



Hanson Bridgett Practice Group

Food and Beverage

We have been representing clients in the food and beverage industry for more than 30 years. Our clients run the gamut from consumer goods product manufacturers, wine and beverage producers, distributors, farmers, and trade associations to restaurateurs. Our attorneys understand the industry and are able to provide practical advice to clients in a wide range of regulatory matters and every-day business issues and disputes.

Areas of Expertise

Food Labeling and Advertising

Our attorneys regularly review and counsel clients on food and dietary-supplement packaging and labels as well as related print, online, and television advertising campaigns (including under FDA, FTC, and other regulations).

Litigation and Dispute Resolution

The firm's litigation practice spans many substantive areas and includes experience at all levels of research, investigation, discovery, project management, alternative dispute resolution, trial, and appeal. Our litigators address disputes involving contracts, business formation, complex litigation, class actions, consumer litigation, commercial collections, franchises, antitrust, unfair competition, business torts, trade secrets, and a variety of administrative proceedings. The firm also has experience representing companies against food labeling claims brought by private parties in false advertising class action litigation.



Intellectual Property

We offer our clients a full range of intellectual property services and protect their interests in matters involving trademarks, patents, copyrights and trade secrets. We guide clients through the trademark process, from selection and clearance of a mark (including review under FDA and other regulations that govern the food and beverage industry) to registration, maintenance and enforcement of trademarks (including reviewing the unique issues that impact the use and registration of marks in the food and beverage industry). Our patent litigators aggressively enforce our clients' patent rights and effectively defend them against patent claims in federal courts throughout the country. We also counsel clients in developing patent strategies and in understanding their patent rights and the patent rights of their competitors. Additionally, our attorneys review, counsel on, draft, and negotiate all types of transactions involving technology and intellectual property. Our technology transactions range from patent and other licensing deals to joint ventures, procurements and technology transfers. We also have abundant experience in computer software licensing and publishing contracts. And, we are skilled in managing intellectual property as an asset in business structuring, mergers, acquisitions and other transactions.

Sweepstakes, Contests and Giveaways

We are well versed in the state and federal laws governing promotions such as sweepstakes, contests, giveaways, and gift cards including promotions conducted on through social media.

Commercial Transactions

We offer years of experience in negotiating commercial transactions key to the success of every branded food company. We negotiate trademark licensing and distribution agreements all over the world. We negotiate manufacturing and co-packing agreements worldwide as well, allowing our food company clients to arrange for safe and profitable manufacturing of their products wherever needed. We are experienced in preparing contract terms for international commercial transactions and in resolving disputes that arise from time to time. We are adept at the negotiation of major capital equipment acquisitions, as well as long term supply agreements. We are also experienced in negotiating the full range of agreements needed to establish effective marketing plans, such as agreements with advertising agencies, media services agreements and the like.

Facilities Development

We are experienced in assisting our clients in developing their physical as their business grows. The range of services include warehouse leasing, capital improvement projects to existing facilities, and new facilities development. A recent credit includes the construction of a new 200,000 square foot processing facility using state of the art integrated design build construction methodologies for building construction as well as line installation and automated system controls. For this transaction we performed all necessary land use, real estate, construction and procurement services.



Business Structuring

We are routinely called upon to assist our clients with issues including basic business and tax planning for developers and operators; corporate articles and bylaws; LLC and partnership formation; tax planning and advice; project restructuring; joint venture agreements (including agreements between nonprofit and for-profit partners); applications for tax exemption and letter rulings; trademark and copyright issues.

Corporate

We are experienced in the areas of choice of entity and business formation issues, mergers, acquisitions and dispositions, securities offerings, compliance and reporting, financing of all kinds, venture capital transactions, corporate and entity governance, international and cross border transactions, tax, and day-to-day legal representation for individuals and entities of all sizes. We also advise clients with regard to franchising and distributorship, shareholder disputes, corporate succession, intra-family planning issues, antitrust, and anti-competitive practices.

Environmental Compliance and Defense

Food and beverage facilities are subject to numerous environmental laws and regulations, including the Clean Air Act (General Duty Clause, risk management planning, Refrigeration Management Program), the Resource Conservation and Recovery Act (hazardous waste management and disposal), the Clean Water Act (storm water management, spill prevention, pretreatment,

discharge permits and reporting), the Emergency Planning and Community Right to Know Act (Business Management Plans, release reporting) and the Occupational Safety and Health Act (Process Safety Management, Management of Change). We have experience counseling food and beverage industry clients regarding compliance with all of these federal laws and the often more-stringent state environmental laws and regulations that also apply. We have assisted our clients with applicability determinations, compliance management, auditing, enforcement defense and incident response. Our experience spans the criminal, civil and administrative arenas and includes conducting privileged internal investigations when warranted. We have negotiated resolutions for our clients with the U.S. Department of Justice, the U.S. Environmental Protection Agency, the California Air Resources Board and local District Attorney's Offices, allowing our clients to focus on production and business goals rather than distracting legal disputes.

Employee Benefits

Employee benefits and compensation issues can be complicated and costly for employers. Our Employee Benefits Group handles all types of qualified retirement plans, employee benefits issues that arise in business transactions, executive and equity compensation issues, fiduciary responsibility and welfare plan issues. Our attorneys advise clients on the laws governing retirement and welfare benefits and executive compensation, including ERISA, tax, labor and securities laws. We are conversant with all aspects of the design

and administration of retirement plans (including 401(k)s and ESOPs), executive compensation, cafeteria plans, health benefit plans (including cost containment issues, health care reform, and compliance with San Francisco's Health Care Security Ordinance), employment agreements, early retirement incentive programs, change-in-control counseling, and the legal aspects of investment of plan assets.

Labor and Employment

By focusing on employment issues as they develop, we are able to help clients avoid problems altogether or, at a minimum, enhance the defensibility of cases. We draft and review personnel policies, employment contracts, applications and other employment forms. We frequently advise clients about employee discipline and termination. We regularly work with employers on wage and hour issues. We have developed notable expertise in helping employers navigate the leave requirements of the Family Medical Leave Act, the California Family Rights Act, the Americans with Disabilities Act and workers' compensation laws. We defend employers in litigation relating to all of these areas, in state and federal court as well as in proceedings before administrative agencies such as the Department of Labor, the Equal Employment Opportunity Commission, and the state Labor Commissioner. We have special expertise in and vast experience working with food industry employers with unionized workforces on labor relations issues, including during negotiations, in connection with NLRB proceedings, and in labor arbitrations.

Legislative and Administrative Advocacy

We routinely provide legislative and administrative advocacy advice, including state and federal advocacy and negotiation with legislative bodies and administrative agencies; drafting and analysis of proposed legislation and regulations; and responding to code enforcement actions.

Real Estate

Our real estate attorneys provide comprehensive legal services to a wide array of real estate clients. We have substantial expertise in all areas of real estate transactional and litigation work. We represent investors, developers, buyers, sellers, owners, managers, landlords and tenants both locally and nationally.

Transportation and Logistics

Hanson Bridgett possesses a wide variety of experienced general transportation and logistics attorney-practitioners, representing both privately and publicly-owned companies for their particular distribution and supply-chain requirements. The firm is counsel to a broad and diverse range of domestic and international commercial carriers, including motor, water, rail, passenger, air cargo and household goods companies. In addition to direct suppliers and users of such services, Hanson Bridgett regularly assists local and national third-party brokers, intermediaries and full-service logistics enterprises with litigation, transactional, and contractual matters.