

## Food and Beverage

When the titans of the food and beverage industry face high-stakes litigation, transactional opportunities, and potential obstacles to growth and competition, they turn to Jenner & Block.

Recognized as among the country's leading food and beverage practices by *Law360* and *Chambers USA*, our Food and Beverage team is remarkably well-rounded and has honed its litigation and transactional capabilities to a fine edge. We handle the complete gamut of litigation, investigations, transactions, and counseling issues that most impact our clients' businesses and reputations.

### **A Go-To Firm for Industry Leaders**

For decades we have been instrumental advocates shaping the industry and the legal landscape that impacts it. From regulatory counseling to handling landmark transactions to developing winning strategies in bet-the-company litigation and other crisis management scenarios, our deep industry experience and legal knowledge guarantee clients a position of strength as they move forward.

Also known as a “go-to” choice in cutting edge cases, we offer exhaustive legal and factual knowledge of claims alleging the presence of heavy metals, PFAS, phthalates, benzene, and many other contaminants, as well as food borne pathogens such as salmonella and listeria having developed numerous successful arguments defending these claims in major litigation cases.

### **A Litigation and Investigations Powerhouse**

Leading multinational food and beverage companies, including many of the world's most recognized brands, choose us for our impressive track record in litigation, consumer class actions, and arbitrations. We defend them in enterprise-threatening and first-of-its-kind cases involving disputes with suppliers and customers, damages recovery cases, insurance coverage matters, unfair competition, common-law misrepresentation, and warranty claims, as well as in government investigations and enforcement actions.

Our knowledge of the case law, judges, juries, counsel, and the experts we face in court advances our clients' interests, limits risk, reduces ramp-up time, and positions clients for future opportunities. The team's extensive experience in jurisdictions and courts throughout the United States includes successes in dozens of cases in the Northern District of California. We have repeatedly defeated class certification, secured dismissal, summary judgment, and settlement, and prevailed on appeal. To combat the conjoint or hedonic regression damages models integral to plaintiffs' price premium theories in many consumer class actions, we regularly supplement our defense with premiere experts on consumer behavior and econometrics.

## **A Deep Well of Transactional and Counseling Experience**

The practice has exceptional experience in transactions and corporate governance matters. Our lawyers provide sophisticated transactional and counseling services to help clients shape and advance their business objectives. We regularly represent public and privately held clients in mergers and acquisitions, financing transactions, joint ventures, strategic investments and alliances, public equity and debt securities offerings, tender offers, tax disputes, and strategic counseling matters.

Our corporate governance services include navigating complex regulatory issues, providing guidance to minimize litigation risks, and offering strategic counseling in crisis management scenarios involving litigation, public relations, and governmental investigation issues.

### **Experience**

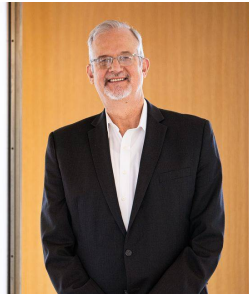
#### **Litigation:**

- Representing a baby food manufacturer in first-of-its-kind class action litigation in the EDNY arising from a Congressional investigation allegedly identifying the presence of dangerous levels of heavy metals in the products.
- Representing a multinational food company in several consumer class action cases consolidated in the Northern District of Illinois, alleging dangerous levels of chemicals in products that were introduced through processing, additionally seeking companies to disclose the possibility that products might contain trace amounts of chemicals.
- Represented a multinational snack company in a dispute with its insurance company over coverage for more than \$100 million in losses caused by a computer malware attack; their claim was denied due to a war exclusion and following a three-week jury trial, a settlement was reached just prior to closing arguments.
- Established a key precedent in food protein labeling with a win for a multinational food manufacturer in a class action alleging that certain food labels stating the amount of protein in its products are misleading because the labels don't indicate how much of that protein is of a certain quality and digestible.
- Representing a multinational snack company in breach of contract and warranty claims against a supplier for damages suffered as a result of a broad food product recall due to whey powder contaminated with salmonella.

#### **Transactional:**

- Represented Archer Daniels Midland in the \$1.3 billion sale of its global cocoa business to Olam International Limited and in its \$440 million sale of its global chocolate business to Cargill.
- Represented Cox Enterprises in the acquisition of BrightFarms, an indoor farming company and provider of locally grown packaged salads.
- Represented John B. Sanfilippo and Son, Inc. in its \$31.5 million acquisition of Squirrel Brand and in numerous corporate transactions, including asset sales of intellectual property, joint ventures, public equity offerings, credit financings and term loan facilities, as well as counseling on general corporate matters.
- Represented Snyder's-Lance in its \$6.1 billion acquisition by Campbell Soup Company and in its \$1.8 billion acquisition of Diamond Foods, Inc.
- Represented US Foods Holdings Corp. in \$1.175 billion initial public offering of common stock, \$1 billion secondary public offering of common stock, and \$1.35 billion registered debt exchange offer.

## Co-Chairs



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## Related Capabilities

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ERISA

ESG: Environmental, Social, and Governance

Environmental and Workplace Health and Safety

Human Rights and Global Strategy

Insurance Recovery and Counseling

International Arbitration

Investigations, Compliance, and Defense

Litigation

Mergers and Acquisitions

National Security and Crisis

Post-*Chevron* Task Force

Real Estate Transactions

Real Estate and Hospitality

Tax

Trade Secrets and Restrictive Covenants

Trademark, Advertising, and Unfair Competition