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Food & Consumer Packaged Goods Litigation

Industry Insights: Day One of the 5th Annual Food Law CLE Conference

On March 2, 2020, CLE International held the first day of [Food Law: Navigating the Intersection Between Regulation of Litigation](#). Now in its fifth year, the conference convenes individuals from the plaintiffs' bar, academia, industry, and large law firms. Today's presentations included discussions of litigation case studies and regulatory issues facing food companies in today's marketplace. For example, in-house counsel detailed their perspectives on the FDA's standards of identity, the agency's definition of "healthy," and other regulatory developments in the context of advances of food and nutritional science. Specifically, general counsel for several food companies discussed issues with compliance with regulations finalized decades ago and ongoing efforts to update regulations using citizen petitions and other means to adapt to changes in food technology. Other panels focused on advocacy strategies of non-governmental organizations through both regulation and litigation. Panelists from the Animal Legal Defense Fund and other public interest organizations discussed allegations of "humane-washing," and an increase in lawsuits targeting animal welfare claims on consumer packaged goods (CPG) labeling. Attorneys representing consumer plaintiffs and member of the defense bar participated in interactive case studies discussing food litigation concerning environmental marketing claims and labeling claims regarding sugar, particularly added sugar. For example, panelists discussed trends in so-called "green-washing" allegations on CPG labeling, particularly recently-filed challenging recycling, composting, and biodegradable claims. Perkins Coie's David T. Biderman will be presenting on the second day of the conference on the panel "The Reasonable Consumer: An Interactive Debate."

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