

Law 481-001 | Food Law and Policy Seminar | Spring 2025 | 2 credits

Professor(s): Kyla Kaplan

Tues. 6:05 – 8:05 pm EST | Final Exam: N/A

Reading(s): [REQUIRED]

1. *The Poison Squad: One Chemists Single-Minded Crusade for Food Safety at the Turn of the Twentieth Century*

The rest of the course readings will be selected from a variety of sources and posted on Blackboard. All readings will be available online at least one week before the course for which they are assigned.

Tech Requirement(s): You must have access to Blackboard for this course. Please let the professor know asap if you have a problem with accessing Blackboard.

Communication(s): kkaplan@gmu.edu |

Office Hours: By appointment. Please email me at any time if you have questions or concerns. Although I do not have an office on campus, I am happy to set up a time to talk by phone or video.

COURSE DESCRIPTION

This is a survey course meant to provide a taste of the food law and policy field. Although we will not cover every possible topic, you will leave the class with an understanding of the breadth of food law and policy issues at the local, state and federal levels. We will study major federal legislation affecting the food system, including Federal Food Drug and Cosmetic Act (FD&C Act) and the Food Safety Modernization Act (FSMA), among others. We will also discuss current topics in food law and policy, including cannabis law, meat processing, environmental regulations, and state and local food law and policy.

COURSE OBJECTIVES

Learning objectives for the course include:

- Describe the relationship between federal, state, and local food laws and policies
- Identify federal agencies and congressional committees that impact food law and policy
- Participate in robust discussions on food law and policy issues
- Understand and discuss relevant issues in the food law and policy space
- Demonstrate understanding of a specific food law and policy issue through a final paper

GRADING & PARTICIPATION

Students are expected to attend class. Students are asked to notify the professor before class if they are unable to attend. Per the law school's attendance policy, a student is not eligible to receive credit for a class if they miss more than 20% of the class sessions. For a class that meets once a week as this one does, that means a student may not miss more than three classes. To receive participation points for a missed class, a student must submit a one-page summary of the course readings and the student's thoughts on the topic by one week after the missed class.

Grading

The final course grade will be based on:

- 40% - course participations throughout the semester including:
 - Thoughtful, consistent engagement in class (20%)
 - Participation in the weekly current state or local food policy issue (10%)
 - A Federal Register comment (10%)
- 60% - a final paper, including:
 - A paper proposal (5%)

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- An oral presentation (5%)
- And a final paper (50%)

The professor has discretion to adjust the final course grade by a single increment either upward or downward (e.g., from B to B+) based on class participation. There is no exam for this course. The professor will provide a grading rubric for each of the assignments discussed below.

Participation (40%)

This is a discussion-based course, so robust participation is expected and will account for 20% of the total participation grade. Students must earn a high participation grade; simply attending class is not sufficient. Thoughtful, consistent engagement includes demonstrating that students are regularly reading the assigned material, preparing for and participating in in-class debates or exercises, and asking or answering questions.

Of the total participation grade, 10% is earned by giving brief updates on topical food law and policy issues. For the first 15 minutes of each class, the professor will give students an opportunity to share with the class something they saw in the news or read elsewhere relevant to food law and policy. Any relevant topics are welcome that can be related back to food law and policy. For example, a business law, tax law, constitutional law, administrative procedure, and/or criminal law case or news story that in some way will impact the food supply. Student can provide a 1–2-minute overview of what they read, where they read it, etc. If students are interested in sharing the article with the class, they have the option to send it to the professor to circulate beforehand. Students should plan to share updates during at least 2 classes to receive full credit.

On Blackboard, the “Web Links” category has suggestions on food policy news outlets that students can follow throughout the semester.

The remaining 10% of the participation grade is earned by drafting a comment on a topic posted in the Federal Register. Students are asked to select a future proposed rule or policy on the Federal Register on current food law and policy regulations and draft a comment to that rule. If students need help selecting a future proposed rule or policy on a current topic the Professor would be happy to discuss. The comment is due to the professor by email by the beginning of class on the 10th WEEK of class (March 25, 2025).

Final Paper (60%)

The majority of the final grade for the course (60%) will be based on a final paper, including a proposal and an oral presentation. Students will select one specific food law and policy topic to focus the final paper on that is timely and interesting to the student. Students are encouraged to work on the final paper throughout the semester. Both the proposal and the final paper must be organized and properly formatted (12-point Times New Roman font, 1” margins, double spaced), use Bluebook legal citation, and avoid spelling and grammatical errors.

Students will submit a one-page proposal to the professor by email in a Word document describing the proposed topic. This proposal is due by the beginning of the 7th WEEK of class (March 4, 2025) and must describe the topic you have selected, discuss why the topic is timely and interesting to you, identify any sources you have already found, and suggest other sources that might be useful to you. The proposal is worth 5% of the final paper grade.

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The final paper must be between 5,000-7,000 words, not including footnotes. The final paper is due to the professor by email in a Word file by 11:59 pm on Friday, May 23, 2025. Please note that, per law school policy, the professor cannot grant deadline extensions for final papers; requests must be submitted to the Director of Student Academic Affairs. If students would like general feedback on initial drafts of the final paper (not line- by-line edits), the professor is willing to review final paper drafts if students send the draft before Wednesday April 23, 2025. The final paper is worth 50% of the final grade.

During the final classes, students will share their final paper with their peers during an oral presentation (approximately 10 minutes). The oral presentation is worth 5% of the final paper grade.

ACADEMIC STANDARDS & COURSE POLICIES

Plagiarism is a serious offense. Do not take anyone else's words or ideas and use them as your own. Plagiarism is unacceptable, regardless of whether it is committed in a final paper or in an email.

Accommodations for Students with Disabilities

Students with disabilities may request academic accommodations as provided by federal law. Please contact George Mason University's Office of Disability Services (ODS) to request services (ods@gmu.edu, 703-993- 2474).

COURSE SCHEDULE & ASSIGNMENTS

Please note that this is a draft of the course schedule and is subject to change. Additionally, the bullet points listed below are not meant to be an exhaustive list of covered topics.

*****REQUIRED READING AND BLOG ASSIGNMENTS FOR THE CLASS ON BLACKBOARD**

WEEK 1 (January 21): Course Introduction

Welcome

Discussion of Syllabus

Instructor and Student Introductions

Intro to Food Law and Policy

Jobs In Food Law and Policy

****The readings for CLASS 1 are on Blackboard – please read before coming to the first day of class**

WEEK 2 & WEEK 3 (January 28 & February 4): History of Food Regulations and Food Labeling

Historical Overview

The Twelve Expectations of Food (maybe even more?)

The Jungle and the first Pure Food Act (1906)

Defining “food”

Standards of Identity

History of Food labeling - 1990 Nutrition Labeling and Education Act (NLEA)

Extent of federal oversight – does home-grown wheat count?

Who's in charge – FDA or USDA? Or maybe someone else???

Overview of labeling requirements today

Claims (GMO, organic, keto, animal raising claims)

Food labeling litigation

Recent controversies/ Food labeling and the first amendment

WEEK 4 & WEEK 5 (February 11 and February 18): Food Safety and Liability

NOTE: Will discuss Federal Register Comments and the Papers during the week of Feb. 11th at the beginning of class

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What is food safety and how do stakeholders (industry, government, and consumers) keep food “safe”?

Who is “responsible”? When are they responsible?

The Tests: Foreign-Natural vs. Reasonable Expectation

Stella Liebeck: Burned by Hot Coffee – The Real Story

When people eat bad food: illness and death from food pathogens

Food Recalls

Jack In The Box

Legal theories of liability

Defenses

WEEK 6 (February 25): Food Fraud

Puffing vs. Deception

POM Wonderful vs. Coca Cola

Adulteration - Physical and Economic

“Healthy” “Organic” and “Natural” claims

Slack Fill Cases

Class actions

The Ingredients List Defense

How reasonable is the “Reasonable Consumer” test?

WEEK 7 (March 4): Nutrition, Obesity, Food Insecurity, and Food Law

NOTE: Paper proposals due at the beginning of class

Salt Sugar Fat, Michael Moss (2013) (Discussion)

Pelman v. McDonald’s and the Tobacco Model

Banning Unhealthy Foods

Calorie Disclosure Laws

Soda Taxes and other Measures to Reduce Sugary Beverage Consumption

Federal Food Safety Programs - SNAP and the social safety net

The problem with “Expiration Dates”

WEEK 8 (March 11): SPRING BREAK

WEEK 9 (March 18): Farm Bill

Guest Lecture

WEEK 10 (March 25): Cannabis Law and the Overlap with Food Law

NOTE: Federal Register comment due by the beginning of class.

What is cannabis?

How is cannabis currently regulated (federal, local, state)

Various concerns around cannabis

Forthcoming legislation

WEEK 11 (April 8): Treatment – Animals and Food Workers

What is an animal?

Criminal Law and animals

Torts and animals

Con Law and animals

Commercial law and animals

Animal welfare Law

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Ag gag laws

Humane slaughter

Horsemeat, Foie Gras, etc...

Ag Gag Laws

National Pork Producers v. Ross

Labor Demands

Child Labor

Holding accountable companies that use slave labor overseas.

WEEK 12 (April 15): Student Presentations (Day 1)

WEEK 13 (April 22): Student Presentations (Day 2)