

How to Steer Clear of the 'Made in the USA' Sham

A federal class action lawsuit has been filed against two pet food giants for stating their ingredients are made in the US when they're actually sourced from foreign countries. Make sure your pantry is clear of these popular treats that are linked to kidney failure and serious illness.

Reviewed by [Dr. Becker](#)

STORY AT-A-GLANCE

- Federal class action lawsuits have been filed in California against two giant pet food manufacturers for false, fraudulent, and misleading advertising
- The lawsuits allege that pet food products manufactured by the companies are marketed as “Made in the USA,” when in fact some ingredients are sourced outside the U.S.
- At the center of the allegations is the ambiguous definition of “Made in the USA,” and its use as a marketing tool to mislead consumers about the quality of the pet food products they buy
- If you’re feeding a commercial diet or treats made by a pet food company you trust, but you’re not sure if they’re using ingredients sourced entirely in the U.S., you can call them and ask if all their ingredients are sourced here, and if not, where they come from
- Another alternative — and the one many pet parents are turning to — is to make your dog’s or cat’s treats yourself, in your own kitchen, with ingredients you select

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Pet guardians are definitely getting wise to some of the pet food manufacturing tricks of the trade and marketing hype. And it’s no wonder.

First, there was the huge and frightening 2007 pet food recall for melamine contamination.¹ The melamine was found, along with cyanuric acid, in wheat gluten that contained ingredients imported from China. The combination of melamine and cyanuric acid is known to cause kidney failure in pets.

Many dogs and cats became very sick, and some died after eating melamine-contaminated food. Some of the biggest pet food names in the U.S., including Science Diet, Purina, Eukanuba, and Iams were involved in the 2007 recall of over 40 brands in total.

Just as the dust from the melamine recall was settling, pets began getting ill and dying after eating tainted chicken jerky treats imported from China. At last count, over 5,600 pets had been made sick and 600 dogs died, and the FDA still had no clue what the problem was.

The tainted treats, which were pulled from store shelves some six years after reports of illness and death began, were “reformulated” and returned to the marketplace in early 2014.

California Pet Owner Files Class Action Lawsuit Against Two Major Pet Food Manufacturers

In 2015, a federal class action lawsuit was filed in California against Tyson pet products.² The plaintiff, Susan Fitzpatrick of Placer County, claims Tyson’s “Made in the USA” pet treats should not be labeled as such because some of the ingredients used in the treats are sourced from outside the country.

The attorney for the plaintiff is the law firm of Davis & Norris, LLP. The class action lawsuit also covers all California residents who in the last 4 years purchased Tyson pet products marketed and sold as “Made in the USA” that contained ingredients sourced from foreign countries.

It is believed there are hundreds of thousands of additional plaintiffs in the state of California.

Davis & Norris, LLP, on behalf of Ms. Fitzpatrick, also filed a similar class action lawsuit on the same day against Big Heart Pet Brands/J.M. Smucker Co., manufacturer of Milo's Kitchen dog and cat treats.³

Milo's Kitchen jerky treats are among the treats linked to kidney failure and other serious illness in pets.

Lawsuit Alleges Tyson Pet Products Are Not Made in the USA

In her suit against Tyson, Fitzpatrick claims she bought a variety of Tyson pet foods and treats under the assumption they were entirely made and manufactured in the U.S.

Fitzpatrick made the assumption after viewing package labels that include an American flag and the statement “Made in the USA” — claims that also appear on Tyson’s website and the website of retailers that sell Tyson pet products.

However, at least one Tyson product, a dog treat called Nudges, contains tapioca starch made from cassava root. Cassava root can’t be commercially grown in the U.S. because it requires tropical conditions. Cassava is grown primarily in Nigeria. Thailand also exports a great deal of tapioca starch.

In the filing against Big Heart/Smuckers, tapioca is also mentioned, along with imported vitamin, mineral and amino acid packets. Fitzpatrick alleges that given the inclusion of tapioca starch in the ingredient list, Nudges obviously isn’t made entirely in the U.S. According to the filing:

“Consumers are particularly vulnerable to these deceptive and fraudulent practices. Most consumers possess very limited knowledge of the likelihood that pet food products claiming to be made in the United States are in fact made or sourced in foreign countries.

This is a material factor in many individuals’ purchasing decisions, as they believe they are supporting American companies and American jobs.”⁴

Fitzpatrick's suit goes on to say consumers specifically search for pet foods and treats made exclusively in the U.S., due in large part to the massive 2007 recall of pet food that killed hundreds and perhaps thousands of dogs and cats.

Tyson's Response

Tyson's response to the Fitzpatrick filing:

"We disagree with this lawsuit and will fight it. Our pet treats are made with meat and poultry produced right here in the United States.

*We meet all pet food safety rules and regulations of the Food & Drug Administration (FDA) and Association of American Feed Control Officials (AAFCO). We are proud of our products, and believe that labeling them as 'Made in the USA' is entirely consistent with applicable law."*⁵

Two things are important in Tyson's response. Number one, the company is only claiming their "meat and poultry" ingredients are produced in the U.S. No mention of the rest of the ingredients in their products.

Number two, they believe their "Made in the USA" label statement complies with existing laws. Sadly, they're probably right.

Assembled in the USA vs. Made in the USA

As Karen Kidd, writing for LegalNewsline.com points out:

"... at the heart of these allegations is how much of any product must be entirely made in the United States before 'Made in the USA' may be included on its label.

Only automobile, textile, wool, and fur product manufacturers are required to disclose U.S. origin content, according to information from the Federal Trade Commission's website.

"There's no law that requires most other products sold in the U.S. to be marked or labeled Made in USA or have any other disclosure about their amount of U.S. content," says the FTC's website.

*"However, other manufacturers that choose to make these claims must also comply with the FTC's 'Made in USA' policy. Those policies include how much and many of a product's components may be produced outside the U.S., but assembled in the country, and still bear the 'Made in the USA' label."*⁶

A company can legally claim and market its product as Made in the USA as long as some (closely guarded) percentage of the product is sourced here, and the product is assembled here.

As a consumer concerned about the source of the ingredients in your pet's commercial diet, it's best to ignore the statement "Made in the USA." Just mentally replace "made" with "assembled" and then decide if you want to roll the dice.

How to Protect Your Pet

Maybe some day in the distant future, perhaps after settling enough class action lawsuits to hurt their bottom line, major pet food manufacturers will realize the best defense is simply to act responsibly in the first place.

In the meantime, if you’re feeding a commercial diet or treats made by a pet food company you trust, but you’re not sure if they’re using ingredients sourced entirely in the U.S., you can call them and ask if all their ingredients are sourced here, and if not, where they come from.

Fortunately, some treat companies are starting to add clarifying statements to their packages such as “100% sourced, grown, processed and produced in the U.S.” or “100% U.S. sourced and made.”

It’s best to avoid any product containing ingredients sourced from China. However, there are several excellent quality treats from New Zealand and Canada. Most importantly, you should know and trust your treat company's commitment to purity and quality control.

Another alternative — and the one many pet parents are turning to — is to make your dog’s or cat’s treats yourself, in your own kitchen, with ingredients you select.

Sources and References

¹ [FDA.gov \(Archived\)](#).
^{2, 4} [TruthInAdvertising.org](#).
³ [PoisonedPets.com](#).
^{5, 6} [LegalNewsline.com \(Archived\)](#).
