



Food Advertising, Labeling, and Litigation Conference

For the Food and Dietary Supplement Industries

September 13-14, 2017

Jones Day | 300 New Jersey Ave, NW | Washington, DC 20001

Conference Agenda

Wednesday, September 13

8:30–8:55 AM **Registration and Continental Breakfast**

8:55–9:00 AM **Welcome**

Laura Brown, Director, Educational Programs, Food and Drug Law Institute (FDLI)

Meredith Olearchik, Vice President and Associate General Counsel – Intellectual Property, Marketing and Food Law, Campbell Soup Company and Planning Committee Chair, Food Advertising, Labeling, and Litigation Conference

9:00–9:45 AM

Keynote Address: What's New in Food Policy

Delve into the world of food policy: learn what issues are front-and-center, from the potential for a national food strategy, focus on food systems awareness, to conquering food waste.

Laurie Beyranevand, Senior Faculty Fellow of Food Law and Policy, Center for Agriculture and Food Systems, and Professor of Law, Vermont Law School

9:45–10:15 AM

Center for Science in the Public Interest (CSPI) Update

CSPI will provide an update on the future of nutrition facts label, how labels can be misleading even if they comply with FDA regulations, and areas where labeling could be improved to meet the needs of consumers, especially with regard to providing adequate nutrition information.

Laura MacCleery, Director of Regulatory Affairs, CSPI

10:15–10:30 AM

Coffee and Networking Break

10:30–11:30 AM

Social Media Marketing

This session will discuss influencers, social responsibility via digital ads, social media strategies, and practical elements of effective online disclosures.

Katie Bond, Special Counsel, Kelley Drye & Warren LLP

Megan L. Olsen, Special Counsel, Wiley Rein LLP

Moderated by Jason W. Sapsin, Counsel, Faegre Baker Daniels LLP

11:30 AM–12:30 PM

Supply Chain Considerations and Marketing Claims

During this session, speakers will discuss how ingredients impact labeling, as well as marketing products based on supply chain factors such as country of origin.

Rend Al-Mondhiry, Associate General Counsel, Council for Responsible Nutrition
Steven H. Armstrong, Independent Advisor, EAS Consulting Group, LLC, and Member, FDLI Board of Directors
Miriam Guggenheim, Partner, Covington & Burling LLP, and Member, FDLI Board of Directors

12:30–1:45 PM

Networking Lunch

1:45–2:45 PM

Label Claims and Substantiation

In this multi-stakeholder session, you will hear from FTC regarding its expectations for substantiation, challenges facing industry, and strategies to overcome these challenges.

Richard Cleland, Assistant Director, Bureau of Consumer Protection, Division of Advertising Practices, FTC

Todd H. Halpern, Partner, Venable LLP

Moderated by **Veronica Colas**, Senior Associate, Hogan Lovells US LLP

2:45–3:45 PM

Medical Foods: Scientific Factors and Enforcement Actions

This session will discuss some of the most pressing issues in medical foods. Speakers will highlight recent trends in enforcement, as well as discuss distinctions between a medical food, dietary supplement, and food for special dietary use, and the scientific requirements for each.

Miguel Del Toro, Associate General Counsel-Regulatory, DanoneWave and Nutricia North America

Diane McEnroe, Partner, Sidley Austin LLP

Ashley Zborowsky, General Attorney, Office of the Chief Counsel, FDA

3:45–4:00 PM

Coffee and Networking Break

4:00–5:00 PM

Naming of Plant-Based Food Products and Standards of Identity

Got soy-based dairy alternative? In an ever-growing world of alternative products, this panel will delve into legal issues in naming plant-based products and the role of standards of identity.

Jessica Almy, Policy Director, The Good Food Institute

Katie Gates Calderon, Partner, Shook, Hardy & Bacon LLP

Moderated by **Stuart M. Pape**, Shareholder, Polsinelli PC

5:00–6:30 PM

Networking Reception

Thursday, September 14

8:30–9:00 AM

Continental Breakfast

9:00–10:00 AM

Litigation Trends: The Latest on New and Undefined Label Claims

What's next for healthy and natural? What new terms are taking their place on labels, and subsequently in litigation? This panel will dive into recent litigation and what to expect next for food and dietary supplements.

August T. Horvath, Partner, Kelley Drye & Warren LLP

Caroline W. Hudson, Senior Associate, Winston & Strawn LLP

Yvonne McKenzie, Partner, Pepper Hamilton LLP

10:00–11:00 AM

Trademarks, Product Claims, and FDA Regulation

Product names can be more than an identifier – they can, and often do, make claims about a product's attributes. Similarly, romance language, vignettes, and other material on packaging is often used to make or imply claims about a product's attributes, which can make marketers the targets of class action lawsuits or enforcement activities from FDA and/or FTC. Product names and packaging vignettes need more than trademark and trade dress clearance – they also need regulatory review and risk assessment. This session will review recent litigation trends and provide practical guidance.

Anthony Anscombe, Partner, Sedgwick LLP

Philip G. Hampton, II, Senior Counsel, Haynes and Boone LLP

11:00–11:15 AM

Coffee and Networking Break

11:15 AM–12:15 PM

Food Fraud: The Role of Standards and the Litigation Implications

In an increasingly complex global food supply chain, the impact of economically motivated adulteration or "food fraud" can be significant. During this panel, speakers will address the role of standards in food quality assurance, current regulatory requirements related to food fraud mitigation, and the legal and practical implications of food fraud on the industry.

Paul Miller, President Emeritus, Australian Olive Association and Co-Founder, Extra Virgin Alliance

Christopher Van Gundy, Partner, Keller and Heckman LLP

Moderated by **Alissa Jijon**, Senior Counsel, Global Legal Affairs – Standards, U.S. Pharmacopeia

12:15–1:30 PM

Networking Lunch

1:30–2:30 PM

Inter-Agency Overlap and Jurisdictional Boundaries

FDA, USDA, and EPA, all have a hand in the regulation of food. During this session, you will hear about the regulatory interplay between these agencies, as well as from former agency officials who will provide insight on how to navigate working with a variety of agencies.

Keith Matthews, Of Counsel, Wiley Rein LLP
Jessica O’Connell, Special Counsel, Covington & Burling, LLP
Brian Ronholm, Senior Director of Regulatory Policy, Arent Fox LLP
Moderated by Riëtte van Laack, Director, Hyman, Phelps & McNamara, PC

2:30–3:30 PM

General Counsel Roundtable

What keeps General Counsels up at night? Hear directly from industry counsels about their biggest concerns during this insightful conversation as they share what’s top of mind.

Amy E. Hancock, Executive Vice President and General Counsel, American Beverage Association

Meredith Olearchik, Vice President and Associate General Counsel – Intellectual Property, Marketing and Food Law, Campbell Soup Company and Planning Committee Chair, Food Advertising, Labeling, and Litigation Conference

John M. Packman, Senior Counsel, Food Law and Advertising Substantiation, The Coca-Cola Company

Moderated by Mark Mansour, Partner, Mayer Brown LLP

3:30 PM

Conference Adjournment