Food, Cosmetics, and Nutraceuticals Committee’s FCN Digest

September 23, 2016

Dear Readers,

Please find below the latest Food, Cosmetics, and Nutraceuticals Committee’s FCN Digest. Every other week, the FCN Digest will provide you with significant developments and updates in the food, cosmetics, and nutraceuticals arena. Please feel free to contact us at the listed email addresses with any questions, comments, or contributions that you may have regarding the FCN Digest.

Snehal Y. Trivedi, Esq.
FCN Digest, Co-Author
K&L Gates
snehal.trivedi@klgates.com

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**FOOD**

*FDA Suspends Food Facility Registration of SM Fish Corporation.*
Under its authority granted by the 2011 Food Safety Modernization Act, the FDA suspended the food facility registration of New York-based company, SM Fish Corporation citing contamination with *L. monocytogenes* (*Listeria*). Accordingly, no food may be sold or distributed from this facility while the registration is suspended. FDA will vacate the suspension upon a finding that the facility no longer has a “reasonably probability of causing serious adverse health consequences to humans.”


**COSMETICS**

*Senate Committee to Convene Hearing on Cosmetics.*
After introducing the Personal Care Product Safety Act last year, Senators Dianne Feinstein (D-California) and Susan Collins (R-Maine) continue to work hard to advance the Senate’s bill highlighting significant issues requiring FDA oversight of cosmetics. A U.S. Senate Committee will hold a hearing to examine current practices including, the safety of cosmetics. Senators Feinstein and Collins will serve as panelists.


**NUTRACEUTICALS**

*$147 Million Award in Vitamin Antitrust Suit Vacated by 2nd Circuit.*
The Second Circuit Court of Appeals vacated a judgment against two Chinese companies over Vitamin C price-fixing on international comity grounds. The Chinese companies were forced to adhere to China’s regulations requiring set prices and reduced quantities of Vitamin C. The members of the three-judge Second Circuit panel vacated the $147M judgment balancing competing interests between local antitrust violations and a foreign sovereign’s right to regulate the economy within its own borders.


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