



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 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 management

- 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

(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

- *Chambers USA*
2021 - Band 3, USA - Nationwide Food & Beverages: Regulatory & Litigation
2020 - Band 3, USA - Nationwide Food & Beverages: Regulatory & Litigation
- *The Legal 500 United States*
2021 - Recommended, Cannabis
2014-15 - Recommended, Cyber Crime
- Named a 2020 Cannabis Law Trailblazer by the *National Law Journal*.

Prior Experience

- Philadelphia District Attorneys Office, Summer Intern, 1993, Philadelphia, Pennsylvania
- KS. 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

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

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 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 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

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.

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*.

MEDIA MENTIONS

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