

Food Safety Law

SYLLABUS

AGEC 5713, Section 901

Semester: Fall 2012

Prof. Neal Fortin

Course Description

This course covers the law regulating the manufacture, distribution, and sale of food products in the United States. The emphasis is on food safety law, but safety is often intertwined with other many other aspects of U.S. food regulation. Topics covered include the regulation of labeling, food additives, dietary supplements, genetic modification, HACCP, civil and criminal liability for defective products, inspections, importation and exportation. The course is designed to give the student a better understanding of the issues involved in the regulation of foods, a general understanding of the full scope of food safety regulation United States, and gaining skill in analyzing how the law applies to the facts of a novel situation.

Course Philosophy

This course provides students with an overview of food safety regulation in the United States with the emphasis on gaining skills and experience at integrating this knowledge and information for application in real world situations.

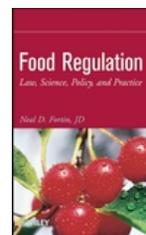
Course Structure in Modules

The course is taught in a series of sections or modules. Each module covers a specific topic or issue. You will generally have a week to read the materials and complete any assignment.

Once the module is posted, it will remain online for the entire semester. However, I will not be actively checking completed modules. In addition, students are not expected to keep up with the discussion postings in past, completed modules.

Course Readings

Most of the come from the textbook, [*Food Regulation: Law, Science, Policy, and Practice*](#). However, you are not required to buy a copy. All required readings are provided with each module.



Technical Aspects of this Course

If you have a problem using the Blackboard Learn, please report it as soon as possible to the Support phone line: **479.575.6804** or (after business hours: 479.575.2904). If there is a system problem, then hearing from more than one student will assist the Support technology staff in discovering what has gone wrong. Keep the Support numbers by your computer just in case you have a problem.

Goals and Objectives

At the end of this course, the student will:

- Understand the history and general organization of food regulation in the United States.
- Be familiar with the role of the federal agencies with regulatory roles regarding food, such as the FDA, USDA, and FTC.
- Be able to use Internet-based resources to locate relevant U.S. food laws and regulations.
- Possess an organized understanding of the U.S. requirements for food labeling, health claims, food additives, adulteration, importation, exportation, and public and private enforcement of food standards.
- Know how to find specific requirements in federal U.S. laws and regulations.
- Be aware of current food law issues and be able to discuss them.
- Understand critical regulatory issues and their impact on food laws by use of case studies.
- Participate in an international network of legal, regulatory, and scientific professionals regarding food law issues.

Course Outline (subject to change)

For complete details on the course schedule, please refer to the modules. Chapter listings are provided here only for a sense of what is coming next. The official reading assignments are posted within each module. Some modules may have slightly different reading assignments. Some units have materials assigned in addition to the listing here.

Module # Start date	Subject	Reading
1 August 20	Welcome, Introductions, Getting Started Course Overview	Syllabus Preface Ch. 2
2 August 27	An Introduction to Food Regulation in the United States A short history of food regulation in the U.S., an introduction to the U.S. legal system, and an overview of government agency jurisdictions and authority.	Ch. 1

Module # Start date	Subject	Reading
3 Sept. 3	Labeling The basic requirements for food labeling: terminology, misbranding, identity, ingredients, allergens, warning statements, and packaging.	Ch. 3
4 Sept. 10	Nutritional Labeling and Health Claims The requirements for nutritional labeling, nutrient level claims, and health claims plus an overview of the regulation of advertising. Last date to elect to write a paper instead of the final exam Paper topics due	Ch. 4
Sept. 7 – 12	Graded Assessment 1	
5 Sept. 17	Esthetic and Economic Adulteration Key definitions, esthetic adulteration and sanitation, defect action levels, standards of identity, and economic adulteration.	Ch. 5
6 Sept. 24	Regulation of Unintentional Components of Food Poisonous or deleterious substances, added and non-added substances, tolerances for necessary and unavoidable poisonous and deleterious substances. Pesticide residues, risk assessment, environmental contaminants, tampering, carcinogens, the Delaney Clause, and HACCP. Research outline due for paper writers	Ch. 6
7 Oct. 1	Regulation of Unintentional Components (cont.) The produce safety provisions of the FDA Food Safety Modernization Act.	Module handouts
8 Oct. 8	Food Additives and Irradiation The regulation of food additives and color additives, which includes regulation food irradiation.	Ch. 7
Oct. 5–10	Graded Assessment 2	
9 Oct. 15	Genetically Engineered Foods The law and science of the regulation of foods produced through recombinant DNA techniques.	Ch. 9
Oct. 22	Scholarly Article Review Due (paper writers only)	
10 Oct. 22	Dietary Supplements The regulation of this special class of food, which are neither conventional foods nor food additives.	Ch. 8

Module # Start date	Subject	Reading
11 Oct. 29	Food Defense An overview of food defense against bioterrorism.	Ch. 10 & <i>Germ</i> s: The Attack
12 Nov. 5	Importation of Food into the US The regulation of U.S. food imports and exports, plus Guest Instructor Charles Woodhouse: The import provisions of the Food Safety Modernization Act.	Ch. 11 & Handouts
Nov. 2 - 7	Graded Assessment 3	
13 Nov. 12	Federal Inspections and Enforcement FDA and USDA-FSIS inspection authority, limits on government inspections, and planning for the inspection. An overview of the enforcement tools of the FDA and USDA-FSIS with a focus on inspection powers, seizures, and recalls.	Ch. 12 & Ch. 13
14 Nov. 19	Inspections & enforcement Continued	
Nov. 22-23	Thanksgiving Holiday, No Class	
15 Nov. 26	Private Actions; State Enforcement Private actions, product liability, and a brief note about state enforcement.	Ch. 15
Dec. 3	Papers due Course Evaluation	
Dec. 7 – 12	Final Exam Period	

Assignments

Pass-Fail Exercises:

Most modules contain a reading assignment and a short activity assignment. Activity assignments are pass-fail, class participation. However, points may be detracted for failing to follow the assignment directions. Details on the exercises are found within the applicable modules.

Graded Assessments:

Graded assessments (graded quizzes) consist of true-false, multiple choice, fill in the blank, and essay questions. You will have a window period to take each quiz. Within that window period,

you choose when you start. However, once you start, you must finish within the limited time provided. It is your responsibility to plan the start of your quiz when you will have sufficient time remaining without interruption. This includes planning for maintenance time of Blackboard Learn (check the service status announcements before you log into Blackboard Learn!)

Final Exam:

The final exam consists of true-false, multiple choice, fill in the blank, and essay questions. The final exam questions are similar to questions from the assessments except that the final exam spans the whole course content.

You will have a week window period in which to start the final exam. However, you will be given a maximum time limit to complete the final exam. It is your responsibility to plan the start of your quiz when you will have sufficient time remaining without interruption, including planning for maintenance down time of Blackboard Learn.

The quizzes and exam are open book. **Do not discuss the quiz questions or answers with anyone except Prof. Fortin during or after taking a quiz or exam.**

Outline Preparation for Extra Credit on the Final Exam

I recommend that you prepare a course outline during the semester in preparation for the final exam. Particularly if you use the outline to synthesize the material in your own mind, you will learn more and remember more.

YOUR preparation of the outline is the main benefit of this exercise. The work YOU put into it—the process, not the product—is most important.

Exam takers may submit a one-page outline for extra credit points on the final exam. Required format: The outline must cover the entire course. It must fit on a single side of one 8 by 11.5 inch page. There is no font size requirement, but the page must be easily readable. The point of this exercise is to synthesize the entire course and distill it down to the most salient points. Your outline will not be graded or corrected, but credit may be reduced if the outline does not meet the format requirements or is erroneous. The 1-page outline must be turned in with your final exam.

Term paper alternative:

You are offered the alternative of submitting a term paper instead of taking the final exam. In the past, students have done equally well on the final exam and the papers. The paper assignment provides you with an opportunity to learn one area of food regulation in much more depth than would otherwise be possible. The final exam suits those who desire to gain a broad understanding of the law.

Electing the Term Paper Option: You must elect this option by the third week of class. If you do not elect to write a paper, you must complete the final exam.

Grading

Grade Components*	%
Class participation (pass/fail) assignments	10
Graded Assessments	45
Final exam (or alternative term paper)	45
* Graded components may be revised slightly during the semester.	

Lowest Assessment Discarded

Your lowest assessment score will be discarded when computing your final grade in the course. If you are unable to take an assessment for whatever reason, that assessment will count as your discarded assessment.

Feedback on Assessments and Other Assignments

Assessments are not graded until the due date passes. Therefore, if you submit an assessment early, please be patient — I cannot discuss grading or the questions with you until everyone else has submitted his or her assessment. Assessments are usually graded within one or two weeks after the due date of the assignment.

Feedback on course assignments will vary with the nature of the assignment. Ungraded exercises and pass-fail assignments typically receive feedback limited to notation as correct or incorrect. Graded assessments usually will have short comments posted on your assessment. (Grades will be posted in your grade book, which you access through Blackboard Learn, but comments may be in either the grade book or on your submission.)

Errors in your answers are your opportunity during the course to discover how you learn the material best. Wisely use the opportunity to systematically reexamine the course materials and your study methods so that you may understand what you missed and why. Resist the temptation to take a shortcut and simply learn a few missed facts.

Late Submissions

I value your interaction with the class, and you are missed if you are late in posting to discussions. Therefore, required discussion activity must be submitted by the due date or receive a late penalty.

Other assignments may be accepted late without grade penalty when there is a reasonable cause. Frankly, I understand that family and work must come first. However, late assignments may not be graded until near the end of the course, so please be patient.

Grading Scale	
<i>MSU Scale</i>	<i>Minimum Percent</i>
4.0	91
3.5	86

3.0	81
2.5	76
2.0	71
1.5	61
1.0	51
0.0	<51

Class Participation

Students should participate and contribute to the class discussions in the Discussion Forums. However, the *quality*—not the quantity—of your participation matters. Personally grapple with the course materials. Try to see all sides to the issues. Think through how the materials apply in real life situations. In your responses to others, help them with their confusion, questions, mistakes, and so forth. Qui docet, discet — He who teaches, learns.

The quality of your involvement will correlate with how much you get out of the course. Try to bring the material alive by thinking how it would apply to your life experiences. Share your opinions, knowledge, and experiences with the class using the discussion forums.

Questions throughout the semester

For your questions during the course, first check out the General Discussion forum on Blackboard Learn. Another student may have had the same question earlier in the course, and you won't have to wait at all for your answer! If your question applies to a specific module, then check the discussion forum for that module as well.

I want to ensure that your educational experience is enjoyable and rewarding. Please do not hesitate to ask anything that will make your participation more productive.

I prefer that you use the discussion forums rather than email for your questions because other students will learn from your questions. If you have a question, it is likely that others do as well. I have set up the discussion forums to email me every time someone submits a new posting. So it is actually faster to contact me via the discussion forum (you will already be in that site if you are checking the discussion forums!)

When contacting me:

For other questions, contact me through Blackboard Learn course mail, not through other email servers – you will already be in the course website if you are checking the Discussion Forums! Given the large number of emails I receive this allows me to give you priority.

- *Questions sent to me by email will be responded to within **48** hours.*
- *Questions in the General Discussion forum will be replied to within **24** hours.*

Any technical questions regarding Blackboard Learn, please direct it as soon as possible to the Support phone line: **479.575.6804** or (after business hours: 479.575.2904). Put these

numbers in your phone's memory or have them on a paper by your computer. If they are only in Blackboard Learn, and you can't get into Blackboard Learn, then you have a problem. ☺

How to Get Top Grades

Your instructors want you to receive top grades because the material is important to us, and we truly hope that we can impart some of that to you. There are a number of things you can do in this course to do well:

Read the assigned reading. Really read. You must learn to read carefully and critically every paragraph, every sentence, and every word. Every word may have some special significance. You must also learn what you can speed read and what requires close scrutiny. You must read so that you really understand.

Diligently complete the assignments. When errors are made in assignments, use it as an opportunity to systematically revisit the course materials. How did your mistakes fit within the broad framework and principles of that unit? As soon as possible, make corrections or additions to your notes/outline. Don't procrastinate. Fill in any gaps and resolve any questions through whatever additional reading or research is needed.

Learn — and use — the terminology precisely. There is no shortcut to learning the fundamental “terms of art” and definitions in law. Your grade will depend more on how well you can *analyze* issues and *reason* from the known. But even small amounts of vagueness or error in key terms can result in devastating errors in analysis and reasoning.

Read the directions carefully for each assignment so that you understand how it is being graded.

Read each question carefully. Be certain that understand what is being asked.

Organize your answers. On essay questions, spend a moment to organize or outline your answer *before you start writing*.

Create an outline. For those taking the timed final exam, you will benefit from creating an outline and working on it regularly throughout the course. Work at *organizing* and *synthesizing* the principles you covered in readings and assignments. Extract the essential kernels from each topic and work them into a logical organization.

Stick to the issues raised in a question. Be careful not to go into matters not raised by a question. A brilliant response that does not answer the question is still a wrong answer.

Internet researching is useful but do not forget to check the instructor's materials for each assignment. Be sure to incorporate pertinent aspects from the course into your answer. It may be helpful to ask yourself questions such as, “How does this question/assignment relate to the class materials?”

Academic Honesty

The principles of truth and honesty are recognized as fundamental to a community of teachers and scholars. The university expects that both faculty and students will honor these principles. Students who plagiarize another's work will receive no credit for the assignment, and may be subject to disciplinary action by the university.

Be careful! Everyone knows that one should not plagiarize. However, people commonly misunderstand what plagiarism is.

Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit. There are two basic forms of plagiarism:

(1) *Copying verbatim the words of others without attribution.* If you copy the words of another, from any source, you must place those words in quotation marks and provide a citation to the source of the quote.

Be careful with cutting and pasting! With the use of electronic sources, plagiarism is easy to commit unintentionally.

(2) *Copying the ideas of someone else without attribution.* If you paraphrase another's ideas, you must cite the source of the paraphrased material.

Be careful with paraphrasing! It is inappropriate to slightly alter someone else's words without acknowledging the original author. To avoid this form of plagiarism, acknowledge the source of the material.

Here are some examples of academic dishonesty:

- Have another student provide academic assistance or coaching during an online quiz or test
- Have another person take a quiz or test for you
- Copy questions or answers from your quiz or test and share them with another student
- Copy questions *or* answers from your quiz or test and post them on a website for others to view
- Get questions and/or answers from students who have already taken an exam or quiz you are scheduled to take
- Collaborate with other students on projects or assignments without your instructor's permission

Originality

Students must do their own, original work on each assignment in each class. A student who recycles his or her course work from one class to another may face an allegation of academic dishonesty.

For more information

For more information, read the university's Academic Integrity Policy, which may be found at <http://provost.uark.edu/>.

Term Paper

The following information applies only to those who elect to write a paper instead of taking the final exam.

Paper writers are required to make four submissions:

1. topic idea,

2. brief research outline,
3. scholarly article review, and
4. final paper.

1. Topic:

You are free to select any pertinent topic that you wish. The important thing is that you find a topic that interests you.

You are required to turn in a brief (1-5 sentences) description of your topic. You are free to change your topic later.

You may—or may not—receive any comment on your topic submission. Please do not wait for response on your topic idea to begin work on your paper research and drafting, which should begin as soon as possible. If you have questions about your topic selection, please use the Course Mail (Communicate) to contact Prof. Fortin.

Topic Ideas: You may find past students papers useful in finding a topic. *A Web Book of Student Papers* is available at: <http://www.iflr.msu.edu/BookStudentPapers.html>. Another useful site for topic ideas is *Food and Drug Law: an Electronic Book of Student Papers* available at: http://www.law.harvard.edu/faculty/hutt/book_index.html.

2. Research Outline:

You are required to turn in a brief research outline for your paper. Your outline is expected to change as you continue research and writing. Your research outline should include a:

- a) Statement of your research issue

This is your creative idea/argument/theme that is your unique contribution. If you topic idea was general or broad, now is the time to refine your topic to a more specific issue or theme.

- b) Simple outline or organization of your paper

For example:

BACKGROUND

Introduction

Reasons for an Increased Interest in Food Allergens

FALCPA - What is required?

CHALLENGES PRESENTED BY FALCPA

How Much is Too Much?—the Dilemma with Threshold Levels

The Predicament of the Little Boy Who Cried Wolf

What is a Highly Refined Oil?

SUMMARY & CLOSING

- c) List of your proposed sources

By this time the much of your research should be completed. Generally, you should be able to identify the primary sources you will need to be authoritative on your major points.

The research outline is basically for you—to keep you on track with your paper. Do not wait for response on your research outline to continue work on your paper!

3. Scholarly Article One-Minute Review

Paper writers are required to post a short review of a scholarly article in the forum provided under the “modules’ tab in Blackboard Learn. You may submit your one-minute review before the due date. Your submission will be readable by the whole class. I call this exercise a "one-minute review" because your review should be brief—one that can be read in a minute or two (see length maximum below).

Your review is expected to meet the following criteria: 1) Title (the subject line) of your review is a short descriptive phrase about the article. Usually this would be a condensed version of article's title or your take on the article. 2) Your review is brief (no more than 300 words). 3) You selected a food-law related article from a peer-reviewed journal, a law-review journal, or a similar scholarly publication. 4) You reviewed the article. A "review" means more than an abstract or summary. You need to think about the article and comment on it. Again, this should be brief and may be just a sentence or two.

The one-minute review need not be related to your paper topic. However, for efficiency sake, I recommend that you do your one-minute review as part of your research for your term paper. Your term paper’s claim or thesis will also provide you with an intrinsic area of commentary for your review.

Paper Grading

Term paper is graded based on:

- Your clear articulation of the issues to be addressed.
- Your demonstration of an accurate understanding of the subject matter.
- Your demonstration of an accurate analysis of the subject matter.
- The quality of your research of relevant authorities and the quality of your use of those in support of your propositions, including use of footnotes in proper form.
- Your demonstration of the ability to present your ideas in a clear and organized manner.
- Your proper use of language (diction, punctuation, spelling, and grammar). (Mistakes in footnote form, grammar, punctuation, and spelling are all part of your credibility. It is difficult to convey your intellect and message if the reader is constantly distracted by such fundamental errors.)

Paper Format

A *Paper Writing Primer* and a *Paper Review Checklist* are included in the course materials for your use in writing and formatting your paper. Please use them! You should read the *Primer* and *Checklist* thoroughly, but the following are a few key format points:

1. The author's name, the title of the paper, course name, and the year that the paper was written should be on the first page of the paper.
2. File format: PDF preferred (RTF, MSWord, or Pages accepted).

3. Double-spaced format.
4. Citation of all sources of facts and ideas.
5. Use proper citation form.
6. The paper should be about 2,000 to 4,000 words.
7. Type style should be a 12-point serif font, such as Times Roman.

Students with disability

Reasonable accommodations will be made to ensure your equal access to course content. If you have a documented disability and require accommodations, please contact me privately at the beginning of the semester to make arrangements for necessary classroom adjustments. Please note, you must first verify your eligibility for these through the Center for Educational Access (contact 479-575-3104 or visit <http://cea.uark.edu> for more information on registration procedures).

Contact Information

Instructor: [Prof. Neal Fortin](#)

Telephone: 517-507-4080

Email: fortune@msu.edu

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