

FOOD FOR THOUGHT

FROM OUR FOOD, BEVERAGE, & CONSUMER PRODUCTS TEAM
OCTOBER 2017, ISSUE 2

FEATURED CLIENT SUCCESS STORIES



Holland & Hart's Food and Beverage team represented client [ICONIC Protein](#), a

company known in the beverage industry for their fast-growing line of hormone, antibiotic, and preservative free protein drinks made with grass-fed dairy, in connection with the company raising \$8 million in a funding round led by private equity firm KarpReilly. The funding will allow ICONIC to launch new product innovation and expand nationwide by building out its senior leadership team – including beverage entrepreneur Bill Moses as executive chairman – and expanding its positioning as one of the only protein drink brands with a large and growing female audience who turn to the company's products as a grab-and-go snack in a bottle. For more information, please see ICONIC's [press release](#).



[Fishpeople Seafood](#), a mission-driven brand leader in sustainable and traceable seafood, announced in June that it has closed a \$12 million Series B financing round with a lead investment

from Advantage Capital Agribusiness Partners ("ACAP"). 3x5 Partners, a longstanding partner of Fishpeople, continues its investment in the company, along with additional funds from a premier group of leading sustainability-focused investors, including S2G Ventures, Encourage Capital, Blueberry Ventures, and Collaborative Fund. Together, these groups round out a highly respected and experienced set of funds at the epicenter of investing in innovative, disruptive brands with the shared goal of driving the food & beverage industry to a healthier, more sustainability-driven future. For more information, please see this [article](#).

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THE REALITIES OF HEALTHY DISRUPTION

by Steven DuPuis, founder and principal of [The DuPuis Group](#) – a design innovation agency

We live in an interesting time - one in which businesses seek to find normalcy amidst much uncertainty. Disruption is everywhere and now matters more than ever; it's feared by the status quo yet it's valued, and sought after for driving innovation and aspiration. From political jaw-droppers, to viral shifts in worldviews, to a myriad of environmental crises, to the accelerated rise and fall of industries- we now find meaning in change, it is indeed our new normal.

These shifts in our world are wreaking havoc on our established brands, business models, supply chains, and marketing strategies. Established brands, industries, and services are all ripe for disruption.

Traditionally, being in the big food business, companies felt relatively safe with evergreen models. After all, people need food - it's a staple that nourishes our bodies.

The technology and processes we have used to scale food production were long-viewed as the only way to affordably feed growing populations. Yet they're now being associated with societal plagues of obesity, diabetes, heart disease, and climate change.

Most of us are already aware of the changing consumers' attitudes about food. The era of better, cheaper, faster are no longer as relevant. Consumers are willing to wait... pay more, and seek brands that jive with their evolving values and appetites. In the past, Madison Avenue created monolithic brand icons, and consumers swarmed to them like moths around a lamppost. Today, successful brands find their way to the consumer through shared values and by authentically positioning themselves on the path of the consumer's journey of discovery. To do that, instead of simply focusing on creating VALUE, today's successful company allows vision and purpose (VALUES) to lead the train. This vision then inspires innovation that leads to growth and ultimately creates value. Read more [here](#).

"TODAY, SUCCESSFUL BRANDS FIND THEIR WAY TO THE CONSUMER THROUGH SHARED VALUES AND BY AUTHENTICALLY POSITIONING THEMSELVES ON THE PATH OF THE CONSUMER'S JOURNEY OF DISCOVERY."

UPCOMING EVENTS

REGENERATIVE EARTH SUMMIT: FOOD + CLIMATE + CULTURE

November 6-7, University of Colorado, Boulder, CO

"At the Regenerative Earth Summit, we will co-create an ecosystem of peers across multiple disciplines. Together, we'll work to discover and devise how we can meaningfully collaborate in service to our shared vision of a vibrant, regenerative and health affirming food system world-wide that nourishes our communities, protects our natural resources and mitigates the effects of climate change." Buy your tickets [here!](#)

NATURALLY BOULDER: NETWORKING NIGHT

Monday, November 13, Sterling-Rice Group. Find out more information [here](#).

FOODBYTES! SAN FRANCISCO 2018

Applications will open in November and tickets will be available in December. Visit the FoodBytes! website [here](#) for more information.

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A NOTE FROM OUR PACKAGING COMPLIANCE GUIDE

BY [JENI LAMB ROGERS](#)

FOOD ALLERGENS

The most common cause of recalls due to misbranding is for undisclosed allergens. Because these present a serious risk to the health of those with food allergies, this is one of the most important disclosures made on a package. FDA focuses on disclosure of eight “major food allergens,” commonly referred to as “The Big 8”.

The big 8 include milk, egg, fish, crustacean shellfish, tree nuts, wheat, peanuts, and soybeans.

If your product contains one of these allergens, to avoid being misbranded the product labeling must state “Contains” followed by the food source from which the allergen is derived (above), with some limited exceptions. For particular categories such as fish, crustacean shellfish, and tree nuts, the label must disclose the specific species or type.

Here is an example of allergens in action:



← ALLERGEN DISCLAIMER

PLACEMENT AND TYPE SIZE:

The allergen disclosure must be made immediately after or adjacent to the list of ingredients in the same size font used for the ingredients.

NOTE: It does not matter whether the introduction of a product containing a food allergen was accidental. If the product contains a major allergen, and that allergen is not disclosed, whether it be from putting the wrong label on a product or from cross-contact between food surfaces containing the allergen, if it is not declared on the label the product is misbranded and subject to recall.

WANT MORE TIPS? VIEW OUR FULL PACKAGING GUIDE ONLINE [HERE](#).

CLIENT SPOTLIGHT: REGRAINED

[ReGrained](#), a startup from San Francisco, California, was founded when two homebrewers discovered that beer was not the only delicious product of their hobby.

As college students, they found themselves hauling vats of “spent” grain out to the curb, until curiosity inspired them to bake bread. The bread was so good that soon they were selling enough loaves to brew for free.

The possibilities of upcycling their “spent” grain into an ingredient proved to extend far beyond bread. High in prebiotic fiber, vegan protein, and flavor, but low in sugar, brewer’s “spent grain” supports a strong claim as a supergrain.

ReGrained’s vision is to be a branded ingredient platform that will close the loop between the brewing industry and the food system. Powered by patent-pending technology developed with the USDA, ReGrained Flour can be incorporated into a mouth-watering menu of foods from bars to crackers, pretzels, bread, cookies, pasta, and more. In short, their edible upcycling model is the realization of the circular economy for food.



ABOUT US

Holland & Hart has been a part of the food, beverage, and consumer products industry for decades, helping clients address legal issues that arise from farm to table and everything in between. We are proud to have clients from coast to coast in cities across the nation.

OUR TEAM LEADS



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