ALSTON & BIRD

Samuel D. Jockel

Senior Associate

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Combining his previous roles at both the FDA and USDA, Sam brings an insider perspective to clients navigating complex regulatory compliance and enforcement issues.

Sam Jockel is a senior associate in the Litigation & Trial Practice Group and a member of the Food, Drug & Device/FDA Team. Sam focuses his practice on regulatory, policy, and litigation matters involving the FDA, the USDA, and the FTC related to food, beverages, cosmetics, dietary supplements, and drugs. Sam assists clients on premarket clearance, import and export issues, supply chain management, and product labeling and advertising. He helps clients navigate product recalls and respond to regulatory enforcement actions and defends clients in consumer class actions.

Sam previously served as a trial attorney in the USDA's Office of the General Counsel. He was counsel for the implementation of the National Bioengineered (BE) Food Disclosure Standard, playing a key role in providing advice to senior USDA officials, drafting the proposed rulemaking, and defending the USDA in an Administrative Procedure Act challenge. At the USDA, Sam also represented the Agricultural Marketing Service, the Food Safety and Inspection Service, and the Animal and Plant Health Inspection Service in administrative enforcement proceedings under the Animal Welfare Act, the Packers and Stockyards Act, and the Humane Methods of Slaughter Act. Sam began his legal career as an Oak Ridge Institute for Science and Education Fellow in the FDA's Office of International Programs, where he worked on medical and food product safety and regulatory harmonization initiatives.

Representative Experience

- Advising restaurants and food distributors on shifting food supply for retail sale as a result of the coronavirus pandemic.
- Providing strategic counseling to ingredient suppliers and food companies on bioengineered food labeling requirements and development of related claims.
- Counseled a client in engagement with the FDA in response to an outbreak investigation and issuance of a warning letter, including drafting a response letter that averted further enforcement action.
- Advising a restaurant chain and food processor on produce supply chain management practices, including obligations under the Perishable Agricultural Commodities Act.
- Advising food retailers, including restaurants, kitchens, and third-party delivery services on navigating local and state food regulatory requirements.
- Assisting clients in obtaining self-affirmed generally recognized as safe status for food contact substances and food ingredients.
- Advising ingredient suppliers, food processors, and food warehouses on food safety obligations under the Food Safety Modernization Act, including preparing food safety plans for compliance with Hazard Analysis and Risk-Based Preventive Controls requirements.

- Advising an e-commerce platform on all aspects of FDA regulatory compliance for dietary supplement manufacturing, including the legal status of ingredients, labeling and advertising, and enforcement and litigation risk.
- Working with a cosmetics startup on developing marketing claims to minimize regulatory and litigation risk.
- Assisted a food company to prepare for a NAFTA certification-of-origin verification audit.
- Advising clients on USDA import and export permit and certification requirements.

Publications & Presentations

Publications

- "The Approaching Bioengineered Food Disclosure Deadline: Enforcement and Litigation Landscape After January 1, 2022," *Food and Drug Law Institute,* Spring 2021.
- "Food Ingredient GRAS Conclusions: What You Should Know," *Food Manufacturing,* February 15, 2021.
- "Pending Regulatory Developments for Food Innovators: Microorganisms, Cell Cultures and COVID's Impact," *Food Manufacturing,* December 10, 2020.
- "The Top 5 Regulatory Issues for US Food Launches in 2021," *New Food Magazine,* December 8, 2020.
- "Navigating Employee Health and Food Safety for Human and Animal Food Operations: Key Considerations from OSHA and FDA," *Occupational Health & Safety*, October 9, 2020.
- "FDA Holds Scientific Workshop on Youth E-Cigarette Cessation Treatment Strategies," *Update Magazine*, Food and Drug Law Institute (FDLI), April/May 2019.
- "Spotlight on Tobacco – Future Developments in the Regulation of Electronic Nicotine Delivery Systems: Potential Over-the-Counter Pathway," *Update Magazine*, Food and Drug Law Institute (FDLI), October/November 2018.
- "Fulfilling the Promise of Gideon in Massachusetts: Providing a Post-Conviction Right to Counsel for Prisoners Asserting Innocence," *Boston University Public Interest Law Journal*, Vol. 26, No. 2, 2017.

Presentations

- "USDA AMS National Bioengineered (BE) Food Disclosure Standard Rule," Refrigerated Foods Association, webinar, September 18, 2019.
- "Biotechnology Disclosure Act and Labeling Requirements," Grocery Manufacturers Association Science Forum, Washington, D.C., March 26-28, 2019.
- "USDA's Proposed Bioengineered Food Disclosure Standard – Key Issues and Next Steps," Food and Drug Law Institute, webinar, June 14, 2018.

Professional & Community Engagement

- American Bar Association

Education

- Boston College (J.D., 2014)
- Johns Hopkins University (B.A., 2011)

Admitted to Practice

- Pennsylvania

- District of Columbia

Related Services

Litigation | Class Action & Multidistrict Litigation | Toxic Torts | Products Liability | FDA/Food, Drug & Device | Food, Beverage & Agribusiness | Health Care | FDA Compliance & Enforcement | Corporate Social Responsibility & Sustainability