

How FDA Warning Letters to Other Companies Increase Your Business' Litigation Risk

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Most food manufacturers today know that receipt of an FDA Warning Letter about a labeling issue creates litigation risk. If the FDA has concerns that a label may be misleading, a consumer class action on the exact same issue is usually not far behind. But recent developments have made the impact of such letters even more far-reaching. Increasingly, FDA Warning Letters are being used to support consumer class actions *against other companies*, and courts have allowed claims based on those letters to move forward toward trial.

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