BEVNET LIVE + NOSH LIVE | MARINA DEL REY, CALIFORNIA | DECEMBER 2026

The Brand-to-Shelf Advantage

FDA and advertising counsel for emerging beverage and food brands, from formulation and claims to retail launch, investment, and defense.

Functional beverage | Natural + Better-For-You Food | Snacks | Supplements

Todd A. Harrison • Claudia A. Lewis
Co-Chairs, FDA Group



Legal + Regulatory + Marketplace Judgment

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The BevNET + NOSH Ecosystem

Emerging brands win when the product, the claim, and the deal line up.

Founders bring the product and the story. Retailers and investors bring scale. Regulators, competitors, and plaintiffs test the claim.

EMERGING BRANDS + FOUNDERS

- Functional beverages and RTDs
- Better-for-you snacks and foods
- Novel and trending ingredients
- Lean teams moving fast
- Labels and social copy written under deadline

WHERE IT GETS DECIDED

Is it a food, beverage, or supplement?

Are the ingredients lawful at this dose?

Can the evidence carry the claim?

Will the label pass retailer review?

Will the brand survive diligence?

RETAILERS, INVESTORS + ACQUIRERS

- Retailer compliance and ingredient standards
- Distributor and co-packer requirements
- Investor and strategic diligence
- Insurance and indemnity expectations
- Competitor and class action scrutiny

We help brands make the regulatory choices that keep the growth story intact, from first production run to exit.

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The Decision Model

Every launch has to clear four tests at once.

Formula, positioning, law, and exposure move together. Changing one changes the others.

PRODUCT + SCIENCE
Ingredient identity • dose • format • safety • evidence

MARKET + COMPETITION
Consumer need • price • channel • category norms • competitor response

SHELF-READY BRAND

LAW + REGULATION
FDA • FTC • USDA • state law • labeling • claims • GRAS

CHALLENGE + DEFENSE
NAD • competitors • class actions • Prop 65 • recalls

Changing the dose, format, claim, channel, or audience can change the category, the evidence burden, and the exposure.

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The Brand Lifecycle

We engage before the label is printed.

One commercial thesis should carry from concept through formulation, launch, scale, and exit.

WE ENTER HERE

Not merely at final label review

01	02	03	04	05	06	07
CONCEPT	**FORMULATE**	**CLASSIFY**	**CLAIMS**	**LAUNCH**	**SCALE**	**DEFEND**
White space • Consumer need	Ingredients • dose • Co-packer specs	Food vs. beverage vs. supplement	Evidence fit • Claim hierarchy	Label • site • retail • social	Quality • recalls • investor diligence	FTC • NAD • class actions

The team that helps frame the product can later explain, and defend, why the brand made the decision.

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Sector Fluency

The same rule lands differently in a can, a bottle, and a snack bar.

We know the product, the consumer, the channel, and the commercial pressure, not just the category definition.

FUNCTIONAL BEVERAGES

- Beverage vs. liquid supplement positioning
- Caffeine, energy, and adaptogen claims
- Protein, electrolyte, and GRAS status questions

NATURAL + BETTER-FOR-YOU FOOD

- Nutrient content and health claims (FD&C Act section 403(r))
- “Healthy,” “natural,” and “clean” positioning
- Allergens and organic labeling

NOVEL + TRENDING INGREDIENTS

- GRAS vs. food additive (FD&C Act section 409)
- Botanicals, mushrooms, probiotics, and cannabinoids
- State ingredient bans and restrictions

DIGITAL + RETAIL EXECUTION

- Influencer, social, and subscription programs
- Amazon, marketplace, and retailer standards
- Prop 65 warnings

The product category does not decide the strategy. The commercial objective does.

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Claims Strategy

Build the claim platform before you write the copy.

The strongest message is the one the evidence, the consumer takeaway, and the litigation record can all carry.

1	**SCIENTIFIC RECORD** Totality of evidence • fit • competent and reliable scientific evidence
2	**CLAIM TERRITORY** Benefit • mechanism • population • timing • qualifiers
3	**CONSUMER TAKEAWAY** Express and implied meaning in context
4	**CHANNEL EXECUTION** Label • site • retailer • social • influencer • sales
5	**STRESS TEST** FTC • FDA • NAD • class action • competitor

THE OUTPUT: A CLAIMS OPERATING SYSTEM

- Claim hierarchy, strongest to lowest risk
- Evidence map and identified gaps
- Qualification and disclosure language
- Channel-by-channel execution rules
- Go / guardrail / no-go decisions
- A record organized before a challenge

The objective is not weaker marketing. It is sharper marketing with a foundation that can withstand scrutiny.

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Scale + Investment Readiness

Regulatory strategy is part of enterprise value.

Retailers, investors, and acquirers increasingly diligence the label, the claims, and the supply chain before they commit.

RETAIL READINESS

- Label and claim review against retailer standards
- Ingredient and specification files
- Prop 65 and state law compliance
- Marketplace takedown response

OPERATIONS + QUALITY

- Co-packer and supplier oversight
- Food safety and recall readiness
- Adverse event and complaint handling
- Import and supply-chain documentation

INVESTOR + EXIT DILIGENCE

- Regulatory and claims diligence packages
- Portfolio audit and remediation
- Responses to buyer and investor questions
- Supporting deal counsel through closing

The cheapest fix is the one made before the retailer, the investor, or the plaintiff finds it.

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Risk Mitigation

Risk is not a single score. It is a business choice among consequences.

The recommendation should reflect commercial upside, legal exposure, reversibility, visibility, and timing.



THE RECOMMENDATION HAS OPTIONS
Proceed
Proceed with guardrails
Reframe the claim, formulation, or channel
Build the evidence first
Escalate and prepare to defend
Stop

Zero risk is rarely the business objective. Deliberate risk, understood, bounded, and reversible, often is.

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The Venable Team

Product, regulatory, and advertising judgment in one conversation.

Todd and Claudia co-chair Venable's FDA Group and counsel food, beverage, and supplement brands across the full product lifecycle.



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PRODUCT + FDA STRATEGY

- Formulation and classification
- Ingredient status, GRAS, and safety
- Labeling, imports, quality, and recalls
- Foods, beverages, supplements, and cosmetics

ADVERTISING + FTC / NAD

- Claim substantiation and campaign review
- FTC and state AG investigations
- NAD / NARB and competitor challenges
- Influencers, social, e-commerce, and subscriptions

Supporting bench: Litigation • IP • Transactions • International Trade • Privacy • Government Affairs

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Typical Engagements

The team flexes around the decision, not a predetermined work product.

Illustrative scopes, from a single launch question to a portfolio-wide operating model.

01
NEW PRODUCT OR LINE EXTENSION

- Commercial objective and white space
- Ingredient and formulation options
- Classification and safety
- Claim territory and launch plan

02
CLAIM PLATFORM + EVIDENCE

- Evidence review and gap map
- Study and endpoint input
- Claim hierarchy and qualifications
- Creative and channel rules

03
RETAIL, INVESTOR + EXIT READINESS

- Label and portfolio audit
- Remediation without losing momentum
- Quality and supplier systems
- Diligence support

04
CHALLENGE OR CRISIS

- Demand or regulator response
- Science and claim record assembly
- Recall and channel decisions
- Advocacy and defense strategy

Clear options. A point of view. No artificial separation between legal and business consequences.

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Meet Venable in Marina del Rey

Bring us the question you are wrestling with.

Todd and Claudia will be at BevNET Live and NOSH Live in December to meet with founders, brand leaders, and investors.

1

BEVERAGE BRANDS

Functional claims, caffeine and energy, liquid supplement vs. beverage, novel ingredients.

2

FOOD + SNACK BRANDS

Better-for-you and "healthy" claims, clean label, allergens, state ingredient laws.

3

INVESTORS + ACQUIRERS

Regulatory and claims diligence on portfolio and target brands.

4

RETAIL + CHANNEL

Retailer reviews, marketplace takedowns, influencer and social programs.

Questions to bring: What is it? Is it lawful at this dose? Can we say it? Will it survive the retailer, the investor, and the challenger?

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We do not simply tell you whether you can.

We help determine what is worth doing, how to do it, and how to defend the decision.

FORMULATE | CLAIM | SCALE | DEFEND



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