

ABA SECTION OF LITIGATION
FOOD & SUPPLEMENTS
FIRST ANNUAL WORKSHOP



*PRESENTED BY THE FOOD & SUPPLEMENTS SUBCOMMITTEE AND
THE PRODUCTS LIABILITY COMMITTEE OF THE SECTION OF LITIGATION*

THURSDAY, FEBRUARY 17, 2011

The Coca-Cola Company

1 COCA-COLA PLAZA • ATLANTA, GA 30313

***FOOD AND
SUPPLEMENTS CHAIRS***

MARY LYNN BEDELL,
VP - Senior Counsel
Sara Lee Corporation, Chicago, IL

JOANNE GRAY, Partner
Goodwin Procter LLP,
New York, NY

PROGRAM CHAIRS

TONY KLAPPER, Partner
Reed Smith LLP, Washington, D.C.

JESSALYN H. ZEIGLER,
Member/Shareholder
Bass, Berry & Sims PLC,
Nashville, TN

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The Coca-Cola Company

The Medical Resource Network, Inc.

Weinberg, Wheeler, Hudgins,
Gunn & Dial LLC

PROGRAM AGENDA

8:00 am – 9:00 am

BREAKFAST

9:00 am – 10:15 am

WHAT'S NEW? THE IMPACT OF FEDERAL STATUTORY AND REGULATORY REFORMS ON THE FOOD INDUSTRY AND IN UPCOMING LITIGATION

This panel will explore the historic moment this country is in with federal legal reforms that impact food regulation and the likely resulting litigation.

MODERATORS

RICARDO CARVAJAL, Director, Hyman, Phelps & McNamara, PC, Washington, D.C.

KENNETH M. ODZA, Partner, Stoel Rives LLP, Seattle, WA

SPEAKERS

ROBERT E. BRACKETT, Ph.D., Vice President and Director of the National Center for Food Safety and Technology, Illinois Institute of Technology, Summit Argo, IL

FREDERICK H. DEGNAN, Partner, King & Spalding, Washington, D.C.

MIRIAM GUGGENHEIM, Partner, Covington & Burling LLP, Washington, D.C.

ARTHUR LIANG, MD, MPH, Director, Food Safety Office, Centers for Disease Control and Prevention, Atlanta, GA

10:15 am – 11:30 am

SO YOU THOUGHT YOU WERE DONE? BEYOND FEDERAL REGULATION: STATE CONSUMER LAWS AND CONSUMER CLASS ACTIONS RELATED TO PACKAGING, LABELING AND MARKETING IN THE FOOD INDUSTRY

This panel will explore liability and regulatory concerns other than those posed by the FDA, with a focus on packaging, labeling and marketing of foods and supplements. Panelists will discuss trends and strategies for consumer class actions related to food marketing and labeling. In addition, the same food marketing, labeling or packaging may subject sellers and manufacturers to regulation by the Federal Trade Commission, the Consumer Product Safety Commission, or to state laws like California's Proposition 65.

MODERATORS

DAVID A. ERNST, Shareholder, Bullivant Houser Bailey PC, Portland, OR

JOANNE LICHTMAN, Co-Managing Partner Southern California Offices, Howrey LLP, Los Angeles, CA

SPEAKERS

DOUGLAS B. BESMAN, Nestle USA, Inc., Solon, OH

Registration

Visit http://www.abanet.org/litigation/programs/cle_021711-food-supplements.html to register on-line or return the registration form with your payment (checks only) to Jessie Zeigler at Bass Berry & Sims PLC, 150 Third Avenue South, Suite 2800 Nashville, TN 37201.

Registration Cancellation

Requests for refunds must be made in writing and received no later than **February 11, 2011**, in the ABA Section of Litigation office. Please email your request to Matthew Thurman, at

thurmanm@staff.abanet.org.

There will be a \$10 administrative fee deducted from the refund.

Cancellations received after February 11th will not be refunded; however, the Section will gladly accept substitutions for those unable to attend.

MCLE Credit

Accreditation has been requested for this program from every state with mandatory continuing legal education requirements for attorneys. Please be aware that each state has its own rules and regulations, including its definition of CLE as well as 'Ethics'. Therefore, certain programs may not receive credit in some states. Please check with your state agency for confirmation of general as well as ethics approval for any program. You may contact Matthew Thurman at the ABA at thurmanm@staff.abanet.org to confirm the number of credits approved by any particular state.

SCOTT A. ELDER, Partner, Alston & Bird LLP, Atlanta, GA

MADELEINE M. MCDONOUGH, Partner, Shook, Hardy & Bacon L.L.P., Washington, D.C.

JOHN M. PACKMAN, The Coca-Cola Company, Atlanta, GA

11:30 am – 1:00 pm

LUNCH: PROTECTING THE BRAND IN THE FOOD INDUSTRY

SPEAKER

LESLIE TURNER, General Counsel of Coca-Cola North America

1:00 pm – 2:15 pm

THE EVOLVING SCIENCE OF FOOD SAFETY AND TECHNOLOGY: WHERE DO WE GO FROM HERE?

What are the latest issues in food safety and technology? How do these developments impact prevention, detection, traceability and packaging? This panel will discuss risk mitigation strategies and will also explore how to get a jury to understand the science in food litigation.

MODERATORS

SARAH L. BREW, Shareholder, Nilan Johnson Lewis, P.A., Minneapolis, MN

ALAN M. MAXWELL, Partner, Weinberg Wheeler Hudgins Gunn & Dial LLC, Atlanta, GA

SPEAKERS

ANGELA L. ABEL, M.A., Sr. V.P., DecisionQuest, Atlanta, GA

STEVE CHRISTENSON, Global Regulatory Affairs Vice President & Associate General Counsel, Ecolab, St. Paul, MN

ARTHUR J. MILLER, Ph.D., Principal Scientist, Exponent Inc., Irvine, CA

MELANIE NEUMANN, President, Neumann Law Office, Frankfort, IL

RON SIMON, Managing Partner, Simon & Luke, L.L.P., Houston, TX

2:15 pm – 3:30 pm

BEYOND MERE NUTRITION: ETHICAL CONSIDERATIONS IN THE LABELING OF BIOLOGICALLY ACTIVE FOODS

So it's true, but can you say it?: The Ethics of Labeling functional foods and dietary supplements.

MODERATORS

GLENN S. KERNER, Partner, Goodwin Procter LLP, New York, NY

CLAUDIA A. LEWIS-ENG, Partner, Venable LLP, Washington, D.C.

SPEAKERS

HOLLY BAYNE, Law Office of Holly Bayne, P.C., Washington, D.C.

MARTIN J. HAHN, Partner, Hogan Lovells, Washington, D.C.

STEVE MISTER, ESQ., President and CEO, Counsel for Responsible Nutrition, Washington, D.C.

MARC S. ULLMAN, Partner, Ullman, Shapiro & Ullman, LLP, New York, NY

Hotels

Suggested hotels include:

THE MANSION

(20-25 minute cab ride)

A Coca-Cola rate may be available if you contact Jennifer Proctor directly at 404-995-7553 or jennifer.proctor@rosewoodhotels.com

THE W-HOTEL

404-892-6000

(midtown) (10 minute cab ride)

A Coca-Cola rate will likely be available after @ January 1st

THE FOUR SEASONS

404-881-9898

(10 minute cab ride)

A Coca-Cola rate will likely be available after @ January 1st

3:30 pm – 3:45 pm

BREAK

3:45 pm – 5:00 pm

WHAT'S NEXT? IN-HOUSE COUNSEL'S TOP PREDICTIONS FOR THE FUTURE OF FOOD REGULATION AND LITIGATION

This panel will preview the next Hot Topics for the industry. They will discuss their concerns, describe how to avoid pitfalls and provide their expert tips on risk mitigation and litigation strategies.

MODERATORS

LIVINGSTONE J. JOHNSON, Executive Counsel, The Coca-Cola Company, Atlanta, GA

LARA E. WHITE, Partner, Adams and Reese LLP, New Orleans, LA

SPEAKERS

DONALD R. BECKER, Division Counsel, Long John Silver's, Inc., A&W Restaurants, Inc., a division of Yum! Brands, Inc., Louisville, KY

MARY LYNN BEDELL, VP - Senior Counsel, Sara Lee Corporation, Chicago, IL

COLIN M. DALY, General Counsel, O'Charley's Inc., Nashville, TN

STEVE ROWE, Sr. V.P. and General Counsel Darigold, Inc. and Northwest Dairy Association, Seattle, WA

5:00 pm – 6:30 pm

RECEPTION AT THE COCA-COLA COMPANY

PLEASE PLAN TO ATTEND THE ABA'S FIRST ANNUAL FOOD & SUPPLEMENTS CLE WORKSHOP AT THE COCA-COLA COMPANY'S WORLDWIDE HEADQUARTERS IN ATLANTA, GEORGIA, ON FEBRUARY 17, 2011. GREAT CLE, TERRIFIC SPEAKERS AND SUPERB NETWORKING OPPORTUNITIES WITH IN-HOUSE COUNSEL FROM THE COCA-COLA COMPANY, NESTLÉ USA, SARA LEE AND MORE MAKE THIS A CAN'T MISS CONFERENCE FOR ALL ATTORNEYS INVOLVED WITH MATTERS IN THE FOOD AND SUPPLEMENTS INDUSTRIES. AS AN ADDED BONUS, THERE WILL BE A KEYNOTE LUNCH SPEECH BY THE GENERAL COUNSEL OF COCA-COLA NORTH AMERICA ON "PROTECTING THE BRAND IN THE FOOD INDUSTRY."

SEE YOU IN ATLANTA!

REGISTRATION

Name _____

Company _____

Address _____

City _____ State _____ Zip _____

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Email _____ ABA Member No. _____

Registration Fees

\$120.00 Section of Litigation members / \$175.00 Non-Section members

Checks for attendance should be made payable to the American Bar Association.

I will attend the meeting and my check for \$_____.00 is enclosed.

Registration fee includes course materials, continental breakfast, lunch, p.m. snack and cocktail reception following the meeting.

Tax Deduction for Educational Purposes

In the United States, an income tax deduction may be allowed for educational expenses undertaken to maintain or improve professional skills. This excludes registration, travel, meals and lodging (see Tres. Reg. 1.162.5) (*Coughlin vs. Commissioners*, 203 F.2d 307)

Business casual dress is encouraged for all participants.

Providing your email address allows you to receive promotions & communication from the Section of Litigation and other ABA entities.

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