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Trump Administration Targets "Made in America" Claims, Signaling Increased Enforcement Risk

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The Trump administration recently issued an executive order directing the Federal Trade Commission (FTC) to prioritize enforcement against misleading "Made in America" claims. While the order doesn't change the legal standard for these claims, it elevates what was already a clear FTC enforcement priority to a higher level, with clear implications for companies using U.S.-origin messaging. The order directs the FTC to prioritize enforcement of deceptive origin claims, calls for coordination across federal agencies on country-of-origin standards, requires verification of domestic origin claims in federal procurement, and allows for referral of violations to DOJ for further enforcement.

As always, a product must be "all or virtually all" made in the United States to support an unqualified claim. This standard is strict. Even limited foreign sourcing of ingredients, components, or processing can make unqualified "Made in USA" claims misleading. This presents a particular challenge for companies with complex or global supply chains. Such companies often have ingredients, parts, or raw materials sourced from multiple countries, plus processing or packaging that may occur outside the United States. Any of these circumstances can make an unqualified "Made in USA" claim hard or impossible to defend.

Based on the FTC's past practices, expect investigations, warning letters, and civil penalties under the Made in USA labeling rule, consent orders requiring changes to claims and compliance programs, and follow-on consumer class actions. And once one claim gets challenged, regulators and plaintiffs tend to pull the thread—looking at related marketing across the board.

What to do now:

- Review all origin claims across labels and packaging, websites and product pages, advertising and social media, and retailer and distributor listings.
- Confirm you can substantiate claims with documentation proving the source of ingredients or components, location of manufacturing and processing, and overall U.S. content.
- Reevaluate unqualified claims—if a product is not "all or virtually all" U.S.-made, consider whether a qualified claim is more appropriate.
- Monitor third-party statements from retailers, influencers, and distributors that may describe your products using origin claims.

- Prepare to respond to FTC inquiries with clear substantiation, consistent internal guidance, and documented review processes.

The bottom line: this executive order means “Made in America” claims are going to get more scrutiny across the board. Assume your claims will be reviewed more closely, and take steps now to make sure they’re accurate, substantiated, and appropriately qualified.

For questions, contact your Kilpatrick Advertising Team.