



LEGISLATION, REGULATIONS & STANDARDS

## EU Announces “Farm To Fork Strategy”

The European Commission has announced the adoption of strategies to support biodiversity and “transition to a sustainable EU food system that safeguards food security and ensures access to healthy diets sourced from a healthy planet.” “The coronavirus crisis has underlined the importance of a robust and resilient food system that functions in all circumstances, and is capable of ensuring access to a sufficient supply of affordable food for citizens,” a question-and-answer resource on the program stated. “It has also made us acutely aware of the interrelations between our health, ecosystems, supply chains, consumption patterns and planetary boundaries.” The program’s goals include reduction of chemical pesticides, preservation of soil nutrients, reduction in sales of antimicrobials for farmed animals and aquaculture, and an increase in organic farming by 2030. The program will also include the proposal of mandatory front-of-packaging nutrition labeling and efforts to reduce food waste.

## Bill Proposed To Support Restaurants Through COVID-19 Crisis

U.S. Rep. Earl Blumenauer (D-Ore.) has introduced The Real Economic Support That Acknowledges Unique Restaurant Assistance Needed to Survive Act of 2020 (RESTAURANTS Act). The proposed bill would create a \$120 billion “restaurant stabilization grant program designed to help independent restaurants deal with the long-term structural challenges facing the industry due to COVID-19 and ensure they can reemploy 11 million workers,” according to Blumenauer’s May 20, 2020, [press](#)

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release. The program, which would be administered by the Department of the Treasury, would provide grants sufficient “to cover the difference between revenues from 2019 and projected revenues through 2020, with a maximum grant of \$10 million.”

## APHIS Amends Regulations On Movement Of GMOs

The U.S. Department of Agriculture’s Animal and Plant Health Inspection Service (APHIS) has released a final rule updating regulations on genetically modified organisms (GMOs). The rule adjusts the regulatory process for specific GMOs created to combat plant pests that pose no increased plant pest risk than conventionally bred plants.

## FDA Publishes Findings Of Leafy Greens E. Coli Investigation

The U.S. Food and Drug Administration (FDA) has published the results of its investigation into an outbreak of *E. coli* in November and December 2019 caused by romaine lettuce and other leafy greens from the Salinas Valley area of California. FDA found that nearby land used for cattle grazing was the most likely contributing factor associated with three outbreaks that stemmed from three distinctly different strains of *E. coli*.



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### LITIGATION

## Ferrara Candy Co. Underfills Theater Boxes, Plaintiffs Allege

A group of consumers has filed a putative class action asserting that Nestle USA Inc. and Ferrara Candy Co.’s opaque candy boxes contain too much slack fill. *Iglesia v. Nestle USA Inc.*, No. 20-5971 (D.N.J., filed May 15, 2020). The complaint alleges that Ferrara and Nestle “pioneered a scheme to deceptively sell candy in oversized, opaque boxes that do not reasonably inform consumers that they are half empty. Defendants’ ‘slack-fill’ scam dupes unsuspecting consumers across America to pay for empty space at premium prices.” The complaint also features several photos of boxes with portions cut away, purportedly showing the amount of empty space in an unopened package. For alleged violations of New York, New Jersey, Michigan, Illinois, North Carolina, Texas and Florida consumer-protection statutes, the plaintiffs seek an injunction, restitution, damages and attorney’s fees.

### ABOUT SHOOK

Shook, Hardy & Bacon is widely recognized as a premier litigation firm in the United States and abroad. For more than a century, the firm has defended clients in some of the most substantial national and international product liability and mass tort litigations.

Shook attorneys are experienced at assisting food industry clients develop early assessment procedures that allow for quick evaluation of potential liability and the most appropriate response in the event of suspected product contamination or an alleged food-borne safety outbreak. The firm also counsels food producers on labeling audits and other compliance issues, ranging from recalls to facility

inspections, subject to FDA, USDA and  
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