

Food Allergy Lawsuits Can Be a Tough Nut to Crack

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Richard Fama, vice chair of Cozen O'Connor's General Litigation practice, discusses how food allergy lawsuits can be tough to litigate in the *Legal Intelligencer*. A restaurant's duty to warn is largely an issue of state law and varies from place to place, according to Rich. For the most part, he said, "as a matter of law, the restaurant doesn't have a duty to warn you of a potential allergen in the product." However, the situation changes if a patron tells the restaurant staff that they have an allergy to dairy, for instance, and they disregard the information or fail to accommodate the customer. "It does change the game if they are warned even if the statute doesn't have a duty to warn," Fama said. "The reaction of the restaurant does play a part too, if the restaurant says there's no milk and they're wrong, there could be a case there."

To read the article, click [here](#).



Richard Fama
Member

rfama@cozen.com
Phone (212) 908-1229
Fax (866) 263-1334

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