

FOOD & BEVERAGE

Hodgson Russ attorneys have wide-ranging and deep expertise in the myriad legal issues facing our clients in the food and beverage business. Whether relating to safety regulations, intellectual property, product recalls, advertising and labeling issues, class action litigation or government agency enforcement, our attorneys have the skills to address business challenges that are unique to those in this essential industry. Let us help you navigate the complicated legal regime governing food and food products, so you can focus on what is important – making your business thrive!

We counsel on a full spectrum of issues facing companies that produce, distribute, or sell food and beverages, including the businesses that support them. Our attorneys understand the food industry and stand ready to help address the major decisions facing your business, including:

- **Food Safety & Product Recalls:** navigating federal and local laws involving food safety and assisting in all stages of the recall process.
- **Food & Beverage Labeling and Packaging:** reviewing labeling and packaging to ensure compliance with state and federal regulations and with special labeling rules for organic and natural foods.
- **Product Development:** representing clients before the FDA, USDA, USPTO, and state agencies in all phases of the product development cycle.
- **Brand Name Identification & Intellectual Property Protection:** patent, trademark, and copyright services to protect your technology and brand and enforcing and defending intellectual property rights and infringement claims in state and federal courts.
- **Promotion, Advertising, E-Commerce & Sweepstakes:** advising on FTC and FDA product advertising and promotion requirements, including local requirements for sweepstakes and contests.
- **Importing/Exporting Compliance and Regulations:** assisting domestic and international clients in complying with the rules and regulations of the FDA, USDA, Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Food Safety and Inspection Service, and the Convention on International Trade in Endangered Species of Wild Fauna and Flora, including ensuring that clients have met regulatory requirements for importing or exporting food, assisting clients with permit applications and product disclosures at the state and federal level, drafting trade agreements, and setting up U.S. corporate entities.

Contacts

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Professionals

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Experience

Hodgson Russ attorneys assisted a government-sponsored finance entity with construction-to-term loan to complete six greenhouses and related infrastructure for a borrower specializing in hemp tea.

Assisted a client (with operations in both Ontario, Canada and New York) on food-related agreements and M&A transaction related matters.

Handled importation issues, brokerage agreements, distribution agreements and keg handling agreements for a Canadian-based brewing company.

Handled copyright (protect product packaging and artwork) and trademark (brand name and packaging designs) for a major international wine company and a large kosher food company.

Assisted with general corporate matters, such as NDAs, non-competes, supply agreements and other commercial contracts, and mergers and acquisitions matters for a U.S.-based supermarket chain.

Handled immigration matters for food and beverage manufacturing and beverage packaging clients in many parts of the industry.

Hodgson Russ handles the day-to-day and complex labor and employment related matters for various large food and beverage manufacturers, including union negotiations, advice on executive compensation, defense of employment-related disputes and advice on employee benefit matters.

Represented a global leader in hospitality and food service management on various liquor licensing and related issues. Also assisted the entity with the acquisition of a casino/hotel property.

Litigated non-compete matters for a major food distributor that services hospitals, health care facilities, casinos, educational facilities and independent and chain restaurants.

Litigation counsel to a major aseptic food and beverage manufacturer, assisting on day-to-day and complex litigation matters.

Corporate counsel to a specialty chemical manufacturer client that provides bread, cheese and meat preservatives.

Assisted lenders in the closing of commercial loans and lines of credit for manufacturing facilities throughout the U.S.

Assisting and advising clients, including a national restaurant, food service and hospitality company, on a broad range of industry-related legal issues, including the preparation, review, implementation and administration of a wide variety of restaurant, catering and hospitality agreements, including Concession Agreements, Restaurant Management Agreements, Business and Industry Food Service Agreements, Catering Agreements (both master agreements for providing exclusive or preferred catering services at public and private venues such as museums, aquariums botanical gardens and concert halls, and individual event agreements with catering customers), Restaurant Leasing and General Commercial Agreements (such as agreements for on-line reservation services, advertisement services and joint promotional programs) and advising on Gift Card, voucher and other and promotional programs.

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Coordinated directly with high-level officials at the New York State Liquor Authority (SLA) and appeared before the SLA to obtain liquor licenses for various sports entertainment venues and hotels.

Represented a large kosher wine company in connection with a trademark acquisition agreement.

In the News

Reetuparna Dutta Named to Class of 2022 “40 Under 40”

Buffalo Business First, September 14, 2022

Coronavirus Resource Center

Thought Leaders - Food manufacturers adjust to changing consumer needs

Buffalo Business First, May 28, 2021

Press Releases

Hodgson Russ Partner Hugh M. Russ, III Honored with Bar Association of Erie County’s Award of Merit

September 26, 2022

Reetuparna Dutta Named to *Buffalo Business First* Class of 2022 “40 Under 40”

September 16, 2022

Publications

What’s in Your “Secret Sauce?” The FTC’s Proposed Rule to Ban Noncompetes and Considerations for Food and Beverage Businesses

Hodgson Russ Food & Beverage Alert, May 3, 2023

Chick-fil-A Confirms Data Breach

Hodgson Russ Food & Beverage Alert, March 20, 2023

McDonald’s Faces Class Action Lawsuit Over Sexual Harassment, Hostile Work Environment Accusations

Hodgson Russ Food & Beverage Alert, January 4, 2023

Are Your Labels Allergy-Friendly? Major Change Looming for Food and Drink Labels in the United States

Hodgson Russ Food and Beverage Alert, September 12, 2022

How a New Food Recycling Law Could Impact Local Business

Buffalo Business First, February 3, 2022

New COBRA Premium Subsidies Recently Enacted as Part of American Rescue Plan Act

Hodgson Russ Food & Beverage Alert, May 21, 2021

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Possible Changes to Food Labeling Under the Biden Administration

Hodgson Russ Food and Beverage Alert, May 10, 2021

Restaurant Revitalization Fund Applications

Hodgson Russ Food and Beverage Alert, April 30, 2021

Do Your Food Labels Need to be Updated?

Hodgson Russ Food and Beverage Alert, April 19, 2021

Wine and Spirit Companies Trademark Alert: Check your Trademarks to Ensure they are not “Deceptive”

Hodgson Russ Food & Beverage Alert, March 9, 2021

Presentations & Events

2024 Hot Topics: What Employers Need to Know

February 8, 2024

Sexual Harassment Training: Compliant Policies and Other Legal Developments That Impact Food & Beverage Employers

June 14, 2023

Western New York Food Expo

Joseph A. Floreano Rochester Riverside Convention Center in Rochester, New York, March 28, 2023

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Food & Beverage Compliance Series: Immigration Strategies for Expanding into the United States

November 17, 2022

What Food and Beverage Employers Can Learn from the Starbucks’ Union Organizing Campaign

October 13, 2022

The Food Forum: Navigating the Post-COVID Food & Beverage Industry

Hodgson Russ, 140 Pearl Street, Buffalo, NY 14202, September 15, 2022

From Canada to the US: Strategies for Sending Employees to the US to Work

Trade Accelerator Program (TAP) Toronto

December 31, 2021

Labor and Employment 101 for the Food and Beverage Industry

July 27, 2021

New York State’s Food Recycling Law: A Sea-Change in Food Regulation

April 7, 2021