

CIT Adds New Requirements for 'Assembled in USA' Claims Analysis

Kelley Drye

February 2, 2017

A recent decision by the U.S. Court of International Trade (CIT) has important implications for importers, government contractors, and manufacturers that make "Assembled in America" and similar claims. In a ruling against *Energizer Battery, Inc.*, the CIT determined that domestic assembly of foreign component parts does not fulfill the Buy America requirements found in government procurement law.

The case turned on the question of what constitutes "substantial transformation" of a product, a standard also used by the FTC in regulating "Made in the USA"-type marketing claims. Because FTC defers to Customs in determining whether an article has been "substantially transformed," this ruling could impact the validity of current marketing claims. Companies making these claims currently or who may be considering what kinds of "Made in USA"-type claims they can make going forward will want to understand how this decision impacts their products. Read more about it [here](#).