Antiboycott Compliance is under your jurisdiction, I am calling on the Department of Commerce to initiate an investigation into whether or not Ben & Jerry's recent decision violates the Export Administration Act of 1969.

Ben & Jerry's operates in Israel through a licensee, an Israeli company that has distributed ice cream throughout the country since 1987 and operates one of its few foreign manufacturing facilities. In addition to the manufacturing facility, the licensee allows Ben & Jerry's to operate two scoop shops and distribute ice cream to be sold in stores throughout the country, including in Judea and Samaria. The licensing agreement expires in December 2022, and its parent company, Unilever, has opted to not renew the agreement on the grounds that doing so is "inconsistent with [their] values" and because of "concerns shared with us by our fans and trusted partners."¹

According to the Chairman of the Board for Ben & Jerry's, the Board had been pushing to withdraw ice cream sales from the region for years.² They also charge that the statement published on July 19th "regarding its operation in Israel and the Occupied Palestinian Territory (the OPT) does not reflect the position of the independent board, nor was it approved by the independent board."³ Further, Ben & Jerry's independent

¹ Olivia Solon, "Ben & Jerry's withdraws sales from Israeli settlements but clashes with parent company Unilever." *NBC News*, July 19, 2021. <https://www.nbcnews.com/business/business-news/ben-jerry-s-withdraws-sales-israeli-settlements-clashes-parent-company-n1274403>

² Ibid

³ Ibid

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board of directors passed a resolution to end sales of Ben & Jerry's products in Israeli settlements in July 2020.⁴

This appears to be the first such decision by Ben & Jerry's to boycott sales to a foreign country, meaning the Jewish State is the company's first target. Given the pressure that Ben & Jerry's faced from outside organizations, particularly those involved in the Boycott, Divest, and Sanction (BDS) movement, including Vermonters for Palestinian Justice⁵ and SumOfUs⁶, there is reason to believe that Ben & Jerry's intent is to comply with an unsanctioned foreign boycott.

I am urging you to launch an investigation to determine if Ben & Jerry's or Unilever has violated the Export Administration Act. Such boycotts of foreign countries are in violation of statute and horribly anti-Semitic. They have no place in the United States, and in conjunction with the Office of Antiboycott Compliance and the Department of Justice, I ask that you determine if these entities are violating statute, and if so, to hold them fully accountable.

Sincerely,



Rick Scott
United States Senator

CC: Cathleen Ryan, Director of the Office of Antiboycott Compliance
Merrick Garland, Attorney General Department of Justice

⁴ Ibid

⁵ https://vtjp.org/PRESS_RELEASE3.pdf

⁶ <https://actions.sumofus.org/a/ben-jerry-s-stop-supporting-apartheid-in-palestine>