



Stefanie Jill Fogel

Partner

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

CO-CHAIR, FDA REGULATORY PRACTICE

CO-CHAIR, FOOD AND BEVERAGE SUBSECTOR

stefanie.fogel@dlapiper.com

Boston

T: +1 617 406 6053

F: +1 215 606 3364

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
- FDA

- 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 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

FDA proposes new rule for healthy labeling

4 October 2022

The proposed rule is part of the Administration's overall strategy to improve nutrition and health.

FDA Regulatory News and Trends

28 September 2022

FDA Regulatory News and Trends

FDA focuses on key areas of science in annual regulatory planning document; FDA and NIH launch new partnership to advance understanding of ALS.

Food and Beverage News and Trends

19 September 2022

Food and Beverage News and Trends

FDA will enforce new food traceability rule; Canada expands funds for northern communities; fast food workers; farmed fish; nicotine.

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

2 September 2022

Food and Beverage News and Trends

Global Sanctions Alert

White House announces first federal conference on hunger, nutrition and health since 1969; major review of FDA food programs begins; Canada moves away from open-net pen salmon farming.

Food and Beverage News and Trends

18 August 2022

Global Sanctions Alert

USDA proposes standards for organic livestock and poultry; FDA issues guidance on egg rule; Blue Bell mistrial; Black Sea Grain Initiative.

The SAFE Banking Act and CLIMB Act would give comfort to financial institutions that elect to provide services to marijuana-related businesses

9 August 2022

Congress is considering two possible solutions that would give the cannabis industry legal access to financial services.

Food and Beverage News and Trends

5 August 2022

Food and Beverage News and Trends

Global Sanctions Alert

FDA chief says major review of its food program is under way; Canada enacts supplemental food labelling rules; former Blue Bell CEO's criminal trial begins.

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.

FDA Regulatory News and Trends

15 July 2022

FDA Regulatory News and Trends

FDA announces a new action plan for rare neurodegenerative diseases.

Food and Beverage News and Trends

8 July 2022

Food and Beverage News and Trends

FDA finds no issues with genetically modified wheat variety.

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.

EPA's new ultralow PFAS health advisory levels portend regulatory and litigation risks – but do not overextend them

29 June 2022

There is much more to come in PFAS regulation; in the context of liability risk, it is critical to analyze HALs for what they are – and what they are *not*.

FDA Regulatory News and Trends

28 June 2022

FDA Regulatory News and Trends

Guidance coming to supplements industry on new dietary ingredients; approval rescinded for a cancer drug; program will seek new ways to sterilize devices.

Food and Beverage News and Trends

21 June 2022

Food and Beverage News and Trends

Bill seeks to tighten FDA regulation of GRAS; court rules California pesticide-spraying program is unlawful; Canada seeks comment on labels for foods sold via ecommerce.

California and New York propose banning textiles containing PFAS; California moves to impose significant reporting obligations

13 June 2022

Prudent manufacturers of consumer products will continue to monitor the changing legislative landscape.

Food and Beverage News and Trends

20 May 2022

Food and Beverage News and Trends

FDA warns about consumption of copycat products that contain THC; Canada tackles food fraud; Kansas enacts meat analog labeling law.

FDA continues CBD enforcement and ramps up delta-8 THC enforcement; agency focuses on youth-appealing products

19 May 2022

FDA has adopted a more aggressive enforcement strategy toward delta-8 THC than it has for CBD, and it is actively moving against products that carry significant risk of youth appeal.

FDA premarket approval and the use of “FDA Approved” claims

17 May 2022

When do products, facilities, labels, and claims require Formal Premarket Approval, and when do they not?

Food and Beverage News and Trends

6 May 2022

HHS moves against menthol in tobacco, Canada seeks to strengthen food system through digital food hub, plus caramels, Kansas, Closer to Zero.

Food and Beverage News and Trends

21 April 2022

Food and Beverage News and Trends

FDA announces new approach to food allergens; oyster recall in Canada and US; bird flu update; and the price of food has never been higher.

Food and Beverage News and Trends

8 April 2022

Food and Beverage News and Trends

USDA revises organic dairy production rules; Manitoba combats food insecurity; plant-based meat, poultry, potato wart, peanut butter.

Food and Beverage News and Trends

25 March 2022

Food and Beverage News and Trends

Global Sanctions Alert

Rising strain on global grain markets; California AG ends sales of drinkable sunscreen; Canada to support youth jobs in agri-food; FDA issues positive ruling for bioengineered cattle.

Food and Beverage News and Trends

11 March 2022

Food and Beverage News and Trends

EPA revokes tolerances for chlorpyrifos; Russia-Ukraine crisis and the global food supply; can hydroponic crops ever be organic?

Food and Beverage News and Trends

25 February 2022

Food and Beverage News and Trends

H5N1 avian flu appears on US poultry farms; Mexican avocado ban lifted; Senate confirms Califf as new FDA chief.

Food and Beverage News and Trends

3 February 2022

Food and Beverage News and Trends

California court postpones effective date of Proposition 12 for pork sales; FDA plans new rule for blockchain-based food tracking; 2022's food trends.

Food and Beverage News and Trends

13 January 2022

Food and Beverage News and Trends

Disclosure rule on bioengineered food is now in effect; Senate conducts confirmation hearing for top FDA nominee; new plant-based food packaging fights bacteria.

Food and Beverage News and Trends

17 December 2021

Food and Beverage News and Trends

USDA developing climate-friendly standards for food and beverages; nonprofits sue FDA to act against phthalates; plus news on Brazilian beef, bioengineered foods, and a beverage tax.

Food and Beverage News and Trends

2 December 2021

Food and Beverage News and Trends

Suspend imports of fresh beef from Brazil, US cattle group says; plant-based producers take new approach in suit over Oklahoma labeling law; plus salt, soda, and news from Hawaii

Food and Beverage News and Trends

12 November 2021

Food and Beverage News and Trends

Avoid foods with glittery garnishes, CDC says; USDA considers whether Salmonella should be declared an adulterant; soaring energy costs this year may mean widespread food shortages next year.

Takeaways from the new USPS rule prohibiting the mailing of vape products

29 October 2021

The Final Rule clarified that hemp vape products are included within the definition of ENDS, and are thus nonmailable.

Food and Beverage News and Trends

28 October 2021

Food and Beverage News and Trends

FDA announces initiative to improve children's diets; massive study finds using salt substitute is low-cost way to reduce stroke risk; onion recall expands.

Compliance tips for marketing health benefits in alcohol

19 October 2021

As companies craft their marketing strategies around these alcohol products, they may wish to consider the impact of product classification on their claims.

Food and Beverage News and Trends

1 October 2021

Food and Beverage News and Trends

FDA announces winners of food traceability challenge; Pennsylvania rations sale of some popular liquors; not enough vegetables?

Food and Beverage News and Trends

17 September 2021

Food and Beverage News and Trends

FDA approves a new blue; senators seek COOL labels; pet food, Pop Tarts, Parnells.

Food and Beverage News and Trends

26 August 2021

Food and Beverage News and Trends

Vegan butter company prevails; California olive oil producers reach agreement on labeling; key part of Kansas ag-gag bill struck down.

Food and Beverage News and Trends

12 August 2021

Food and Beverage News and Trends

White House says order on USDA labeling rules is coming soon; appeals court rejects challenge to California's Prop 12 and its rules for housing farm animals; no vax, no service.

Food and Beverage News and Trends

23 July 2021

Food and Beverage News and Trends

FDA reassures public on the safety of PFAS in the food supply; trial of former Blue Bell CEO is postponed.

Food and Beverage News and Trends

9 July 2021

Food and Beverage News and Trends

FDA sets 2022 deadlines for sodium reduction goals and milk alternative labeling; restaurant grant program officially closes.

Food and Beverage News and Trends

28 June 2021

Food and Beverage News and Trends

FDA leader points to major changes in nation's food system; in many places, cocktails to go are going on.

Food and Beverage News and Trends

11 June 2021

Food and Beverage News and Trends

Supreme Court declines to act on vaping regulations, FDA proposes "common sense reform" for dietary supplements industry, USDA and CDC investigate Salmonella linked to chicken parts.

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 and Beverage News and Trends

26 May 2021

Food and Beverage News and Trends

FDA discloses post-pandemic plans for routine facility inspections, Alabama eases alcohol delivery rules, WHO issues new sodium standards.

Food and Beverage News and Trends

7 May 2021

Federal court upholds FDA ruling on heme; bipartisan lawmakers introduce Truth in Buffalo Labeling Act; key senator calls for White House conference on hunger and nutrition.

Food and Beverage News and Trends

22 April 2021

Food and Beverage News and Trends

USDA extends universal free school lunch program; FDA updates leafy-greens action plan; should gluten be disclosed in drugs?

Food and Beverage News and Trends

9 April 2021

Food and Beverage News and Trends

Bill aims to change regulatory and tax treatment of kombucha, plus what are "processed" foods anyway?

Food and Beverage News and Trends

26 March 2021

Food and Beverage News and Trends

Consumer groups ask FDA to act against hard seltzers; Berkeley passes healthy checkout-aisle ordinance; plus: wear a mask, get a sandwich.

Food and Beverage News and Trends

12 March 2021

Food and Beverage News and Trends

Biden restaurant grants called a lifeline for the industry; plus sugary cereal, cell-cultured seafood and sesame in the news.

Food and Beverage News and Trends

1 March 2021

Food and Beverage News and Trends

Winter storm devastates Texas agriculture.

Food and Beverage News and Trends

12 February 2021

Food and Beverage News and Trends

COVID-19 relief package includes restaurant grants; plus: tuna or not? Icelandic or not?

Food and Beverage News and Trends

28 January 2021

Food and Beverage News and Trends

Hahn steps down; USDA to oversee safety of gene-edited animals; plus vanilla, honey, poppy seeds.

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 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)

Events

Previous

Alternative and sustainable materials – legal challenges now and around the corner, for industrial producers and the downstream chain

September 14, 2022
Industrial Sector CLE Speaker Series
Webinar

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

DLA Piper announces new practice leadership

18 February 2022
DLA Piper is pleased to announce several changes to sub-practice leadership in its Finance, Corporate, Private Equity, Regulatory and Government Affairs, and Litigation practices.

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.

MEDIA MENTIONS

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