

Lawsuit Alleges Prescription Pet Food Marketing Is Deceptive

The class-action suit, filed on behalf of Illinois pet owners, claims that it's a deceptive practice for Hill's to restrict the sale of its prescription diet food to those with a prescription from their vet.

Analysis by [Dr. Karen Shaw Becker](#)

STORY AT-A-GLANCE

- A group of pet owners filed a class-action lawsuit against Hill's Pet Nutrition
- The class-action suit, filed on behalf of Illinois pet owners, claims that it's a deceptive practice for Hill's to restrict the sale of its prescription diet food to those with a prescription from their vet
- Hill's charges a premium for its prescription pet food, justifying the cost by implying it may treat and cure pets of certain disease, but the food does not contain ingredients or medicine that aren't found in common non-prescription pet food
- Many consumers purchasing the product have been misled into paying high prices for a "prescription" food that contains ingredients found in non-prescription foods, and nothing more
- The suit is seeking to recover more than \$80 million for people in Illinois who purchased Hill's prescription diet products; similar lawsuits are also pending against Hill's and other pet food manufacturers in different states, including California, Missouri and Kansas

A group of pet owners filed a class-action lawsuit against Hill's Pet Nutrition, alleging the pet food giant engaged in deceptive practices in the marketing and distribution of prescription diet pet food.¹

If you've been reading my articles for a while, you know that I've long warned against prescription pet food because it's often made of highly processed, poor-quality ingredients. The lawsuit, however, has less to do with the food's ingredients and more to do with the fact that you must get a prescription from your veterinarian in order to purchase it.

Suit Alleges Marketing 'Prescription' Pet Food as Prescription-Only Is Deceptive

The class-action suit, filed on behalf of Illinois pet owners, claims that it's a deceptive practice for Hill's to restrict the sale of its prescription diet food to those with a prescription from their vet. "Plaintiffs assert deceptive practices claims, which allege that PD [prescription diet] is not legally required to be sold by prescription, and so Defendants' representations that PD is required to be sold by prescription are literally false," the suit states.²

Additionally, the suit alleges that Hill's engaged in "deception in the manufacturing, distributing, marketing, advertising, labeling, and/or selling of PD at above-market prices to diagnose, cure, mitigate, treat, or prevent diseases or other conditions."³ In other words, Hill's charges a premium for its prescription pet food, justifying the cost by implying it may cure pets of certain diseases. However, this is misleading, since the prescription food:⁴

- Does not contain ingredients or medicine that aren't found in common non-prescription pet food
- Does not contain a substance medically necessary for the pet for which it was prescribed
- Is not materially different than non-prescription food

Hill's Prescription Food Marketing 'Immoral, Unethical, Oppressive'

The plaintiffs also assert that Hill's engaged in unfair practices by manufacturing, marketing, labeling and/or selling its **prescription diet** for above-market prices to treat or prevent diseases in animals, even though it had no approval as a "new animal drug." In so doing, the suit claims Hill's prescription diet is adulterated or misbranded under the FD&C Act, and its sale in interstate commerce is a prohibited act.

Overall, many consumers purchasing the product have been misled into paying high prices for a "prescription" food that contains ingredients found in non-prescription foods, and nothing more. According to the suit:⁵

"Per Plaintiffs, reasonable consumers expected, but did not receive, a substance that: (a) is legally required to be sold by prescription; (b) contains a drug, medicine or other ingredient that is not common in non-prescription pet food; (c) is medically necessary to the health of the pet for which it was prescribed; (d) has been evaluated and approved by the FDA as a drug; and/or (e) as to which Hill's representations regarding intended uses and effects have been evaluated by the FDA.

... Consequently, Plaintiffs Defendants' conduct allegedly offends public policy, is immoral, unethical, oppressive, or unscrupulous, and has caused substantial harm to consumers."

The suit is seeking to recover more than \$80 million for people in Illinois who purchased Hill's prescription diet products. Similar lawsuits are also pending against Hill's and other pet food manufacturers in different states, including California, Missouri and Kansas.⁶

While the plaintiffs originally included PetSmart in the suit, as it sold Hill's prescription diet food and enforced its prescription status via a "MedCard," a United States District Court judge ruled PetSmart would not be part of the class-action suit. Instead, individual claims against PetSmart could be filed.⁷ Class action attorney Mike McGlamry, who's representing pet owners in the suit, explained:⁸

"Hill's picked the name 'Prescription Diet.' Hill's spends millions to convince veterinarians to 'prescribe' these foods to the vulnerable owners of sick cats and dogs. And, no surprise, Hill's charges a lot more for these products compared to similar and cheaper off-the-shelf pet foods that the company also makes.

When questioned under oath in our case, however, Hill's executives had to admit that its high-priced "Prescription Diet" products contain no drugs or medicines and that no prescription is legally required. We look forward to presenting the evidence to a judge and jury."

What's Better Than 'Prescription Diets' for Pets?

If your pet is suffering from a medical condition, a holistic or integrative veterinarian can work with you to customize a balanced, species-appropriate diet to address the specific health needs of your pet. Prescription diets are far from your only option — and they're rarely the best choice.

For instance, if a cat is diagnosed with **chronic kidney disease**, veterinarians often recommend a prescription “renal diet,” many of which are dry food (e.g., Hill’s k/d). But these formulas don’t meet the dietary hydration requirements of cats, especially kitties who are losing large amounts of water due to worn out kidneys.

Prescription renal diets also typically have reduced levels of protein, which is not ideal for cats, who are obligate (strict) carnivores requiring high levels of high-quality animal protein for optimal health. Instead, I recommend a human grade, fresh food diet formulated for kidney disease — or whatever health challenge your pet is facing, such as urinary tract issues, digestive problems or obesity. This can be either **customized homemade diets** or thoughtfully formulated commercial diets made with fresh, human-grade ingredients like Darwin's Intelligent Design or Medicus Veterinary Diets.

Generally speaking, a nutritionally **balanced raw or gently cooked homemade diet** is my top choice for pets, as long as you're committed to doing it right. If you don't want to deal with balancing diets at home, a great alternative is a pre-balanced, commercially available raw food. A freeze-dried/dehydrated low-carb diet is second best. Human-grade canned food is a mid-range choice but can be hard to find. Rotate brands and protein sources frequently to nourish the microbiome.

And be sure to incorporate a variety of **fresh foods** into your pet's diet, too, as meal toppers or treats throughout the day. This — fresh and biologically appropriate — is the way your pet is designed to eat — something highly processed prescription diets miss completely.

Sources and References

¹ [Pet Food Industry October 5, 2023](#)

^{2,3,4,5} [Justia, Vanzant et al v. Hill's Pet Nutrition, Inc.](#)

^{6,7,8} [Pope McGlamry September 29, 2023](#)
