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Diacetyl and 'Popcorn Lung' Claims - Defending the Food and Flavorings Industries

The food industry has become specialized and sophisticated in order to serve large-scale markets with consistent quality products. Natural and processed chemicals and chemical formulas are utilized for flavoring, preservation, and presentation. Periodically a particular chemical or compound is subjected to heightened scrutiny, and lawsuits follow.

One of the recent subjects of such scrutiny are the butter flavorings agents, including natural and synthesized diacetyl, and the related diketones such as 2,3-pentanedione and other acetaldehydes. Claims are being brought across the spectrum, from chemical manufacturers and suppliers to formulators, processors, and food production companies which create components for food production. The general allegations are that diacetyl and its related chemical substitutes are correlated with various lung disorders, including bronchiolitis obliterans, sometimes called "popcorn lung." The plaintiffs' bar is now probing to expand the correlation from a very narrow disease process to the more generalized (and rather un-scientific, ill-defined) category of "flavorings related lung disorders." Brought as product liability claims, plaintiffs are seeking to hold the chemical and flavorings industries liable for a wide range of normative lung disorders.

Dickie, McCamey & Chilcote lawyers are on the front lines defending those in the food industry against these claims. Given DMC's background in both representing the food and beverage industries and in product liability defense, our firm is uniquely positioned to be able to assist companies facing these lawsuits.

To discuss this further, please feel free to call Forrest A. Norman, Christopher T. Lee, Mary McWilliams Dengler, Paul J. Schumacher or Nancy R. Winschel.