

Dog Food Company Wins Label Fight

After disputes about labeling, a judge decides to allow dog food maker The Honest Kitchen to sell its products in Ohio.

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After a nearly year-long dispute with the Ohio Department of Agriculture, San Diego-based The Honest Kitchen won the right to sell its pet food in the state. When Ohio denied the manufacturer's request for a license in January 2007, the company appealed and was granted an internal hearing that upheld the department's initial finding, according to Lucy Postins, founder of The Honest Kitchen.

The Honest Kitchen currently manufactures five dehydrated, raw dog food products and one dehydrated, raw cat food. The company's products are advertised as being "100% human-food-grade."

Agriculture authorities "felt as though the label was misleading, that it was false," when following Ohio's revised code on labeling, according to Cindy Brown, a representative in its communications department. "The thing that we didn't agree with was their quote that this product is made with '100-percent human-food-grade ingredients, it contains no animal-feed-grade ingredients whatsoever, and is made in a USDA-inspected facility but is intended for your dog to eat, not you."

Those statements showed "inherent inconsistencies" that the department believed could confuse consumers as to whether or not the food was intended for human or animal consumption, Brown said.

Postins says a 2004 letter from the U.S. Food and Drug Administration approving the company's use of "human-grade" in its labeling has proved useful in the past. "Every other state has allowed our labeling," she says. After Ohio declined the company's request for a license, she decided to take the issue to court.

On Nov. 5, 2007, a judge in the Franklin County Ohio Civil Division ruled in favor of The Honest Kitchen, saying that the Agriculture Department's decision "constitutes an impermissible restraint on [The Honest Kitchen's] right of commercial free speech and it is therefore reversed."

In accordance with the decision, the department issued The Honest Kitchen a permit to sell Nov. 20, according to Brown.

Although at press time The Honest Kitchen had not yet received the permit in the mail (the company recently moved, and its mail is being forwarded), Postins says she expects her Ohio distributor Wholesome Pet to begin shipping orders to retailers within two weeks of receiving the official OK.