

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

On March 3, 2020, CLE International held the second day of Food Law: Navigating the Intersection Between Regulation of Litigation. Now in its fifth year, the conference convenes individuals from the plaintiffs' bar,



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Biderman presenting with Angela M. Spivey and Gillian L. Wade. Panelist Ben Heikali is not pictured. [caption] With the conference's theme on the intersection of regulation and litigation, the program featured Laura Eichhorn Kurpad, an Associate Chief Counsel from FDA, who discussed the agency's numerous efforts regarding food, nutrition, and food safety. A lively audience Q&A did not stray far from the prepared remarks. Professor Stephen Sugarman of U.C. Berkeley presented on a panel regarding constitutional issues in food law. This presentation dovetailed with that presented by UCLA's Diana Winters and others regarding state law restrictions on food labeling. These presentations surveyed First Amendment caselaw regarding labeling and marketing restrictions related to soft drinks, milk and milk substitutes, and alternative proteins, among other food

products. Other panels focused on the challenges of class certification. Panelists from a plaintiffs' firm and a large law firm discussed how courts are continuing to wrestle with class certification concepts such as ascertainability in the food litigation context. Overall, the conference convened some of the leading practitioners in food law from both the plaintiff and defense bars to discuss recent trends that have the potential to shape how the growing food law field continues to develop.

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