



Theodora T. McCormick

Shareholder

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Theodora "Teddy" McCormick is a seasoned advocate for businesses, leveraging her extensive experience to navigate complex disputes and provide strategic advice to businesses in the wellness industry.

Theodora "Teddy" McCormick is a shareholder in Baker Donelson's Princeton, New Jersey office. Teddy's clients include companies from every facet of the health care and wellness industries, including dietary supplement companies, pharmaceutical and life sciences companies, hospitals, health care systems, and physician practice groups. She advocates for them in disputes with the government, insurers, their competitors, partners, suppliers, and customers. Teddy's clients appreciate her strategic advice on issues affecting every aspect of their businesses.

For dietary supplement and other businesses in the wellness industry, she helps grow their businesses while minimizing risk, whether regulatory, competitive, or from consumers. She has successfully handled almost every type of litigation with which these companies could be faced. She has defended numerous consumer class actions, Federal Trade Commission (FTC) and Food and Drug Administration (FDA) enforcement proceedings and claims under Proposition 65 in California. She has prosecuted several unfair competition, tortious interference, and Lanham Act claims against competitors and breach of contract disputes with business partners, vendors, and suppliers. She has also negotiated several consent decrees with the FTC.

Clients seek Teddy's assistance navigating the legal and business challenges associated with today's competitive and constantly changing landscape, including advertising compliance (including social media and customer or influencer testimonials), reviewing website terms and conditions, creating subscription models, and establishing return and recall policies and procedures. Teddy is a frequent writer and speaker on the challenges and opportunities facing businesses in the supplement and wellness industries.

Clients appreciate that Teddy always keeps their goals and objectives front and center as she handles their matters. She works hard to find common ground with her adversaries and strives to diffuse difficult and emotional situations, a strategy that has helped her resolve countless thorny disputes while saving her clients substantial amounts of money and time. Before going to law school, she worked for an energy-efficient lighting company, which provided her with first-hand experience with the regulatory and competitive challenges faced by her clients.

Representative Matters

Results may vary depending on your particular facts and legal circumstances.

- Represented a cosmetics and supplement company in connection with an FTC investigation into claims made by the company for various products sold on its website. Successfully negotiated a consent decree that included a suspended judgment with no payment of any fines or penalties unless the client violated the consent decree.
- Successfully defended a dietary supplement company in an action brought by the FTC charging the company with failing to have competent and reliable scientific evidence substantiating claims made regarding two popular dietary supplements. The FTC sought \$24 million in fines and penalties. Following a five-day trial, the district court judge rejected the government's allegations and issued a written opinion in favor of the dietary supplement company.

- Obtained dismissal of claims totaling more than \$25 million in the Eastern District of Pennsylvania on behalf of the largest retailer-owned supermarket cooperative in the U.S. in an action brought by a property developer who alleged that the client and one of its member supermarkets caused the failure of the plaintiff's commercial development by pretending to be interested in locating a supermarket there while simultaneously planning to locate the supermarket at a competing development.
- Represented a European dietary supplement company in a lawsuit against a major U.S. supplier for fraudulent inducement and unfair competition. The supplier's false product representations led to significant investment losses and a large product recall, wiping out the client's annual sales. The case involved complex EU food safety regulations, arbitration agreement validity, and unsigned purchase orders limiting damages. After overcoming a motion to dismiss and compel arbitration, limited discovery and mediation led to a confidential settlement, saving the client's business and avoiding prolonged litigation and high attorney fees.
- Successfully moved to dismiss a putative class action in which the plaintiffs claimed that certain dietary supplements sold by the client contained ingredients that were not safe for human consumption and that the products were adulterated under the Food, Drug, and Cosmetic Act (FDCA).
- Secured the dismissal of a class action lawsuit on behalf of a dietary supplement company in the Central District of California. The team successfully argued that the plaintiffs' claims were an improper end-run around the primary jurisdiction of the FDA and its authority to regulate dietary supplements under the FDCA and the Dietary Supplement Health and Education Act (DSHEA).
- Represented an internet mortgage company in connection with a fraudulent inducement action that the company brought following its purchase of a smaller internet mortgage company. The smaller company had made several false representations and warranties in the transaction documents. Negotiated a resolution that released the client from making an additional \$5 million payment that was required pursuant to a promissory note that was part of the transaction.
- Represented a data management company against a competitor in a Lanham Act and unfair competition suit brought after the competitor published false information regarding the client on its website. Initially sought and obtained an injunction requiring the competitor to remove the false postings.
- Successfully negotiated a multimillion-dollar settlement on behalf of a research institution in a complex licensing dispute involving several patents that had been licensed and sublicensed to different pharmaceutical companies.
- Successfully dismissed a complaint brought by one entertainment company against a competing entertainment company alleging claims of misappropriation of confidential information, unfair competition, and tortious interference with prospective economic advantage based on the plaintiff's failure to register as an entertainment agency under the Employment and Personnel Services Act, N.J.S.A. 34:8-43 et seq. and N.J.S.A. 56:8-1; this was the first time that we are aware of that a court in New Jersey has dismissed a complaint against an entertainment agency based on its failure to register with, and obtain a license from, the New Jersey Attorney General.
- Recovered more than \$5 million in lost profits damages for a global specialty chemical manufacturer against another U.S. chemical manufacturing company for breach of licensing and tolling agreement.
- Represented a New Jersey advocacy organization as amicus curiae before the New Jersey Supreme Court. The court rejected a punitive damages claim against physicians and a hospital for using a power morcellator to treat a patient after the FDA issued a safety communication against its use. The patient passed away from a rare cancer post-hysterectomy. The plaintiffs argued the physician should have suspected cancer and informed the patient of the risks. The trial court denied summary judgment on punitive damages, but the Supreme Court found insufficient evidence of malice or wanton disregard by the doctors or hospital.
- Obtained a rare ex parte temporary restraining order on behalf of a supermarket client to halt an ongoing trademark infringement and fraud scheme. The defendants appropriated the well-recognized

trademark of the client's subsidiary supermarket brands to pass themselves off as franchisees of that brand, in order to get financing for fraudulent transactions and other illegal activities. After our restraining order was granted in New Jersey federal court in less than 24 hours, we filed a trademark infringement lawsuit against the defendants.



Professional Honors & Activities

No aspect of this advertisement has been approved by the Supreme Court of New Jersey.

- Listed in *The Best Lawyers in America*® for Commercial Litigation (2016 – 2025). *This award is conferred by Best Lawyers. A description of the selection methodology is [available here](#).*
- Selected for inclusion in New Jersey Super Lawyers for Health Care and Business Litigation (2016 – 2024) and "Top 50 Women" List (2017). *This award is conferred by Thomson Reuters. A description of the selection methodology is [available here](#).*
- Honoree – Executive Women of New Jersey "Salute to the Policy Makers" (2022). *This award is conferred by the Executive Women of New Jersey. A description of the selection methodology is [available here](#).*
- Listed in New Jersey Rising Stars for Business Litigation (2007). *This award is conferred by Thomson Reuters. A description of the selection methodology is [available here](#).*
- Member – Food and Drug Law Institute (FDLI), Enforcement, Litigation, and Compliance Conference Planning Committee (2024)
- Member – American Bar Association
- Member – New Jersey State Bar Association
- Member – Association of the Federal Bar of New Jersey
- Member – New Jersey Women Lawyers Association, former general counsel and executive board member (2011 – 2015)



Publications

- "The Legal and Reputational Risks Associated with Greenwashing," *Natural Products Insider* (March 2024)
- "Overlooked Risks for Employers Using AI Tools," *Bloomberg Law* (November 2023)
- "FTC's Revisions to Dietary Supplement Advertising Guidelines: More of the Same," *Natural Products Insider* (January 2023)
- "Food and Supplement Class Action Suits That Rely on Alleged Regulatory Violations," *FDLI Update*, *FDLI Update* (May 2021)
- "Businesses Beware: FTC Seeks to Codify 'Made in USA' Enforcement Policy," *FDLI Update* (September 2020)
- "Protecting Confidential Information in the Brave New World of Virtual Litigation," *New Jersey Law Journal* (May 2020)



Speaking Engagements

- "Ingredient Claims and Legal Flames: An Interactive Workshop to Dodge Regulatory Heat," SupplySide West (October 2024)
- "Dietary Supplement Litigation: Nutraceuticals and the Law," New Jersey State Bar Association (NJSBA) Product Liability and Mass Tort Section, the Consumer Protection Law Special Committee, and the Class Actions Special Committee (December 2023)
- "Class Action Boot Camp," 11th Annual Legal, Regulatory & Compliance Forum on Dietary Supplements (June 2023)
- "Hatch-Waxman Litigation in the District of New Jersey: A Primer for the Jurist and the Practitioner," Association of the Federal Bar of New Jersey (May 2022)

- "The Year in Review: Food and Dietary Supplement Industry Trends, Key Court Decisions, and Litigation Developments," FDLI Food Advertising, Labeling, and Litigation Conference (September 2021)
- "Evolving Food and Dietary Supplement Class Action Suits," FDLI (June 2021)
- "Other Agencies: FTC and SEC Litigation, Enforcement, and Application to FDA Authorities," FDLI Enforcement, Litigation, and Compliance Conference (December 2020)
- "Remote Networking," Rutgers Law School (September 2020)



Education

- Rutgers University School of Law – Newark, J.D., 1998
- Tulane University, B.A., 1992



Admissions

- New Jersey, 1998
- U.S. Court of Appeals for the Federal Circuit
- U.S. Court of Appeals for the Third Circuit
- U.S. District Court, District of New Jersey