

Food Compliance and Enforcement

There is a focus on food safety and inspection at all food processing and distribution levels. And there is an increasing regulatory and competitive scrutiny of food and dietary supplement activities.

Food and beverage companies benefit from the experience and perspective we have gained from participating in the development of laws and regulations with which you must comply and in responding to compliance and enforcement related actions whether from regulators, state entities, competitors, or class action lawyers.

We can advise you on how to produce and process your products in accordance with applicable manufacturing and labeling requirements, market your products most effectively without violating labeling and advertising rules, consistently monitor regulatory compliance, shape and influence future policy issues, and respond if another entity alleges non-compliance.

Organizations facing enforcement actions, including investigations, inspections, and Warning Letters, need lawyers with both extensive litigation experience and in-depth knowledge of the agency and its civil and criminal enforcement actions.

Our lawyers include seasoned litigators as well as former agency officials. We regularly handle injunction and seizure actions, recalls, and crisis management, and we also develop inspection policies and work to identify effective strategies to

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Practices

Food Law

Crisis Leadership Team

deal with counterfeit products and related security concerns.

We have a strong track record litigating all types of FDA and USDA challenges under the Administrative Procedure Act, including authorization of marketing of competitor products and new regulatory burdens.

We know what enforcement tools are likely to be used against you and how to interact with regulators and present your case.

When compliance and enforcement issues arise, we can help.

Representative experience

Counseled companies on developing food safety plans, supplier verification programs, and food defense plans that comply with FSMA requirements.

Advised companies on how to prepare for and manage a regulatory inspection, as well as related enforcement, preparing for Regulatory Meetings with the agency, and negotiating consent decrees.

Helped companies stay up to date on agency inspection and enforcement plans and priorities, as well as trends seen by the food industry.

Assisted companies in handling product recalls, reports to the Reportable Food Registry, outbreak investigations, and corrective actions needed to resume production.

Helped companies respond to demand letters regarding labeling and marketing claims.

Counseled numerous food companies on compliance with the requirements for bottled water, low-acid foods, acidified foods, juice HACCP, seafood HACCP, and meat and poultry HACCP.

Counseled numerous food industry clients on complying with the U.S. Consumer Product Safety Commission's requirements related to food package inserts, premiums, and gifts.

Conducted numerous due diligence investigations for companies involved in a takeover or merger, identifying serious regulatory deficiencies and avoiding a company from

acquiring another's problems.

On behalf of many food manufactures, we are successfully working with the FDA's Office of Criminal Investigations on product tampering, extortion, and product counterfeit matters.

Successfully represented many meat and poultry processors in responding to the USDA Food Safety and Inspection Service noncompliance reports (NRs), 30-Day letters, and Notices of Intended Enforcement Action.

Assisted a major grain importer in resolving concerns raised by the USDA's Animal and Plant Health Inspection Service arising under the Federal Noxious Weed Seed Act.

Latest thinking and events

News

FSIS Issues Notice on Measures to Protect Inspection Program Personnel from COVID-19 Infection

Insights

OEHHA proposes new glyphosate warning while First Amendment appeal to 9th Circuit remains pending

News

FSIS proposes unified 30-day timeline for filing appeals related to inspection activities

Analysis

Essentially derived varieties: critical concept for protecting plant varieties or chilling effect on innovation?

News

FDA releases priority list of food guidance documents FDA intends to publish by June 2022

News

China's new rules for food importation and facility registration