



Product Liability

Food Law

Our clients variously operate throughout the entire spectrum of the food industry at all stages of the growing, processing, marketing and distribution chain.

We represent some of Australia's largest food manufacturers and retailers on all aspects of food law – whether it be product liability, hygiene and safety issues, compliance, food recall, advertising or composition issues.

Our team regularly provides advice on a broad range of issues affecting our food clients' business, including:

- labelling and compositional issues
- regulatory issues
- advertising issues
- defending prosecutions and competitor litigation
- product recall and crisis management programs
- trade mark creation and portfolio management, passing off and other trade mark issues including the interface with the Food Standards Code

- supply chain relationships and distribution agreements
- meat production, the storage and display of meat products
- international standards
- trade promotion lotteries
- litigation concerning agricultural products and practices.

Our experience

At Clayton Utz, our lawyers possess extensive food law expertise. While industry sensitivities prevent us from disclosing clients, some examples of our experience include:

- advising in relation to class actions involving oysters, peanut butter, pork rolls and defending class actions in relation to chemical contamination of cattle and water
- acting for a company in relation to an allegation that a claim an alcoholic beverage was of a nominated vintage and country of origin was false and advising in relation to the geographical indications of wines

- acting in relation to various appeals to the Administrative Appeals Tribunal concerning decisions by the regulator in relation to variation of food standards and other matters

- appealing convictions to the Supreme Court of New South Wales for breaches of the *Food Act* including in the matters confirming the availability of the defence of honest and reasonable belief to a breach of the *Food Act* 1989 in NSW (now repealed by section 27 of the *Food Act* 2003)

- advising in relation to issues relating to plant sterols and stenols, proposals to amend the Food Standards Code and their use in food products

- obtaining the approval and administering a settlement scheme arising out of representative proceedings following food poisoning

- acting for a juice retailer in relation to claims that a juice was "fresh" were misleading, when fortificants were added to the beverage

- advising in relation to contamination issues including ethylene oxide in herbs and spices and chloropropanols in soy sauce

- insurance portfolio and risk management review in relation to livestock and BSE, OJD and FMD
- developing product recall procedures consistent with the Food Industry Recall Protocol and advising in relation to some of Australia's largest recalls of food products and providing crisis management advice in relation to a food contamination incident resulting in a product recall, coronial enquiry and class action
- developing an identity preservation program for a manufacturer of grain-based foods and risk and insurance issues arising out of field trials of GM crops
- acting for an international seed company in relation to claims concerning allegedly defective seeds supplied into the Australian market garden industry for the growth of retail food crops.

Please contact [Jocelyn Kellam](#), Partner for further information.

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