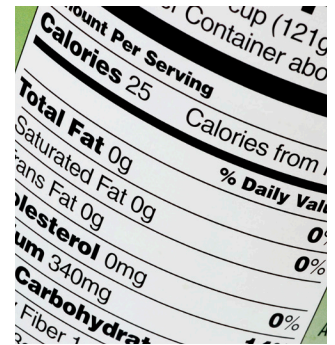


## Food & Beverage Practice



---

For nearly a century, King & Spalding has closely advised leading food and beverage companies, food industry trade associations, and other businesses in the food supply chain on their most difficult and complex matters. Today, the industry faces a more challenging legal environment around the globe due to increased concerns over food safety, obesity, and other health- and nutrition-related matters. From an uncertain regulatory terrain to a rising tide of class action litigation, the food industry is fighting battles on a number of different fronts. A trusted partner with the industry, King & Spalding provides experienced counsel across several key practice groups who have guided clients through these legal challenges.

Ranked as one of the nation's top firms for Food & Beverage – Regulatory and Litigation in *Chambers USA*.

### FDA and EU Regulatory Compliance

King & Spalding's FDA & Life Sciences practice group assists clients with food and beverage regulatory matters before the FDA, the European Commission, and other state, federal, and international regulatory authorities. Our lawyers, who include a former FDA Associate Chief Counsel for Foods and other widely recognized leaders of the food bar, help clients successfully navigate the complex laws and regulations applicable to the development, manufacturing, safety, labeling, advertising, branding, distribution, and sale of foods, dietary supplements, and beverages in the United States and the European Union.

King & Spalding lawyers regularly, for example:

- Review and analyze product labels and marketing materials for compliance with FDA, FTC, and/or EU requirements such as nutrient content and health claim regulations.
- Advise on the compliance status of food ingredients and additives, and assist companies with obtaining regulatory clearance for the use of any new food additives, new dietary ingredients, and novel foods.
- Advise on food safety issues such as cGMP compliance, FDA's Reportable Food Registry requirements, and FDA's implementation of the groundbreaking FDA Food Safety Modernization Act (FSMA).
- Advise on regulatory issues related to the marketing and labeling of GMO foods and ingredients.
- Assist clients with the preparation and submission of public comments, Citizen Petitions, GRAS notifications, health claim petitions, and other regulatory documents to FDA and/or other state, federal, and international agencies.
- Assist clients in preparing for regulatory inspections and responding to regulatory enforcement actions such as Warning Letters, product seizures, and import detentions.
- Assist clients with the development of food recall plans and conducting voluntary and mandatory product recalls.
- Conduct food and beverage regulatory due diligence on corporate transactions and private equity investments.



“Law Firm of the Year” in Mass Tort Litigation/Class Actions in the 2015 *U.S. News & World Report* / *Best Law Firms* survey.

Three-time winner (including in 2015) of *Chambers USA* Award of Excellence for International Trade.

#### **Contacts**

*FDA Regulatory*  
Smitha G. Stansbury  
+1 202 626 2902  
sstansbury@kslaw.com

*EU Regulatory*  
Ulf H. Grundmann  
+49 69 257 811 400  
ugrundmann@kslaw.com

*Litigation*  
Jeffrey S. Cashdan  
+1 404 572 4818  
jcashdan@kslaw.com

*International Trade*  
J. Michael Taylor  
+1 202 626 2385  
jmtaylor@kslaw.com

## Litigation

From the “obesity” class actions to the more recent wave of labeling and advertising class actions, the food and beverage industry has increasingly become the focus of aggressive plaintiffs’ lawyers who are vocal about targeting “Big Food.” King & Spalding is deeply familiar with the strategy and tactics of this kind of litigation, and has successfully advised and defended many industries through these same challenges.

Litigators at King & Spalding have particular skill in matters involving complex scientific, medical, or public health allegations, and in litigation on several fronts that requires a coordinated strategy across different practices or jurisdictions. The firm also has considerable experience representing clients in their most sensitive corporate disputes, including litigation with chief competitors. King & Spalding has litigated hundreds of class actions in all 50 states, and has a deep bench of trial lawyers, including ten active members of the prestigious American College of Trial lawyers, one of which is a recent former president. In addition, the firm has considerable expertise litigating these issues in Europe.

King & Spalding’s litigation experience includes:

- Defending consumer fraud class and other actions filed by plaintiffs or advocacy groups regarding product labeling, advertising, and marketing.
- Managing crisis response, including acting as national counsel and coordinating outbreak response, recalls, and mass tort litigation.
- Pursuing and, if necessary, litigating insurance recovery.
- Prosecuting and defending high-stakes commercial and intellectual property litigation against competitors.
- Representing clients in Europe in all manner of litigation against competitors and governmental authorities (such as the European Commission) before national and European authorities, and before national and European Courts.

## International Trade

King & Spalding’s International Trade practice is composed of more than 40 lawyers and nonlawyer professionals in offices around the globe, including former government officials, former WTO officials, and foreign legal experts. Our International Trade practice supports food and beverage clients in all aspects of their business involving the movement of goods across borders, the provision of services, and the protection of investments around the world.

King & Spalding lawyers regularly, for example:

- Assist and advise on trade issues related to import restrictions, sanitary border measures, import licensing, customs classification, customs valuation, and country-of-origin labeling.
- Advise on international regulatory developments, and use the international trade rules of the WTO and similar free trade agreements to engage with governments on unduly restrictive food and beverage product labeling and packaging requirements.
- Help ensure fair market access by leveraging international trade and investment rules to challenge tax discriminations, additional import duties, distribution restrictions, and state trading distortions that hinder market penetration and market share growth.
- Help ensure the cross-border movement of goods, and routinely engage with border regulators to address logistics and recall issues.