



Stefanie Jill Fogel

Partner

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

CO-CHAIR, FDA REGULATORY PRACTICE

CO-CHAIR, FOOD AND BEVERAGE SUBSECTOR

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Stefanie J. Fogel focuses 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.

As Co-Chair of DLA Piper's Global Consumer Goods, Food and Retail Sector and Co-Chair of the US Food and Beverage sub-sector, she works with large multinationals and start-ups in trending areas of the food and supplement space to encourage plant-based meat alternatives and hemp-based CBD products.

Her clients include 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.

She has extensive experience advising on FDA, USDA, TTB, and CPSC related regulations. She is also a seasoned trial lawyer, and has developed a global multidisciplinary crisis management team to address issues arising out of recalls, contamination, natural disasters, equipment failure, and environmental leaks and spills.

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

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

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

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

CREDENTIALS

Admissions

- Massachusetts
- New York
- Pennsylvania

Recognitions

- *Chambers USA*
 - Band 3, USA - Nationwide Food & Beverages: Regulatory & Litigation (2020-2022)
- *The Legal 500 United States*
 - Recommended, Cannabis (2021-2022)
 - Recommended, Cyber Crime (2014-2015)
- Named Cannabis Law Trailblazer by the *National Law Journal* (2020)

Prior Experience

- Philadelphia District Attorneys Office, Summer Intern, 1993, Philadelphia, Pennsylvania
- K.S. Sweet Associates, 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

FDA Regulatory News and Trends

12 September 2022

FDA Regulatory News and Trends

EUAs now permitted in monkeypox health emergency; FDA issues series of warning letters; user-fee reauthorization still not close.

Food and Beverage News and Trends

22 July 2022

Food and Beverage News and Trends

The soaring cost of fertilizer is bringing long-term changes to the global food system.

Committing to measurable ESG initiatives in the Food and Beverage Sector: Doing well by doing good

6 July 2022

ESG Handbooks and Guides

At least 73 percent of the world's largest companies in the food and beverage sector have a sustainable development target, but only a quarter of these are setting time-bound targets and the remaining 27 percent have no sustainability strategy, according to the World Benchmarking Alliance.

Supplementary – United States – Whistleblowing Laws in Europe: An international guide

There are many US federal statutes that prohibit employers in the private sector from retaliating against whistleblowers, many of which are sector or industry specific.

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 (October 8, 2015)
- Appeals Court upholds FTC order enjoining POM Wonderful claims – with modifications (February 2, 2015)

NEWS

MEDIA MENTIONS

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