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View from the FDLI Annual Conference - Day Three

The Food & Drug Law Institute (FDLI) concluded its annual conference on October 8, 2020. The conference set out to explore advanced topics in Food & Drug Law. In this blog series, Perkins Coie reports on the three-day conference and meaningful takeaways for food litigation. The final day of the 2020 FDLI Annual Conference was filled with content cutting across multiple industries. For example, a panel on privacy and cybersecurity issues discussed unique challenges facing FDA-regulated companies. The panel, including the FDA's Suzanne Schwartz, noted that the agency has focused on the cybersecurity concerns of medical devices and within healthcare environments. In addition, panelists noted that phishing and cyberattacks were increased during the pandemic. A panel of practitioners focused on the current cannabis regulatory landscape. Presenters noted that the FDA has submitted a draft cannabidiol enforcement guidance document to the White House for review in July, and no versions of this document have been publicly released so its contents are unknown. No timeline has been set for a public release of this enforcement policy. Given the lack of federal standards, presenters noted that states and even some localities have developed a complex array of changing policies that have created "substantial uncertainty" for manufacturers. Another panel focused on the rapid increase of innovative food products entering the market, and how regulators at the state and federal level were adapting. The panel focused on plant-based and cell-cultured products and FDA's efforts to "modernize" existing standards of identity. Similarly, the Conference's final panel discussed the "Top Cases in Food and Drug Law" over the past year. Among the cases highlighted were those surrounding plant-based meat products, advertising of sugar-sweetened beverages, and allegations that "diet" soda labeling was false or misleading. As the 2020 FDLI Annual Conference draws to a close, we look forward to the further development and discussion of food litigation trends in the years ahead.

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