



Food and Beverage

From food safety and recalls to trademark protection, the challenges facing the food and beverage industry are increasingly complex and constantly changing. Reinhart's Food and Beverage attorneys are strategic partners who provide sound legal counsel on a wide range of issues, delivering informed, creative solutions to companies that produce, distribute or sell food, beverages and related products.

We help our clients navigate the regulatory and business landscape for the duration of a product's lifecycle – from growing, to manufacturing, to distributing, to retailing. Our attorneys represent leading manufacturers, entrepreneurs, retailers, wholesalers, agricultural businesses, restaurants, wineries, breweries, importers and franchisors across the industry and the United States.

We have deep knowledge of the various legal issues and intricacies food and beverage companies will face while doing business. As a result, our attorneys have the experience necessary to guide clients through regulations, keep them updated on trends and emerging issues, protect their assets and minimize their risk and liability.

Wisconsin is a manufacturing powerhouse when it comes to food and beverage production and distribution, and there is a booming wave of entrepreneurial activity setting the stage for the next generation. We are proud to play a role in helping these businesses grow by providing trusted legal counsel at every stage of development.

Our multidisciplinary approach brings together a wide range of experience from attorneys across the firm, allowing us to provide innovative legal solutions to today's issues.

Craft Brewery, Distillery and Winery Law

The unique laws and regulations that craft breweries, distilleries and wineries are required to navigate require legal counsel with deep and specialized experience in the industry. Reinhart's Craft Brewery, Distillery and Winery Law attorneys are creative advisers dedicated to providing clients with a broad understanding of the rapidly evolving legal landscape and its implications for this market.

Reinhart has counseled brewers, distillers and wine makers for decades, and we fully appreciate their blend of business acumen and passion for their product. Our team represents manufacturers, retailers, distributors, wholesalers, suppliers, agricultural businesses, importers, franchisors and entrepreneurs of all sizes in the industry.

We're uniquely suited to provide counsel at any stage – whether a company is entering this growing market, expanding production or winding down. As the issues facing this sector continue to grow more complex, Reinhart attorneys provide creative legal solutions customized to the specific needs of each client.

Our services include:



- Supply chain analysis
- Brewery, brewpub, distillery, winery and liquor licensing
- Mergers and acquisitions, capital-raising transactions and organizational documents
- Distribution, supply and production contracts and out-of-state shippers' permits
- Startups and emerging companies
- Trademark and other intellectual property issues
- Advertising and social media
- Financing, such as SBA loans, private equity, crowdfunding and tax credit opportunities
- Acquisition and sale of real estate, leasing, development and municipal approvals
- Environmental compliance
- Food safety regulations
- Product labeling
- Labor and employment matters
- Employee retirement and health plans
- Succession planning

Corporate and Strategic Transactions

Reinhart's experienced [Corporate Law Practice](#) attorneys serve as business advisers to retailers, distributors, manufacturers and other food and beverage companies. We assist in business sales and guide companies and their owners through the challenges of any merger, acquisition or disposition scenario. We offer effective capitalization strategies, whether through senior debt, mezzanine or equity financing.

Our attorneys also help food and beverage companies identify their capital needs and the best ways to maximize growth while minimizing ownership dilution. We also assist clients in developing cost-effective, streamlined supply and purchase arrangements. Lastly, we counsel public food and beverage companies and their officers and directors on governance, compliance and public disclosures – including by drafting or revising organizational documents.



Real Estate

Leveraging the respected reputation of our [Real Estate Practice](#), we counsel food and beverage companies on all their real estate needs, including:

- Acquisition and disposition of real estate
- Leasing
- Development and construction of manufacturing facilities
- Development and construction of local and national retail stores

We also frequently advise clients on the environmental aspects of these types of commercial and real estate transactions. We work with clients to obtain federal, state and local permits for new and existing facilities and advise on regulatory and permit compliance issues. We conduct environmental audits and help clients develop and implement environmental compliance management systems. Reinhart Real Estate attorneys routinely assist food and beverage clients with required entitlements, including various zoning approvals for liquor sales and food, beverage and liquor licenses.

Financing

Reinhart's [Banking and Finance Practice](#) attorneys work with food and beverage companies to find perfectly matched solutions to their financing needs, including:

- Working capital facilities
- Construction financing
- Acquisition financing

We routinely assist borrower clients in negotiating loan agreements with their lenders. We also frequently advise lender clients on transactions in the food and beverage industry, including issues involving the Perishable Agricultural Commodities Act.

Litigation

Reinhart's experienced [Litigation Practice](#) helps our food and beverage clients navigate regulatory requirements and avoid risk in the following areas:

- Food recalls and market withdrawals



- Product development
- Supply chain analysis
- Food labeling and packaging compliance
- Food safety, including good manufacturing practices
- Potential product liability exposure
- Implications of the Food Safety Modernization Act
- Reporting requirements to the Reportable Food Registry
- Indemnity and insurance coverage
- Inspections of manufacturing facilities

Counsel and defend clients in response to enforcement actions from state and federal agencies, including Wisconsin DATCP, FDA, FTC, and USDA.

Intellectual Property

Reinhart's [Intellectual Property Practice](#) works closely with food and beverage companies to develop intellectual property strategies and programs, identify and perfect intellectual property rights and assert or defend those rights in court. We have significant experience with food and beverage industry technologies, including food science, biotechnology, chemistry, processing, packaging and inspection.

In the area of trademarks, we handle all aspects of domestic and international trademark work, including counseling, trademark clearance, registration, licensing and enforcement. We assist food and beverage clients with advertising review, counseling and dispute management, and have deep experience with domain name disputes.

Our patent attorneys work to understand our clients' business objectives and develop cost-justified IP protection strategies. We are skilled at obtaining patent protection for and identifying potential infringement risk related to new product development. We also successfully prepare and prosecute patent applications with an eye toward both licensing and enforcement.

In addition, our attorneys provide domestic and international patent preparation and prosecution services, patent portfolio development and management counseling, right-to-use analysis and counseling, as well as legal opinions concerning patent invalidity and non-infringement. We challenge and defend challenges to food and beverage companies' patent validity before the U.S. Patent and Trademark Office, as well as in federal court.



Marketing, Advertising and Promotions

Our [Advertising, Media and Entertainment Practice](#) specializes in assisting food and beverage companies with a wide variety of advertising issues. We understand that food and beverage marketing must comply with a complex and ever-changing regulatory environment, and our attorneys draft and negotiate agreements related to marketing, media, licensing and promotional campaigns.

We also provide strategic planning, compliance review and counsel for direct marketing campaigns, including email and interactive/viral advertising. Additionally, we initiate and defend claims of comparative advertising, false advertising, trade disparagement and claims substantiation on behalf of food and beverage companies.

Privacy, E-Commerce and Social Media

Reinhart's [Advertising, Media and Entertainment Practice](#) attorneys counsel food and beverage companies on the unique legal and practical challenges of interacting with the public through internet websites, email, social networks and other platforms. We assist our clients with e-commerce, social media and privacy issues, ensuring they comply with privacy laws and keep data secure.

We also draft and negotiate software license and cloud computing arrangements, including agreements with software vendors and developers, software-as-service providers, web and application hosting providers, credit card payment processors and others. Our attorneys counsel food and beverage companies on the intersection of social media with business operation, including brand protection. Lastly, we regularly conduct reviews and risk analyses of company websites and draft consumer-facing agreements and privacy policies.

Labor and Employment

Leveraging our well-established and robust [Labor and Employment Practice](#), our attorneys advise and defend food and beverage clients on labor issues. We handle traditional labor and immigration matters, in addition to more specialized issues. For example, we efficiently prepare and enforce noncompetition and confidentiality agreements, as well as defend clients against employment discrimination claims before state and federal agencies.

We frequently counsel food and beverage companies on compliance with state and federal wage and hour statutes, the ADA, FMLA and other state and federal employment law regulations. Our attorneys also provide consistent thought leadership to the marketplace on wage and hour issues, among other labor and employment matters. Lastly, our attorneys regularly counsel on labor issues related to protecting clients' trade secrets.

Key Contact



Robert J. Heinrich

rheinrich@reinhartlaw.com

414.298.8418