B4Ukraine

Ramon L. Laguarta
PepsiCo, Inc.
700 Anderson Hill Road,
Purchase NY 10577,
USA

July 24, 2025

Dear Mr. Laguarta and the PepsiCo Leadership Team,

We write to you again as B4Ukraine, a coalition of Ukrainian and international civil society organizations committed to curbing the financial support that fuels Russia's brutal invasion of Ukraine.

We have repeatedly raised serious concerns about PepsiCo's adherence to internationally recognized frameworks on business and human rights in light of the company's continued operations in Russia. Despite Principle 18 of the UN Guiding Principles on Business and Human Rights which calls for businesses to engage in "meaningful consultation with potentially affected groups and other relevant stakeholders," PepsiCo has provided only brief responses to our letters and has failed to address the broader concerns we raised. Furthermore, PepsiCo has so far declined to meet with B4Ukraine and our Ukrainian and international members.

**We call on businesses to:**

- Immediately cease operations and completely exit the Russian market.
- Refrain from any future business, trade, or investment in Russia until Russia ends its war against Ukraine, territorial integrity of Ukraine is restored, and accountability imposed for war crimes and the destruction of Ukrainian infrastructure and property.
- Ensure that any re-engagement with the Russian market occurs only after all of the following conditions are met:
    - Ukraine's sovereignty and complete territorial integrity are restored, as recognized by international law.
    - Reparations are paid in full for all damages caused by Russian aggression, covering infrastructure, economic losses, and human suffering.
    - Accountability is imposed for violations of international law, including the crime of aggression, war crimes, and crimes against humanity.

Following the full-scale invasion of Ukraine, PepsiCo has decided to stay in the Russian market, despite a plethora of human rights, reputational, financial, legal, and operational risks of operating in a militarised economy of a country waging an illegal war of aggression against its sovereign neighbour, in breach of the UN Charter. Due to PepsiCo's contribution to the Russian economy and various other factors, the Ukrainian National Agency on Corruption Prevention added the company to the list of international sponsors of the war.

**PepsiCo remains a major economic actor in Russia, generating approximately $4.5 billion in annual revenue in 2024 and paying $122 million in profit tax in 2024.[1]**

[1] Data sourced from the Federal Tax Service of Russia.

PepsiCo announced in March 2022 that it would suspend the production and sale of Pepsi-Cola and other global beverage brands in Russia, as well as halt capital investments and advertising in the country. Additionally, PepsiCo publicly committed to supporting its Ukrainian employees and communities. This included financial assistance, direct aid to refugees and families affected by the war, and ongoing employment support for associates in Ukraine. However, under the UNGPs and broader expert opinions, such humanitarian contributions cannot offset or excuse adverse human rights impacts elsewhere and PepsiCo remains responsible for ensuring its operations do not cause or contribute to harm, regardless of charitable actions.

Since making the above promises, PepsiCo has continued to operate extensively in Russia, raising serious concerns about the sincerity of its commitments.

In April 2024, PepsiCo launched a new snack production plant near Novosibirsk with a capacity of around 60,000 tonnes per year and plans for five additional lines. The investment was originally planned in 2021 and backed by over 12 billion rubles. Likewise, in April 2024, PepsiCo's Russian subsidiary reported a nearly threefold increase in profits, with revenues rising by approximately 10% to 128.8 billion rubles, marking its fastest growth in years. More recently, PepsiCo submitted an application to register a trademark in Russia for the production and sale of beverages including water, energy drinks, and fruit juices, according to Rospatent records reviewed by RIA Novosti.

Meanwhile, in Ukraine, PepsiCo reportedly instructed its PR agencies to avoid mentioning the war, armed forces, or any expressions of support for Ukraine in marketing communications. This comes after PepsiCo's plant southwest of Kyiv was damaged in a Russian attack on the capital.

**Overall, these actions suggest not a curtailment but a potential expansion of operations in Russia, bringing into question PepsiCo's commitment to its own public statements on reducing operations, as well as the alignment with its stated human rights policy and broader responsibilities under international business and human rights frameworks, including international humanitarian and human rights law.**

**We are therefore writing to ask:**

- How does PepsiCo reconcile its continued operations in Russia with its public commitment to halt all new engagement in the market?
- Given the scale of PepsiCo's revenue and tax payments in Russia, does PepsiCo acknowledge its potential of materially and financially supporting the Kremlin's war economy?
- How does PepsiCo track and report financial flows from its Russian operations to ensure they are not contributing to the state budget in ways that may support the war effort?
- Has PepsiCo received directives to issue conscription notices, and how is PepsiCo ensuring its operations and associates in Russia are not complicit in forced military mobilization? How does PepsiCo ensure that its Russian employees are not being pressured to participate in war-related activities or propaganda?
- What internal governance and human rights due diligence frameworks does PepsiCo apply to assess the legality, reputational, and human rights impact of maintaining and expanding operations in Russia?
- Has PepsiCo conducted a fresh human rights impact assessment in the last 12 months that reflects the evolving conflict and risk landscape in Russia and Ukraine? If so, will it publish a summary?
- Is PepsiCo willing to publicly disclose the due diligence process it conducted prior to this decision, including its risk assessment, stakeholder engagement, and final conclusions?

On the point regarding re-entry and continuing risks of operating in Russia, we also refer PepsiCo to the annex below, which outlines the legal, financial, reputational, and human rights risks associated with re-engaging in the Russian market.

We would be pleased to discuss these matters in greater detail and are therefore **inviting you to a meeting**. Should you wish to participate in a meeting with Ukrainian and international civil society representatives, please confirm your availability by **August 8, 2025** to schedule. Kindly note that after this date, this letter and any responses will be published on the B4Ukraine website.

Sincerely,

The B4Ukraine Coalition

**The Risks of Re-Engaging with the Russian Market**

Recent speculation about the potential lifting of sanctions, particularly in the United States, has created uncertainty. However, it is clear that the broader sanctions regime remains intact. The United States has for now maintained its restrictions, while the European Union recently approved its seventeenth package of sanctions. Even if some policymakers consider relaxing their stance, the reality remains that the EU, UK, Japan, Canada, and numerous other countries and organisations have imposed sanctions on Russia, making it the most sanctioned country in the world, due to its crime of aggression against its sovereign neighbour.

Further, economic and regulatory conditions in Russia are no longer conducive to stable business operations. Companies re-entering the market would be navigating a landscape of restricted supply chains, financial barriers, and legal uncertainties.

Russia has demonstrated a pattern of malignant and systematic asset seizures, expropriations, and regulatory manipulation, using foreign businesses as leverage in political disputes. According to a study conducted by the London School of Economics, since 2022, over 500 Western firms have seen their assets expropriated under various pretexts, including companies in industries ranging from brewing and consumer goods (e.g., Danone, Carlsberg) to energy (e.g., Uniper, Fortum). The scope of legislation and Russian domestic case law showing the readiness for expropriation has skyrocketed since the start of the full-scale invasion. Businesses looking to re-enter must expect that their assets would meet a similar fate.

These patterns show a blatant disregard for property rights, investor and shareholder rights, and are a general indicator of an authoritarian government. Accordingly, any western business seeking re-entry faces the risk of Kremlin decrees that introduce new fees, taxes, and price controls; limit the repatriation of profits and dividends; restrict asset sales and management decisions; and expropriate private businesses.

The economic outlook in Russia further devalues the case for re-engagement. Interest rates have soared to 21 percent, labour shortages are worsening, and consumer purchasing power has significantly declined. The country's middle class is shrinking, and the infrastructure that once supported international trade and investment has deteriorated.

Russia's own leaders have stated that returning businesses should not expect to be treated on equal footing with local firms. Instead, as confirmed by Vladimir Putin himself, those seeking re-entry would be disadvantaged to ensure the competitiveness of domestic businesses. Many Western brands have already been replaced by domestic or Chinese alternatives, making it difficult, if not impossible, for companies to regain their former market position. Rebuilding operations in such a climate would require substantial financial investment with little certainty of return, naturally concerning investors. Russian policy is confirmed to be favourable towards domestic production and market share.

The Russian legislative framework continues to pose a high risk of business complicity in the war. Under Federal Law No. 31-FZ businesses, including international companies that are operating on a full or limited scale in Russia, are required to conduct military registration of the staff if at least one of the employees is eligible for military service. They must also assist with delivering the military summons to their employees, ensure the delivery of equipment to assembly points or military units, and provide information, buildings, communications, land plots, transport, and other material means of support to the war effort.

Beyond financial and legal risks, reputational risks remain high. Any company that chooses to return to Russia will be seen as disregarding the human cost of the war in Ukraine. Some Russian officials have even suggested that businesses seeking to re-enter should contribute financially to the Russian military or establish operations in occupied Ukrainian territories. These decisions would directly associate a company's name with a government engaged in an ongoing conflict, one that has been widely condemned for violations of international law. Moreover, they could render the company complicit in violations of international law.

It has been over three years since Russia invaded Ukraine, committing the crime of aggression and breaching the UN Charter. Russia is violating international humanitarian and human rights law, committing over 150,000 documented war crimes. In recognition of the severity of abuses, in March 2023 the International Criminal Court issued an arrest warrant for Vladimir Putin to answer charges of war crimes.

As affirmed by international frameworks, in conflict-affected and high-risk areas, businesses are not neutral actors. The company's continued presence in Russia is not passive, but part of the system that enables and sustains Russia's aggressive war against Ukraine.

B4Ukraine

Ramon L. Laguarta
PepsiCo, Inc.
700 Anderson Hill Road,
Purchase NY 10577,
USA

August 15, 2024

Dear Mr. Laguarta and PepsiCo Leadership Team,

We write to you as B4Ukraine, a coalition of Ukrainian and international civil society organizations working to curtail the financial resources enabling the Russian invasion of Ukraine.

We have written to you previously regarding PepsiCo's ongoing operations in Russia. While we have received a brief response from PepsiCo, it did not address the specific questions posed in our letter. The communication can be found here.

B4Ukraine, in collaboration with the Kyiv School of Economics, is planning to publish a report containing information regarding your company's financial contributions in Russia. We are writing to formally enquire whether the following information is correct:

- **Data on profit tax sourced from the Federal Tax Service of Russia shows that PepsiCo paid $135 million in profit tax to Russia in 2023.**
- **In 2022, PepsiCo paid $72 million in profit tax to Russia.**
- **This data indicates that PepsiCo is among the highest contributors of profit taxes in Russia in 2023.**

**Additionally, we would welcome your clarification on the following questions:**

- **What was the company's total revenue in Russia for the year 2023?**
- **What was the total amount of tax the company paid in Russia in 2023?**

We would appreciate it if you could confirm the accuracy of this information or provide corrections if necessary, along with any supporting documents. Additionally, we would welcome any context or comments PepsiCo wishes to provide regarding these figures and its operations in Russia.

B4Ukraine maintains high standards of information verification before publishing. We are providing you with an opportunity to respond concerning the facts we wish to present. We will be awaiting a response from you by **August 29, 2024**. If we don't receive a response from you, we will indicate this in our publication.

Yours truly,
The B4UKraine Coalition

B4Ukraine

Ramon L. Laguarta
PepsiCo, Inc.
700 Anderson Hill Road,
Purchase NY 10577,
USA

April 2nd, 2024

Dear Mr. Laguarta and PepsiCo Leadership Team,

We write to you again as B4Ukraine, a coalition of 90 Ukrainian and international civil society organizations working to curtail the financial resources enabling the Russian invasion of Ukraine. In our previous communication with PepsiCo, we emphasised the human impact and risks of ongoing business operations in Russia, calling on you to make a moral and responsible exit in response to its war of aggression against Ukraine. Following the issuance by the United States government of a Business Advisory on Russia, which highlights the escalating risks of complicity in Russia's war crimes as well as the growing civil and criminal penalties due to extensive economic sanctions, export controls, and import restrictions enforced on Russia, and your designation by the Ukrainian government as an 'International Sponsor of War', we are writing again to reiterate our concerns.[1]

**Due to the high risk of complicity in Russia's war crimes and crimes against humanity, we urge you to**:

- Immediately cease operations and presence in Russia and completely exit the Russian market.
- Refrain from any future business, trade, or investment in Russia until Russia ends its war in Ukraine, territorial integrity of Ukraine is restored, and accountability imposed for war crimes and the destruction of Ukrainian infrastructure and property.
- Establish and implement comprehensive human rights due diligence measures for any responsible exit from or re-engagement with Russia.

We are also asking whether PepsiCo has adhered **to the recommendations outlined in the US Business Advisory**, especially regarding the implementation of due diligence practices aligned with internationally recognized standards such as the UN Guiding Principles on Business and Human Rights (UNGPs), the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct, and the UN Development Program's Heightened Human Rights Due Diligence for Business in Conflict-Affected Contexts.

As emphasised in the Business Advisory, businesses and individuals are encouraged to conduct heightened due diligence to mitigate operational, legal, economic, and reputational risks. This includes compliance due diligence to ensure adherence to sanctions and export controls, as well as human rights due diligence to address concerns related to international law violations and human rights abuses. The Advisory notes however that the serious risks stemming from this operating

[1] Bureau of European and Eurasian Affairs, "Risks and Considerations for Doing Business in the Russian Federation and Russia-Occupied Territories of Ukraine," February 23, 2024, https://www.state.gov/russia-business-advisory/#:~:text=The%20U.S.%20government%20recommends%20businesses,committed%20by%20the%20Russian%20government (accessed March 21, 2024).

environment in Russia may be mitigated by rigorous due diligence, “though substantial risk is likely to remain.”

Additionally, businesses should note the repressive laws in Russia, which could result in expropriation, restrictions on shareholder rights, as well as potential complicity in war crimes due to Russia’s legislation mandating cooperation in its mobilisation efforts.

In our first letter, we posed questions regarding the mechanisms the company has established to adequately conduct heightened human rights due diligence while taking into consideration a conflict-sensitive approach and the particular circumstances of the war against Ukraine. Considering it has now been 2 years since the start of the full-scale invasion and in light of the recommendations raised in the US Business Advisory, **can PepsiCo share the details of its due diligence mechanisms put in place to ensure its compliance with the UNGPs, the OECD guidance, and other internationally recognised standards on business and human rights?**

It has been 2 years since Russia invaded Ukraine and the devastating impacts continue to shock the global conscience and shake the global economy. Russia is violating international humanitarian law (IHL), including war crimes and crimes against humanity, through attacks on civilians and civilian infrastructure (e.g., mass executions, sexual violence, torture, forcible transfer of civilians). Since the start of the full-scale invasion, Russia has committed over 120,000 war crimes, and more than 28,000 Ukrainian civilians have been killed and injured and millions more have been forced to flee their homes, creating one of the largest humanitarian and refugee crises of modern times. In recognition of the severity of abuses, in March 2023 the International Criminal Court issued an arrest warrant for Vladimir Putin to answer war crimes charges.[2]

Other companies have faced legal, administrative, and ethical challenges and still committed to, and exited, Russia. Considering these developments and the rising number of reported human rights abuses and war crimes, **has PepsiCo considered fully exiting Russia so as not to be even indirectly or remotely associated with these crimes?**

In consideration of the above points, we request an urgent dialogue with PepsiCo’s relevant senior management and staff to discuss ongoing activities and relationships in Russia, associated risks to the people of Ukraine, and potential steps to exit Russia. Please contact the B4Ukraine Coalition at contact@b4ukraine.org to schedule a call. We kindly ask for your response by 5:00pm CET, April 16th, 2024.

Please note that this letter and any response provided, or lack thereof, will be published on the B4Ukraine webpages. In case you would like to join the proposed call, any such meeting will be held under Chatham House Rules.

Sincerely,

The B4Ukraine Coalition

[2] International Criminal Court, “Situation in Ukraine: ICC judges issue arrest warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova,” March 17, 2023, https://www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-vladimir-vladimirovich-putin-and (accessed March 22, 2023).

B4Ukraine

Ramon L. Laguarta
PepsiCo, Inc.
700 Anderson Hill Road,
Purchase NY 10577,
USA

June 7, 2023

RE: PepsiCo's business operations in Russia

Dear Mr. Laguarta,

We are writing to follow up on our previous correspondence with PepsiCo dated 9th January 2023 regarding potential inconsistencies between PepsiCo's obligations, as articulated in the UN Guiding Principles on Business and Human Rights (UNGPs), and the company's ongoing business operations and relationships in Russia that may contribute to, or be linked with, human rights harms. We received a brief response to a letter, which did not answer the relevant questions that were posed. We are writing once again to formally notify PepsiCo on the serious and increasing risks the company faces by continuing its operations in Russia that may amount to complicity in human rights abuses committed by Russia[1] and to urge you to:

- Immediately cease all operations and presence in Russia and completely exit the Russian market.
- Refrain from any future business, trade, or investment in Russia until Russia ends its war in Ukraine, territorial integrity of Ukraine is restored, and accountability imposed for war crimes and the destruction of Ukrainian infrastructure and property.
- Establish and implement comprehensive human rights due diligence measures for any responsible exit from or re-engagement with Russia.

It has been over one year since Russia invaded Ukraine and the devastating impacts continue to shock the global conscience and shake the global economy. Russia is violating international humanitarian law (IHL), including war crimes and crimes against humanity, through attacks on civilians and civilian infrastructure (e.g., mass executions, sexual violence, torture, forcible transfer of civilians). More than 24,000 Ukrainian civilians have been killed and injured and millions more have been forced to flee their homes, creating one of the largest humanitarian and refugee crises of modern times. In recognition of the severity of abuses, in March 2023 the International Criminal Court issued an arrest warrant for Vladimir Putin to answer war crimes charges.[2]

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[1] Andrew Clapham and Scott Jerbi, "Categories of Corporate Complicity in Human Rights Abuses," March 21-22, 2001, https://media.business-humanrights.org/media/documents/files/reports-and-materials/Clapham-Jerbi-paper.htm (accessed May 4, 2023).

[2] International Criminal Court, "Situation in Ukraine: ICC judges issue arrest warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova," March 17, 2023, https://www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-vladimir-vladimirovich-putin-and (accessed March 22, 2023).

Moreover, recent developments in Russia point to an expanding universe of financial, legal, and reputational risks facing those left behind.

On September 21, President Vladimir Putin escalated the war by announcing a "partial mobilisation" of the Russian population. The accompanying legislation (Article 9 of Federal Law No. 31-FZ) mandates all organisations, including the more than 1,500 international companies that are currently operating on a full or limited scale in Russia, to conduct military registration of the staff if at least one of the employees is eligible for military service.[3] They must also assist with delivering the military summons to their employees, ensure the delivery of equipment to assembly points or military units, and provide information, buildings, communications, land plots, transport, and other material means of support to the war effort.

A new decree issued by President Vladimir Putin on March 3, 2023, enables the Russian government to suspend shareholders' rights and implement external management in companies that don't fulfil state defence contracts under conditions of martial law.[4] By specifying the process of appointing Russian government representatives to manage businesses that fail to meet state orders, the latest Decree effectively creates a scenario of "partial nationalization."

With new legislation introducing partial mobilisation, nationalisation, and potentially martial law in Russia, it is highly likely that corporations will be unable to prevent or mitigate negative human rights impacts, an obligation imposed on companies by the United Nations Guiding Principles on Business and Human Rights. As such, continuing to conduct business in Russia entails significant legal risks for companies, including potential civil and criminal liability under comprehensive sanctions regimes and recent international jurisprudence holding corporations and their officers responsible for human rights abuses abroad.[5] Companies face the rising risk of criminal liability for complicity in

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[3] Federal Law No. 31-FZ of February 26, 1997 "On mobilization training and mobilization in the Russian Federation" (as amended), https://base.garant.ru/136945/ (accessed November 14, 2022).

[4] Decree of the President of the Russian Federation No. 139 dated March 3, 2023 "On Certain Issues of Carrying Out the Activities of Business Companies Participating in the Fulfilment of the State Defense Order", http://publication.pravo.gov.ru/Document/View/0001202303030004 (accessed March 22, 2023).

[5] International companies remaining in Russia are now at a greater risk of violating sanctions regimes as implementation of the legislation will likely involve transacting with sanctioned individuals or entities. Furthermore, new domestic civil and criminal cases against companies involved in violations of international law demonstrate the risk of significant liability for facilitating state-sponsored human rights abuses abroad (e.g., Lafarge case, Lundin case, Castel Group indictment, Nevsun holding, and Dassault Aviation, Thales, and MBDA France criminal complaint.) Victoria Riello and Larissa Furtwengler, "Corporate Criminal Liability for International Crimes: France and Sweden Are Poised To Take Historic Steps Forward," *Just Security*, September 6, 2021, https://www.justsecurity.org/78097/corporate-criminal-liability-for-human-rights-violations-france-and-sweden-are-poised-to-take-historic-steps-forward/ (accessed November 14, 2022); The Sentry, "Breaking: France Opens War Crimes Inquiry Focused on Iconic Food and Beverage Conglomerate," July 1, 2022, https://thesentry.org/2022/07/01/7216/breaking-france-opens-war-crimes-inquiry-focused-iconic-food-beverage-conglomerate/ (accessed November 14, 2022); *Rfi*, "French technology firm charged over Libya cyber-spying," July 2, 2022, https://www.rfi.fr/en/business-and-tech/20210701-french-tech-firm-charged-over-libya-cyber-spying (accessed November 14, 2022); Preston Lim, "Canadian Supreme Court Allows Corporate Liability for International Law Violations," *Lawfare*, March 12, 2022, https://www.lawfareblog.com/canadian-supreme-court-allows-corporate-liability-international-law-violations (accessed November 14, 2022); Sherpa, "Aiding and abetting war crimes in Yemen: Criminal complaint submitted against French arms companies," June 2, 2022, https://www.asso-sherpa.org/aiding-and-abetting-war-crimes-in-yemen-criminal-complaint-submitted-against-french-arms-companies (accessed November 14, 2022).

international crimes, which can be prosecuted by domestic courts outside Russia under the doctrine of "universal jurisdiction."[6]

On 24 February 2023, The Financial Action Task Force (FATF) suspended Russia's membership as a result of the war, calling on all actors in the international financial system to exercise extreme caution in all dealings with Russia.[7] In practice, the decision means that all international banks will scrutinise all Russian payments, making financial transactions more expensive, lengthy, with no guarantee that the transaction will occur at all.[8] Although FATF has not yet blacklisted Russia, it highlighted the consensus among its 36 member countries that "the Russian federation's actions represent a gross violation of the commitment to international cooperation upon which FATF Members have agreed to implement and support the FATF Standards."[9] Previous practice shows that noncooperative behaviour is one of the reasons for FATF blacklisting. As a result, companies should examine and mitigate the high levels of risk attached to financial transactions with Russia and based on that risk, companies should reconsider all ongoing business operations related to Russia.

Companies may also be exposed to financially material risks through operational restrictions, such as limitations of future government contracts.[10]

Additionally, the Ukrainian government's National Agency on Corruption Prevention (NACP) is creating a list of "foreign companies that, despite the international recognition of Russia as the aggressor state and the introduced sanctions restrictions, continue to cooperate with it."[11] These companies are recognised as international sponsors of war. The listed entities will be included into the World-Check database to protect the global financial sector from Russian sponsors of war. Since banks and insurance companies use World-check to assess risks, companies on the list will be limited in freely accessing personal and corporate finances. So far there are 27 companies on the list, but the NACP notes that it will be expanded with "international companies that provide the public and private sector with goods and services of critical purpose, as well as [those that] contribute to the Russian budget."[12]

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[6] For example, ongoing proceedings in the US and France against the French multinational Lafarge for complicity in human rights violations in Syria. The Paris Court of Appeal, "La Cour d'appel de Paris confirme la mise en état de la multinationale française Lafarge pour complicité de crimes contre l'humanité commis par l'Etat islamique," May 18, 2022, https://www.doughtystreet.co.uk/sites/default/files/media/document/Press%20release%20french%20version.pdf (accessed March 22, 2023); United States Attorney's Office, Eastern District of New York, "Lafarge Pleads Guilty to Conspiring to Provide Material Support to Foreign Terrorist Organizations," October 18, 2022, https://www.justice.gov/usao-edny/pr/lafarge-pleads-guilty-conspiring-provide-material-support-foreign-terroris (accessed March 22, 2023).

[7] FATF, "FATF Statement on the Russian Federation," February 24, 2023, https://www.fatf-gafi.org/en/publications/Fatfgeneral/fatf-statement-russian-federation.html (accessed March 14, 2023).

[8] Liudmyla Slieptsova, "Russia's membership in the FATF suspended. What does this mean and how ruinous is this for the aggressor's economy?," *Mind*, February 27, 2023, https://mind.ua/en/publications/20253993-russias-membership-in-the-fatf-suspended-what-does-this-mean-and-how-ruinous-is-this-for-the-aggre (accessed March 14, 2023).

[9] FATF (n 7).

[10] Venable LLP, "Do You Contract with State Governments? If So, Beware of Emerging State Sanctions' Obligations Related to Russia and Belarus," *JD Supra*, June 3, 2022, https://www.jdsupra.com/legalnews/do-you-contract-with-state-governments-6537229/ (accessed November 14, 2022).

[11] NACP, "International Sponsors of War," https://sanctions.nazk.gov.ua/en/boycott/ (accessed February 6, 2023).

[12] NACP, "Companies from the NACP list of "International Sponsors of War" are now in the World-check database, used worldwide for reviewing counterparties," September 7, 2022,

Companies that maintain business relationships with Russia risk being perceived as supporting Russia's war effort. This could have a negative long-term impact on sales in other countries and attract investor scrutiny over adherence to ESG principles. The longer it takes for brands to extricate themselves from the situation, the more damaging it will be for their reputation.

In response to this unprovoked and unjustified war[13] many other companies have already left Russia. According to the Kyiv School of Economics Institute's #LeaveRussia [company tracker](), PepsiCo has decided to stay and continue its operations in Russia.
These activities in Russia risk enabling and financing Russia's violations of IHL and human rights law during the ongoing invasion and occupation of Ukraine.

Considering these risks and the company's continued presence in Russia, we would like to pose the following questions to PepsiCo:

1. On March 8, 2022, PepsiCo announced the "suspension of the sale of Pepsi-Cola, and [its] global beverage brands in Russia, including 7Up and Mirinda, […] capital investments and all advertising and promotional activities in Russia."[14] In the same statement, PepsiCo announced its "responsibility to continue to offer [its] other products in Russia, including daily essentials such as milk and other dairy offerings, baby formula and baby food."[15] Six months after making the pledge to suspend the production of the aforementioned beverages in Russia and after significant public backlash, PepsiCo finally stopped producing the drinks in the country. However, in January 2023, reports allege that PepsiCo will continue selling its Pepsi-Cola in Russia under a different name (Evervess-Cola).[16] Moreover, some sources suggest that PepsiCo launched a new lemonade brand in the country, called the "Russian Gift" as a substitute for the suspended products. PepsiCo continues manufacturing and distributing other goods such as chips, snacks, and dairy products.[17]
   **-Can PepsiCo provide its definition and list of goods it considers essential in light of the particular circumstances of this conflict?**
   **-Can PepsiCo provide a list of goods that it stopped producing since the outbreak of the war because they are not considered essential?**
   **-Has PepsiCo considered whether its goods can be replaced with local substitutes?**
   **-Which stakeholders has PepsiCo engaged with in determining its policies and the decision to stay in the market?**
   **-Has PepsiCo continued distribution of its Pepsi-Cola under the name Evervess-Cola?**

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https://nazk.gov.ua/en/news/companies-from-the-nacp-list-of-international-sponsors-of-war-are-now-in-the-world-check-database-used-worldwide-for-reviewing-counterparties/?hilite=sponsor+of+war (accessed February 6, 2023).

[13] The UN General Assembly condemned Russia's "aggression against Ukraine" and demanded that Moscow "unconditionally withdraw all of its military forces from the territory of Ukraine within its internationally recognized borders."

[14] PepsiCo, "PepsiCo suspends production and sale of Pepsi-Cola and other global beverage brands in Russia," March 8, 2022, https://www.pepsico.com/our-stories/press-release/pepsico-suspends-production-and-sale-of-pepsi-cola-and-other-global-beverage-brands-in-russia (accessed June 1, 2023).

[15] Ibid.

[16] Volodymyr Fomichev, "PepsiCo, Jameson. How international companies return to the Russian market," *Economic Truth*, May 22, 2023, https://www.epravda.com.ua/columns/2023/05/22/700376/ (accessed June 5, 2023).

[17] KSE, Leave Russia, "PepsiCo," https://leave-russia.org/pepsico (accessed June 7, 2023).

2. While we do not deny that some goods and foodstuffs are essential in preventing food shortage and undernutrition of the local population, products like sugary beverages that PepsiCo produces and sells in the Russian market cannot be and are not considered essential. In determining which products are essential, businesses should consider the nutritional needs of the affected population, focusing on nutrient dense foods, such as foods rich in proteins, vitamins, and minerals, including a mix of cereals (such as maize, wheat, rice, or millet), pulses (such as lentils, beans, chickpeas, or peas), oil, and fresh or processed fruits and vegetables.[18] Businesses should also consider the availability of other sources of food, the availability of local substitutes, and the potential human rights risks and impacts associated with their operations. Furthermore, when determining the scope and meaning of essential goods, it is crucial to apply a contextual, conflict-sensitive approach. In the context of the war in Ukraine and ongoing operations in Russia, the concept of essentiality should prioritise items such as life-saving medicines that are not manufactured in Russia, while excluding goods such as food and hygiene items that are readily available locally. The continued production, distribution, and import of goods that are available/easily substituted locally and non-essential, in a way that their absence would not be life-threatening to the local population, indirectly perpetuates the conflict by sustaining the resources that enable Russian aggression.
   - **Has PepsiCo considered all the circumstances and complexities of the Russo-Ukrainian war, including numerous human rights violations and war crimes committed in Ukraine, as well as the fact that Russia is an aggressor state, in determining to continue providing these goods within Russia?**

3. PepsiCo's Lay's chips are reported to have been found in food rations of Russian soldiers.[19] As a reminder, Bonduelle and Auchan have recently faced significant reputational damage because their goods were sent to Russian troops in Ukraine, some with notes wishing "a speedy victory."[20] Both companies deny these allegations.
   **-How does PepsiCo comment on the allegations that their products feed the Russian army?**
   **-How has PepsiCo practised due diligence in preventing the direct supply of its products to the Russian military?**
   **-Does PepsiCo have policies, mechanisms, and tools in place to carry out enhanced due diligence of supply chains, intermediaries, customers, and end-users to prevent the supply of goods to the Russian army?**
   **-If so, how were they utilised for defining business connections that involve the Russian government, its agencies, and state-controlled or sanctioned organisations?**

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[18] While a unified list of all essential foods does not exist in the international regulatory framework, there are sources which could be applied through analogy in determining which foodstuffs are considered essential (in conjunction with other international business and human rights legislative and regulatory documents): Sphere, "The Sphere Handbook: Humanitarian Charter and Minimum Standards in Humanitarian Response," 2018, https://spherestandards.org/handbook-2018/ (accessed May 4, 2023); WHO, "Technical note Supplementary foods for the management of moderate acute malnutrition in infants and children 6–59 months of age," 2012, https://apps.who.int/iris/handle/10665/75836 (accessed May 4, 2023).

[19] Ivan Troyanov, "Lay's feeds Russian soldiers - chips found in parcels for the occupying army," *Apostrophe*, January 11, 2023, https://apostrophe.ua/news/business/2023-01-11/lays-kormit-russkih-soldat--chipsy-nashli-v-posylkah-dlya-armii-okkupantov/288122 (accessed June 5, 2023).

[20] Euromaidan Press, "Bonduelle accused of gifting 10,000 food kits to Russian troops; French office denies," January 3, 2023, https://euromaidanpress.com/2023/01/03/french-bonduelle-gifts-10000-food-kits-to-russian-troops-wishes-them-victory/ (accessed May 4, 2023); Business and Human Rights Resource Centre, "New evidence reveals Auchan was fully aware of destination of its goods supplied to Russian army," March 3, 2023, https://www.business-humanrights.org/en/latest-news/russia-auchan-allegedly-supports-soldiers-fighting-in-ukraine-despite-french-management-denials-recent-investigation-reveals-more-proofs/ (accessed May 4, 2023).

4. We understand and agree that PepsiCo has obligations towards its 20,000 Russian associates and the 40,000 Russian agricultural workers. These obligations are laid out under the UNGPs and in the wider international human rights legal and regulatory framework.
   **-Can PepsiCo clarify how it has used this framework to minimise the risks and impacts to its employees?**
   **-How has the company applied heightened human rights due diligence to its operations in Russia considering the new Russian legislation requiring businesses to help conduct military registration, deliver the summons to its employees, and provide resources where required?**
   **-Has PepsiCo received any such requests, and if so, how has the company responded to them?**
   **-What is PepsiCo doing to safeguard its employees from mobilisation?**
   **-Have any of your employees been mobilised and, if so, what was PepsiCo's role in the process?**

5. The safety of employees is and should be a considerable point of concern and obligations for companies. But in light of the specific context of the illegal war on Ukraine, there are other options for the safeguarding of employees that can and have been used by other international companies in Russia. Many companies have offered relocation packages, or contractual clauses which condition the continued employment and safety of employees remaining in Russia. For example, if PepsiCo had decided to sell its Russian business it could have included contractual clauses to ensure the continued safety of its employees, as previously exemplified by the actions of the French Publicis Groupe who employed 1,200 people in the country.
   **-Has PepsiCo considered any of these or other options before deciding to continue operations in Russia?**

6. Despite PepsiCo's promise to scale back its operations and suspend all advertising activities in Russia, the company's career page lists over 537 open positions in the country.[21]
   **-How does PepsiCo reconcile its statements on scaling back its operations with these ongoing employment opportunities in Russia?**
   **-How does PepsiCo reconcile its statements on employee wellbeing with continued employment opportunities in light of the new Russian legislation obliging companies to help with the military conscription of its employees?**

7. PepsiCo is one of the largest foreign companies still operating in Russia and the largest beverage and food manufacturer in Russia. In 2022, the company's annual revenue in Russia hit $4.6bn, which constitutes a 5% growth compared to its revenue in 2021. Considering its significant position in the Russian economy, PepsiCo is also a significant taxpayer in Russia. This could make the company indirectly involved in financing Russian aggression since corporate taxes are currently estimated to make up approximately 10% of Russia's GDP — enough to fund 43% of Russia's military budget. Therefore, taxes paid by companies who stay in Russia indirectly contribute to the war.
   **-How much tax has PepsiCo paid in Russia in 2022 and 2023?**

8. PepsiCo boasts an impressive portfolio of globally recognized and beloved brands such as Lay's, Doritos, or Quaker Oats. By choosing to continue operating in Russia, the company inadvertently grants the regime a sense of legitimacy and approval. By leveraging the power and reputation of

[21] PepsiCo, "Jobs at PepsiCo," https://hh.ru/employer/581458 (accessed June 5, 2023).

its brands, PepsiCo indirectly expresses support for the regime's actions, which could be interpreted as condoning the war. The continued presence of PepsiCo's brands in the Russian market creates a perceived association between the company and its widely known brands and the Russian government, which may not align with the values of its customers.

**-How is PepsiCo ensuring that it does not align itself and the names of its brands with the war and the Putin regime?**

9. Other companies have faced legal, administrative, and ethical challenges and still committed to, and exited, Russia. PepsiCo has decided to stay in the country, even after over one year since the start of the war, over 80,000 reported war crimes, over 24,000 Ukrainian civilians killed or injured, and with the head of the Russian state indicted by the International Criminal Court for alleged war crimes, namely the abduction of Ukrainian children.

   **-Considering these developments and the rising number of reported human rights abuses and war crimes, has PepsiCo considered fully exiting Russia so as not to be even indirectly or remotely associated with these crimes?**

We request an urgent dialogue with PepsiCo's relevant senior management and staff to discuss the company's ongoing activities and relationships in Russia, associated risks to the people of Ukraine and the company, and potential steps to prevent/mitigate these risks. Please contact the B4Ukraine Coalition at contact@b4ukraine.org to schedule a call. We kindly ask for your response by 5:00pm CET, June 21st, 2023.

Sincerely,

The B4Ukraine Coalition

PepsiCo response 20/2/23

*PepsiCo continues to condemn the horrific events and loss of life occurring in Ukraine as a result of Russia's aggression. War is never the answer; this is a terrible humanitarian and economic tragedy that we condemn.*

*Our priority throughout the conflict has been supporting Ukraine in three different fronts. We focused on supporting our Ukranian 3,100* ***associates and*** *their families. We contributed with $15 millions in resources for Ukrainian* ***refugees and communities****. We have also* ***reactivated certain parts of our businesses*** *in Ukraine, where it has been safe to do so.*

*We have demonstrated our opposition to the Russian invasion with definitive actions. We are committed to the measures announced relating to capital investment, advertising and promotional activities and the suspension of sales of our global beverage brands like Pepsi-Cola, Mirinda and 7-Up.*

B4Ukraine

Ramon L. Laguarta
PepsiCo, Inc.
700 Anderson Hill Road,
Purchase NY 10577, USA.

January 9, 2023

CC: PepsiCo Executive Team and Board

**RE: PepsiCo business operations in Russia**

Dear Mr. Laguarta,

We write to you as B4Ukraine, a coalition of Ukrainian and international civil society organizations working to curtail the financial resources enabling the Russian invasion of Ukraine. We expect companies to demonstrate opposition to Russia's war of aggression, public support for the people, democracy, and territorial integrity of Ukraine, and alignment with the UN Guiding Principles on Business and Human Rights (UNGPs). At stake is not only the sovereignty and territorial integrity of a democratic Ukraine, but also the continuity of the rules-based international order and the prosperity of the global economy.

We request an urgent dialogue regarding apparent inconsistencies between PepsiCo, Inc. (PepsiCo) stated policies on Russian aggression and human rights more broadly and the company's ongoing business operations and relationships in Russia that may contribute to, or be linked with, human rights harms.

PepsiCo's Global Human Rights Policy formalises the company's commitment "to implementing the UN Guiding Principles on Business and Human Rights throughout our business."[1] Further, PepsiCo has identified 10 salient human rights risks throughout its value chain, developed human rights standards to address these risks, and implemented a grievance mechanism to enable remedy for any impacts PepsiCo has caused or contributed to.[2] Finally, PepsiCo seeks to use its "leverage to encourage our suppliers and partners to provide remedy where we find impacts directly linked to our business operations, goods, or services."[3]

PepsiCo has of course played not only an historic commercial but also a cultural and indeed political role in Russia for half a century as the first major western consumer brand to enter the Soviet Union. Therefore PepsiCo's decisions and actions related to Russia amidst its invasion of Ukraine carry a unique symbolic as well as substantive importance. What the company says – and does – in Russia

[1] PepsiCo, "Global Human Rights Policy," May 2022, https://www.pepsico.com/docs/default-source/sustainability-and-esg-topics/pepsico-global-human-rights-policy.pdf (accessed December 27, 2022).
[2] Ibid.
[3] Ibid.

matters at a time when this war has challenged the international community and disrupted the global economy.

It has been ten months since Russia invaded Ukraine and the devastating impacts continue to shock the global conscience and shake the global economy. Russia is violating international humanitarian law (IHL), including war crimes and crimes against humanity, through attacks on civilians and civilian infrastructure (e.g., mass executions, sexual violence, torture, and forcible transfer of civilians). More than 17,000 Ukrainians have been killed and injured and millions more have been forced to flee their homes, creating one of the largest humanitarian and refugee crises of modern times.

On September 21, President Vladimir Putin further escalated the war by announcing a "partial mobilisation" of the Russian population. The accompanying legislation (Article 9 of Federal Law No. 31-FZ) mandates all organisations, including the 1,610 international companies that are currently operating on a full or limited scale in Russia, to conduct military registration of the staff if at least one of the employees is eligible for military service.[4] They must also assist with delivering the military summons to their employees, ensure the delivery of equipment to assembly points or military units, and provide information, buildings, communications, land plots, transport, and other material means of support to the war effort.

This legislation entails new and significant legal risks for companies remaining in Russia, including potential civil and criminal liability under comprehensive sanctions regimes and recent international jurisprudence holding corporations and their officers responsible for human rights abuses abroad.[5] Companies may be exposed to financially material risks through operational restrictions, such as limitations of future government contracts.[6]

In response to this unprovoked and unjustified war[7] many companies have left Russia. According to the respected Kyiv School of Economics Institute's #LeaveRussia company tracker, PepsiCo

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[4] Federal Law No. 31-FZ of February 26, 1997 "On mobilization training and mobilization in the Russian Federation" (as amended), https://base.garant.ru/136945/ (accessed September 9, 2022).

[5] International companies remaining in Russia are now at a greater risk of violating sanctions regimes as implementation of the legislation will likely involve transacting with sanctioned individuals or entities. Furthermore, new domestic civil and criminal cases against companies involved in violations of international law demonstrate the risk of significant liability for facilitating state-sponsored human rights abuses abroad (e.g., Lafarge case, Lundin case, Castel Group indictment, Nevsun holding, and Dassault Aviation, Thales, and MBDA France criminal complaint.) Victoria Riello and Larissa Furtwengler, "Corporate Criminal Liability for International Crimes: France and Sweden Are Poised To Take Historic Steps Forward," *Just Security*, September 6, 2021, https://www.justsecurity.org/78097/corporate-criminal-liability-for-human-rights-violations-france-and-sweden-are-poised-to-take-historic-steps-forward/ (accessed December 27, 2022); The Sentry, "Breaking: France Opens War Crimes Inquiry Focused on Iconic Food and Beverage Conglomerate," July 1, 2022, https://thesentry.org/2022/07/01/7216/breaking-france-opens-war-crimes-inquiry-focused-iconic-food-beverage-conglomerate/ (accessed December 27, 2022); *Rfi*, "French technology firm charged over Libya cyber-spying," July 2, 2022, ; Preston Lim, "Canadian Supreme Court Allows Corporate Liability for International Law Violations," *Lawfare*, March 12, 2022, https://www.lawfareblog.com/canadian-supreme-court-allows-corporate-liability-international-law-violations (accessed December 27, 2022); Sherpa, "Aiding and abetting war crimes in Yemen: Criminal complaint submitted against French arms companies," June 2, 2022, https://www.asso-sherpa.org/aiding-and-abetting-war-crimes-in-yemen-criminal-complaint-submitted-against-french-arms-companies (accessed December 27, 2022).

[6] Venable LLP, "Do You Contract with State Governments? If So, Beware of Emerging State Sanctions' Obligations Related to Russia and Belarus," *JD Supra*, June 3, 2022, https://www.jdsupra.com/legalnews/do-you-contract-with-state-governments-6537229/ (accessed December 27, 2022).

[7] The UN General Assembly condemned Russia's "aggression against Ukraine" and demanded that Moscow "unconditionally withdraw all of its military forces from the territory of Ukraine within its internationally recognized borders."

announced in March that it would be stopping "the sale of Pepsi-Cola, and our global beverage brands in Russia, including 7Up and Mirinda," and "suspending capital investments and all advertising and promotional activities in Russia."[8] However, PepsiCo publicly declared that it will continue to provide "daily essentials such as milk and other dairy offerings, baby formula, and baby food," citing humanitarian justifications.[9] While we commend PepsiCo's commitments to exit the Russian beverage market, our research indicates that PepsiCo has been slow to uphold these commitments and still maintains proximity to Russia and its violations of international law.

Prior to the invasion, PepsiCo had significant operations in Russia, including 20,000 associates, 40,000 agricultural employees, 24 manufacturing plants, and three R&D centres, representing 4 percent of the company's overall revenues.[10] While PepsiCo announced in March 2022 that it was suspending the sale of PepsiCola, 7Up, and Mirinda, *Reuters* reported that as of September these PepsiCo brands were available in local supermarkets – some products had production dates as late as August 17.[11] PepsiCo responded that its concentrates had been exhausted and production in Russia had ended.[12] PepsiCo also continues to sell milk, cheese, and yoghurt dairy products, baby formula and food, and an assortment of chip brands, which include Lays, Khrustim, Cheetos, and Doritos.[13] PepsiCo claims it is obligated to provide these goods to the Russian market out of humanitarian concerns and to support the livelihood of its Russian agricultural workers. Finally, PepsiCo reports 15 subsidiaries incorporated in Russia and three other subsidiaries affiliated with Russia in its 2021 annual disclosures.[14] According to its quarterly reporting, PepsiCo's operations in Russia accounted for 6 percent of its "consolidated net revenue for the 12 weeks ended September 3, 2022."[15] To date, PepsiCo has not released clear information reconciling its commitments to stop sales of non-essential goods in Russia with its extensive operations and network of subsidiaries.

Additionally, a new report by the Moral Rating Agency names PepsiCo as one of the most egregious offenders on its "Dirty Dozen" list of companies failing to exit Russia or limit business operations, despite condemning the invasion of Ukraine.[16] The report notes that PepsiCo is one of the Western companies with the heaviest involvement in Russia, indicating specifically the production of dairy products and the general retention of employees.[17]

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[8] PepsiCo, "PepsiCo suspends production and sale of Pepsi-Cola and other global beverage brands in Russia," March 08, 2022, https://www.pepsico.com/our-stories/press-release/pepsico-suspends-production-and-sale-of-pepsi-cola-and-other-global-beverage-brands-in-russia (accessed December 27, 2022).

[9] Ibid.

[10] Jennifer Maloney, Heather Haddon, and Emily Glazer, "Coca-Cola, PepsiCo Pull Back From Russia as Ukraine Crisis Deepens," *The Wall Street Journal*, March 8, 2022, https://www.wsj.com/articles/pepsico-explores-options-for-russian-business-as-ukraine-crisis-deepens-11646767277 (accessed December 27, 2022).

[11] Jessica DiNapoli and Alexander Marrow, "Exclusive: PepsiCo ends Pepsi, 7UP production in Russia months after promising halt over Ukraine," *Reuters*, September 20, 2022, https://www.reuters.com/markets/europe/exclusive-pepsico-ends-pepsi-7up-production-russia-months-after-promising-halt-2022-09-20/ (accessed December 27, 2022).

[12] Ibid.

[13] TAdviser, "Frito Lay Manufacturing," https://tadviser.com/index.php/Company:Frito_Lay_Manufacturing (accessed December 27, 2022).

[14] PepsiCo, "Form 10-K, Exhibit 21 12," June 17, 2022, https://www.sec.gov/Archives/edgar/data/77476/000007747622000010/pepsico202110-kexhibit21.htm (accessed December 27, 2022).

[15] PepsiCo, Form 10-Q, Quarterly Report," October 11, 2022, https://www.sec.gov/Archives/edgar/data/77476/000007747622000052/pep-20220903.htm (accessed December 27, 2022).

[16] Louis Goss, "BP, Unilever, and HSBC have failed to properly exit Russia after Ukraine war, new report warns," January 2, 2023, https://www.cityam.com/bp-unilever-hsbc-have-failed-to-properly-exit-russia-new-report-warns/ (accessed January 3, 2023).

[17] Moral Rating Agency, https://moralratingagency.org/ (accessed January 4, 2023).

These activities risk enabling and financing Russia's violations of IHL and human rights law during the ongoing invasion and occupation of Ukraine and violating PepsiCo's Global Human Rights Policy and the company's stated commitment to abiding by the UNGPs. It remains to be seen how directly PepsiCo will be impacted by the partial mobilisation and the heightened legal, regulatory, operational, and financial risks associated with companies being required to provide direct support to the internationally sanctioned Russian military.

We seek to understand how PepsiCo has conducted and continues to conduct heightened HRDD, per its stated policy and the UNGPs concerning due diligence in conflict-affected areas, and how the findings of such a process has resulted in these continued business activities and relationships. As noted by the UNGPs:

> …the more severe the abuse, the more quickly the enterprise will need to see change before it takes a decision on whether it should end the relationship. In any case, for as long as the abuse continues and the enterprise remains in the relationship, it should be able to demonstrate its own ongoing efforts to mitigate the impact and be prepared to accept any consequences – reputational, financial or legal – of the continuing connection.

With the above points in mind and in consideration of B4Ukraine's Declaration, we request an urgent dialogue with PepsiCo's relevant senior management and staff to discuss the company's ongoing activities and relationships in Russia, associated risks to the people of Ukraine and the company, and potential steps to prevent and where necessary mitigate these risks. Please contact B4Ukraine at contact@b4ukraine.org to schedule a call. We kindly ask for your response by 5:00pm CET, January 23rd, 2023.

Please do not hesitate to get in touch if you require any further information.

Sincerely,

The B4Ukraine Coalition