

This Mistake Could Make Your Pet a Target for Cancer

More and more pet owners are getting tired of being lied to and having their pets used as virtual guinea pigs for known or suspected carcinogens. Take a stand like pet owner Christine and tell these manufacturers you've had enough, too.

Reviewed by [Dr. Becker](#)

STORY AT-A-GLANCE

- Another class action lawsuit has been filed against a pet food company for deceptive marketing practices
- The complaint is against Rachael Ray's Nutrish brand, and was filed in Southern California
- The pet parent plaintiff alleges Nutrish products are neither "natural" nor made "without artificial preservatives" as advertised
- The plaintiff switched her dog to Nutrish and paid a premium price specifically in response to label claims of natural and without artificial preservatives
- A growing number of pet food companies are facing legal action by consumers fed up with misleading labeling and advertising

Editor's Note: This article is a reprint. It was originally published July 7, 2017.

More and more pet parents seem to be getting quite fed up with the shady marketing practices used by pet food companies to promote their products. Attorneys for a pet owner in Southern California filed a complaint against Ainsworth Pet Nutrition, which produces Rachael Ray's Nutrish brand of pet food.

According to the complaint, the company engages in deceptive marketing by conspicuously labeling products as "natural" that contain "chemicals and artificial and/or synthetic ingredients, which are well-known unnatural, artificial additives and preservatives."¹ They also "charge a premium price for the advertised natural ingredients."

There have been several class action lawsuits filed against pet food companies in recent years, and hopefully these formal complaints are putting big pet food on notice that their customers are paying attention and getting increasingly fed up with their lack of transparency concerning pet food ingredients.

Pet Owner Switched to Nutrish Specifically Because It Was Marketed as Natural

The plaintiff, Christine Grimm, switched to Nutrish in 2016 as the primary source of food for her dog because the products were touted as natural and without artificial preservatives. Grimm names four Rachael Ray products in her complaint:

- Nutrish® Super Premium Food for Dogs, Real Chicken & Veggies Recipe

- Nutrish® Super Premium Food for Dogs, Turkey, Brown Rice & Venison Recipe
- Dish™ Super Premium Food for Dogs, Chicken & Brown Rice Recipe
- Zero Grain™ — Grain Free Food for Dogs, Salmon & Sweet Potato Recipe

According to the complaint:

"Defendants engaged in deceptive labeling practices by expressly representing on the Products' labels and website that the Products are 'natural' and have 'no artificial preservatives' despite the presence of L-Ascorbyl-2-Polyphosphate, Menadione Sodium Bisulfite Complex, Thiamine Mononitrate, 'natural flavors,' and a variety of caramel color."

In case you're not up on all the additives and preservatives commonly used in processed pet food, L-ascorbyl-2-polyphosphate is an inexpensive feed-grade source of vitamin C. Menadione is synthetic vitamin K that may be toxic to the liver and other organs. Thiamine mononitrate is synthetic vitamin B.

Caramel color is an artificial food additive with "recognized potential to inflict serious harm upon consumers," according to the complaint. A commonly used caramel coloring is 4-Methylimidazole, which has been linked to lung cancer in mice and possibly leukemia in female rats.

Manufacturers Have Started a Long-Term Campaign to Convince Consumers Their Products Are 'Natural'

Grimm's attorneys argue the terms "natural" and "no artificial preservatives" violate California laws designed to insure a company's claims about its products are truthful and accurate. According to the complaint:

"Defendants have engaged in this long-term advertising campaign to convince potential customers that the Products lack unnatural ingredients."

The attorneys point out that Grimm relied on the Nutrish misrepresentations and advertising in making her purchasing decisions. "A reasonable consumer would consider the labeling of a product when deciding whether to purchase," the complaint states. It's infuriating that "reasonable consumers" like Grimm and all of us can't believe the claims made by pet food companies about what's really in their formulas, but unfortunately, that's our reality, and we need to be constantly aware of marketing spin and hype.

Ad campaigns and marketing materials, including packaging and labels, go right up to the edge of the legal cliff describing their dead, highly processed products in ways that attract health-conscious consumers. These people are experts at pushing emotional buttons, which is why pet parents need to be armed with facts, and remain highly skeptical of **pet food label and advertising claims**.

More Pet Food/Treats Deception — 'Made in the USA'

Not long ago, another California pet parent filed a class action lawsuit against two major pet food manufacturers for false, fraudulent and misleading advertising. The lawsuit was against Tyson Pet Products, and was brought by pet parent Susan Fitzpatrick of Placer County.² Fitzpatrick's claim was that 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.

Attorneys Davis & Norris, LLP, on behalf of 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."

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.

Assembled in the USA vs. Made in the USA

"Assembled" versus "made" is, sadly, an important distinction. As Karen Kidd, writing for LegalNewsline.com explains:

"... [A]t 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."*⁴

Translation: A company can legally 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.

Sources and References

[PetfoodIndustry.com May 12, 2017](#)

¹ [Grimm v. APN, February 28, 2017](#)

² [Fitzpatrick vs. Tyson Foods, November 4, 2015](#)

³ [Fitzpatrick v Big Heart Pet Brands, January 11, 2016](#)

⁴ [Legal NewsLine \(Archived\)](#)
