

The Premium Promise

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THE CLAIM

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A premium brand sells trust, its most valuable and most fragile asset. After Palmquist the brands with the most to lose are the ones whose promise is still unproven, and they are the last to believe it.

Abstract

Premium food brands do not sell ingredients. They sell trust: a parent's belief that someone has already done the worrying. That belief is the most valuable thing such a brand owns, and the most fragile. This briefing is about what a Supreme Court case revealed about the gap between what premium brands promise and what they can prove, why that gap is most dangerous for the brands consumers trust most, and why the brands with the most to lose have the strongest reason to act.

The promise and the gap

The Earth's Best brand promise is that parents can trust what they feed their children. The Palmquists trusted that promise ^[1].

They fed their son Earth's Best organic baby food through the years in which a brain is built. When the boy was diagnosed with a serious neurodevelopmental injury, they sued the brand and the retailer that sold it, and their case became the one the Supreme Court decided this February ^[1]. Set aside, for a moment, the question the courts will spend years on: whether the metals in the food caused the injury, a question on which the science is genuinely contested and on which the plaintiffs' experts have so far largely been excluded. A brand does not get to wait for that answer. Because something else was already true, and it needed no verdict: the brand whose entire promise was that a parent could stop worrying had not tested its finished products for heavy metals until 2019 ^[2].

That is the gap. Not between safe and unsafe: between what the brand said and what the brand had actually verified. Bernadette Jiwa has built a career on a single observation about brands: a brand is not what a company says about itself; it is what its customer believes. Trust lives in the space between the two. When

that space is narrow, the brand is strong. When it opens, when a parent learns that “organic” and “best for baby” were a promise the company had not troubled to confirm, the trust does not erode. It collapses, at once, and the collapse does not wait for the science.

What premium actually sells

To see why this is a brand problem before it is a legal one, be precise about what a premium brand is selling.

It is not selling cleaner ingredients, exactly. It is selling the feeling that the worrying has been done. A parent in a grocery aisle, holding two jars, pays more for the one that lets her stop reading labels and start trusting. The premium is the price of that relief. In Jiwa’s terms, the meaning is the product; the purée is only how it is delivered.

This is why premium positioning is built on badges. Organic. Non-GMO. Clean. Each is a shorthand a tired parent can rely on without auditing it. But here is what the badges do not say, and what the parent assumes they do: none of the leading clean-label certifications a premium baby brand wears actually tests for heavy metals. USDA Organic governs how food is grown. It does not address the [lead](#) and [cadmium](#) that rise out of the soil the organic crop is grown in ^[3] ^[7]. The parent reads “organic” as “clean,” and reads “clean” as “safe from the things I am afraid of.” The badge never made that third promise. The brand let her believe it did. That, too, is a gap, and most premium brands do not know theirs is open.

Why the trust is worth more, and the fall is farther

Premium positioning does something specific to risk, and it is the thing most premium brands have never priced. It amplifies trust in both directions.

On the way up, premium converts trust into margin. The more a parent trusts you, the more she pays, and the more of your business depends on her continuing to. You have turned a belief into a line on the P&L.

On the way down, the same conversion runs in reverse, and faster. Seth Godin’s way of putting it is that the bigger the promise, the bigger the betrayal. A value brand that surfaces in an exposé loses a transaction. A premium brand that surfaces in the same exposé loses its reason to exist, because its reason to exist was the promise the exposé just broke. It does not shed a point of margin. It loses the premium and the volume together, because the parent who paid extra for peace of mind does not trade down to your cheaper line. She leaves you.

And the reserve that might cushion the fall is not there. Consumer confidence in the safety of the food supply is already thin: the IFIC 2025 Food and Health Survey finds a majority of Americans only somewhat confident and fewer than one in ten fully confident, with heavy metals named among their concerns; Gallup’s trust measures point the same direction ^[4]. There is no stockpile of public goodwill to draw down when an incident lands. A premium brand has been spending that goodwill as margin the whole time.

The asymmetric exposure

Put those together and you arrive at the uncomfortable position a premium brand occupies, which is the center of this briefing.

The premium brand carries asymmetric exposure. It holds the most trust, so it has the most to lose. It makes the strongest claims, so it is the most attractive target: the exposé tester, the plaintiff's lawyer, and the journalist all reach first for the brand whose fall is the best story, and the best story is always the brand that promised the most ^[5]. And it frequently has the least balance sheet to survive the event: a single contamination-triggered event is modeled at \$1.6M to \$6.6M for a brand at \$5M in revenue, which for many beloved small premium brands is the difference between continuing and not ^[6].

The cruelest part is the blind spot. Premium positioning generates a quiet confidence that the trust is already earned and the cleanliness already handled: we are the organic one, the clean one, the one parents trust. That confidence is exactly what keeps the testing question off the table. The belief that you are clean is not the proof that you are, and the distance between them is invisible from the inside, right up until someone else measures it for you and publishes the number.

Closing the gap

The work of a brand, in Jiwa's framing, is to make the promise and the reality the same thing: to close the gap rather than market across it. For the heavy-metals promise, closing it has a specific shape, and it is worth being exact about what that shape is and is not.

It is not a louder claim. The instinct of a brand under suspicion is to reassure with absolutes: pure, clean, free from. That instinct is the trap. "Heavy-metal free" is not true: the metals are in the soil, the water, the food ^[3]. An absolute safety claim is unprovable, and after Palmquist it is also a misrepresentation a plaintiff can build a complaint around. The brands that reach for the biggest reassurance are drafting someone's next case.

What closes the gap is a claim that is smaller, and true. This is the slot a credible certification fills, and it is why the Heavy Metal Tested & Certified program forbids precisely the claims a premium brand is most tempted to make. A certified brand may not say "heavy-metal free," "no toxic metals," or "100% safe"; the mark states plainly that it does not certify safety ^[7]. That restraint is not a weakness in the claim. It is the source of its credibility. The mark asserts only what can be shown: that the product is independently tested against published limits, under continuous surveillance, by laboratories outside the brand's control ^[7]. To a parent who has read the exposés and stopped believing the absolutes, that is the rare claim that survives her skepticism, because it is the claim a skeptic herself would make.

Godin's durable line is that all marketers tell stories, and the only ones that last are true. A premium brand has always been telling a story about safety. Certification is what makes the story true: not by promising more than before, but by promising only what an independent party will stand behind, in language disciplined enough to name the limit, the dose, and the population rather than gesturing at "clean" ^[7]. The premium was always the price of trust. This is what lets a brand keep charging it honestly.

The paradox

Which leaves the paradox, and it is the reframe to end on.

The brands that least feel they need heavy-metal certification are the premium, clean-label, parent-trusted brands, because their whole positioning tells them the trust is already won. And those are precisely the brands for which certification carries the highest return, because they have the most trust at stake, the farthest to fall, and the thinnest reserve to survive the fall. The case for proving the promise is strongest

exactly where the felt need to prove it is weakest. That is not a coincidence. It is the structure of premium trust: the confidence that you need not prove your promise is the same confidence that leaves the promise unproven.

Earth's Best did not fail the trust test because it was a careless brand. It failed because it was a trusted brand that had not closed the gap between what parents believed and what it had verified, and a courtroom closed it instead, in public, on someone else's schedule. Every premium brand in the category carries some version of that gap today. The only open question is who closes it: the brand, on its own terms, while closing it is still a marketing decision; or a plaintiff, on theirs, once it has become a discovery request.

The brands with the most to lose have the strongest case for certification. They are also, almost always, the last to believe it. The ones that believe it first will be the brands parents still trust three years from now.

Karen Pendergrass is the Standards Architect of the Heavy Metal Tested & Certified program at the Institute of Contaminant Standards (ICS). She can be reached at karen@paleofoundation.com^[1]. This briefing is informational; it characterizes a public legal matter and the Foundation's own program, and is offered for independent evaluation. Nothing in it is a statement about whether any product caused any injury.

References

Works cited in this briefing's text, in first-appearance order. This is not the full evidence base for the underlying standard; it is only what the prose above draws on. Every range in the briefing is a model built on one of these published anchors. Where a work carries a DOI or a public URL, its title and domain link to it; primary legal documents and published standards are named but not linked to a corpus record.

[1]	Hain Celestial Group, Inc. v. Palmquist	CASE
	607 U.S. ____ (No. 24-724), decided Feb. 24, 2026 (unanimous). The plaintiffs alleged neurodevelopmental injury from heavy metals in Earth's Best organic baby food (manufactured by the Hain Celestial Group) consumed in the first years of life. Forum and retailer analysis: K. Pendergrass, <i>After Palmquist</i> , the Institute of Contaminant Standards (ICS), 2026.	
	NO SOURCE RECORD – PRIMARY LEGAL DOCUMENT, NOT CORPUS LITERATURE	

[2]	Baby Foods Are Tainted with Dangerous Levels of Arsenic , Lead, Cadmium, and Mercury .	GOVERNMENT
	U.S. House of Representatives, Committee on Oversight and Reform, Subcommittee on Economic and Consumer Policy, Staff Report, Feb. 4, 2021 (finding that a major manufacturer had not tested finished products for heavy metals until 2019).	

[3]	Total Diet Study, FY2018–2020	DATASET
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U.S. Food and Drug Administration (lead detected in 15% of samples, arsenic 43%, cadmium 33%, mercury 10%) — heavy metals are endemic to the food supply, including organically grown food, because they originate in soil, water, and atmospheric deposition rather than in farming method.

[4]	2025 Food and Health Survey	REPORT
	International Food Information Council (food-safety confidence; heavy metals among ranked consumer concerns); Gallup, food-safety and institutional-trust measures, 2024. Both are compiled in reference [6].	
[5]	The Counterproductive Consequences of Public Exposé Testing: How Unstructured Disclosure Undermines Heavy Metal Contamination Reduction	PREPRINT
	K. Pendergrass, <i>Journal of Food Metallomics</i> , 2026. doi: 10.5281/zenodo.19470572 (selection dynamics by which the brands investing most in quality and transparency are the most exposed to public naming). · doi.org	
[6]	The Cost of Operating Without Credible Third-Party Heavy-Metal Certification	PREPRINT
	K. Pendergrass, <i>Journal of Food Metallomics</i> , 2026. doi: 10.5281/zenodo.18903738 (one-year cost of a single contamination-triggered event modeled at \$1.6M–\$6.6M for a brand at \$5M revenue; consumer-confidence evidence). · doi.org	
[7]	HMTc Infant and Child Foods Program Manual	REPORT
	K. Pendergrass, 2026 Edition, the Institute of Contaminant Standards (ICS). doi: 10.5281/zenodo.20270512. Mark-usage rules and prohibited claims ("heavy-metal free," "no toxic metals," "100% safe"; the mark "does not certify safety"): Part 2.5. Action-levels-not-safety-thresholds framing: Part 2.1. Relationship to USDA Organic and the Non-GMO Project, which do not address heavy metals: Part 5.5. Consumer-facing claim discipline (specify dose, population, and limit): Part 2.5 and audience-layering conventions. · doi.org	

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