



### Stefanie Jill Fogel

#### Partner

GLOBAL CO-CHAIR, CONSUMER GOODS, FOOD AND RETAIL SECTOR

GLOBAL CO-CHAIR, COMPLIANCE AND GOVERNANCE PRACTICE

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Stefanie J. Fogel is Co-Chair of DLA Piper's Global Consumer Goods, Food and Retail Sector and Co-Chair of the US Food and Beverage sub-sector, focusing her practice on multi-national food and consumer product regulation and compliance, food and consumer product recall response, corporate compliance, and commercial, class action and multi-plaintiff litigation. Stefanie works with large multinationals and start -ups in trending areas of the food and supplement space to include plant based alternatives and hemp based CBD products.

She represents national and international manufacturers of foods and dietary supplements, retail clothing, manufacturing equipment, chemical products, bio-technology detection devices and a variety of consumer products. Stefanie serves as a national and international advisor to these clients in the area of product safety, cross-border distribution and enforcement, crisis management response, and industry trends. She has extensive experience advising on FDA, USDA, TTB, and CPSC related regulations, including label compliance, claims risk assessment, import and export issues, FSMA, and supply chain management. She is also a seasoned trial lawyer and has represented clients both locally and as national coordinating counsel in toxic torts, consumer fraud, mislabeling and misuse and product liability matters, against individual, multi-district, and class action claims. She has also developed a global multidisciplinary crisis management team to quickly and effectively address issues arising out of recalls, contamination, natural disasters, equipment failure, and environmental leaks and spills.

Stefanie has lectured across the country on subjects relating to food regulatory, litigation and compliance matters, supply chain risk and management, food safety, information management, and in-house and expert witness preparation, as well as civil practice litigation issues. She is well-versed in food and dietary supplement industry trends and has experience necessary to navigate the complex and nuanced food regulatory arena.

Stefanie also concentrates on data strategy, data privacy, and data security process management, records and information

#### RELATED SERVICES

- Product Liability, Mass Torts and Product Stewardship
- Litigation, Arbitration and Investigations
- Projects, Energy and Infrastructure
- Insurance and Reinsurance Disputes

#### RELATED SECTORS

- Energy and Natural Resources
- Insurance
- Consumer Goods, Food and Retail

management (RIM), and data privacy. She has developed protocols for the implementation of national and international document retention schedules, records management programs, e-discovery strategic plans, and ISO auditing for a variety of industries. She also works with global companies in a variety of industries to develop data strategies integral to new product development.

She is a member of DLA Piper's governing Policy Committee and the Hiring Committee and is also proud to be the co-founder and co-chair for DLA Piper's National Leadership Alliance for Women (LAW) Program.

Stefanie is admitted to practice in Massachusetts, Pennsylvania, and New York and has been admitted in various other states pro hac vice.

## EXPERIENCE

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### Significant Matters

- Representation of frozen vegetable and fruit manufacturer and distributor in regulatory compliance assessment and recall relating to listeria contamination
- Representation of international cinnamon roll retail food establishment involving international recall of cinnamon roll products due to peanut contamination in supplier's flour
- Representation of pretzel/ hot dog distributor in national recall relating to gluten free mislabelling
- Representation of pretzel/hot dog distributor regarding presence of foreign metal and plastic particles in pretzel dog products
- Representation of international sweetener manufacturer involving crisis management and recall considerations for potential biohazard contamination of foreign manufactured sweetener product, including coordination with multiple international governmental authorities during respective investigations
- Representation of international wine manufacturer related to recall of foreign manufactured wine bottles containing glass particles
- Regulatory advising and coordination with TTB regarding alcohol importer's permit application for foreign entity importing products through U.S. subsidiary
- Regulatory advising, classification assessment, and label review for malt beverage and beer products
- Regulatory advising and labelling claims relating to cheese and dairy related product
- Regulatory advising and risk analysis for company providing organic food kits, including a various USDA regulatory implications, organic claims, CGMPs, HACCP, and food facility requirements
- Regulatory advising regarding bottled water label requirements and label claims
- Regulatory advising regarding country of origin labelling and Tariff Act implications for imported frozen vegetable products
- Regulatory advising and risk analysis for lactation dietary supplement product, including analysis of organic claims, natural claims, gluten free claims, nutrient content claims, and labeling for pre-specified groups
- Regulatory advising and analysis for national restaurant chain regarding menu labeling laws, and compliance with USDA regulations for meat, poultry, and organic claims
- Representation of an international sugar manufacturer in addressing over 15 potential recalls, development of a food safety and compliance program, and serving as national counsel for overseeing contamination and mislabeling claims
- Representation of a peanut butter manufacturer in addressing regulatory and compliance concerns as well as legislative efforts relevant to labeling of consumer product.
- Representation of herbal supplement distributor in defending against class action claiming mislabeling and consumer fraud
- Representation of international confection and nutritional supplement manufacturer and distributor relating to information management and regulatory compliance
- Representation of international clothing retailer related to CPSC recall efforts involving lead in children's products and related import/export and product detention implications for foreign manufactured products
- Representation of Canadian clothing retailer related to importation and recall negotiations with CPSC regarding certain adult and children's clothing products with compliance concerns
- Representation of athletic apparel and consumer goods company related to recall involving lead paint in apparel bag products
- Representation of national retail distributor of apparel, consumer goods and confections relating to the development of a

global compliance program, cross border distribution, labeling and consumer fraud claims

- Representation of a national pharmaceutical company in litigation arising out of the distribution of federally approved drugs alleged to have resulted in serious injury and death across the country
- Served as in-house consultant for an eight-month period to an international technology/communications company in order to establish a protocol for litigation crisis management and regulatory reporting. Instituted quality assurance policies and procedures as part of litigation prevention strategy
- Representation of a biotechnology company in assessment of potential liability and avoidance mechanisms in the development and manufacture and distribution of pathogen detection devices for governmental and civilian use
- Representation of a national oil and gas company in crisis response and subsequent litigation resulting from a toxic release
- Representation of a national chemical corporation involved in a significant toxic chemical release in crisis response and subsequent class actions as well as multimillion-dollar claims litigation
- Representation of glassware manufacturer in response to class action, proposition 65 claims, and government inquiry relating to the alleged use of chemicals in drinking glasses sold by food distribution and retailer
- Representation of international battery distributor in multiple recalls involving allegations of defect and consumer fraud
- Representation of distributors and retailers of athletic gear and apparel relating to the development of global compliance program, cross border distribution, labeling and consumer fraud claims
- National representation of a national motorcycle manufacturers in toxic tort litigation including the development of a national defense strategy, in-house witnesses identification and preparation, discovery coordination and trial
- National representation of national heavy industrial equipment manufacturers in toxic tort litigation to include the development of a national defense strategy, in-house witnesses identification and preparation, discovery coordination and trial
- Representation of international children's products manufacturers in car seat, swing and stroller litigation to include development of in-house witnesses and experts for national litigation platform
- Representation of international motorcycle manufacturers in products liability litigation across the country to include the development of a national defense strategy, in-house witness identification and preparation, discovery coordination and trial
- Representation of national health insurance provider in the defense of complex commercial class action litigation based on provider agreements and coding
- Representation of an international consumer product manufacturer in the development of a coordinated e-discovery protocol
- Representation of an international health insurance company in the development of a coordinated document management program as well as an e-discovery protocol
- Representation of major package carrier in products liability litigation to include all facets of trial preparation
- Representation of an elevator and escalator company in products liability litigation to include all facets of trial preparation

## CREDENTIALS

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### Admissions

- Massachusetts
- New York
- Pennsylvania

### Recognitions

- *The Legal 500* United States has repeatedly recommended Stefanie for her data protection and privacy practice. She has been "singled out for 'outstanding client service,'" and called a "[d]ata protection expert" who "is incredibly responsive and available at all hours." The well-renowned directory has also recommended her for her cyber crime practice as she is "highly responsive."
- *Chambers USA* ranked Stefanie in Band 3 for "Food and Beverages: Regulatory & Litigation" category in 2020. Her clients noted that she is "a magnificent regulatory lawyer, a great team player and a super responsive relationship partner."

- Named a 2020 Cannabis Law Trailblazer by the *National Law Journal*.

## Prior Experience

- Philadelphia District Attorneys Office, Summer Intern, 1993, Philadelphia, Pennsylvania
- KS. Sweet Associations, Financial Analyst and Project Manager, Washington, DC

## Education

- J.D., University of Pennsylvania Law School 1995  
Lauerback/Littleton Legal Writing Instructor
- B.S., University of Pennsylvania 1990  
*magna cum laude*  
Wharton School of Finance

## Memberships

- Defense Research Institute
- American Bar Association
- Philadelphia Bar Association
- New York Bar Association
- The University of Pennsylvania Law School American Inn of Court

## INSIGHTS

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### Publications

#### Consumer Goods, Food and Retail Top of Mind: COVID-19 sector insights

20 May 2020

In this time of growing uncertainty, we recognize that many of our clients are facing unprecedented challenges arising from the coronavirus disease 2019 (COVID-19) pandemic.

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#### Food and beverage COVID-19 regulatory updates

1 May 2020

Ongoing commentary and guidance from US regulators.

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#### Adapting to a new consumer market

15 April 2020

As consumer-facing businesses consider changes in their business models, avoiding legal pitfalls in some key areas is necessary for a successful transition.

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#### US CPSC advises consumers certain recall remedies may be unavailable due to COVID-19 – four key takeaways

15 April 2020

Guidance will evolve as the pandemic develops, and CPSC-regulated firms are encouraged to consider these actions.

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### **FDA COVID-19 updates for the food and beverage industry**

13 April 2020

Food and Beverage News and Trends

FDA issues guidance to serve as a food safety resource during the COVID-19 pandemic, plus other late-breaking developments in the food and beverage sector.

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### **COVID-19 and the "essential business" designation: Practical guidance for businesses that fall in the gray area between "essential" and "non-essential"**

6 April 2020

Certain frequently asked questions as well as practical guidance.

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### **COVID-19 and food – FDA position (United States)**

19 March 2020

For help considering potential impacts of FDA touchpoints.

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### **The CBD problem: searching for a legal pathway for CBD in foods and supplements**

20 September 2019

The current state of the laws and regulations in the US, and potential pathways to a resolution.

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### **Food safety from farm to fork: FDA publishes proposed rules aiming to ensure the safety and security of the food supply**

24 JAN 2013

The proposed rules lay the foundation of the prevention-based, modern food safety system envisioned in the FSMA and have wide-ranging effects on many industries, including every link in the global food supply chain.

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- Co-Author, "Advising Food Company Executives at a Time of Increase Regulatory Risk," *Today's General Counsel*, Aug-Sept 2017
  - Panelist "Of Handcuffs and Hamburgers: As DOJ Increases Its Focus on the Food Industry, How Your Company (and You) Can Avoid Being Criminally Prosecuted", GMA 2017 Legal Conference, February 28, 2017
  - Co-Author, "2-49 Corporate Compliance Practice Guide § 49, Specific Corporate Compliance Challenges," *Industry: Food*, 2016
  - *US v Bayer*: randomized clinical trials not required for dietary supplement structure function claims – key takeaways, 8 Oct 2015
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- Appeals Court upholds FTC order enjoining POM Wonderful claims – with modifications, 2 Feb 2015

## NEWS

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## MEDIA MENTIONS

- “Anticipated FDA Document Does Little to Clarify Consumer CBD Product Regulations,” *Hemp Grower*, July 21, 2020