ILLINOIS STATE BAR ASSOCIATION

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Food Law

The newsletter of the Illinois State Bar Association's Section on Food Law

Small and Start-Up Brewers: Initial License Class Considerations

BY ROB ANDERSON

With summer approaching, thoughts turn to spending time outside with a nice cool beer. Many home brewers have recently begun expressing an interest in turning their fun hobby into a business. With several licenses available for small brewing operations at a reasonable cost that have varying pros and cons to them, you might be getting clients who want to begin brewing beer commercially. Formerly called craft brewer licenses, the state now has four different types of licenses that can be a good fit for various

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Have You Heard About the SEAfood ACT?

BY ANGELA PETERS

As our population grows, so does our demand for food. And for many communities across the U.S., seafood is an invaluable source of nutrition. It's no wonder then that the U.S. is the world's second largest consumer of seafood and one of the top importers. But as our appetite grows, so does our need for safe and delicious food with a smaller carbon footprint.

That's why we're excited to support the Science-based Equitable Aquaculture Food Act (or SEAfood Act for short). This bill will help the U.S. chart a responsible path forward for U.S. seafood farming, also known as "aquaculture," which means more local and sustainable seafood and more seafood jobs!

Take action today and tell your members of Congress to support the SEAfood Act! It's a responsible, science-backed policy that's good for the economy, for our domestic seafood industry, for our ocean and for our families!

You can send your comment to Rep. Mike Quigley on his website, https://quigleyforms.house.gov/forms/

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Small and Start-Up Brewers: Initial License Class Considerations

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small or start up breweries. In this article, I will outline the main privileges of those licenses that new brewers need to consider, so you can assist your clients in picking the right type of license for their operational needs.

As an initial note, before clients can obtain a state liquor license, they must first get a federal brewer's notice. To sell alcohol at retail, the client will also likely need a local liquor license. While there are various items needed to obtain those licenses, those applications and processes are not covered in this article. We will be looking exclusively at the types of state liquor licenses available to small brewers.

The Illinois Liquor Control Commission issues four different types of licenses for smaller brewers: Brew Pubs,[1] Class 1 Brewers,[2] Class 2 Brewers,[3] and Class 3 Brewers.[4] Each has different gallonage caps for both production and sales, self-distribution rights, and other privileges and responsibilities that can differentiate them. To obtain a Class 1, Class 2, or Class 3 Brewers License, your client will also need to obtain a brewer's license in the manufacturing tier.[5] A brewer's license is not required for a brew pub licensee[6].

Many clients who are opening a new brewery find that the most important factor is being able to self-distribute their product to local retailers. Only two license classes permit self-distribution: Class 1 and Class 3 brewers.[7] Class 1 Brewers may self-distribute up to 232,500 gallons per year while Class 3 Brewers may self-distribute up to 6,200 gallons per year for each licensed Class 3 Brewer location but may not self-distribute more than 18,600 gallons in aggregate.[8]

Clients often want to be able to sell their products or others at retail, in a taproom or restaurant environment attached to their Brewery facility. Brewpubs may sell any type of alcoholic liquor on their licensed premises.[9] Class 3 Brewers may sell beer, cider, mead, wine, and spirits for consumption on their premises.[10] Class 1 and Class 2 brewers may only sell beer, cider, or mead at retail on their licensed premises.[11] An important caveat to the retail privileges for these license classes is that any product the client does not produce on the licensed premises that they want to sell at retail must be purchased through a licensed Illinois distributor or manufacturer with self-distribution privileges.[12]

Once self-distribution and retail sales are considered, the final factor to consider is how much beer your client will be producing. Each license class has its own limits on the maximum gallonage that can be produced in a year. Brewpubs may produce up to 155,000 gallons per year.[13] Class 3 Brewers may produce 155,000 gallons per licensed location, but not more than 465,000 gallons in aggregate.[14] Class 1 Brewers may produce up to 930,000 gallons per year.[15] Finally Class 2 Brewers may produce up to 3,720,000 gallons per year.[16]

There are many factors to take into consideration when your client is determining what the best license class is for their initial license application. While there can be other considerations if there are plans for large-scale growth or a specific business model, these are the main factors that clients need to be aware of when deciding how they want to start their brewery business. Every business is different though, so be sure to review all the relevant statutes and your client's proposed business to best advise them on what type of license they should apply for, especially as there may be interactions with other kinds of manufacturing licenses they may want to apply for that will make them ineligible for certain classes of brewer's licenses.■

Rob Anderson is a partner with Bahr Anderson Law Group, LLC, located in Wheaton. Bahr Anderson Law Group has extensive experience in assisting clients in all three tiers of the liquor licensing process: retail, distribution, and manufacturing. Rob has assisted clients in all three tiers for the last 10 years and works with clients to address their needs and obtain their licenses quickly and efficiently. Rob also works with clients who have been cited for violations

Food Law

This is the newsletter of the ISBA's Section on Food Law. Section newsletters are free to section members and published at least four times per year. Section membership dues are $30 per year.To subscribe, visit www.isba.org/sections or call 217-525-1760.

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of their liquor license to defend their licenses and help them continue to operate. He can be reached at rob@bahrandersonlaw.net for questions about liquor licensing and associated regulation.

1. 235 ILCS 5/1-3.33 (available at https://www.ilga.gov/legislation/ilcs/ilcs5.asp?ActID=1404&ChapterID=26).
2. 235 ILCS 5/1-3.38.
3. 235 ILCS 5/1-3.42.
4. 235 ILCS 5/1-3.44.
5. 235 ILCS 5/1-3.38, 1-3.42, 1-3.44.
6. 235 ILCS 5/1-3.33.
7. 235 ILCS 5/3-12(a)(18)(A), 3-12(a)(20)(A).
8. *Id.*
9. 235 ILCS 5/5-1(n)(v).
10. 235 ILCS 5/6-4(e).
11. *Id.*
12. 235 ILCS 5/5-1(n)(v), 6-4(e).
13. 235 ILCS 5/5-1(n)(i).
14. 235 ILCS 5/5-1(a).
15. *Id.*
16. *Id.*

Have You Heard About the SEAfood ACT?

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writeyourrep/.

The U.S. imports up to 90 percent of our seafood, half of which is farmed (and not always under safe and environmentally responsible conditions). Unfortunately, even under the best management scenarios, our wild-caught fisheries cannot meet our current or growing seafood demand. That means offshore seafood farming in the U.S. is a matter of when, not if, and more importantly how.

The U.S. is just beginning to explore offshore aquaculture, a process for raising and harvesting seafood right off our own shores. That makes it our responsibility to ensure this new industry protects marine ecosystems and their wild populations. That's why we are advocating for Congress to use science to address uncertainties about offshore aquaculture and use what we learn to set strong standards and regulations based on that science to ensure safe and sustainable seafood farming.

The SEAfood Act is an immediate opportunity to lay the groundwork for an equitable and inclusive seafood economy. If passed, the SEAfood Act will:

- Charge the Government Accountability Office to produce a report detailing permitting, monitoring and regulatory options for governing offshore aquaculture in the U.S.;
- Direct the National Academies of Sciences, Engineering, and Medicine to complete a study on the scientific basis for efficient and effective regulation of offshore aquaculture;
- Authorize National Oceanic and Atmospheric Administration (NOAA) to create an offshore aquaculture assessment program to gain data from on-the-water demonstration projects that close significant knowledge gaps necessary to determine strong, science-based standards; and
- Create a grant program for minority-serving institutions to establish aquaculture centers of excellence to develop or enhance undergraduate and graduate aquaculture curricula to meet the needs of a growing, domestic and sustainable aquaculture industry and supply chains, and for career development and extension programs.

Let's build a strong, sustainable supply-chain for our seafood! Reach out to your members of Congress and urge them to support the SEAfood Act. ■

The U.S. Supreme Court Rules in Favor of California's Proposition 12

BY ANGELA PETERS

Known as the "Exposing Agricultural Trade Suppression Act" when first introduced in 2021, this bipartisan bill restricts state and local governments from imposing certain standards or conditions on the production or manufacture of agricultural products sold or offered for sale in interstate commerce. Specifically, it prohibits the imposition of such standards or conditions if the production or manufacture occurs in another state, and the standard or condition adds to requirements applicable under federal law and the laws of the state or locality where the product is produced or manufactured, according to Congress.gov

(From Lynne Ostfeld's ISBA Community email of 6.8.23).

The full text of the opinion is available at: https://www.supremecourt.gov/opinions/22pdf/21-468_5if6.pdf

Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

NATIONAL PORK PRODUCERS COUNCIL ET AL. *v.* ROSS, SECRETARY OF THE CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE, ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 21–468. Argued October 11, 2022—Decided May 11, 2023

This case involves a challenge to a California law known as Proposition 12, which as relevant here forbids the in-state sale of whole pork meat that comes from breeding pigs (or their immediate offspring) that are "confined in a cruel manner." Cal. Health & Safety Code Ann. §25990(b)(2). Confinement is "cruel" if it prevents a pig from "lying down, standing up, fully extending [its] limbs, or turning around freely." §25991(e)(1). Prior to the vote on Proposition 12, proponents suggested the law would benefit animal welfare and consumer health, and opponents claimed that existing farming practices did better than Proposition 12 protecting animal welfare (for example, by preventing pig-on-pig aggression) and ensuring consumer health (by avoiding contamination). Shortly after Proposition 12's adoption, two organizations—the National Pork Producers Council and the American Farm Bureau Federation (petitioners)—filed this lawsuit on behalf of their members who raise and process pigs alleging that Proposition 12 violates the U. S. Constitution by impermissibly burdening interstate commerce. Petitioners estimated that the cost of compliance with Proposition 12 will increase production costs and will fall on both California and out-of-state producers. But because California imports almost all the pork it consumes, most of Proposition 12's compliance costs will be borne by out-of-state firms. The district court held that petitioners' complaint failed to state a claim as a matter of law and dismissed the case. The Ninth Circuit affirmed.

Held: The judgment of the Ninth Circuit is affirmed.

6 4th 1021, affirmed.

Syllabus

JUSTICE GORSUCH delivered the opinion of the Court, except as to Parts IV–B, IV–C, and IV–D, rejecting petitioners' theories that would place Proposition 12 in violation of the dormant Commerce Clause even though petitioners do not allege the law purposefully discriminates against out-of-state economic interests. Pp 5–17, 27–29.

(a) The Constitution vests Congress with the power to "regulate Commerce . . . among the several States." Art. I, §8, cl. 3. Although Congress may seek to exercise this power to regulate the interstate trade of pork, and many pork producers have urged Congress to do so, Congress has yet to adopt any statute that might displace Proposition 12 or laws regulating pork production in other States. Petitioners' litigation theory thus rests on the *dormant* Commerce Clause theory, pursuant to which the Commerce Clause not only vests Congress with the power to regulate interstate trade, but also "contain[s] a further, negative command," one effectively forbidding the enforcement of "certain state [economic regulations] even when Congress has failed to legislate on the subject." *Oklahoma Tax Comm'n* v. *Jefferson Lines*, *Inc.*, 514 U. S. 175, 179. This Court has held that state laws offend this dormant aspect of the Commerce Clause when they seek to "build up . . . domestic commerce" through "burdens upon the industry and business of other States." *Guy* v. *Baltimore*, 100 U. S. 434, 443. At the same time, though, the Court has reiterated that, absent purposeful discrimination, "a State may exclude from its territory, or prohibit the sale therein of any articles which, in its judgment, fairly exercised, are prejudicial to" the interests of its citizens. *Ibid.*

The antidiscrimination principle lies at the "very core" of the Court's dormant Commerce Clause jurisprudence. *Camps Newfound/Owatonna*, *Inc.* v. *Town of Harrison*, 520 U. S. 564, 581. This Court has said that the Commerce Clause prohibits the enforcement of state laws "driven by . . . 'economic protectionism—that is, regulatory measures designed to benefit in-state economic interests by burdening out-of-state competitors.'" *Department of Revenue of Ky.* v. *Davis*, 553 U. S. 328, 337–338 (quoting *New Energy Co. of Ind.* v. *Limbach*, 486 U. S. 269, 273–274). Petitioners here disavow any discrimination-based claim, conceding that Proposition 12 imposes the same burdens on in-state pork producers that it imposes on out-of-state pork producers. Pp 5–8.

(b) Given petitioners' concession that Proposition 12 does not implicate the antidiscrimination principle, petitioners first invoke what they call the "extraterritoriality doctrine." They contend that the Court's dormant Commerce Clause cases suggest an additional and "almost *per se*" rule forbidding enforcement of state laws that have the "practical effect of controlling commerce outside the State," even when those laws do not purposely discriminate against out-of-state interests.

Petitioners further insist that Proposition 12 offends this "almost *per se*" rule because the law will impose substantial new costs on out-of-state pork producers who wish to sell their products in California. Petitioners contend the rule they propose follows ineluctably from three cases: *Healy* v. *Beer Institute*, 491 U. S. 324; *Brown-Forman Distillers Corp.* v. *New York State Liquor Authority*, 476 U. S. 573; and *Baldwin* v. *G. A. F. Seelig, Inc.*, 294 U. S. 511. But a close look at those cases reveals that each typifies the familiar concern with preventing purposeful discrimination against out-of-state economic interests. In *Baldwin*, a New York law that barred out-of-state dairy farmers from selling their milk in the State for less than the minimum price New York law guaranteed in-state producers "plainly discriminate[d]" against out-of-staters by "erecting an economic barrier protecting a major local industry against competition from without the State." *Dean Milk Co.* v. *Madison*, 340 U. S. 349, 354 (discussing *Baldwin*). In *Brown-Forman*, a New York law that required liquor distillers to affirm that their in-state prices were no higher than their out-of-state prices impermissibly sought to force out-of-state distillers to "surrender" whatever cost advantages they enjoyed against their in-state rivals, which amounted to economic protectionism. 476 U. S., at 580.

The Court reached a similar conclusion in *Healy*, which involved a Connecticut law that required out-of-state beer merchants to affirm that their in-state prices were no higher than those they charged in neighboring States. 491 U. S., at 328–330. As the Court later explained, "[t]he essential vice in laws" like Connecticut's is that they "hoard" commerce "for the benefit of" in-state merchants and discourage consumers from crossing state lines to make their purchases from nearby out-of-state vendors. *C & A Carbone, Inc.* v. *Clarkstown*, 511 U. S. 383, 391–392.

Petitioners insist that *Baldwin*, *Brown-Forman*, and *Healy* taken together suggest an "almost *per se*" rule against state laws with "extraterritorial effects." While petitioners point to language in these cases pertaining to the "practical effect" of the challenged laws on out-of-state commerce and prices, "the language of an opinion is not always to be parsed as though we were dealing with language of a statute." *Reiter* v. *Sonotone Corp.*, 442 U. S. 330, 341. The language highlighted by petitioners in *Baldwin*, *Brown-Forman*, and *Healy* appeared in a particular context and did particular work. A close look at those cases reveals nothing like the "almost *per se*" rule against laws that have the "practical effect" of "controlling" extraterritorial commerce that petitioners posit, and indeed petitioners' reading would cast a shadow over laws long understood to represent valid exercises of the States' constitutionally reserved powers. *Baldwin*, *Brown-Forman*, and *Healy* did not mean to do so much. In rejecting petitioners' "almost *per se*" theory

the Court does not mean to trivialize the role territory and sovereign boundaries play in the federal system; the Constitution takes great care to provide rules for fixing and changing state borders. Art. IV, §3, cl. 1. Courts must sometimes referee disputes about where one State's authority ends and another's begins—both inside and outside the commercial context. Indeed, the antidiscrimination principle found in the Court's dormant Commerce Clause cases may well represent one more effort to mediate competing claims of sovereign authority under our horizontal separation of powers. But none of this means, as petitioners suppose, that *any* question about the ability of a State to project its power extraterritorially must yield to an "almost *per se*" rule under the dormant Commerce Clause. This Court has never before claimed so much "ground for judicial supremacy under the banner of the dormant Commerce Clause." *United Haulers Assn., Inc.* v. *Oneida-Herkimer Solid Waste Management Authority*, 550 U. S. 330, 346–347. Pp 8–14.

(c) Petitioners next point to *Pike* v. *Bruce Church, Inc.*, 397 U. S. 137, which they assert requires a court to at least assess "'the burden imposed on interstate commerce'" by a state law and prevent its enforcement if the law's burdens are "'clearly excessive in relation to the putative local benefits.'" Brief for Petitioners 44. Petitioners provide a litany of reasons why they believe the benefits Proposition 12 secures for Californians do not outweigh the costs it imposes on out-of-state economic interests.

Petitioners overstate the extent to which *Pike* and its progeny depart from the antidiscrimination rule that lies at the core of the Court's dormant Commerce Clause jurisprudence. As this Court has previously explained, "no clear line" separates the *Pike* line of cases from core antidiscrimination precedents. *General Motors Corp.* v. *Tracy*, 519 U. S. 278, 298, n. 12. If some cases focus on whether a state law discriminates on its face, the *Pike* line serves as an important reminder that a law's practical effects may also disclose the presence of a discriminatory purpose. *Pike* itself concerned an Arizona order requiring cantaloupes grown in state to be processed and packed in state. 397 U. S., at 138–140. The Court held that Arizona's order violated the dormant Commerce Clause, stressing that even if that order could be fairly characterized as facially neutral, it "requir[ed] business operations to be performed in [state] that could more efficiently be performed elsewhere." *Id.*, at 145. The "practical effect[s]" of the order in operation thus revealed a discriminatory purpose—an effort to insulate in-state processing and packaging businesses from out-of-state competition. *Id.*, at 140. While this Court has left the "courtroom door open" to challenges premised on "even nondiscriminatory burdens," *Davis*, 553 U. S., at 353, and while "a small number of our cases have invalidated state laws . . . that appear to have been genuinely nondiscriminatory,"

Tracy, 519 U. S., at 298, n. 12, petitioners' claim about Proposition 12 falls well outside *Pike*'s heartland. Pp 15–18.

(d) The Framers equipped Congress with considerable power to regulate interstate commerce and preempt contrary state laws. See U. S. Const., Art. I, §8, cl. 3; Art. IV, §2. While this Court has inferred an additional judicially enforceable rule against certain state laws adopted even against the backdrop of congressional silence, the Court's cases also suggest extreme caution is warranted in its exercise. Disavowing reliance on this Court's core dormant Commerce Clause teachings focused on discriminatory state legislation, petitioners invite the Court to endorse new theories of implied judicial power. They would have the Court recognize an "almost *per se*" rule against the enforcement of state laws that have "extraterritorial effects"—even though it has long recognized that virtually all state laws create ripple effects beyond their borders. Alternatively, they would have the Court prevent a State from regulating the sale of an ordinary consumer good within its own borders on nondiscriminatory terms—even though the *Pike* line of cases they invoke has never before yielded such a result. Like the courts that faced this case below, this Court declines both incautious invitations. Pp 27–29.

JUSTICE GORSUCH, joined by JUSTICE THOMAS and JUSTICE BARRETT, concluded in Part IV–B that, accepting petitioners' allegations, the *Pike* balancing task that they propose in this case is one no court is equipped to undertake. Some out-of-state producers who choose to comply with Proposition 12 may incur new costs, while the law serves moral and health interests of some magnitude for in-state residents. In a functioning democracy, those sorts of policy choices—balancing competing, incommensurable goods—belong to the people and their elected representatives. Pp 18–21.

JUSTICE GORSUCH, joined by JUSTICE THOMAS, JUSTICE SOTOMAYOR, and JUSTICE KAGAN, concluded in Part IV–C that the allegations in the complaint were insufficient as a matter of law to demonstrate a substantial burden on interstate commerce, a showing *Pike* requires *before* a court may assess the law's competing benefits or weigh the two sides against each other, and that the facts pleaded merely allege harm to some producers' favored "methods of operation" which the Court found insufficient to state a claim in *Exxon Corp.* v. *Governor of Maryland*, 437 U. S. 117, 127. Pp 21–25.

JUSTICE GORSUCH, joined by JUSTICE THOMAS and JUSTICE BARRETT, concluded in Part IV–D that petitioners have not asked the Court to treat putative harms to out-of-state animal welfare or other noneconomic interests as freestanding harms cognizable under the dormant Commerce Clause, and in any event that the Court's decisions authorizing claims alleging "burdens on commerce," *Davis*, 553 U. S., at 353,

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do not provide judges "a roving license" to reassess the wisdom of state legislation in light of any conceivable out-of-state interest, economic or otherwise. *United Haulers*, 550 U. S., at 343. Pp 25–27.

JUSTICE SOTOMAYOR, joined by JUSTICE KAGAN, concluded that the judgment should be affirmed, not because courts are incapable of balancing economic burdens against noneconomic benefits as *Pike* requires or because of any other fundamental reworking of that doctrine, but because petitioners fail to plausibly allege a substantial burden on interstate commerce as required by *Pike*. Pp 1–3.

JUSTICE BARRETT concluded that the judgment should be affirmed because *Pike* balancing requires both the benefits and burdens of a State law to be judicially cognizable and comparable, see *Department of Revenue of Ky.* v. *Davis*, 553 U. S. 328, 354–355, but the benefits and burdens of Proposition 12 are incommensurable; that said, the complaint plausibly alleges a substantial burden on interstate commerce because Proposition 12's costs are pervasive, burdensome, and will be felt primarily (but not exclusively) outside California. Pp 1–2.

GORSUCH, J., announced the judgment of the Court, and delivered the opinion of the Court with respect to Parts I, II, III, IV–A, and V, in which THOMAS, SOTOMAYOR, KAGAN, and BARRETT, JJ., joined, an opinion with respect to Parts IV–B and IV–D, in which THOMAS and BARRETT, JJ., joined, and an opinion with respect to Part IV–C, in which THOMAS, SOTOMAYOR, and KAGAN, JJ., joined. SOTOMAYOR, J., filed an opinion concurring in part, in which KAGAN, J., joined. BARRETT, J., filed an opinion concurring in part. ROBERTS, C. J., filed an opinion concurring in part and dissenting in part, in which ALITO, KAVANAUGH, and JACKSON, JJ., joined. KAVANAUGH, J., filed an opinion concurring in part and dissenting in part.

ISBA Food Law Section On-Demand CLE

BY ANGELA PETERS

From Farm to Market: Legal Help for the Farmer

Co-Sponsored by the ISBA Agricultural Law Section, 1.0 hours MCLE credit

Original Program Date: March 16, 2022

Accreditation Expiration Date: March 15, 2024 (You must certify completion and save your certificate before this date to get MCLE credit)

During the pandemic, consumers flocked to local farms in hopes of finding reliable food products and safe outdoors entertainment. Farms expanded to meet this increasing demand and operations re-tooled to enter the agritourism and direct-sales market. But, this expansion also creates more legal vulnerability than many farmers realized. Get the information you need to help correct the common misconceptions that your farmer clients have about forming an LLC or corporation to manage their liabilities. Food law attorneys, agricultural counsel, general practitioners, and new lawyers with basic practice experience who attend this online program will better understand:

How and why direct-market farms have unique considerations within the most common issues of a small business advisor;

The most significant legal risks that farmers face regarding employment law compliance, especially when moving from commodity production to direct market sales;

How to minimize the risks facing farmers without having to become an employment law attorney;

The complexity of food safety liability risk exposure for direct-market farms, as well as strategies to help your farmer clients make the most of the new tools they have to manage these risks; and much more.

Program Coordinators: Lynne R. Ostfeld, Lynne R. Ostfeld, P.C., Chicago, and Molly L. Wiltshire, Arent Fox Schiff, Chicago.

Program Moderator: Lynne R. Ostfeld, Lynne R. Ostfeld, P.C., Chicago.

Program Speaker: Rachel Armstrong, Farm Common, Minnesota

Hot Topics in Food Labeling...

Hot Topics in Food Labeling: Plant-Based Products and the Federal Regulation of Cell-Based Meats

1.0 hour MCLE credit

Original Program Date: Tuesday, October 19, 2021

Accreditation Expiration Date: October 18, 2023 (You must certify completion and save your certificate before this date to get MCLE credit)

Don't miss this hot-topic issue regarding food labeling requirements for plant-based products and the regulation of cell-based (cultivated) meat. Agricultural law attorneys, animal law practitioners, food lawyers, and local government counsel with all levels of practice experience who attend this seminar will better understand:

The current and pending litigation regarding the labeling of plant-based products;

The intersecting agencies' regulation of cell-based meats;

How the proposed regulations may impact both the industry and the consumer; and much more.

Program Coordinator/Moderator: Molly L. Wiltshire, Schiff Hardin LLP, Chicago.

Program Speaker: Laura Braden, Lead Regulatory Counsel, The Good Food Institute, Washington D.C.

About the Speaker: Laura Braden is the Lead Regulatory Counsel of the Good Food Institute (GFI), which is among the organizations advocating to shape the regulation of plant-based and alternative meat products. She joined GFI from Wiley Rein, where she worked on a variety of regulatory and litigation issues as a consulting counsel. Laura has also worked at the U.S. Department of Veterans Affairs and at Fish & Richardson P.C. She has extensive experience in complex federal trial and appellate litigation, regulatory work, and strategic counseling.

Illinois Foods: Pesticide Use, Exposure, and Worker Protections

Co-sponsored by the ISBA Environmental Law Section, 1.0 hour MCLE credit

Original Program Date: September 14, 2022

Accreditation Expiration Date: September 13, 2024 (You must certify completion and save your certificate before this date to get MCLE credit)

Don't miss this in-depth look at the agricultural foods produced in Illinois and the pesticides involved in their production. Agricultural law attorneys, environmental practitioners, food law lawyers, human rights counsel, labor and employment attorneys – and anyone interested in obtaining a better understanding of pesticide use in Illinois – who attend this online program will learn:

How Illinois differs from other states in managing pesticides;

The current legal issues involving agricultural pesticides in Illinois;

Which state and local agencies have jurisdiction over pesticides;

The compliance and reporting issues involved in pesticide use;

The ongoing litigation involving repeated pesticide exposure to migrant workers from Texas who worked in central Illinois;

The work being done under an USEPA grant to survey state farm workers on pesticide safety and awareness;

The proposed modifications to Illinois' pesticide enforcement regulations (specifically to enhance compliance incentives); and much more.

Program Coordinator/Moderator: Molly L. Wiltshire, Arent Fox Schiff, LLP, Chicago.

Program Speakers: Lauren Dana, Supervisory Attorney, Immigrants and Workers' Rights Practice Group, Legal Aid Chicago, Chicago; Lisa Palumbo, Director, Immigrants and Workers' Rights Practice Group, Legal Aid Chicago, Chicago; and Sam Tuttle, Legal Action Chicago, Chicago.

Illinois Liquor Licensing Overview

1.0 hour MCLE credit

Original Program Date: May 17, 2022

Accreditation Expiration Date: May 16, 2024 (You must certify completion and save your certificate before this date to get MCLE credit)

Join us from the comfort of your home or office with for this online program that examines the federal, state, and local processes for obtaining a liquor license in all three tiers. Business advice attorneys, food law lawyers, general practitioners, and local government counsel with basic to intermediate levels of practice experience who attend this seminar will better understand:

The process for manufacturer liquor licenses;

How to obtain distributor liquor licenses; and

What retailers need to do to obtain a license to sell alcohol.

Program Coordinators: Robert B. Anderson, Bahr Anderson Law Group LLC, Wheaton, and Molly L. Wiltshire, Arent Fox Schiff, Chicago

Program Moderator: Patrick N. Wartan, Taft Stettinius & Hollister LLP, Chicago

Program Speaker: Robert B. Anderson, Bahr Anderson Law Group LLC, Wheaton

You Are What You Eat - Or So You Think: The Legal Impact of Humane, Green, and Climate-Friendly Product Advertising

Presented by the ISBA Environmental Law Section, ISBA Food Law Section, and ISBA Animal Law Section

Co-sponsored by the Chicago Bar Association Food and Beverage Law Committee, the Chicago Bar Association Environmental Law Committee, the Chicago Bar Association Animal Law Committee, and the Seventh Circuit Bar Association

3.0 hours MCLE credit

Original Program Date: March 10, 2023

Accreditation Expiration Date: April 12, 2025 (You must certify completion and save your certificate before this date to get MCLE credit)

The development and implementation of regulations regarding environmental claims (see, e.g., 16 C.F.R. Part 260) and the evolution of consumer protection law have raised issues concerning consumer deception and corporate accountability. For instance, the terms "sustainable" and "humane" have proliferated as consumers become more conscious of the climate and environmental impacts of their purchases. Don't miss this panel discussion that examines the current trends regarding "sustainable" and "humane" representations, the limits on a company's ability to engage in this type of marketing in the face of environmentally harmful business practices, and whether or not the law will hold companies liable for engaging in "green-", "humane-" and "climate-washing." Topics include:

The recent litigation in the 7th Circuit and other cases regarding deceptive product labeling and advertising;

The litigation trends, corporate responses, and potential pathways for these type of cases moving forward;

How current Environmental, Social, and Governance (ESG) standards and future disclosure requirements may interact with ongoing litigation and become an increasing focus area of law and policy.

Program Coordinator: Jane E. McBride, Attorney at Law, Springfield

Program Moderators: Jane E. McBride, Attorney at Law, Springfield

Program Speakers:

Randall S. Abate, The George Washington University Law School, Washington, DC; Jamie Crooks, Fairmark Partners, LLP, Washington, DC; Terrence J. Dee, Winston & Strawn LLP, Chicago; Christopher J. Esbrook, Esbrook P.C., Chicago; Adam Prom, Dicello Levitt, Chicago; and P. Renee Wicklund, Richman Law & Policy, Utah. ■