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## **WA Supreme Court hears case on Amazon's alleged role in chemical suicides**

Washington's highest court heard a case Tuesday alleging that Amazon is responsible for the suicides of people who purchased a lethal chemical from the online marketplace.

Oral arguments for *Ruth Scott, et al. v. Amazon.com, Inc.* were held in the Washington State Supreme Court on Tuesday, Sept. 9, in Olympia. Justices are tasked with determining whether the Washington-based tech giant should be liable for having sold highly concentrated sodium nitrite to consumers who then used it to kill themselves.

C.A. Goldberg, PLLC is the firm that's brought 10 lawsuits, beginning with this case, against Amazon on behalf of 28 people who died by chemical suicide. The legal team notes that some of the decedents were teenagers.

Amazon has countered that the deaths were due to the late buyers' voluntary decisions to misuse the product — and that the lawsuits should be dismissed.

Sodium nitrite is handled in certain scientific and medical settings and can be used as a food preservative in a low-purity form. However, plaintiffs' attorneys point out that the product's 98%-plus purity doesn't have a practical, everyday application.

"Industrial-strength sodium nitrite has no household uses," attorney Philip Talmadge, a former state Supreme Court justice, said in court Tuesday.

Attorneys with C.A. Goldberg PLLC want to hold Amazon's feet to the fire, citing claims of negligence and deceptive business practices. They contend that Amazon knew that the main use for this chemical, outside a lab, was to pursue suicide.

The company is also accused of suggesting other suicide-related items to such consumers, including pills to prevent vomiting, a mini-scale and a manual with details on using sodium nitrite to die by suicide.

The issue has attracted widespread media coverage, and Congress members have demanded answers from Amazon about sodium nitrite sales and resulting suicides as well.

*Ruth Scott et al. v. Amazon.com Inc.* is linked to the December 2020 death of 27-year-old Mikael Scott, according to The Seattle Times. His mother, Ruth Scott, was reportedly the first plaintiff to sue Amazon after learning that her son, who lived in Texas, used the product to facilitate suicide.

Plaintiffs' lawyers have filed suit in Washington, given that Amazon's headquarters is in Seattle.

After six trial judges opted against dismissing the lawsuits against Amazon, the tech behemoth chose to appeal to the Washington State Supreme Court, according to the National Review.

Talmadge argued on Tuesday that Amazon delivered the product to people's doorsteps, despite knowing that suicide deaths were happening across the country because people were intentionally ingesting it. Amazon also continued providing the item while competitors eBay and Etsy had stopped, he said.

"Here you had vulnerable young people that Amazon knew were misusing the product," Talmadge said. "I mean, they heard from everybody," he added, including lawyers and parents.

Justice Raquel Montoya-Lewis noted that taking large doses of Tylenol can lead to acute liver failure and death, and people can learn online about how to use it in a fatal capacity. What's the difference? she asked.

But Talmadge underscored a distinction surrounding sodium nitrite.

"This product is invariably fatal at industrial-strength levels when it's ingested," he replied to the justice's questioning.

Attorney Gregory F. Miller, speaking on behalf of Amazon, said the facts of the cases are "tragic" — but that they can't overcome long-standing and clear legal principles in Washington. There isn't case law that says the fact that a company recommended an item makes it liable for its "obviously dangerous misuse."

"Look at *Weslo v. Anderson*: The court's saying trampolines are incredibly dangerous. A 16-year-old knows that it's obviously dangerous to do somersaults," Miller continued. "The fact that you market a trampoline and say that it is a good thing to buy doesn't make you responsible for the decisions that are made about what to do with that product."

Reached for comment, an Amazon spokesperson said sodium nitrite is widely available for uses like preserving fish and meats, but that the high-concentration product isn't meant for direct consumption.

The spokesperson also stated that, to minimize possible misuse, Amazon has restricted its sale since October 2022 to business customers on Amazon Business.

"We extend our deepest condolences to the families and loved ones personally affected by suicide," the emailed statement said. "Customer safety is a top priority at Amazon. We are

committed to a safe shopping experience and require our selling partners to follow all applicable laws and regulations when listing items in our store."

Earlier this year, the Washington state Legislature passed "Tyler's Law" in honor of a 15-year-old from Clark County who died from sodium nitrite after buying it online. The new law, which took effect in April, restricts sales of the highly concentrated chemical to verified commercial institutions or businesses requiring its use.