SpencerFane®

Food and Beverage Law

Helping Food and Beverage Companies Stay Competitive, Resilient, and Compliant.

The award-winning Spencer Fane Food and Beverage team provides comprehensive legal support to companies across the industry. We understand the regulatory, operational, and commercial pressures that shape each stage of the domestic and imported food supply chain, from raw production and manufacturing through processing, distribution, and retail sale. Our guidance helps companies maintain compliance, manage risk, and pursue growth in an environment shaped by food safety standards, evolving consumer expectations, and complex federal and state regulations. We understand the financial, operational, and philosophical challenges that come with the development, growth and sale of food and beverage businesses.

Overview

Legal insight for the food and beverage business

Our clients range from emerging craft producers to multi-facility processors, multinational manufacturers, regional distributors, and retail platforms of all sizes. We also advise clients regarding technology solutions, and work with institutional and private capital sources to assist with complex compliance requirements. Whether a company is responding to a regulatory inquiry, addressing labor or employment challenges, protecting and exploiting its brand, evaluating expansion opportunities, strengthening governance, or navigating a major financial or investment transaction, we provide strategic counsel grounded in deep industry knowledge and practical business insight.

Our professionals work with manufacturers, importers, processors, distributors, and retailers. We also provide legal advice and guidance to third-party service providers of industry-related technology solutions, and institutional investors seeking to provide capital in return for debt or equity.

We help our clients navigate labeling requirements, safety obligations, liability exposure, commercial agreements, and compliance considerations applicable to food and beverage environments. Our attorneys frequently advise clients on compliance with requirements imposed by the U.S. Food and Drug Administration (FDA), the Alcohol and Tobacco Tax and Trade Bureau (TTB), the U.S. Department of Agriculture (USDA), the U.S. Customs and Border Protection (CBP), and state and local governmental authorities. We have deep experience representing industry companies in regulatory inspections, investigations, audits, and negotiations.

We assist clients in managing workforce-related challenges that arise in labor-intensive environments, including throughout the food and beverage supply chains and in hospitality settings. Our experience includes representing industry companies in nationwide labor and employment matters, including wage and hour compliance, collective and class action litigation, discrimination and retaliation claims, restrictive covenant disputes, and labor relations planning. We regularly help clients prepare for and respond to labor disruptions, regulatory scrutiny, and employment practices litigation in a way that supports business continuity and protects operational stability.

The Spencer Fane Food and Beverage team also supports clients responding to critical operational events, including product recalls, market withdrawals, and food safety incidents. We guide companies through coordination with regulators, employee communications, operational planning, and risk mitigation strategies designed to protect consumers, employees, and brand reputation.

We work in collaboration with leading consultants in the industry.

Click **here** to learn more.

Areas of Focus

Producers and Manufacturers

Producers and manufacturers face significant regulatory, environmental, supply chain, and workforce obligations. Our team supports clients with compliance, governance, transactional planning, and employment matters that affect production capacity, operational continuity, and risk management across multiple facilities or jurisdictions.

We help clients navigate federal and state regulatory systems, including production standards, environmental compliance, labeling requirements, sustainability initiatives, and market access obligations. We also advise on long-term planning, governance structures, and collaboration agreements that shape production capacity and brand stability.

Our corporate and transactional experience includes asset acquisitions, facility purchases, strategic partnerships, production and distribution relationship formation, and investor backed growth opportunities. We understand the operational and regulatory considerations unique to food and beverage production and provide counsel that supports both day-to-day operations and transformational opportunities.

We provide support for producers and manufacturers including:

- Multi-jurisdictional licensing and regulatory compliance
- Safety programs
- Environmental and sustainability planning
- Real estate acquisition and facility development
- Incentive and tax credit strategies for expansion
- Acquisitions and partnership structuring
- Dispute resolution involving suppliers, distributors, contractors, regulators, or customers

Processors

Food processors operate in a highly regulated environment with strict safety, labeling, manufacturing, supply chain, and workforce requirements associated with transforming raw materials into finished products. Our team supports processors across their full operational footprint, including compliance programs, facility development, labor and employment risk management, and corporate planning.

We assist with FDA and USDA regulatory compliance, Good Manufacturing Practices, preventive controls, and labeling reviews. Processors also rely on us for guidance during inspections, enforcement actions, recalls, and market withdrawals, as well as in negotiations with regulators aimed at resolving compliance concerns efficiently and effectively.

Given the labor-intensive nature of food processing operations, we also advise processors on wage and hour compliance, workforce classification issues, discrimination and retaliation claims, restrictive covenant enforcement, and labor relations strategy. Our team regularly represents processors in nationwide class and collective actions and other complex employment disputes, with a focus on minimizing disruption and supporting ongoing operations.

We assist our food processor clients with:

- Multi-jurisdictional licensing and regulatory compliance
- FDA and USDA compliance
- Labeling, claims, and marketing review
- Facility development and real estate strategy
- Tax credit and incentive evaluation
- M&A and joint venture support
- Supply chain and contractual dispute resolution

Distributors

Our team understands the logistical, regulatory, contractual, and workforce challenges that define food and beverage distribution. In addition to compliance and transactional support, we advise distributors on employment practices, wage and hour risks, and operational issues involving large, multi-state workforces.

Many distributors rely on us as ongoing corporate counsel, combining regulatory, transactional, and employment guidance to support long term stability and growth. We support governance needs, ownership transitions for family-owned and multi-generational companies, and strategic planning for expansion into new territories or market segments. Our work also includes the use of real estate development strategies and incentive programs that help fund new facilities, cold-storage space, and modernization projects.

We have extensive experience with transactions involving distributors, including distribution relationship formation, acquisitions, sales, joint ventures, and integration planning. When disputes arise, we represent distributor clients in contract conflicts, transportation issues, safety-related enforcement matters, and business governance challenges.

Our team's distributor capabilities include:

- Multi-jurisdictional licensing and regulatory compliance
- Governance and succession planning
- Facility expansion and logistics strategy
- Tax credit and incentive assistance
- M&A and strategic transactions
- Commercial and regulatory dispute resolution

Retailers

Food and beverage retailers operate within regulatory and employment frameworks that affect sourcing, marketing, product handling, staffing, and daily store operations. We help retailers manage licensing, compliance, workforce policies, and employment disputes, while also supporting growth strategies, acquisitions, and real estate planning.

Our team advises on strategic planning, including expansion, new concept development, and omnichannel initiatives that involve e-commerce, fulfillment, and third-party delivery platforms. We also support acquisitions and dispositions of single

stores and multi-unit portfolios, along with real estate matters such as leasing, site selection, and build outs.

When regulatory challenges or disputes occur, we represent retailers in investigations, administrative hearings, enforcement matters, and commercial conflicts that affect operations or brand reputation.

We assist our retail clients with:

- Multi-jurisdictional licensing and regulatory compliance
- Compliance with food and beverage safety and handling requirements
- Marketing, advertising, pricing, and digital program reviews
- New store development and strategic growth planning
- Acquisitions, dispositions, and real estate matters
- Enforcement response and administrative hearings

Corporate and IP Support

We draw on our extensive deal experience to guide our clients through routine and transformational transactions, whether they are an established brand envisioning nationwide expansion, an entrepreneur with a new product or service in need of capital, or an investor looking for new opportunities in the space. These transactions can take the form of investment and capital-raising transactions, joint ventures, debt financings, reorganizations, and management and equity incentive programs.

Our clients benefit from our deep and market-savvy understanding of the financing opportunities within the food and beverage industry. We comfortably structure and execute complex transaction structures that facilitate both growth and liquidity. We also represent venture capital, private equity, and other investors in transactions at every stage of a target's life cycle.

In addition, we help clients build, protect, and monetize the brands and intellectual property that are often among their most valuable assets. Our team provides experienced counsel in the areas of sponsorships, merchandising, licensing, branding, trade secret protection, intellectual property portfolio management, and advertising and endorsement issues.