

*The U.S. Equal Employment Opportunity Commission*

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## EEOC, SOBE, AND PEPSICO SETTLE SEXUAL HARASSMENT SUIT FOR \$1.79 MILLION

NEW YORK - The U.S. Equal Employment Opportunity Commission (EEOC) today announced the settlement of a sexual harassment lawsuit for \$1.79 million against Norwalk, Conn.- based South Beach Beverage Company, Inc. (SoBe), a division of PepsiCo, Inc.

The EEOC's lawsuit, Case No. CIV-02-10136, in U.S. District Court for the Southern District of New York, filed simultaneously with the Consent Decree, charged that a class of female employees at SoBe had been subjected to egregious sexual harassment and retaliation at the SoBe sales and distribution facility in Norwalk. Five female employees had filed charges with the EEOC and formed the basis for the EEOC's lawsuit. The five female employees were represented by the New York law firm of Vladeck, Waldman, Elias & Engelhard, P.C., and intervened in the litigation.

In the Consent Decree, which has been submitted to Federal District Court Judge Harold Bear for approval, SoBe and PepsiCo have agreed to pay a total of \$1.79 million in monetary damages, which will compensate the five female employees named in the suit and be used to establish a claims fund for other unidentified victims of the sex discrimination. The Consent Decree also provides for the revision of anti-harassment and anti-retaliation policies and continued training on these issues.

The EEOC noted that PepsiCo, which acquired SoBe in January 2001, has demonstrated a strong commitment to diversity and inclusion, and under the Consent Decree will work to ensure that the appropriate EEOC policies and training as well as the corporation's own policies and training are implemented and adhered to at SoBe.

"We caution companies that are acquiring new entities to remain continuously vigilant in their efforts to identify, eliminate, remedy and prevent unlawful discrimination in the workplace," said Katherine Bissell, Regional Attorney of the EEOC's New York District Office, which handled the litigation.

Spencer Lewis, Director of the EEOC's New York District Office, said, "The EEOC is pleased that PepsiCo worked cooperatively with the Commission during our investigation and in reaching this settlement. We also commend PepsiCo for cooperating with the Commission to develop policies and practices aimed at preventing problems of discrimination like those it experienced during and after its acquisition of the SoBe company."

In addition to enforcing Title VII, the EEOC enforces the Age Discrimination in Employment Act of 1967, which protects workers age 40 and older from discrimination based on age; the Equal Pay Act of 1963, which prohibits gender-based wage discrimination; the Rehabilitation Act of 1973, which prohibits employment discrimination against people with disabilities in the federal sector; Title I of the Americans with Disabilities Act, which prohibits employment discrimination against people with disabilities in the private sector and state and local governments; and sections of the Civil Rights Act of 1991. Further information about the Commission is available on the agency's web site at [www.eeoc.gov](http://www.eeoc.gov).

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