



**Stefanie Jill Fogel**

**Partner**

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

CO-CHAIR, FDA REGULATORY PRACTICE

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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

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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

## CREDENTIALS

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### 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
- 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

#### 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.

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#### 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.

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#### 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.

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## 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.

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

## NEWS

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### MEDIA MENTIONS

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