

## Food Recall Subrogation

### New Assignment Forms

#### New Loss Subrogation Referral

When contaminated food claims arise, for example, in cases involving allergens contaminating raw ingredients such as spices, it is important to move quickly to recall and, as appropriate, destroy the contaminated products. Our team of experienced subrogation lawyers works closely with claim professionals, insureds and forensic experts to analyze and minimize the costs involved in an insured's recall efforts. More importantly, our lawyers work with our insurance and food industry clients to maximize the recovery of direct and subrogation claims against the responsible suppliers, vendors or other parties. In conjunction with the pursuit of the responsible parties, our lawyers negotiate and, where appropriate, litigate indemnity claims. In addition, our lawyers analyze and, as needed, defend against defenses based on "other insurance" clauses and, similarly, defenses arguing that a target's insurance is "excess" rather than "primary" insurance.

### REPRESENTATIVE MATTERS

Represented both an insurer and a major food manufacturer with a large self-insured retention limit, and secured a six-figure recovery, in a claim against an ingredient supplier alleging that contaminants in the supplier's ingredient entered the food manufacturer's finished product, which resulted in damage to the finished product and a business income loss.

Pursued \$2.6 million in damages arising from food containing an allergen unknowingly derived from a spice ingredient and not disclosed on the packaged food label

Worked with an insurer to recover damages arising from contaminated, misbranded food (spices) containing allergens, work that included an analysis of complex and detailed financial records

Investigated and resolved a food recall case involving, among other claims, dental damage due to stones associated with improper processing of vegetables during the farming process

On behalf of an insurer, investigated the disintegration of a water filter used in the food preparation process resulting in the potential contamination of processed food

### PRACTICE CONTACTS

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### RELATED PRACTICES

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Water Loss

Pursued a contribution action against an ingredient supplier who provided contaminated ingredients to the client's insured, a food manufacturing company, which were then incorporated into a filling mixture