

# EXCELLENCE

IN FOOD, BEVERAGE, AND CONSUMER PRODUCTS LAW





## THE HOLLAND & HART DIFFERENCE

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.

Our multidisciplinary practice brings together a wide range of experience from attorneys across the firm, to deliver informed, creative, and innovative solutions for navigating the complexities often faced by burgeoning brands.

Our attorneys are highly-active participants in the food, beverage, and consumer products community. Our team is passionate about staying at the forefront of thought leadership in this arena to fully understand the nuances of this dynamic and ever-evolving industry. We are experienced and poised to fully-immense ourselves in our clients' businesses to solve the most common challenges facing the industry today.

### OUR CORE PHILOSOPHY

We view our clients as long-term partners, not just transactions. We consider it a genuine privilege to be a trusted advisor and are 100% committed to building long-standing relationships. Getting to know our clients as people is important to us, as is fully-understanding the unique needs and challenges of their business.

## CORPORATE & FINANCINGS

We assist clients with the legal aspects of corporate business matters including:

- Business Launch/Formation
- Strategic Transactions
- Debt and Equity Financing Rounds
- Asset Acquisition and Business Combination Transactions
- Succession Planning and Exit Strategy
- Tax Efficient Corporate Structure Advice
- Raising Capital
- Manufacturing, Supplier, and Vendor Contracts/Agreements

We are actively involved in a broad range of funding and debt financing activities. Our team has structured hundreds of debt and equity capital transactions and credit facilities for both private and public companies. As a result of our experience and contacts, we are able to advise clients about various financing alternatives and introduce them to potential funding sources across the country.

## EMPLOYEE BENEFITS

Our Employee Benefits group takes a practical and cost-effective approach to advising clients on employee benefits plan creation and administration. Among our long-term clients in this area are a wide range of large private and publicly traded employers, government entities, small entrepreneurial businesses, and tax-exempt organizations.

Specifically, we help clients create and maintain a wide range of customized retirement plans, multiemployer plans, medical benefit plans, and other tax-related incentive plans. When problems arise, we defend our clients before the IRS, the EBSA, and the PBGC.

## PRODUCT LIABILITY

We assist clients with the full range of product liability issues, including design and development, inspections and testing, stewardship programs, operating and equipment manuals, advertising (including defending claims for false and misleading advertising), labeling and warnings, regulatory compliance, risk management, recalls, crisis management and emergency response, litigation, arbitration (domestic and international), and settlements.

## TRADEMARK

Our trademark group supports many national and global consumer brands and food and beverage clients, which virtually all of our trademark attorneys and paraprofessionals touch to some degree—either in a lead or support role.

## LICENSING & IP PROTECTION

Our IP transactional attorneys have deep experience procuring, developing, distributing, and licensing brands. We represent a range of companies—from large global corporations to local brands—and have advised a large Fortune 500 company on commercial and IP transactions issues for the last 20 years.

Our team assists clients with all manner of IP protection, licensing and related commercial agreements in the food, beverage, and consumer products industry, including:

- Protecting IP rights (whether in the form of recipes or formulae, packaging improvements, branding, food processing methods, supply chain efficiencies, customer lists, research and development, or otherwise).
- Co-Packing and Co-Manufacturing Agreements
- Co-Branding Agreements and Private Label Agreements
- Distribution and Supply Agreements
- Consulting Services, PR Agency, and Talent Endorsement Agreements
- Hardware, Software and other licensing and procurement agreements
- Sweepstakes and Contests for Brand Activations
- Social Media Influencer Agreements

## REGULATORY COMPLIANCE, LABEL REVIEW, AND PRODUCT RECALL

Our attorneys advise food and beverage clients to help them comply with regulatory requirements concerning product labeling. They work closely with manufacturing clients with product recalls to protect product customers while maintaining brand integrity and goodwill, ensure best practices, and avoid regulatory fines and liability.

We have deep knowledge and experience working with FDA labeling regulations, FTC advertising compliance, and with California Regulatory Compliance, Prop 65, and class action defense. Our compliance counseling includes the following statutes and the FDA regulations issued under their authority:

- Fair Packaging and Labeling Act of 1967 (product ID, manufacturer information, quantity)
- Federal Food, Drug, and Cosmetic Act (food coloring, additives, Generally Recognized as Safe (GRAS) advising)
- Nutrition Labeling and Education Act of 1990 (nutrition labeling and nutrient content claims)
- Dietary Supplement Health and Education Act of 1994 (supplement labeling, New Dietary Ingredient advising, and structure function claim advising)
- FDA Modernization Act of 1997 (health and nutrient content claims based on an authoritative statement and qualified health claims)
- Food Allergen Labeling and Consumer Protection Act of 2004 (allergen labeling)



## ABOUT THE FIRM

Founded in 1947, Holland & Hart is a full-service Am Law 200 firm with offices in eight states and in Washington, D.C. We deliver integrated legal solutions to regional, national, and international clients of all sizes in a diverse range of industries. For more information, visit [www.hollandhart.com](http://www.hollandhart.com) or on Twitter: @HollandHart.

## RECOGNITION

- 80 attorneys and 36 of the firm's practice areas (by market) recognized by *Chambers USA* 2020
- 188 attorneys and 22 "Lawyers of the Year" named by *The Best Lawyers in America*® 2021
- 42 attorneys named to the 2020 Super Lawyers or Rising Stars lists by *Mountain States Super Lawyers*®
- 46 attorneys named to the 2020 Super Lawyers or Rising Stars lists by *Colorado Super Lawyers*®

## DIVERSITY & INCLUSION

- Best Place to Work for LGBTQ Equality, Human Rights Campaign Foundation's 2020 Corporate Equality Index
- 2019 Sustained Diversity Champion, Colorado Pledge to Diversity
- Mansfield Rule Certified Plus for three consecutive years, 2017-2020
- Named to Law360's list of "Ceiling Smashers" for firms with the highest representation of female equity partners, 2017-2019
- Ranked Tenth on Am Law's 2020 A-List: Female Equity Partner Scorecard
- In 2020, recognized as one of the 60 Best Law Firms for Women by Working Mother for the 10th time, earning a place in the Hall of Fame
- In 2020, achieved Gold Standard Certification by the Women in Law Empowerment Forum for the ninth consecutive year, 2011-2020
- One of two law firms recognized as a "Duke Diversity Champion" for 2017 based on the percentage of hours by female and diverse attorneys working on matters for Duke
- Recipient of the 2017 Inclusiveness@Work Award for a Law Firm/Legal Department by the Center for Legal Inclusiveness, which recognizes organizations dedicated to advancing diversity and creating inclusive workplace cultures

Alaska  
Colorado  
Idaho

Montana  
Nevada  
New Mexico

Utah  
Washington, D.C.  
Wyoming

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