

OUR PRACTICE

Food Safety & Regulation

The legal demands on today's food industry are wide-ranging, from regulations and labeling to enforcement actions and recalls. Baker Donelson's Food Safety and Regulation Practice addresses all aspects of the regulatory environment created by the U.S. Food and Drug Administration (FDA), the U.S. Department of Agriculture (USDA), and the Federal Trade Commission (FTC). With broad experience and in-depth knowledge, we assist clients in all levels of the food supply chain. Whether a client is facing contamination issues, a recall, an enforcement action or struggling with labeling requirements, Baker Donelson provides guidance in this complex legal landscape.

Our Food Safety & Regulation Practice helps clients be proactive with the local, state, federal and international laws and regulations that govern all facets of food and dietary supplement production, product safety, packaging and labeling, and distribution. We often conduct internal audits of processes and procedures that identify areas of risk and opportunity for our clients. Our regulatory compliance attorneys also develop tailored strategies aimed at helping businesses of all sizes avoid and manage USDA and FDA compliance investigations and enforcement proceedings. When federal or state agency actions or recalls arise, we advise on efficient and effective responses.

In the food and dietary supplement industries, we advise established and emerging manufacturers, processors, marketers and other supply chain contributors on a diverse range of activities, including regulatory strategies and compliance; advertising, labeling and claim substantiation, promotion, and product claim support; protection of intellectual property; and sophisticated due diligence investigations. Our attorneys also help clients navigate the patchwork of state regulations affecting their businesses.

In addition to providing proactive food and supplement regulatory advice, we also represent clients through litigation matters, recalls, incident investigations, audits, and other corrective actions. We have extensive experience litigating regulatory challenges, both in administrative agencies and courts, as well as all manner of cases involving clients operating within the food industry. Our team regularly represents clients in trials and appeals of government regulated matters nationwide, including the defense of consumer class actions based on the various states' false and deceptive trade practice statutes, challenging labeling and advertising restrictions on First Amendment grounds, and challenging burdensome regulations.

Food Practice Outside the United States

In today's global economy, successful businesses look beyond geographic borders to explore new markets and resources. Baker Donelson believes that our clients benefit most from first-hand, local representation of their business goals and needs, and has therefore worked to develop an extensive international network of contacts who are knowledgeable of their own country's regulatory agencies and rules. We have well-established, ongoing relationships with local law firms around the world, in locations as diverse as Brazil, Turkey, the Netherlands and Japan, and within our practice group we have professionals with fluency in several languages.

By drawing on our international contacts and internal resources, we are able to advise and guide our clients on issues related to licensing, intellectual property and import/export requirements of key world markets.



Representative Matters

- Represented a major national beef producer in an investigation of potential E. coli contamination of beef patties supplied to fast food chain locations. Assisted the client with testing protocols and negotiated testing terms with opposing counsel, successfully concluding the matter when test results confirmed the beef product was negative for E. coli.
- Represented clients in FDA food contamination recalls involving peanut butter products and ingredients.
- Represented a food manufacturer in a nationwide FDA recall of egg products due to alleged bacterial contamination. Also handled related insurance coverage issues for client to recover maximum insurance payments and defended multiple suits by customers.
- Successfully defended a serious personal injury case in Texas alleging a national retail client sold tainted baby food products. Motion to dismiss granted by Federal Court based on innocent retailer defense.
- Aided a Mexican flour manufacturer with the navigation of importation and labeling requirements to market the product in the United States.
- Assisted a plant-based food maker and marketer with the product label and product name to assure FDA compliance.