

## Angela M. Spivey

Partner

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Angela Spivey co-leads Alston & Bird’s food & beverage industry team and provides defense and counsel for food manufacturers, suppliers, distributors, retailers, and packaging entities in a host of FDA, USDA, and CBP regulatory compliance issues and litigation. She has extensive experience defending consumer class action labeling cases, implementing product recalls, and defending widespread international outbreaks and resulting civil litigation. Angela also defends corporations and individuals in FDA-OCI criminal investigations. In addition to consulting with food industry clients, Angela has first-chair trial experience before state and federal courts across the U.S.

Angela is ranked by *Chambers USA* in Band 2 as a leader in the category of Food & Beverages: Regulatory & Litigation and has been named a “Litigation Trailblazer” by *The National Law Journal*. Angela is also ranked in *The Best Lawyers in America*®. She is well known for her thought leadership in the industry as a co-author of *Food Safety Law*, the nation’s leading treatise, the firm’s monthly *Food & Beverage Digest*, and is a frequent speaker across the country at various industry group conferences discussing top-of-mind issues in the food industry.

### **Representative Experience**

#### **Litigation**

- National labeling counsel for one of North America’s largest food companies, defending the company in all its consumer class action labeling cases, slack-fill cases, and Proposition 65 cases.
- Supervised the nationwide defense of leading food manufacturers in adulterated food personal injury claims arising from highly publicized food recalls, including defending more than 700 cases in 24 states, defeating 29 class actions, and defending 20,000 individual claims related to a single recall.
- Defending retailers and food manufacturers in consumer class action labeling cases throughout the U.S., with experience defeating class certification and obtaining summary dismissal with prejudice.

#### **Regulatory**

- Counsel to national food manufacturers, transporters, distributors, and retailers regarding compliance with FDA, USDA, and CBP regulations, including labeling and claims, food safety, preventive controls, FSMA compliance, registration issues, and import issues.
- Representing national supermarkets, food manufacturers, distributors, and restaurant chains in all aspects of recalls, including working with regulators, advising on public relations matters, and resolving threatened enforcement action and claims.
- Advising food manufacturers and retailers on product claim substantiation and risk mitigation.

#### **Compliance and Enforcement**

- Defending food manufacturers, retailers, restaurant chains, and transporters against claims of criminal violations of FDA and USDA regulations before the Department of Justice, Main Justice, and assistant U.S. attorneys.
- Defending clients in FDA, USDA, and CBP enforcement actions, including warning letters, FDA Form 483s, establishment inspection reports, registration suspension threats, and import holds and detentions.

## **Publications & Presentations**

### **Publications**

- “Navigating Employee Health and Food Safety for Human and Animal Food Operations: Key Considerations from OSHA and FDA,” *Occupational Health & Safety*, October 9, 2020.
- “3 Key Food and Beverage Trends To Watch In 2019,” *Law360*, January 1, 2019.
- “Food Safety Law,” *Law Journal Press*, Release 12, 2017.
- “FDA Flexes Its Muscles in Food Fights: Strategic Risk and Crisis Management Take Center Stage as Criminalization of Enforcement Threatens Companies and Their Executives,” *Corporate Counsel Business Journal*, March 30, 2016.
- “The FDA Gets Pulled into the ‘Natural’ Labeling Fray: Surprise Move May Change the Food Fight,” *Food Manufacturing*, November 11, 2015.
- “The Impact of the FDA Banning PHOs in the U.S.,” *Food Manufacturing*, June 17, 2015.
- “Food Fighters: DOJ, FDA May Be Coming for Executives,” *Law360*, September 23, 2014.
- “Understanding Food and Beverage Recalls: Successfully Navigating the Recall Process and Updating Risk Management Strategies,” *Aspatore Special Report*, 2014.
- “Food and Beverage Industry Outlook for 2014: Part 2,” *Law360*, January 23, 2014
- “Food and Beverage Industry Outlook for 2014: Part 1,” *Law360*, January 16, 2014.

### **Presentations**

- “Class Action Litigation Development,” *Food & Beverage Litigation Conference: A Look At Hospitality, Liquor & Food Liability*, webinar,, November 5, 2020.
- “Food Consumer Class Actions – The Role of the “Reasonable Consumer” – A Debate,” *CLE International*, San Francisco, CA, March 3, 2020.
- “Mass Tort and MDL Settlements—Changes Ahead?” 2020 ABA Environmental & Energy, Mass Torts, and Products Liability Litigation Committees’ Joint Regional CLE Program, Snowmass Village, CO, January 29-31, 2020.
- “Top 5 Eye Openers Impacting Industry – from Hemp to FDA Advisories to Alternative Proteins,” *AALA 2019 Annual Educational Symposium*, Alexandria, VA, November 7-9, 2019.
- “Responding to Demand Letters,” 2019 GMA Legal Conference, Palm Beach Gardens, FL, March 4-5, 2019.

### **Education**

- University of Mississippi (J.D., 1996)
- The University of Alabama (B.A., 1993)

## *Admitted to Practice*

- Georgia
- Mississippi

## *Related Services*

Litigation | Class Action & Multidistrict Litigation | Toxic Torts | Products Liability | FDA/Food, Drug & Device | Food, Beverage & Agribusiness