Case #7444 (08/04/2025)
Caraway Home, Inc.
Nonstick Cookware
***Challenger**:* *Cookware Sustainability Alliance*
***Product Type**:* *Household Products*
***Issues**:* *Disparagement Claims; Establishment Claims; Health & Safety Claims; Superiority Claims*
***Disposition**:* *Substantiated In Part / Modified-Discontinued In Part*

BBB NATIONAL PROGRAMS

NATIONAL ADVERTISING DIVISION

COOKWARE SUSTAINABILITY ALLIANCE,
Challenger,

CARAWAY HOME, INC.,
Advertiser.

Case No. 7444
Closed 08/04/2025

FINAL DECISION

- An advertiser is entitled to promote its origin story, so long as it does not convey unsupported or misleading messages about competitors.

I. Basis of Inquiry

The advertising industry established the National Advertising Division ("NAD") and the National Advertising Review Board ("NARB") in 1971 as an independent system of self-regulation designed to build consumer trust in advertising. NAD reviews national advertising in all media in response to third-party challenges or through inquiries opened on its own initiative. Its decisions set consistent standards for advertising truth and accuracy, delivering meaningful protection to consumers and leveling the playing field for business. Cookware Sustainability Alliance ("CSA" or "Challenger") challenged express and implied claims made by Caraway Home, Inc. ("Caraway" or "Advertiser") for its nonstick cookware. The following are representative of the claims that served as the basis for this inquiry:

A. Express Claims

- "Most traditional cookware is made with forever chemicals and when they are overheated, they can release those same toxins into your food and home."
- "That's why we made Caraway--gorgeous nonstick cookware, without the chemicals."
- "Caraway pans are made from a naturally slick ceramic that doesn't release toxins into your food and home."
- "Join the hundreds of thousands of other home cooks who made the smarter, more modern choice – Caraway."

- "Our signature cookware is made with a 100% non-toxic cooking surface."
- "Our signature ceramic pans are also naturally non-stick."
- "No forever chemicals here."
- "Non-Toxic Swaps. Ditch the toxins and cook cleaner with Caraway!"
- "'Teflon flu' cases are on the rise."
- Caraway's founder and CEO "got sick with Teflon Flu" and "knew that there had to be a healthier alternative."
- "Caraway Cookware is made with a non-toxic ceramic coating, so you, your friends and family can all live safe and healthy."
- "Want a Healthier Gut? Start in Your Kitchen."
- "Studies show PFAS are harmful to your gut health and kidney function."
- "Caraway's toxin-free cookware keeps these forever chemicals out of your meals (and your body)."
- "Make everyday meals healthier without harmful chemicals."
- "PFAS are 'forever chemicals' commonly used in non-stick cookware … but never used in Caraway products."
- "Our ceramic cookware is free from toxic materials for guilt-free cooking."
- "Make everyday meals healthier without harmful chemicals."
- "Get baked goods without any of the bads."
- "Naturally Non-Stick Ceramic Coating"
- Traditional non-stick cookware will "fill the air in your home with harmful, toxic fumes and forever chemicals that you ingest, such as PFOA and PTFE."
- With Caraway, you will "cook with a 100% non-toxic ceramic coating and fill your home with clean kitchenware."

B. Implied Claims

- Caraway nonstick cookware is healthier and safer than competitor nonstick cookware.
- Competitor nonstick cookware exposes consumers to a harmful form of PFAS.
- Competitor nonstick cookware exposes consumers to PFOA.
- Competitor nonstick cookware can release toxins into your food and home.
- Competitor nonstick cookware can make you sick.
- Competitor nonstick cookware is harmful to your gut health and kidney function.
- Caraway nonstick cookware, in contrast, is non-toxic and natural.
- Caraway nonstick cookware does not contain any chemicals.

II. Evidence Presented

The Challenger submitted the following evidence:

- publications about the safety of polytetrafluroethylene, or PTFE;
- the expert report of Sarah Parker, Ph.D., along with various cited publications;

- publications from government regulatory agencies about the use of per- and polyfluoroalkyl substances, or PFAS;
- publications about the physiology of birds and the effect of PTFE toxicity,
- publications about degradation of PTFE;
- publications about the chemical structure and properties of PTFE; and
- the America's Poison Centers website.

The Advertiser submitted the following evidence:

- warnings made by the Challenger about the dangers of PFAS;
- advertising by the Challenger regarding nonstick cookware;
- publications about incidences of Teflon flu;
- the expert report and rebuttal report of Dr. David Rockstraw, along with various cited publications;
- publications about the health risks of PFAS exposure;
- studies on Caraway's cookware for PFAS;
- publications regarding the safety of ceramic cookware;
- the dictionary definition of "naturally";
- publications about the nonstick characteristics of ceramic cookware;
- a publication about avocado toxicity; and
- a publication about perfluoroalkyl carboxylic acid, or PFCA.

III. Decision

A. Background

The Challenger is a non-profit organization comprised of cookware manufacturers, including Meyer Corporation, Groupe SEB, and Tramontina, with a mission to educate consumers about the materials and chemistries in cookware. The Challenger's constituents sell a variety of nonstick cookware, including those coated with polytetrafluroethylene ("PTFE") as well as ceramic coated cookware. . The Advertiser is a manufacturer of ceramic nonstick cookware.

PTFE is a fluoropolymer, a form of per- and polyfluoroalkyl substances ("PFAS"). PFAS have received significant media attention and have been labeled "forever chemicals" due to how long they may persist in the human body and in the environment. There are many different types of PFAS, the effects of which have not all been thoroughly studied. PTFE is known for its nonstick properties and therefore has been used in nonstick cookware for decades. Ceramic nonstick pans do not use PTFE and use a ceramic layer instead. Historically, the production of PTFE had involved the use of a type of PFAS known as perfluorooctanoic acid ("PFOA").[1]

[1] The use of PFOA in the production of nonstick pans has been discontinued in the United States for over a decade.

B. Standard of Review

Advertisers must possess a "reasonable basis" for claims disseminated in advertising.[2] What constitutes a "reasonable basis" depends on several factors, including the type of product, the type of claim, the consumer benefit from a truthful claim, the ease of developing substantiation for the claim, the consequences of a false claim, and the amount of substantiation experts in the field believe is reasonable.[3] When making claims about the benefits and safety of health-related products, a reasonable basis generally requires competent and reliable scientific evidence.[4]

C. The PFAS and Harmful Chemicals Claims

1. Messages Conveyed

Caraway's advertising makes a number of claims about "traditional cookware" and "traditional nonstick cookware" containing toxic forever chemicals:

- "Most traditional cookware is made with forever chemicals and when they are overheated, they can release those same toxins into your food and home."
- "Want a Healthier Gut? Start in Your Kitchen."
- "Studies show PFAS are harmful to your gut health and kidney function."
- "Fill the air in your home with harmful, toxic fumes and forever chemicals that you ingest, such as PFAS and PTFE."[5]

In one Caraway commercial, the narrator states, "Most traditional cookware is made with forever chemicals and when they are overheated, they can release those same toxins into your food and home." As shown below, the commercial then depicts what

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[2] *Guardian Technologies, LLC (GermGuardian and PureGuardian Air Purifiers and Replacement Filters)*, Report #6319, NAD/CARU Case Reports (November 2019).

[3] *Pfizer Inc.*, 81 F.T.C. 23 (1972). *See also* FTC, *Policy Statement Regarding Advertising Substantiation* (Nov. 23, 1984), https://www.ftc.gov/public-statements/1984/11/ftc-policy-statement-regarding-advertising-substantiation.

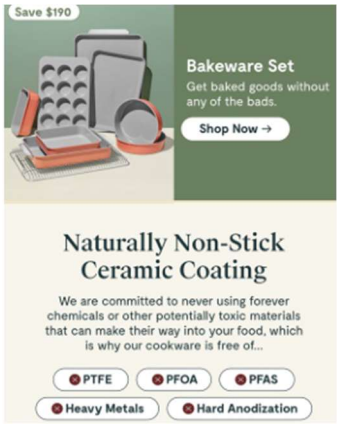
[4] FTC, Health Products Compliance Guidance (Dec. 2022), *available at* https://www.ftc.gov/business-guidance/resources/health-products-compliance-guidance.

[5] The challenger set forth the wording of this claim as follows: "Traditional non-stick cookware will 'fill the air in your home with harmful, toxic fumes and forever chemicals that you ingest, such as PFOA and PTFE.'" However, this claim is not found in the record. NAD will review the claim as it appears in the advertising rather than how it was set forth by the Challenger.

appears to be a traditional nonstick pan filled with a black, tar-like sludge, with an ominous plume of smoke billowing from the pan:

Images shown on social media also depict comparisons of traditional nonstick cookware with Caraway cookware:

In addition, email ads from the Advertiser also warn consumers of health risks associated with PFAS that are used in other nonstick cookware, but not in Caraway products:



The Challenger argued that these statements were false and convey the following misleading messages:

- Competitor nonstick cookware exposes consumers to a harmful form of PFAS.
- Competitor nonstick cookware exposes consumers to PFOA.
- Competitor nonstick cookware can release toxins into your food and home.
- Competitor nonstick cookware can make you sick.
- Competitor nonstick cookware is harmful to your gut health and kidney function.

NAD found that the graphic depiction of toxic sludge and fumes in the commercials, the multiple references to the dangers of PFAS, PTFE, and PFOA in traditional nonstick cookware, and the comparison to Caraway cookware reasonably convey—indeed, expressly state—the following messages:

- Competitor non-stick cookware exposes consumers to a harmful form of PFAS.
- Competitor nonstick cookware can release toxins into your food and home.
- Competitor nonstick cookware can make you sick.

These three messages are also reasonably conveyed by Caraway's online advertisements.

Additionally, the email advertisement expressly states that "[s]tudies show PFAS are harmful to your gut health and kidney function" followed by statements that "PFAS are 'forever chemicals' commonly used in non-stick cookware…but never used in Caraway products." In this context, consumers may reasonably take away the message that competitor nonstick cookware is harmful to gut health and kidney function.

The email advertisement also states that Caraway cookware is free of PTFE, PFOA, and harmful chemicals. Given the high visibility of PFAS in the media and the fact that the email was filled with comparisons of Caraway cookware (depicted as safer) to competitor cookware (depicted as toxic), consumers would likely recognize PFOA as a dangerous type of PFAS. NAD found that the email advertisement reasonably conveys the message that competitor nonstick cookware contains and exposes consumers to PFOA.

2. Substantiation

The Advertiser argued that its claims are truthful because the PTFE used in traditional nonstick cookware is known to be toxic, especially to the human digestive system and kidneys. In particular, the Advertiser stated that PTFE releases harmful fumes into the air when heated, which can result in flu-like symptoms (known as Teflon flu or polymer fume fever). In support of its claims, the Advertiser submitted the expert report of a chemical engineering consultant who opined that PTFE-coated

cookware represents a human health risk. The expert reviewed several studies and articles on PFAS and PTFE to conclude that when PTFE-coated cookware is exposed to temperatures high enough to cause pyrolysis (the thermal decomposition of materials) during cooking, it can lead to the release of dangerous fumes that can be inhaled.

The Challenger explained that the term PFAS encompasses many different chemicals, and that it would be a mistake to treat all of them as dangerous. For example, the Challenger argued that the PTFE used in nonstick cookware is not dangerous to humans under typical conditions of use. While the Challenger acknowledged that PTFE can degrade when heated to extreme temperatures, under typical use conditions cookware would never reach those temperatures.

The Challenger relied on a prior NAD case from 2012 involving similar claims made by GreenPan™ Inc. regarding the dangers of PTFE-coated cookware when contrasted with its own ceramic cookware.[6] There, NAD noted that it was undisputed that PTFE when overheated will decompose to release toxic fumes.[7] NAD found, however, that overheating PTFE to such temperatures, and for sufficient duration, is unlikely to occur through typical household use. In reaching that decision NAD compared evidence submitted by the advertiser showing that it was easy to reach 260°C (500°F) on cookware with evidence from the challenger that the risk in animals only occurs at 300°C (572°F) after 4-6 hours of exposure. NAD noted that the temperature at which a health risk begins is far higher than what one would experience in typical cooking, and that numerous warning signs (such as excessive smoke or scorching food to an inedible mess) would cause the consumer to stop heating the pan well before it reached a dangerous temperature. NAD also found the advertiser's evidence to be insufficient because GreenPan failed to provide any evidence of how often consumers overheat their pans, how long the overheating lasts, and instances in which consumers were exposed to sufficient fumes. Based on the record presented, NAD found that the advertiser had not provided a reasonable basis for its claims.

Although the *GreenPan* decision was issued over a decade ago, nothing in the record suggests that the rationale underpinning that decision is not equally applicable today. Although Caraway submitted multiple studies and articles in support of its argument that PTFE is toxic and causes harm to the human body, including the digestive system and kidneys, most of the studies offered are a poor fit for the challenged claims. Specifically, these studies either fail to distinguish PTFE from PFAS

[6] *GreenPan, Inc. (Thermolon™ Ceramic Coated Cookware)*, Report #5519, *NAD/CARU Case Reports* (October 2012).

[7] *Id*. at 29.

generally,[8] relate to a different type of PFAS,[9] involve testing on birds rather than on humans,[10] or involve exposure in conditions wholly unrelated to cookware.[11]

Additionally, the Advertiser did not show that consumers would be exposed to PTFE fumes during ordinary use of traditional nonstick cookware. The record shows that other than broiling (which nonstick manufacturers advise against), most forms of cooking occur at temperatures of 232°C(450°F) or below. The Advertiser's evidence provides that ultrafine particles are released around 290°C (554°F) and that toxic fumes are released only at around 360°C (680°F).[12] In addition, the Challenger

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[8] *See* PFAS: The Journey from Wonder Chemicals to Environmental Nightmares and the Search for Solutions. Duwage C. Perera and Jay N. Meegoda, Appl. Sci. 2024, 14, 8611; https://www.eea.europa.eu/publications/emerging-chemical-risks-in-europe/emerging-chemical-risks-in-europe.

[9] *See* C8 Science Panel, Probable Link Reports, 2012, http://www.c8sciencepanel.org/prob_link.html; Fenton SE, Reiner JL, Nakayama SF, Delinsky AD, Stanko JP, Hines EP, et al. (June 2009). "Analysis of PFOA in dosed CD-1 mice. Part 2. Disposition of PFOA in tissues and fluids from pregnant and lactating mice and their pups." Reproductive Toxicology. 27(3–4): 365–372.

[10] *See* Blandford TB, Seamon PJ, Hughes R, Pattison M, Wilderspin MP. 1975. A case of PTFE poisoning in cockatiels accompanied by polymer fume fever in the owner. Vet Rec 96:175–178; Lightfoot TL, Yeager JM. 2008. Pet bird toxicity and related environmental concerns. Vet Clin North Am Exot Anim Pract 11:229–259; Richardson M. 1991. Teflon toxicity from heat lamps. J Assoc Avian Vet 5:192; Wells RE. 1983. Fatal toxicosis in pet birds caused by an overheated cooking pan lined with polytetrafluoroethylene. J Am Vet Med Assoc 182:1248–1250; Wells RE, Slocombe RF. 1982. Acute toxicosis of budgerigars (Melopsittacus undulatus) caused by pyrolysis products from heated PTFE: microscopic study. Am J Vet Res 43:1243–1248; Wells RE, Slocombe RF, Trapp AL. 1982. Acute toxicosis of budgerigars (Melopsittacus undulatus) caused by pyrolysis products from heated PTFE: clinical study. Am J Vet Res 43:1238–1242; Case Report: Polytetrafluoroethylene Toxicosis in Recently Hatched Chickens (Gallus domesticus), Katherine A Shuster, Kristie L Brock, Robert C Dysko, Victor J DiRita, and Ingrid L Bergin, Comparative Medicine, 62(1), 2013, 49-52; Griffith FD, Stephens SS, Tayfun FO. 1973. Exposure of Japanese quail and parakeets to the pyrolysis products of fry pans coated with Teflon and common cooking oils. Am Ind Hyg Assoc J 34:176–178; Boucher M, Ehmler TJ, Bermudez AJ. 2000. PTFE gas intoxication in broiler chickens. Avian Dis 44:449–453.

[11] *See* Case Report: Polytetrafluoroethylene Toxicosis in Recently Hatched Chickens (Gallus domesticus), Katherine A Shuster, Kristie L Brock, Robert C Dysko, Victor J DiRita, and Ingrid L Bergin, Comparative Medicine, 62(1), 2013, 49-52 (heat lamps); Ubel FA, Sorenson SD, Roach DE (August 1980), "Health status of plant workers exposed to fluorochemicals—a preliminary report." American Industrial Hygiene Association Journal. 41(8): 584–589 (plant workers); Norman Williams, Kirk Smith, Polymer-Fume Fever, JAMA, Vol. 219, No. 12 (1972) (contaminated cigarettes and pipes); An Epidemic of Polymer-Fume Fever. Charles E. Lewis, MD, and Gerald R. Kerby, MD, Journal of the American Medical Association, 191(5), Feb. 1, 1965 (cigarettes).

[12] *See* PTFE-coated non-stick cookware and toxicity concerns: a perspective. M Sajid and M Ilyas, Environ Sci Pollut Res (2017) 24:23436–23440; Influence of heating temperature and time on mechanical-degradation, microstructures and corrosion performances of

explained that even if cookware temporarily exceeds manufacturers' recommended temperatures, such as during preheating, while searing, or while overheating, the formation of toxic gas is not an instantaneous process but rather takes 4-5 hours to develop.[13] There is no evidence in the record that consumers would be exposed to such high temperatures for sufficiently long enough to create a health hazard or how frequently such exposure occurs. Moreover, the Challenger submitted evidence that the temperature of smoke points of common cooking oils is lower than the temperature at which PTFE degrades, at which point consumers would likely stop cooking to stop the oil from smoking.

The Challenger also argued that NAD should take into consideration the fact that the Food and Drug Administration ("FDA") allows the use of PTFE on cookware and has reaffirmed that decision in 2023. Moreover, the Challenger noted that the Consumer Product Safety Commission ("CPSC") examined the issue in 2003 and decided that no warning about PTFE fumes was necessary.[14] The Advertiser countered that PTFE-coated cookware is allowed by the FDA only because it is exempted from pre-market review, not because it has been formally "approved," and in any event, that the FDA has a long history of being late in regulating dangerous materials due to an overreliance on industry-commissioned studies.[15]

The parties dispute whether the FDA has actually assessed the toxicity of fumes from PTFE in nonstick cookware. The Advertiser noted that nonstick cookware falls under the housewares exemption such that it does not require pre-market approval. But the FDA has authorized the use of PFAS in nonstick cookware on the basis that "[s]tudies show negligible amounts of PFAS in this coating can migrate to food."[16] The FDA rationale focuses only on the migration of PFAS to food and does not address the potential toxicity of fumes when the cookware is overheated. Further, while the FDA recently addressed the use of PFAS in grease-proofing agents for paper food packaging in 2023, there is no indication that the agency reconsidered the toxicity of PTFE on nonstick cookware at that time. On balance, NAD found that the FDA's authorization for PTFE to be used on cookware, while not dispositive,

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Teflon/granite coated aluminum alloys used for non-stick cookware. Abdulaziz S. Alaboodi, S. Sivasankarana, Hany R. Ammar, Heliyon 10 (2024) e34676.

[13] The Advertiser's evidence indicates that even on rats, it takes 15 minutes after the development of toxic fumes for them to be harmful.

[14] CPSC Rejects Petition for Teflon Warning Labels, July 21, 2003, ICB Americas.

[15] The Advertiser also argued that some states (approximately 9) and foreign governmental entities prohibit the use of PFAS in cookware. NAD did not find the decisions of a handful of states (some of which the Challenger argued were in the process of revoking their restrictions) and government entities outside of the United States to be persuasive as to either party's position.

[16] FDA, Authorized Uses of PFAS in Food Contact Applications, https://www.fda.gov/food/process-contaminants-food/authorized-uses-pfas-food-contact-applications.

reinforces NAD's prior conclusion that PTFE is safe under typical use conditions. The fact that the CPSC has also rejected requiring warning labels on nonstick cookware further supports this conclusion.

With respect to the PFOA claim, the Challenger has explained that PFOA is no longer used in the manufacture of PTFE and thus, is no longer of concern. The Advertiser does not dispute this fact.[17]

Finally, NAD noted that the Advertiser's broad claim, "Most traditional cookware is made with forever chemicals and when they are overheated, they can release those same toxins into your food and home" is not supported by the record. As stated, the claim is not limited solely to *nonstick* cookware but also encompasses all types of "traditional" cookware. Nothing in the record suggests that cookware without a nonstick coating contains PFAS.

NAD therefore concluded that the Advertiser did not meet its burden of providing a reasonable basis for claims that competing nonstick cookware is toxic. Accordingly, NAD recommended that the Advertiser discontinue the following express claims:

- "Most traditional cookware is made with forever chemicals and when they are overheated, they can release those same toxins into your food and home."
- "Want a Healthier Gut? Start in Your Kitchen."
- "Studies show PFAS are harmful to your gut health and kidney function." "Fill the air in your home with harmful, toxic fumes and forever chemicals that you ingest, such as PFAS and PTFE."[18]

NAD recommended that the Advertiser modify its advertising to avoid conveying the messages that:

- Competitor nonstick cookware exposes consumers to a harmful form of PFAS during ordinary, manufacturer-recommended use.
- Competitor nonstick cookware exposes consumers to PFOA.
- Competitor nonstick cookware can release toxins into your food and home during ordinary, manufacturer-recommended use.
- Competitor nonstick cookware can make you sick during ordinary, manufacturer-recommended use.
- Competitor nonstick cookware is harmful to your gut health and kidney function.

[17] The Advertiser also noted that another type of PFAS, PFCA, was found in breast milk of women who used non-stick pans in Korea. The study, however, noted that it had no information about the toxicological effects of PFCA.

[18] As discussed above, NAD reviewed this claim as it appears in Caraway's advertising in place of the challenged claim. See *supra* n.4.

Alternatively, the Advertiser may modify its claims to clearly and conspicuously disclose the circumstances under which consumers would be exposed to PTFE fumes.

D. The Non-Toxic Ceramic Claims

1. Messages Conveyed

Caraway's advertising also makes a number of claims about the safety of its own ceramic cookware products. These claims are usually juxtaposed next to claims about the dangers of competitor nonstick products:

- "That's why we made Caraway--gorgeous nonstick cookware, without the chemicals."
- "Join the hundreds of thousands of other home cooks who made the smarter, more modern choice – Caraway."
- "Our signature cookware is made with a 100% non-toxic cooking surface."
- "No forever chemicals here."
- "Non-Toxic Swaps. Ditch the toxins and cook cleaner with Caraway!"
- "Caraway Cookware is made with a non-toxic ceramic coating, so you, your friends and family can all live safe and healthy."
- "Caraway's toxin-free cookware keeps these forever chemicals out of your meals (and your body)."
- "Make everyday meals healthier without harmful chemicals."
- "PFAS are 'forever chemicals' commonly used in non-stick cookware … but never used in Caraway products."
- "Our ceramic cookware is free from toxic materials for guilt-free cooking."
- "Make everyday meals healthier without harmful chemicals."
- "Get baked goods without any of the bads."
- With Caraway, you will "cook with a 100% non-toxic ceramic coating and fill your home with clean kitchenware."
- "Caraway pans are made from a naturally slick ceramic that doesn't release toxins into your food and home."
- "Our signature ceramic pans are also naturally non-stick."
- "Naturally Non-Stick Ceramic Coating"

The Challenger argued that Caraway's advertisements reinforce the disparaging messages against competitor nonstick cookware by conveying the following messages.

- Caraway nonstick cookware, in contrast, is non-toxic and natural.
- Caraway nonstick cookware does not contain any chemicals.
- Caraway nonstick cookware is healthier and safer than competitor nonstick cookware.

NAD concluded that Caraway's advertising reasonably conveys the message that its cookware is non-toxic—indeed, the advertisements expressly claim as much.

NAD found, however, that the advertisements did not reasonably convey the message that Caraway's cookware was natural and as such, was devoid of all chemicals. Rather NAD found that the advertising conveyed the message that Caraway's cookware is free from *toxic* chemicals. The clear focus of Caraway's advertisements is on PFAS and harmful chemicals. The term "chemicals" is almost always used as part of the phrase "forever chemicals" or "harmful chemicals." NAD found that consumers are unlikely to take away the message that Caraway's nonstick cookware is made without any chemicals at all.

Similarly, consumers are unlikely to take away the message that a pot or pan being marketed as nonstick would be made entirely of natural materials. Caraway does not state that its cookware is "natural' but rather that it is "naturally non-stick." The use of "naturally" as an adverb means that it is not the pan itself that is natural; instead, it is the nonstick property that is natural. Consumers may reasonably understand the claim to mean that the cookware material itself has nonstick properties without needing additional processing or additional materials.

Finally, NAD concluded that the Advertiser's claims are clearly comparative, contrasting the nonstick propensity of its competitor's products as created with harmful chemicals while its own cookware is safe and naturally nonstick (as opposed to unnaturally nonstick). In the *GreenPan* case, NAD confronted similar claims where the advertiser touted its "PTFE-free" products and how safe they were.[19] There, NAD found that the juxtaposition of the "PTFE-free" claims with health and safety claims conveyed a superiority message.[20] Similarly, in this case, the Advertiser repeatedly promotes the health and safety benefits of its PFAS-free cookware and directly calls out competing nonstick cookware as dangerous. In this context, conveying a message that Caraway nonstick cookware is healthier and safer than competitor nonstick cookware is unavoidable.

2. Substantiation

In support of the claims that Caraway cookware does not contain PFAS and therefore, is non-toxic, the Advertiser submitted two study reports from an independent third-party laboratory, SGS, showing that there were no detectable amounts of 221 types of PFAS in its cookware. SGS also conducted tests for a variety of other substances for compliance under California Proposition 65 and EU regulations, all of which Caraway cookware passed. The Advertiser also pointed to online newspaper and blog articles that state that ceramic cookware is free of PFAS and is safe.

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[19] *See supra,* n. 5.

[20] *Id.* at 27.

NAD concluded that the Advertiser has provided a reasonable basis for the claims that its cookware is free of PFAS and is non-toxic. However, as discussed above, the Advertiser did not substantiate the claim that competitor nonstick cookware is unsafe or is less safe than Caraway cookware. Therefore, NAD concluded that the Advertiser did not provide a reasonable basis for the claim that its cookware is comparatively safer than competitor cookware.

Accordingly, NAD recommended that the Advertiser avoid making the following claims in a comparative context or a context that conveys the message that competitor nonstick cookware is toxic:

- "That's why we made Caraway--gorgeous nonstick cookware, without the chemicals."
- "Join the hundreds of thousands of other home cooks who made the smarter, more modern choice – Caraway."
- "Our signature cookware is made with a 100% non-toxic cooking surface."
- "No forever chemicals here."
- "Caraway Cookware is made with a non-toxic ceramic coating, so you, your friends and family can all live safe and healthy."
- "Caraway's toxin-free cookware keeps these forever chemicals out of your meals (and your body)."
- "Make everyday meals healthier without harmful chemicals."
- "Our ceramic cookware is free from toxic materials for guilt-free cooking."
- "Make everyday meals healthier without harmful chemicals."
- "Get baked goods without any of the bads."
- With Caraway, you will "cook with a 100% non-toxic ceramic coating and fill your home with clean kitchenware."
- "Caraway pans are made from a naturally slick ceramic that doesn't release toxins into your food and home."
- "Our signature ceramic pans are also naturally non-stick."
- "Naturally Non-Stick Ceramic Coating"

NAD further recommended that the Advertiser discontinue the following claims, as the claims themselves are expressly comparative:

- "Non-Toxic Swaps. Ditch the toxins and cook cleaner with Caraway!"
- "PFAS are 'forever chemicals' commonly used in non-stick cookware … but never used in Caraway products."

E. Teflon Flu Claims

In a social media post, the Advertiser claims that "Teflon flu cases are on the rise" and then proceeds to explain that Teflon pans can release toxins in just 2.5 minutes. The post then reveals the origin story of Caraway, when its founder "got sick with the Teflon flu" and "knew that there had to be a healthier alternative." The post ends by identifying Caraway products as providing a healthier, non-toxic alternative.

In support of the claim that Teflon flu cases are on the rise, the Advertiser submitted three articles reporting an increase in Teflon flu, all referring to 276 suspected cases of polymer fume fever in 2023, according to America's Poison Centers. The source of the data was not submitted into the record, and there is no information on how America's Poison Centers determined whether a particular incidence involves Teflon flu. There is also no historical data in the record to support the claim that the incidences of Teflon flu are "on the rise." NAD therefore recommended that the Advertiser discontinue the claim that "Teflon flu cases are on the rise."

With respect to the claim that Caraway's founder "got sick with Teflon flu," the Advertiser represented that he did in fact suffer from Teflon flu. NAD will accept the Advertiser's representation. An advertiser is entitled to promote its origin story, so long as it does not convey unsupported or misleading messages about competitors.[21] In *Brightland*, NAD concluded that the advertiser's origin story conveyed the message that competing products could cause adverse health effects and recommended those statements be discontinued.[22] Similarly in this case, although the origin story is true on its face, it is made in the context of a post that warns of the toxicity of competitor nonstick pans—a claim that, as discussed above, NAD found to be unsubstantiated. NAD therefore recommended that the Advertiser avoid making the claim in a context that would suggest that competitor cookware is toxic or is likely to cause Teflon flu.

IV. Conclusion

NAD concluded that Caraway's advertising did not reasonably convey the message that its cookware was natural, and as such, was devoid of all chemicals.

NAD concluded that the Advertiser did not meet its burden of providing a reasonable basis for claims that competing nonstick cookware is toxic. Accordingly, NAD recommended that the Advertiser discontinue the following express claims:

- "Most traditional cookware is made with forever chemicals and when they are overheated, they can release those same toxins into your food and home."
- "Want a Healthier Gut? Start in Your Kitchen."
- "Studies show PFAS are harmful to your gut health and kidney function."
- Traditional non-stick cookware will "fill the air in your home with harmful, toxic fumes and forever chemicals that you ingest, such as PFAS and PTFE."

NAD recommended that the Advertiser modify its advertising to avoid conveying the messages that:

- Competitor nonstick cookware exposes consumers to a harmful form of PFAS during ordinary, manufacturer-recommended use.

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[21] *See Brightland, Inc. (Olive Oil),* Report #7061, *NAD/CARU Case Reports* (October 2021).

[22] *Id.* at 7.

- Competitor nonstick cookware exposes consumers to PFOA.
- Competitor nonstick cookware can release toxins into your food and home during ordinary, manufacturer-recommended use.
- Competitor nonstick cookware can make you sick during ordinary, manufacturer-recommended use.
- Competitor nonstick cookware is harmful to your gut health and kidney function.

Alternatively, the Advertiser may modify its claims to clearly and conspicuously disclose the circumstances under which consumers would be exposed to PTFE fumes.

NAD recommended that the Advertiser avoid making the following claims in a comparative context or a context that conveys the message that competitor nonstick cookware is toxic:

- "That's why we made Caraway--gorgeous nonstick cookware, without the chemicals."
- "Join the hundreds of thousands of other home cooks who made the smarter, more modern choice – Caraway."
- "Our signature cookware is made with a 100% non-toxic cooking surface."
- "No forever chemicals here."
- "Caraway Cookware is made with a non-toxic ceramic coating, so you, your friends and family can all live safe and healthy."
- "Caraway's toxin-free cookware keeps these forever chemicals out of your meals (and your body)."
- "Make everyday meals healthier without harmful chemicals."
- "Our ceramic cookware is free from toxic materials for guilt-free cooking."
- "Make everyday meals healthier without harmful chemicals."
- "Get baked goods without any of the bads."
- With Caraway, you will "cook with a 100% non-toxic ceramic coating and fill your home with clean kitchenware."
- "Caraway pans are made from a naturally slick ceramic that doesn't release toxins into your food and home."
- "Our signature ceramic pans are also naturally non-stick."
- "Naturally Non-Stick Ceramic Coating"

NAD further recommended that the Advertiser discontinue the following claims, as the claims themselves are expressly comparative:

- "Non-Toxic Swaps. Ditch the toxins and cook cleaner with Caraway!"
- "PFAS are 'forever chemicals' commonly used in non-stick cookware … but never used in Caraway products."

V. Advertiser's Statement

As a leader in the cookware industry, Caraway values the opportunity to participate in the NAD's review process and will comply with the NAD's decision. Caraway appreciates the NAD's determination that its non-toxic and PFAS-free claims are truthful and substantiated. Caraway respectfully disagrees with the NAD's finding that there was not enough evidence to show the comparative toxicity of competitor cookware. Nevertheless, Caraway is a strong supporter of the self-regulatory process.