



FoodIndustry

COUNSEL LLC

“GOING ALL-IN FOR FOOD AND ALL-OUT FOR THOSE WHO PRODUCE IT”

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Supply Chain Risk: Where Does Your Liability Reside in the Supply Chain?



Supply Chain Risk: Where Does Your Liability Reside in the Supply Chain?



WHAT IS FOOD SAFETY?



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FOOD SAFETY = JEOPARDY



FARMER PRODUCER DISTRIBUTOR RETAILER H DELIVERY CONSUMER

JEOPARDY!

Food
Recalls

Angry
Customers

Diarrhea and
Vomiting

Romaine
Lettuce

Foodborne
Pathogens

Plaintiffs
Lawyers

\$100

\$100

\$100

\$100

\$100

\$100

HOW MANY RECALLS WERE THERE IN 2018?

The Number
is 712

\$300

\$300

\$300

\$300

\$300

\$400

\$400

\$400

\$400

\$400

\$400

\$500

\$500

\$500

\$500

\$500

\$500



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JEOPARDY!



WHAT IS STRICT LIABILITY?



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WHAT IS STRICT LIABILITY?



1. YOU DELIVER A FOOD PRODUCT



2. THAT MAKES SOMEBODY SICK.



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JEOPARDY!

Food Recalls	Angry Customers	Diarrhea and Vomiting	Romaine Lettuce	Foodborne Pathogens	Plaintiffs Lawyers
WHO IN THE SUPPLY CHAIN IS RESPONSIBLE?					
\$200	\$200	\$200	\$200	\$200	\$200
The Number is 712	\$300	\$300	\$300	\$300	\$300
\$400	\$400	\$400	\$400	\$400	This made Marler rich
\$500	\$500	Everyone	\$500	\$500	\$500



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WHERE DOES LIABILITY MOST OFTEN RESIDE?

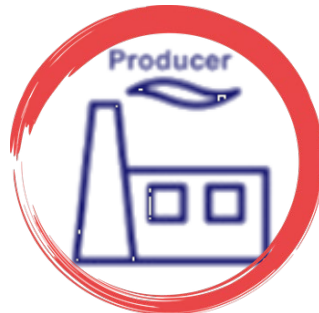


WHERE DOES LIABILITY MOST OFTEN RESIDE?

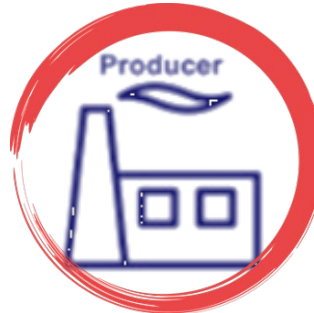


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WHERE DOES LIABILITY MOST OFTEN RESIDE?



RECALLS
FDA
SWAB-A-THONS
PULSENET
GENOMTRAKR
COMMERCIAL CLAIMS
PLAINTIFFS
CANNABIS
PROP 65



RECALLS
RECALLS
RECALLS
RECALLS
RECALLS
RECALLS
RECALLS
RECALLS



RECALLS
PRODUCE ISSUES
PLAINTIFFS
CANNABIS
FDA



RECALLS
PLAINTIFFS
STATE / LOCAL
CANNABIS
FDA
DOJ
PROP 65

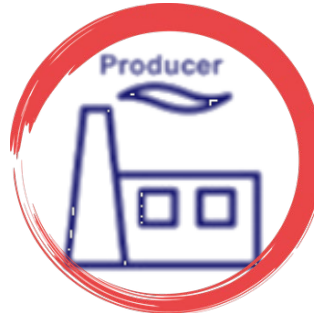
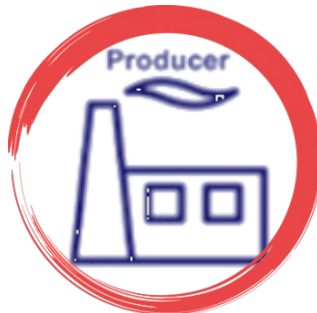


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WHERE DOES LIABILITY MOST OFTEN RESIDE?

INSURANCE / CONTRACTS: _____

FOOD SAFETY COMPLIANCE: _____



~~FDA~~
~~SWAB A THONS~~
~~PULSENET~~
~~GENOMTRAKR~~
~~DOJ~~
~~COMMERCIAL CLAIMS~~
~~PLAINTIFFS~~
CANNABIS
~~PROP 65~~

~~RECALLS~~
~~RECALLS~~
~~RECALLS~~
~~RECALLS~~
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~~RECALLS~~
~~RECALLS~~

~~RECALLS~~
~~PRODUCE ISSUES~~
~~PLAINTIFFS~~
CANNABIS
~~FDA~~

~~RECALLS~~
~~PLAINTIFFS~~
~~STATE / LOCAL~~
CANNABIS
~~FDA~~
~~DOJ~~
~~PROP 65~~



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WHERE DOES LIABILITY MOST OFTEN RESIDE?

ALWAYS LOOKING FOR WAYS TO PUT US AT EASE



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WHERE DOES LIABILITY MOST OFTEN RESIDE? BUT FDA SAYS YOU CAN'T HAVE IT



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WHERE DOES LIABILITY MOST OFTEN RESIDE?

WHAT DOES THE FUTURE HOLD?



WHERE DOES LIABILITY MOST OFTEN RESIDE?

LET'S LOOK AT CIVIL LIABILITY

CALL NOW 1 800 884-9840 TOLL FREE

FOOD LITIGATION NEWS

MARLER CLARK
THE FOOD SAFETY LAW FIRM

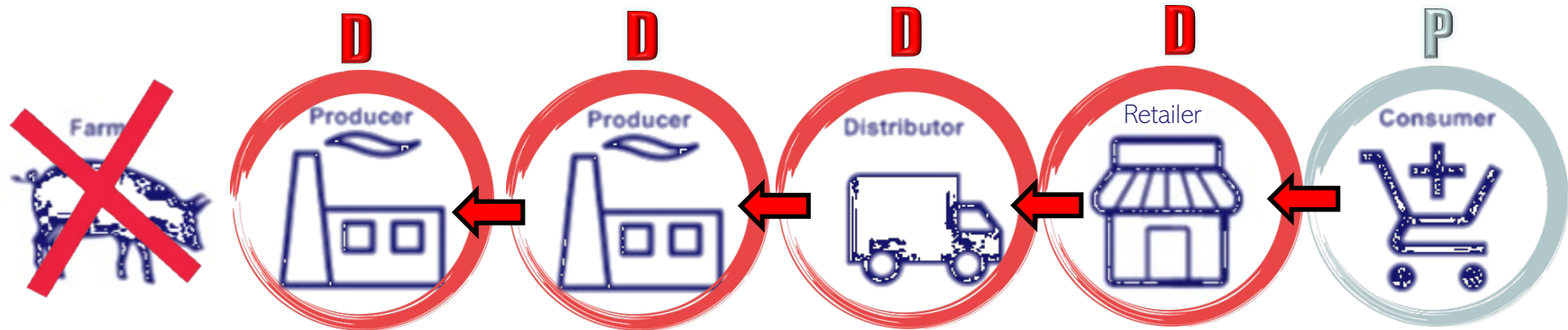
Marler Clark, The Food Safety Law Firm is the nation's leading law firm representing victims of foodborne illness outbreaks.

20 YEARS OF MARLER CLARK



WHERE DOES LIABILITY MOST OFTEN RESIDE?

PRODUCT LIABILITY – FOODBORNE ILLNESS



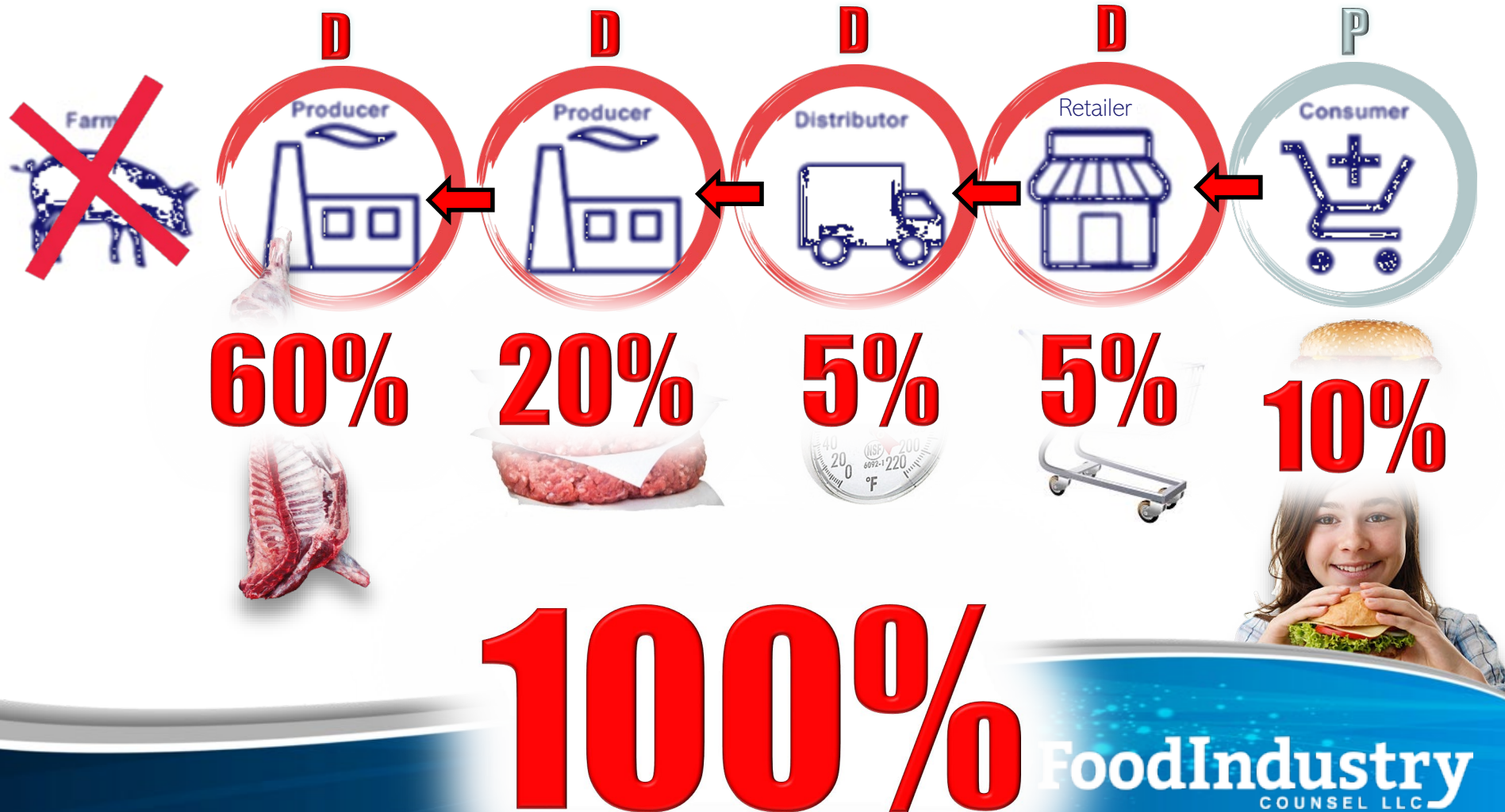
\$6,500,000



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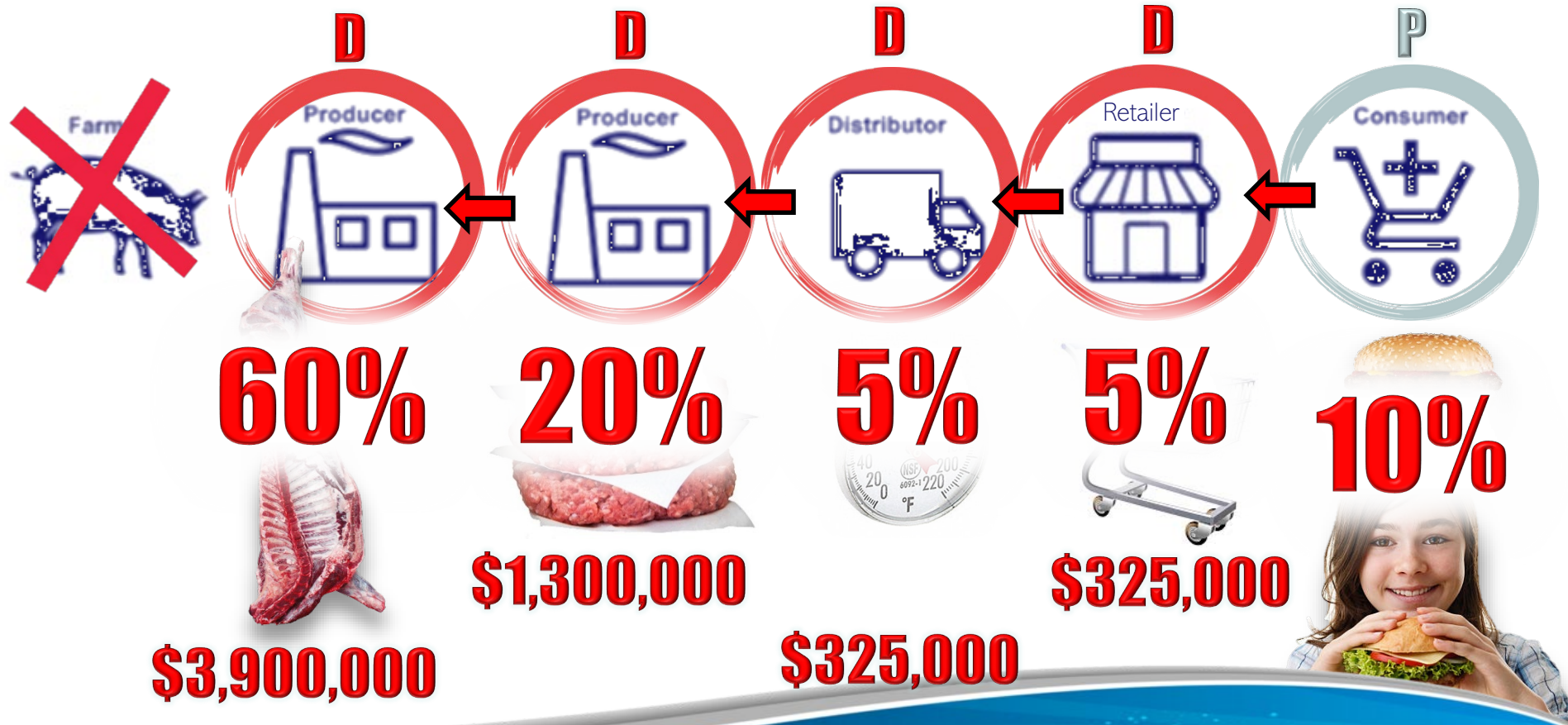
WHERE DOES LIABILITY MOST OFTEN RESIDE?

PRODUCT LIABILITY – FOODBORNE ILLNESS



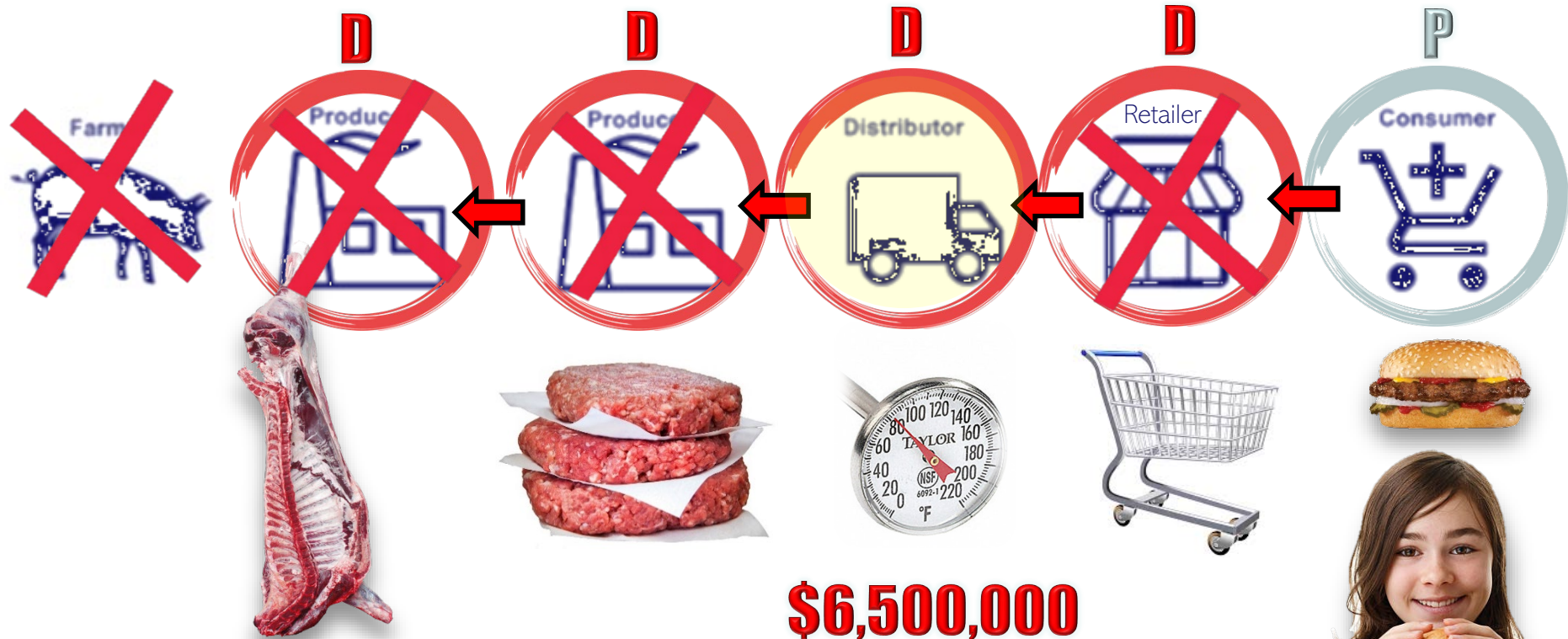
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PRODUCT LIABILITY – FOODBORNE ILLNESS



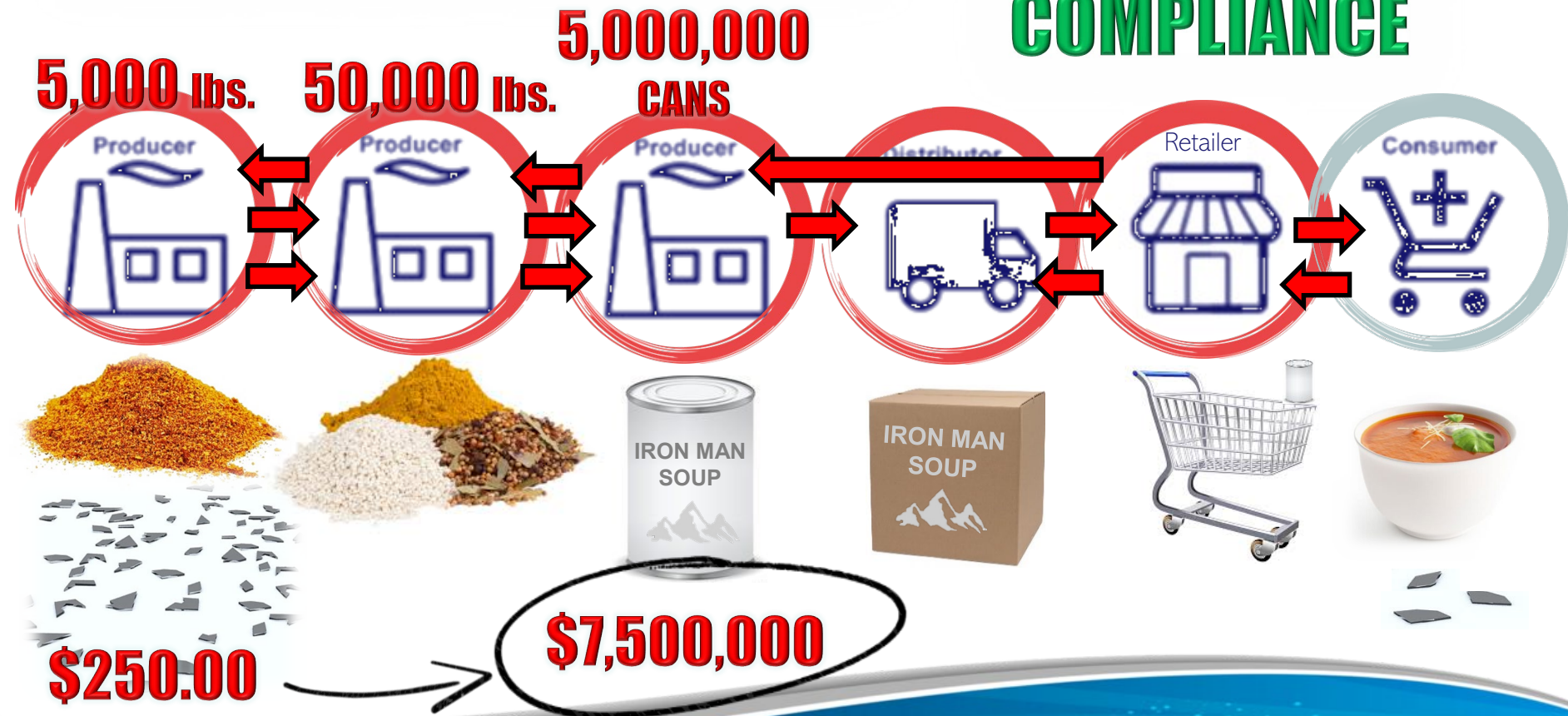
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OUTBREAK AND NO INSURANCE



WHERE DOES LIABILITY MOST OFTEN RESIDE?

INSURANCE / CONTRACTS **TYPICAL** FOOD SAFETY COMPLIANCE



WHAT ELSE CAN GO WRONG?

GRUBHUB

**UBER
eats**

DOORDASH

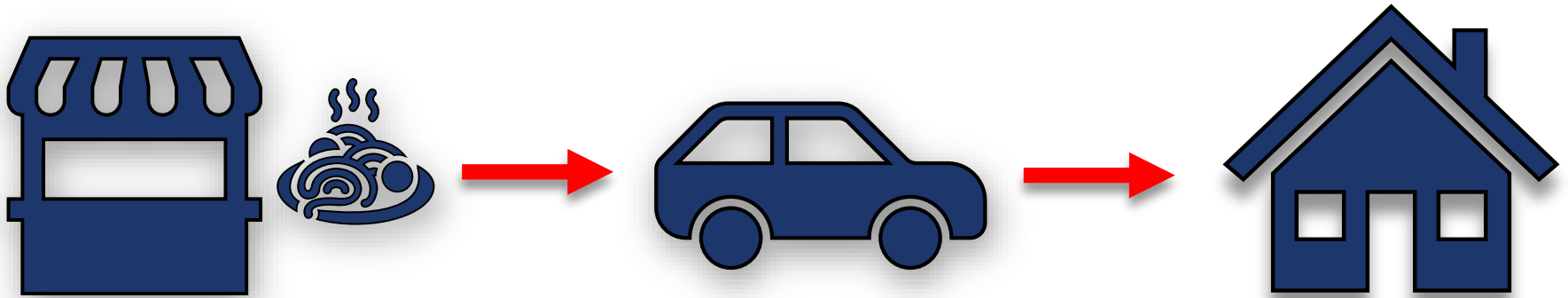


POSTMATES



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WHAT ELSE CAN GO WRONG?



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WHAT ARE THE RISKS

SICK EMPLOYEES
SICK EMPLOYEES
SICK EMPLOYEES



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FOOD SERVICE RISK

**INSANITARY
CONDITIONS**



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WHAT ELSE CAN GO WRONG?

Uber

Drive

Ride

Business

More

Log in

Sign up

Deliver with Uber

No boss. Flexible schedule. Quick pay.

Now you can earn cash by delivering the people crave—all while exploring your city.

SIGN UP IN MINUTES



No boss.

UBER
eats



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WHAT ELSE CAN GO WRONG?



October 3rd 2018 — 51K Shares

Moment A UberEats Driver Caught Eating Customer's Chips



WHAT ELSE CAN GO WRONG?

No boss.



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WHAT ELSE CAN GO WRONG?



ENHANCED LIABILITY

Lynn White
VP of Food Safety



**You are aware of a condition that
could lead to product contamination**

**You are in a position
to eliminate the condition**

You fail to eliminate the condition

**MISDEMEANOR
CHARGE**

**\$250,000
1 YEAR IN PRISON**



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JEOPARDY!



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JEOPARDY!

Food Recalls	Angry Customers	Diarrhea and Vomiting	Romaine Lettuce	Foodborne Pathogens	Plaintiffs Lawyers
\$100	\$100	\$100	\$100	\$100	\$100
\$200	\$200	\$200	\$200	\$200	\$200
HOW DO I PROTECT MY COMPANY?					
\$300	\$300	\$300	\$300	\$300	\$300
Insurance, Contracts & Food Safety Compliance	\$400	\$400	\$400	\$400	\$400
\$500	\$500	\$500	\$500	\$500	\$500



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JEOPARDY!

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Plaintiffs
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\$100

\$100 HOW DO I PROTECT MY

\$100

\$200

**\$200 COMPANY, MY CUSTOMERS,
AND MYSELF?**

\$200

\$300

\$300

\$300

\$300

\$300

\$300

Insurance,
Contracts & Food
Safety Compliance

\$400

\$400

\$400

\$400

\$400

Always do
the right thing

\$500

\$500

\$500

\$500

\$500



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ALWAYS ASK YOUR SELF



“WHAT WOULD 12 JURORS THINK?”



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“GOING ALL-IN FOR FOOD AND ALL-OUT FOR THOSE WHO PRODUCE IT”

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