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"Made in USA" Claims: Still Squarely on the FTC's Enforcement Agenda

by Victor F. DeFrancis , Bryan J. Wolin

"Made in USA" claims have been—and continue to be—an important enforcement priority for the Federal Trade Commission. On November 17, 2026, the agency announced its fourth "Made in USA" enforcement action of the year, this time against Elk River, Inc., an Alabama-based manufacturer of safety harnesses and fall protection equipment. The case, which follows a "Made in USA" enforcement sweep announced in April and the issuance of warning letters announced in July, underscores the FTC's continued scrutiny of domestic-origin claims and offers a reminder that *assembling* a product in the United States does not necessarily mean it can be advertised as "Made in USA."

According to the FTC's complaint, Elk River advertised its products as "Made in USA," "American-made," and "#madeinalabama," even though many of its components—including components essential to the products' safety and functionality—were manufactured overseas. To resolve the allegations, Elk River agreed to a proposed stipulated order imposing a $4.4 million monetary judgment, suspended after payment of approximately $72,500 based on the company's financial condition.

The case highlights several important compliance considerations for advertisers.

1. "Made in USA" means "all or virtually all."

Under the FTC's Made in USA Labeling Rule, which took effect in 2021, unqualified claims generally require that a product be "all or virtually all" made in the United States. This means final assembly or processing must occur domestically, all significant processing must take place in the United States, and all or virtually all ingredients or components of the product must be domestically sourced.

2. Imported components are not all treated the same.

There is no fixed percentage of domestic content that automatically satisfies the FTC's standard. Instead, the agency considers several factors, including:

- the proportion of the product's total manufacturing costs attributable to foreign parts or processing;
- the significance of the foreign parts or processing to the finished product; and
- how far removed the foreign parts or processing are from the finished product.

As the FTC's allegations in Elk River illustrate, imported components that are essential to a product's function can carry heightened legal risk, even when final assembly occurs domestically.

3. "Made in USA" claims can be express or implied.

The FTC assesses the overall net impression conveyed by an advertisement. Statements such as "American-made" or "Built in the USA" can communicate the same message as "Made in USA."

Context also matters. Depending on the overall presentation, American flags, patriotic imagery, and statements concerning domestic facilities or workforces may create an implied U.S.-origin claim. Advertisers should assess the advertisement as a whole, rather than evaluating individual words or images in isolation.

4. Qualified claims may be appropriate.

Products that do not meet the "all or virtually all" standard may still qualify for more limited claims, such as "Made in USA with U.S. and imported parts" or "Assembled in USA." However, these claims must accurately describe the extent of domestic manufacturing and be supported by appropriate substantiation. Advertisers should review supplier documentation and manufacturing records rather than assume that components purchased from U.S. suppliers were manufactured domestically.

Key Takeaway

"Made in USA" claims remain firmly on the FTC's enforcement agenda. For advertisers, the central lesson is straightforward: domestic assembly alone is insufficient to support an unqualified "Made in USA" claim. Companies should regularly review their country-of-origin representations, examine the origin and significance of imported components, and consider whether a carefully tailored, qualified claim more accurately describes the product.

If you have questions related to advertising compliance—including "Made in USA" claims—please contact Kilpatrick's Advertising and Marketing team .