



Maggie Craig

Partner

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Maggie Craig focuses her practice regulatory, compliance, and civil litigation with a specific emphasis on food, beverage, nutrition and dietary supplements, consumer products, food and consumer product recalls, corporate compliance, and consumer fraud class actions. Maggie also has experience with direct defense of aging services facilities in lawsuits asserting professional liability, personal injury, negligence, elder abuse, wrongful death and other related claims.

She represents national and international manufacturers, distributors, retailers, and brands of food, beverage, dietary supplements, alcohol, hemp/CBD, cosmetics, clothing retailers, children's products, and a wide variety of general consumer products. Her clients range from start-ups to multi-nationals. She also advises clients on issues regarding regulatory compliance in the context of chemicals and contaminants, including as it relates to restricted substance lists (RSLs), and per- and polyfluoroalkyl substances (PFAS). She also has international in-house experience, working abroad in Amsterdam, Netherlands as international regulatory and compliance legal counsel for a multi-national food company.

Maggie has hands on, in-depth experience navigating food and nutrition industry trends, Food and Drug Administration (FDA), Food Safety Modernization Act (FSMA), Federal Trade Commission (FTC), United States Department of Agriculture (USDA), Alcohol Tobacco Tax and Trade Bureau (TTB) and Consumer Product Safety Commission (CPSC) regulations. She also has extensive experience with the scientific substantiation landscape related to product benefit statements, including health claims, structure function claims, qualified health claims and product formulations.

As in-house counsel, Maggie served as international legal counsel to more than 40 business units with particular emphasis on building and executing corporate compliance initiatives and related compliance matters, as well as extensive regulatory advising and risk analysis for US product benefit statements claims covering products ranging from baby food to adult dietary supplements.

Maggie's training in Nutrition and Food Studies from New York University, combined with her litigation, regulatory and international in-house experience, provides her with great insight into food and dietary supplement-related litigation and regulatory matters as well as national and international corporate compliance matters.

- Litigation, Arbitration and Investigations
- FDA

Spanish

LANGUAGES SPOKEN

- Spanish

EXPERIENCE

- International Legal and Regulatory counsel for infant foods division in a multi-national food company based in Amsterdam, Netherlands, focusing on regulatory and compliance matters across more than 40 business units worldwide
- Regulatory advising and label claims risk assessment for multi-national food company's infant foods, toddler foods/follow on formulas, cereal bars and adult dietary supplements, including a variety of FDA regulations including use of vignettes, structure function claims, disease claims, nutrient content claims, "natural" claims, gluten free claims and other product benefit statements
- Regulatory advising and coordination with TTB regarding alcohol importer's permit application for foreign entity importing products through US subsidiary
- Regulatory advising, classification assessment and label review for malt beverage and beer products
- Regulatory advising and coordination with TTB regarding tobacco manufacturer's amended permit application due to change in control, involving international parent company and complex corporate structure
- Representation of international wine manufacturer related to recall of foreign manufactured wine bottles containing glass particles
- Regulatory advising and label claims risk assessment for multi-national food company's infant foods, toddler foods/follow on formulas, cereal bars and adult dietary supplements, including a variety of FDA regulations including use of vignettes, structure function claims, disease claims, nutrient content claims, "natural" claims, gluten free claims and other product benefit statements
- Regulatory advising and risk analysis for yogurt products regarding compliance with FDA regulations and use of terms such as "fresh"
- 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
- Representation of international supplier of stevia and sweetener products involving alleged false advertising of "all natural" claims, resulting in supplier not facing class action litigation
- 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 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
- Regulatory advising and risk analysis for international sweetener manufacturer regarding packaging and labelling compliance under FDA regulations for stevia product
- 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
- Regulatory advising and analysis of nutrition labeling requirements for company offering food kits designed for children, including "cottage law" implications
- Regulatory advising for international clothing retailers regarding a variety of compliance matters, including national plastic bag ordinances, retail price verification laws and restricted substances
- 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
- National counsel and team member for Bayer regarding alleged false advertising of One-A-Day Men's Health Formula and One-A-Day Men's 50+ multivitamins in three separate litigations, resulting in one extremely favorable settlement in Ohio; one

dismissal via defeat of class certification in South Carolina; and a detailed 83-page opinion granting summary judgment for Bayer in California (*Johns v. Bayer Healthcare, LLC*, 2013 WL 1498965)

- Defense of international supplier of stevia and sweetener products involving alleged false advertising of "all natural" claims, resulting in supplier not facing class action litigation
- Defense of manufacturers of glucosamine products in consumer fraud, unfair competition and false and misleading advertising class actions
- Defense of Bayer's One-A-Day WeightSmart in multiple jurisdictions involving allegations of false advertising
- Defense of food and beverage manufacturer in consumer fraud class action regarding probiotic fruit beverage products, resulting in extremely favorable injunction-only terms and no damages paid by defendant
- Defense of a major oil pipeline company against allegations of soil and groundwater contamination and related environmental remediation, resulting in summary judgment win for client
- Defense of a public transportation company following a train collision resulting in mass tort litigation
- Pro bono representation of a social security applicant before Social Security Administration; obtained favorable judgment enabling the client to receive social security disability benefits during a defined recovery period
- Pro bono defense of an individual in a property contract dispute; successfully negotiated settlement
- Pro bono representation of a family of Haitian national applicants seeking asylum in the United States based on persecution for political opinions, resulting in full grant of asylum
- Pro bono representation of a Mexican national applicant seeking asylum in the United States based on persecution for sexual orientation
- Extensive involvement with managing and coordinating large scale electronic discovery, document review and document productions

CREDENTIALS

Admissions

- California
- Massachusetts

Recognitions

- Named a 2022 Cannabis Law Trailblazer by the *National Law Journal*
- *The Legal 500 United States*
 - 2021 - Recommended, Cannabis
 - 2021 - Recommended, Dispute Resolution Product Liability, Mass Tort and Class Action: Consumer Products (including Tobacco)

Education

- J.D., Brigham Young University
- B.S., Nutrition and Food Studies, New York University 2006
magna cum laude

Memberships

- State Bar of California
- American Bar Association
- Defense Research Institute
- Food and Drug Law Institute
- Association of Business Trial Lawyers

- San Diego County Bar Association

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.

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.

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.

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.

Food and Beverage News and Trends

8 July 2022

Food and Beverage News and Trends

FDA finds no issues with genetically modified wheat variety.

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.

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.

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.

Texas considers truth in labeling law for meat-alternative products: Potential consequences in the marketplace and the courtroom

19 May 2021

Truth in labeling acts have been met with close scrutiny in the states that have passed them.

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.

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.

- Co-Author, "Advising Food Company Executives at a Time of Increase Regulatory Risk," *Today's General Counsel*, Aug-Sept, 2017
- Co-Author, "2-49 Corporate Compliance Practice Guide § 49, Specific Corporate Compliance Challenges," *Industry: Food, LexisNexis*, 2016 - 2022
- Co-Author, *Defeat on Washington I-522 GMO Labeling*, November, 2013
- Co-Author, *DLA Piper Secures Victory for Bayer in False Advertising Class Action*, April, 2013
- Co-Author, *FDA Declines to Define "Natural,"* January, 2014
- Co-Author, *Review of Key Cases and Settlements in 2013, and a Look Ahead to 2014,"All Natural"* Presentation, Food & Drug Law Institute Food Advertising Conference, November 6, 2013 (New York, NY)
- Co-Author, *How to Defend Against Deceptive Packaging and Labeling Claims: What to Do if there is No Settlement In Sight*, American Conference Institute Food & Beverage Consumer Fraud Litigation Conference, January 28, 2014 (San Francisco, CA)