

Made in USA (Unqualified)

Substantiation Requirements

***This guide applies to products sold in the US market. It is not intended to apply to products sold or marketed internationally.**

Product Scope

These requirements are applicable to all products and packaging.

Regulatory Requirements

The Federal Trade Commission (FTC) has issued guidance to define “Made in USA” for manufacturers and marketers who choose to make this voluntarily claim. According to FTC guidance, manufacturers and marketers must have competent and reliable evidence to demonstrate that the product is “all or virtually all” made in the United States. “All or virtually all” means that the final assembly or processing of the product occurs in the United States, all significant processing that goes into the product occurs in the United States, and all or virtually all ingredients or components of the product are made and sourced in the United States. That is, the product should contain no – or negligible – foreign content.

In 2021, the FTC issued the Made in USA Labeling Rule covering “Made in USA” and other unqualified U.S.-origin claims on product labels. The Rule codifies the FTC’s “all or virtually all” substantiation requirement for unqualified Made in USA claims. See 16 CFR Part 323. 16 CFR Part 303 – The Textile Fiber Rule requires that certain textiles sold in the United States carry labels disclosing the country where the product was process or manufactured. Similarly, USDA-FSIS has, for their regulated products such as beef or poultry, provided guidelines that the product must be derived from an animal born, raised, slaughtered, and processed in the US. More information can be found in 9 CFR 412.3 for both single ingredient and multi-component products.

Definitions

Unqualified “Made in USA” claim – An unqualified “Made in USA” claim is unsubstantiated unless (1) the final assembly or processing of the product occurs in the United States, (2) all significant processing occurs in the United States, and (3) all or virtually all of the ingredients or components are sourced in the United States. Any foreign parts or content must be *de minimus*. “Made in USA”, “Product of US”, “Produced in the US” “Manufactured in the US” and an image of the American Flag all are unqualified claims.

Claim Language

The requirements in this standard are applicable to unqualified Made in USA claims and the following variants:

- Product of US(A)
- Made in USA
- Made in USA Factory Certified
- 100% Made in USA
- 100% Made in USA Factory Certified
- (Part or component) Made in USA
- Built in the USA
- Crafted in the USA
- Produced in the USA
- Manufactured in the USA
- Image of American Flag with no text
- Map of USA or individual US State with or without text

Omnichannel Merchant Requirements

The approved claim to be used in Walmart and Sam's Club omnichannel initiatives is "Made in USA".

Made in USA claims **cannot** be inferred from an ingredients list or external sources.

Substantiation Requirements

Before representing a product as "Made in USA" in any omnichannel initiative, the Merchandising team must ensure the following requirements are met:

- The claim "Made in USA" or similar variant above, is on the packaging.
- The supplier has submitted Compliance Certification Form for "Made in USA" claims affirming compliance with FTC requirements.

Additional Requirements

As part of the omnichannel initiative, the following or similar statement should be prominently displayed to consumers: "These products have been identified by the manufacturer as being Made in USA." Modifications to this language should be escalated to Consumer Protection Compliance.

Exceptions

At this time, marketplace products are not allowed to participate in "Made in USA" omnichannel initiatives unless the product is also a 1P item.

Private Brand Requirements

Before representing a private brand product as “Made in USA” on the packaging and in any omnichannel initiative, the supplier must ensure the following requirements are met:

- The supplier must complete and provide in the specification system a Supplier Acknowledgment of Expectations for the product making the claim, **AND**
- Confirmation of the following from a third-party reviewing agency of Walmart’s or Sam’s Club’s choice:
 - All or virtually all ingredients or components of the product are made and sourced in the U.S.;
 - The final assembly or processing of the product (it’s “last substantial transformation”) occurs in the U.S.; and
 - The claim otherwise complies with the FTC’s Made in USA Rule and/or the FTC’s Enforcement Policy Statement on U.S. Origin Claims, **AND**
- For non-USDA-FSIS regulated products, Complete the Compliance Certification Form for “Made in USA” claims.

Label Requirements

- Refer to the Proofing Standard or Brand Guide for brand requirements.

Artwork Requirements

- Packaging artwork and design shall conform to the final product's applicable regulatory guidelines against misleading labeling **AND**
- The applicable Walmart or Sam’s Club US Proofing Standard or Brand Guide

Ongoing Substantiation Requirements

- Annually, confirmation of the following from a third-party reviewing agency of Walmart’s or Sam’s Club’s choice:
 - All or virtually all ingredients or components of the product are made and sourced in the U.S.;
 - The final assembly or processing of the product (it’s “last substantial transformation”) occurs in the U.S.;
 - The claim otherwise complies with the FTC’s Made in USA Rule located here and/or the FTC’s Enforcement Policy Statement on U.S. Origin Claims, **AND**
- For non-USDA regulated products, Complete the “Made in USA” Certification form

Continuing Obligation to Defend and Indemnify

As a private brand supplier to Walmart Inc., the supplier is solely responsible for the accuracy of all product labeling and claims. Compliance with the requirements outlined in the “Product and Packaging Claims - Substantiation Requirements for Private Brands”, or any label review conducted by or at the request of Walmart Inc., in no way impacts contractual defense and indemnity obligations to Walmart Inc. as set forth in the Supplier Agreement for all claims related to merchandise, including claims related to the labeling.

Version History				
Version	Approved By	Revision Date	Description of Change	Author
1.0	Alissa Gardenswartz	11.19.24	Original version was drafted.	Nathan Traw