

Food and Beverage Industry

Dickie, McCamey & Chilcote's team of attorneys have extensive experience representing clients in the food and beverage industry. Our lawyers have defended a wide variety of international, national, and local manufacturers, processors, retailers, and distributors against allegations of foodborne illness and outbreaks, food allergies, foreign objects, mislabeled products, product tampering, and hot beverage burns. We are well known throughout the industry and have served as lead litigation, consulting and monitoring counsel on major outbreaks caused by caused by E. coli, Salmonella, Hepatitis A, Hepatitis C, MRSA, norovirus, and Listeria. The attorneys in our Group also regularly assist clients with complex regulatory compliance issues involving the Food Safety Modernization Act (FSMA); the Food, Drug and Cosmetic Act (FDCA); and other federal, state, and local laws and regulations.

Strategic Representation in Foodborne Illness and Outbreaks

Our attorneys recognize that claims of foodborne illness and outbreaks can be devastating to a business. We have represented some of the largest and most widely-recognized names in the industry and know that media scrutiny associated with these types of situations can destroy a brand in a short period of time.

When allegations of a foodborne illness or outbreak surface, we take immediate action to build a successful defense plan while shielding our clients from adverse publicity. We provide clients with an upfront and thorough analysis of the risks and liabilities so they can choose the strategies that are best aligned with their business interests and objectives. While clients may choose to resolve a case early on, we are trial lawyers who will not hesitate to go to trial to protect our clients' businesses and reputations.

Helping Clients Respond to and Resolve Crisis Situations

Recognizing that our clients are dealing with a crisis, our team acts quickly to identify and preserve critical evidence in the case. We have a thorough understanding of the investigations performed by the USDA, the FDA, and state and local health departments, including trace-back and food history investigations. We understand molecular epidemiological investigations involving genetic testing and work with leading scientific experts in the field to vigorously identify source issues and defend our clients.

Our legal team is also cognizant of the fact that when an outbreak occurs, the U.S. Department of Justice may launch a parallel criminal investigation under the so-called Park Doctrine. We are prepared to counsel corporate officers in these situations to ensure that both the corporation and officers receive the appropriate representation to best preserve the applicable privileges while defending the company.

Initiating Proactive Regulatory Compliance Efforts

Dickie McCamey attorneys help industry clients take proactive measures to ensure that their operations and procedures are in compliance with both the Food Safety Modernization Act (FSMA) and the Food, Drug and Cosmetic Act (FDCA), as well as state and local laws and regulations, including the development and review of Hazard Analysis and Critical Control Points (HACCP) plans. In doing so, our lawyers assist clients in the self-assessment of manufacturing processes and distribution channels to ensure that their HACCP plans meet FDA and USDA standards and regulations.

Delivering Comprehensive Legal Representation to the Industry

At Dickie McCamey, we take a multidisciplinary approach to the practice of law. Members of our Food and Beverage Industry Group regularly collaborate with attorneys throughout our firm to help clients resolve the full range of issues impacting their business operations, from labor and employment to premises liability to real estate and commercial issues.

Representative Matters

- Green onion Hepatitis A outbreak (600 ill, including 4 deaths), Pennsylvania
- Tomato Salmonella outbreak (500 ill), National Coordinating Counsel, Pennsylvania
- Peanut butter Salmonella outbreak, Pennsylvania
- Frozen hamburger E. coli outbreak (40 ill), National Coordinating Counsel, New Jersey
- Quick-service restaurant Hepatitis A outbreak (40 ill), Coordinating Counsel, Illinois
- Egg Salmonella outbreak (in excess of 1,900 ill) – largest egg Salmonella outbreak in history, National Coordinating Counsel, Iowa
- Quick-service Hepatitis A class action (shot class action), Alabama
- Quick-service Salmonella outbreak (10 ill), Illinois
- MRSA outbreak at Temple, New York
- Food supplement, National Coordinating Counsel, Missouri
- National quick-service restaurant shooting spree (5 shot, 3 killed)
- Soy nut butter E. coli outbreak (32 ill), National Coordinating Counsel, Kentucky

For further information on the capabilities of the Food and Beverage Industry Group, contact **Christopher T. Lee** at 412-392-5491 or clee@dmclaw.com.