

Is “America’s Coffee” Made in America?

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According to the mission statement on its website, “Black Rifle Coffee Company serves coffee and culture to people who love America.” The company serves that coffee in bags that proudly feature the American flag and bear the slogan “America’s Coffee.”

This week, plaintiffs filed a proposed class action alleging that “by labeling their coffee as ‘America’s Coffee’ and prominently displaying the American flag on the front of the bags, defendants are misleading and deceiving consumers in California and New York into believing that defendants sell American coffee when in fact they do not.”

A California law provides that it is unlawful for a company to advertise a product using phrases such as “Made in USA,” “Made in America,” or “similar words,” if the product has been “substantially made, manufactured, or produced outside of the United States.” (The complaint alleges that the coffee isn’t grown or produced in this country.)

Although New York doesn’t have a similar law, the state generally prohibits false advertising and deceptive practices. The plaintiffs urge the court to read that in conjunction with the FTC’s Made in USA guidance, which generally prohibits “Made in USA” and similar claims unless all or virtually all of the product is made in the United States.

We covered [many cases](#) involving “Made in USA” claims on this blog but this one is a little different than most in that the company doesn’t actually claim the product is made in this country. One key question will be whether the phrase “America’s Coffee” in conjunction with an American flag conveys the claim that the coffee is made in America.

It’s too early to predict how this case will turn out, but we’ll be watching to see how it develops. Stay tuned for updates.