



Food

Our Food Group is a cross-practice team of experts that help our clients navigate the challenges and opportunities presented by the fast moving, intensely competitive and increasingly regulated food sector.

Our team is able to guide our clients through the entire food supply chain, from the farm stage through production, packaging, distribution, marketing and retailing. Lawyers from our Commercial & Litigation and Regulatory practice groups offer integrated advice on food safety compliance and regulatory issues, product recall, product liability claims, crisis management, supply chain contracts and related dispute resolution. Our Trade Practice and Consumer law specialists advise clients in the areas of food labelling and advertising, brand protection and exploitation, unfair commercial practices and consumer protection regulations, and imports and exports. We also have expertise in relation to the pan-European implementation of the EU REACH, WEEE and RoHS regulations. We often work in close collaboration with trusted foreign law firms on cross-border matters.

Our team has a thorough understanding of the industry, laws and regulations and close connections with the regulatory bodies, at Belgian and EU level, helping us to identify and stay abreast of trends and proposals that may have an impact on our clients' operations. We have considerable experience working, in particular, with FEVIA, the Belgian federation of the food industry, and FAFSC, the Belgian Federal Agency for the Safety of the Food Chain.

Our recent experience in the field of food product liability includes:

- assisting a major multinational food company in several recall campaigns and problems concerning food safety
- advising a major sugar producer in relation to its compliance with relevant regulations further to the identification of micro particles of glass in certain batches of imported cane sugar
- advising a Belgian business in an enforcement action by the FAFSC concerning raised levels of pesticides identified in geranium stems used in the production of chocolate
- assisting a leading sugar producer in Belgium in a EUR 2.5m recall and product liability insurance claim against AXA-AIG (CHARTIS), as well as the underlying litigation against it by several farmers
- assisting a Finnish insurer and its insured against the Belgian-based distributor of genetically modified flaxseed and his Belgian product liability insurer
- setting up a consortium to study the environmental and health impacts of nano-materials in food and drink products
- assisting a Belgian food manufacturer in negotiating the settlement of a major product liability claim with its liability insurer
- assisting a global leading supplier of lactic acid and lactates in relation to an extensive recall campaign by one of its clients who wanted to recall batches of its products because of their inappropriate odor, allegedly caused by the lactic acid.

CASE STUDY

We assisted a major egg-powder manufacturer, supplying many European industrial bakeries and cookies and cakes' manufacturers. An error in the testing conducted by a German food safety laboratory wrongly led to a finding that the egg powders contained nitrofuranes. This incorrect finding resulted in a European-wide product recall. We challenged the recall, revoked it, sued for damages (settled), obtained compensation from the insurers (settled). We also organised our clients' defense against its own clients in Belgium, the Netherlands, Germany and Italy (settled).

Our recent experience in the field of food labelling includes:

- advising a major sugar producer and its sister company, both part of a European leader in sugar production, regarding several issues relating to labelling, food components and the addition of nutrients;
- assisting a major sugar producer in the review of labelling requirements for its products in several non-European countries (including the USA, Canada, Singapore, South Korea, Saudi Arabia, Emirates, Oman, Lybia, Algeria);
- advising the coffee division of a large multinational group in relation to various matters directly or indirectly related to consumer safety;
- in general advising clients on mandatory information required on food labels, information on ingredients, nutrition and health claims.

We can help you generally with:

- Supply chain contracts (including procurement, facilities/property management, logistics, manufacturing, supply of goods, licensing and distribution agreements, franchising);
- Food safety and product liability (presence of pesticides in food, presence of substances in animal feed, GMO contaminated products, recall of products);
- Food labelling;
- Brand protection and advertising (advertising of alcoholic beverages, protection of trade secrets and intellectual property);
- Packaging, storage and transport legislation (defective packaging, use of specific materials in packaging);
- Imports and exports;
- Unfair trade practices;
- Mergers and Acquisitions;
- Competition law;
- Crisis management and planning;
- Regulatory compliance and policy management;



CONTACT

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EU Regulatory, Environment
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Partner Commercial and Litigation
- **Etienne Kairis, Partner**
Commercial and Litigation

WHAT OTHERS SAY ABOUT US

The team is impressive. The lawyers came over and strategised for us, and were unfazed by the complexity of the case. They got to grips with everything, took the driving seat and were instrumental in the result.

Chambers & Partners
Dispute Resolution – Belgium

CONTACT

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