

Jewish Federations of North America (JFNA): Background on Ben & Jerry's Situation

On Monday, July 19th, the ice-cream company Ben & Jerry's, a subsidiary of Unilever Corporation, announced that it would no longer sell its products in the "Occupied Palestinian Territories," nor renew the licensing agreement with its local Israeli manufacturer. The company did not define "Occupied Palestinian Territories."

The company has been the target of a long-standing pressure campaign from Boycott, Divestment, and Sanctions (BDS) supporters, particularly on social media, who allege that selling products in the "Occupied Palestine Territories" validates Israel's "regime of oppression."

Ben & Jerry's was acquired by the multinational consumer goods company Unilever in 2000. It continues to operate with an independent board and purports to retain the right to make decisions regarding its social mission. Unilever released its own statement shortly after Ben & Jerry's announcement, in which it also affirmed its commitment to maintaining its presence in Israel. It did not define what it meant by having a presence in Israel, and whether that included any restrictions on where it would sell its products.

You can see and share JFNA's tweet about this issue here, which reads: "Boycotts do not advance the peace process. Jewish Federations call on Ben & Jerry's and Unilever to reconsider this decision."

For years, the Jewish Federations of North America has worked with local Federations to support their efforts to enact anti-BDS legislation in state legislatures and local governments. Thanks to the leadership of local Federations, 33 states have passed such legislation. In response to Ben & Jerry's/Unilever's action, the Jewish Federations' Israel Action Network coordinates with local Federations to encourage states with anti-BDS legislation to explore if those laws apply in this case. Eleven of these 33 states have pension funds which are either current or potential investors in Unilever and may be able to take action with the goal of having Ben & Jerry's reverse its decision.

The 11 states with pensions that may include Unilever investments are Arizona, Colorado, Florida, Illinois, Indiana, Iowa, Mississippi, Nevada, New Jersey, New York, and Texas. Eight of the 11 states' antiBDS legislation refers to prohibiting government investments in companies that boycott or divest from Israel and in "Israeli-controlled territories" or "territories controlled by Israel." Those states are Arizona, Florida, Illinois, Iowa, Mississippi, Nevada, New Jersey, and Texas. As a result, this measure taken by Ben & Jerry's – and by association, Unilever – could violate state laws.

As of Friday morning, July 23, several states (New York, Florida, Illinois and Texas) have indicated that they will initiate the process to determine if Ben and Jerry's/Unilever's decision is actionable.

Senior Israeli government representatives have shared their grave concerns about this issue. Prime Minister Naftali Bennett spoke with the CEO of Unilever and “vowed a vigorous response to the Ben and Jerry’s settlement ban.” Foreign Minister Yair Lapid also put out a statement that “Ben & Jerry’s decision represents shameful surrender to antisemitism, to BDS and to all that is wrong with the anti-Israel and anti-Jewish discourse. We will not be silent. Over 30 states in the United States have passed anti-BDS legislation in recent years. I plan on asking each of them to enforce these laws against Ben & Jerry’s. They will not treat the State of Israel like this without a response.”