



Stefanie Jill Fogel

Partner

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

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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
- FDA

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

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

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

Publications

Food and Beverage News and Trends

15 January 2021

Food and Beverage News and Trends

New Dietary Guidelines for Americans remain much the same; USDA seeks produce industry input on new food safety survey.

Food and Beverage News and Trends

15 December 2020

Food and Beverage News and Trends

Industry urges vaccine prioritization for food workers; FDA will publicize outbreak investigations weekly; sesame, salmon, soymilk.

Food and Beverage News and Trends

16 November 2020

Food and Beverage News and Trends

FDA ordered to study risks of GM salmon, health experts urge strict limit on alcohol consumption, plus "lite," listeria, labels.

How COVID-19 has shifted the global grocery landscape

16 November 2020

DLA Piper partners Angela Agrusa and Stefanie Fogel are joined by Maureen Hinton and Joseph Robinson of GlobalData to discuss the impact of the pandemic on the industry, with a focus on current developments and the outlook for 2021.

The US Hemp Production Handbook

4 November 2020

A concise, high-level overview for businesses that are currently or are considering operating in this growing market.

Food and Beverage News and Trends

23 October 2020

Food and Beverage News and Trends

USDA sued over bioengineered-food rules; as jurisdictions address the pandemic, some developments for restaurants and bars; plus plant-based burgers, cell-based meat, “natural” applesauce.

Food and Beverage News and Trends

17 September 2020

Food and Beverage News and Trends

First-ever consent decree under FSMA, plus new egg rules, new grape variety names, carrot cake without carrots, smoked almonds without smoking.

Food and Beverage News and Trends

27 August 2020

Food and Beverage News and Trends

USDA to hold virtual meeting on Salmonella contamination, egg producer charged with price gouging in the pandemic, plus vegan butter, fish, jams, and the onion recall expands again.

Food and Beverage News and Trends

10 August 2020

Food and Beverage News and Trends

FDA announces new food safety blueprint, plus cell-cultured meat, bioengineered foods, soda, onions and a white candy bar, a court says, is white.

Food and Beverage News and Trends

10 July 2020

Food and Beverage News and Trends

Illinois warns bars and restaurants about social distancing, Colorado mandates cage-free hen housing.

Food and beverage COVID-19 regulatory updates

4 June 2020

Ongoing commentary and guidance from US regulators.

Food delivery fee disclosures and caps in the wake of COVID-19 pandemic

26 May 2020

As a result of customers' increased reliance on third-party food delivery services precipitated by social distancing measures and compliance with local stay at home orders, cities have begun to take note of the fees charged by third-party delivery service providers, often with disparate impact on restaurant companies of varying sizes and negotiating power.

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.

Food and beverage COVID-19 regulatory updates

1 May 2020

Ongoing commentary and guidance from US regulators.

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.

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.

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.

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.

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

19 March 2020

For help considering potential impacts of FDA touchpoints.

Food and Beverage News and Trends

21 February 2020

Food and Beverage News and Trends

Members of Congress protest proposed changes in federal school meal program; plant-based company sues California regulators on free speech grounds.

Food and Beverage News and Trends

7 February 2020

Food and Beverage News and Trends

Virginia moves to define "milk," court overturns Kansas ag-gag law, plus vanilla, glyphosate, and Hep A back in the news.

Food and Beverage News and Trends

24 January 2020

Food and Beverage News and Trends

Appeals court strikes down Missouri alcohol advertising rules on free speech grounds; USDA loosens school lunch nutrition rules; plus news of salads, e-cigarettes, serving sizes, and a new dietary fiber

Food and Beverage News and Trends

11 December 2019

Food and Beverage News and Trends

Nomination of new FDA head advances, plus rose chocolate, meat wars, cage-free hens, and the last near-beer state.

Food and Beverage News and Trends

15 November 2019

Food and Beverage News and Trends

The FDA addresses the future of food safety, plus labels for plant-based “meat”; vapes in the news; and cotton... for dinner?

Food and Beverage News and Trends

14 October 2019

Food and Beverage News and Trends

In this issue, is it time to revise food standards of identity? Plus vaping, alcohol labels, and a potential commissioner for the FDA.

Food and Beverage News and Trends

23 September 2019

Food and Beverage News and Trends

In this issue, USDA publishes hog slaughterhouse rule, flavored e-cigarettes in the news, plus vegetarian meat, chocolate milk, bottle sizes, sugary snacks.

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.

Food and Beverage News and Trends

6 September 2019

Food and Beverage News and Trends

In this issue, FDA warning letter puts papaya industry, and food sector, on notice; cell-based meat companies form trade group; Florida ponders reforming alcohol laws.

Food and Beverage News and Trends

20 August 2019

Food and Beverage News and Trends

In this issue, FDA issues first warning letter under the FSMA foreign supplier verification requirements, Seattle wrangles over soda tax revenue, plus school meal standards, clean water, and Hep A in the news.

Food and Beverage News and Trends

6 August 2019

Food and Beverage News and Trends

In this issue, Gottlieb calls on FDA to act on CBD, Arkansas meat-labeling law faces constitutional challenge, plus meatballs, leafy greens, GMOs.

Food and Beverage News and Trends

18 July 2019

Food and Beverage News and Trends

In this issue, lawsuits fight state meat-labeling laws, call for cancer warning on alcohol, high court strikes down Tennessee alcohol sales statute, plus bison, blood pressure, beverage taxes, best if used by.

Food and Beverage News and Trends

21 June 2019

Food and Beverage News and Trends

In this issue, FDA settles suit on deadlines for reporting on high-risk foods, TTB announces new "Conditional Approval" process for alcohol labels, plus PFAS, biotech, added sugars, frozen food recalls.

Food and Beverage News and Trends

10 June 2019

Food and Beverage News and Trends

In this issue, Sharpless pledges continuity, fruit juice linked to higher mortality, court OKs mobile vendor rule, plus kombucha, alcohol, salt, SNAP.

Food and Beverage News and Trends

10 MAY 2019

Food and Beverage News and Trends

In this issue, Q1 food recalls down, FDA bolsters oversight of biologically modified animals, Texas approves to-go beer sales from breweries, Louisiana bans cauliflower "rice."

Food and Beverage News and Trends

26 APR 2019

Food and Beverage News and Trends

In this issue, go-slow approach urged for salt reduction plan, developments in state alcohol regulation, and sweeteners in the news

Food and Beverage News and Trends

15 APR 2019

Food and Beverage News and Trends

In this issue: Three more states move to prohibit use of term "meat" for cell-cultured products, and when is rice not rice?

Food and Beverage News and Trends

1 APR 2019

Food and Beverage News and Trends

In this issue, livestock groups ask for change in regulation of genetically engineered animals, state legislatures ponder alcohol laws.

Food and Beverage News and Trends

19 MAR 2019

Food and Beverage News and Trends

In this issue, Dietary Guidelines panel to hold first meeting, new acting director for FDA, states look at their alcohol laws.

Food and Beverage News and Trends

21 FEB 2019

Food and Beverage News and Trends

In this issue, FDA moves against false claims for dietary supplements, court grants injunction against city law on sugary-drink ads.

Food and Beverage News and Trends

25 JAN 2019

Food and Beverage News and Trends

In this issue, FDA continues crucial food surveillance, shutdown hamstrings craft brewers, plus news about meat, whiskey, and Tennessee's alcohol retail law.

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.

- 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
- Appeals Court upholds FTC order enjoining POM Wonderful claims – with modifications, 2 Feb 2015

Events

Previous

The real risk is in not changing the process

2 November 2020 | 1:00 - 2:00 ET
Modern Compliance Officer MCLE webinar series
Webinar

NEWS

Matthew Matule joins DLA Piper's Litigation and Regulatory practice in Boston

11 January 2021
DLA Piper announced today that Matthew Matule has joined the firm's Litigation and Regulatory practice as a partner in Boston.

DLA Piper represents Blue Diamond in dismissal of class action lawsuit

14 December 2020
DLA Piper represented Blue Diamond Growers in the dismissal of a class action lawsuit filed in the US District Court for the Southern District of New York.

Stefanie Fogel named to the *National Law Journal's* 2020 list of Cannabis Law Trailblazers

17 September 2020

DLA Piper is pleased to announce that Stefanie Fogel has been named a 2020 Cannabis Law Trailblazer by the *National Law Journal*.

DLA Piper acted for Charlotte's Web in its acquisition of Abacus Health

11 JUN 2020

On June 11, 2020, Charlotte's Web Holdings, Inc. and Abacus Health Products, Inc. announced the completion of their previously-announced arrangement. Under the terms of the Arrangement, Charlotte's Web acquired all of the issued and outstanding shares of Abacus. DLA Piper was pleased to have acted for Charlotte's Web on this transaction.

DLA Piper advises Act II Global Acquisition Corp. in combination with Flavors Holdings Inc. subsidiaries Merisant Company and MAFCO Worldwide LLC

26 December 2019

DLA Piper represented Act II Global Acquisition Corp. in a business combination with Flavors Holdings Inc. subsidiaries Merisant Company and MAFCO Worldwide LLC.

DLA Piper represents Blue Diamond Growers in complete victory

24 December 2019

DLA Piper represented Blue Diamond Growers (Blue Diamond), defending it against a putative nationwide class action filed in the Eastern District of New York.

MEDIA MENTIONS

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