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Barking Up the Right Tree: NAD Reinforces Made in USA Claim Rules, How to Fit Evidence to Claims, and More in Wide-Ranging Premium Dog Food Duel

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In the increasingly crowded premium pet food market, the battle for "clean label" supremacy often turns on the fine print of processing and sourcing. A recent challenge by The Farmer's Dog against Sundays for Dogs (Case #7523) provides a comprehensive look at how the National Advertising Division (NAD) evaluates the intersection of manufacturing methods, ingredient imagery, and domestic origin claims.

The dispute began with a series of comparative claims where Sundays positioned its "air-dried" food prep method as superior to the "frozen" or "kettle-cooked" processes used by competitors. Sundays argued that air-drying is a comparatively gentler process that inherently locks in more nutrients. An advertiser can generally tout the benefits of its own unique manufacturing process, but a claim that one method is "better" than another requires specific, comparative testing. Sundays submitted a variety of evidence in support of its claims. After careful review, the NAD rejected most of this evidence and concluded that Sundays lacked data directly comparing nutrient retention in air-dried food versus the challenger's specific cooking method. As a result, the NAD found the superiority claims overstepped the boundaries of substantiated advertising.

The NAD also analyzed comparative claims that Sundays' food was "up to 55% less pricey" than frozen competitors. It found that, given the small size of the frozen dog food market and The Farmer's Dog's prominent position within it, reasonable consumers would likely interpret the comparison as including The Farmer's Dog—even though it was not named explicitly in the ads. Although Sundays provided competitor pricing analyses, the NAD determined that The Farmer's Dog was sometimes less expensive than Sundays, so the claim of "up to 55% less pricey than The Farmer's Dog" was not consistently supported. As a result, the NAD recommended that Sundays qualify its price comparisons with the *average* prices of frozen competitors and avoid making specific savings claims unless such claims can be substantiated.

In an unusual turn, the NAD also rejected a scientific paper submitted by Sundays on the grounds that it appeared to be of "dubious origin and possibly AI-generated." By giving the document no weight, the NAD reiterated that the responsibility for vetting the authenticity of technical substantiation rests solely with the advertiser. This move underscores the need for advertisers to ensure that their evidence is both a good fit for the underlying claims *and* of sufficient quality to support those claims in the first place.

This scrutiny extended to the visual language of the advertiser's campaign as well. Sundays' marketing featured vibrant imagery of whole strawberries, tomatoes, and mushrooms to represent its "100% meat and superfoods" formulation. However, the record revealed that while the nutrients from these foods were present, they were often included in the form of extracts or powders rather than the whole ingredients pictured. The NAD determined that this disconnect could mislead consumers into expecting whole food pieces in the bowl, or that whole foods were used as ingredients. The decision serves as a reminder that imagery is a claim in itself; if a product uses processed derivatives rather than whole foods, visual representations should be clearly qualified to avoid conveying unsupported implied claims.

Finally, the NAD evaluated "Made in USA" claims by the advertiser. These claims are particularly high salience for pet owners concerned about safety and quality. Sundays made an unqualified claim that its food was made in the United States, but disclosed elsewhere in its marketing materials that certain essential ingredients—specifically fish oil and beef bone—were sourced from outside the country.

Under the "all or virtually all" standard followed by the FTC and NAD, even a small amount of foreign content can disqualify a product from an unqualified domestic origin claim if that ingredient is essential to the product's function. In this case, while the imported components were small in volume relative to the entire recipe, they were vital to the nutritional profile of the dog food. Consequently, the NAD recommended that Sundays qualify its claim to reflect the presence of imported ingredients, reinforcing that there is no *de minimis* exception for functional essentials in the "Made in USA" analysis.

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