



## Food Recall Subrogation

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

- Pursuing \$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
- Pursuing 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

### Practice Contacts

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### Related Practices

Construction Defects  
Cyber Subrogation  
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Large Loss Property Subrogation  
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Product Liability Losses  
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Transit/Cargo  
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Workers' Compensation Subrogation

### **Stay Current**

The Subrogation Strategist

### **Cases & Deals**

Seven-Figure Settlement Reached Against Spice Ingredient Supplier

Settlement Reached Against Seasoning Packet Supplier

Subrogation Department Settles Listeria Contamination Recall Matter

### **Resources**

- [After-hours Contacts](#)
- [State by State Research Charts on Subrogation Related Topics](#)