

TaylorMade Accuses Callaway of Slinging Mud (Balls)

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Last month, TaylorMade filed a lawsuit against Callaway arguing that its competitor coordinated a marketing campaign designed to sling mud at TaylorMade and mislead both consumers and retailers into thinking that Callaway's golf balls are superior to TaylorMade's golf balls, based solely on how the balls appear under a UV light.

According to the complaint, Callaway sales representatives, ambassadors, and influencers have conducted "demonstrations" using UV lights to show that some TaylorMade balls have dark spots. These spots were presented as evidence of uneven paint and bad quality control that could lead to poor performance. The balls were called "mud balls," which is "one of the most derogatory phrases that can be attributed to a golf ball."

TaylorMade argues that Callaway's UV test is a "flawed and severely misleading basis to compare features that impact golf balls' aerodynamics, trajectory, distance, or other performance attributes." In reality, TaylorMade argues, the demonstrations show nothing more than that Callaway applies more UV brightener additive to its golf balls. The dark spots do not say anything about how the golf balls will perform.

TaylorMade states that by promoting this irrelevant demonstration, "Callaway both inflates the capabilities of its own ball by suggesting UV light is a gauge to evaluate golf ball performance and disparages the performance of TaylorMade's golf balls." TaylorMade seeks injunctive relief, corrective advertising, damages, and recovery of profits tied to Callaway's alleged false advertising campaign.

We only have one side of the story and it's too early to tell how this case will turn out, but we can still make a few observations that hold true across industries:

- Companies will likely need controlled scientific tests to back up performance claims. It's not clear that the UV tests at issue here meet that standard and it doesn't seem like the demonstrations were conducted under controlled conditions.
- Some allegations in the complaint stem from demonstrations that Callaway sales representatives allegedly conducted for retail partners. Companies need to think not only about the claims they make in consumer-facing ads, but also about claims in sales materials and presentations to retailers.
- Some allegations in the complaint stem from demonstrations and comments made by Callaway brand ambassadors or influencers. The same point holds true here. As we've seen in recent lawsuits (like [this one](#)) companies can get in trouble over what their influencers do. Companies need to provide guidance to their influencers to ensure that doesn't happen.

We'll watch this case as it develops.