

# Focused on product recall

## *Preparing for emergency situations*

### What we do for our clients

We strongly believe in anticipation and preparation for when the worst happens and your business is interrupted.

There is much you can, and should, do to improve your ability to handle a crisis before it happens. You may find yourself facing the following dilemmas:

- Who will speak for the company?
- What should we say to the authorities?
- What impact will our actions have on our insurance cover?
- Could our directors and managers be personally liable?

We can help you work through these and other issues before they arise through:

- product liability awareness and crisis management training
- product recall training, including mock recall exercises
- preparation of crisis plans
- legal and regulatory compliance programmes
- brand protection and media training.

Intense media, public and shareholder attention may be focused on you. It's at this point that you need a team you can trust to work with you to protect your organisation and find solutions to the problems you face. Recent years have seen a significant increase in the number of recalls as a consequence of new consumer friendly legislation and a tougher enforcement regime.

We have an international team of lawyers with specialist experience in dealing with product liability, product safety and product recalls across a wide range of sectors, including manufacturing, automotive, consumer products, medical devices, aerospace, food and pharmaceutical.

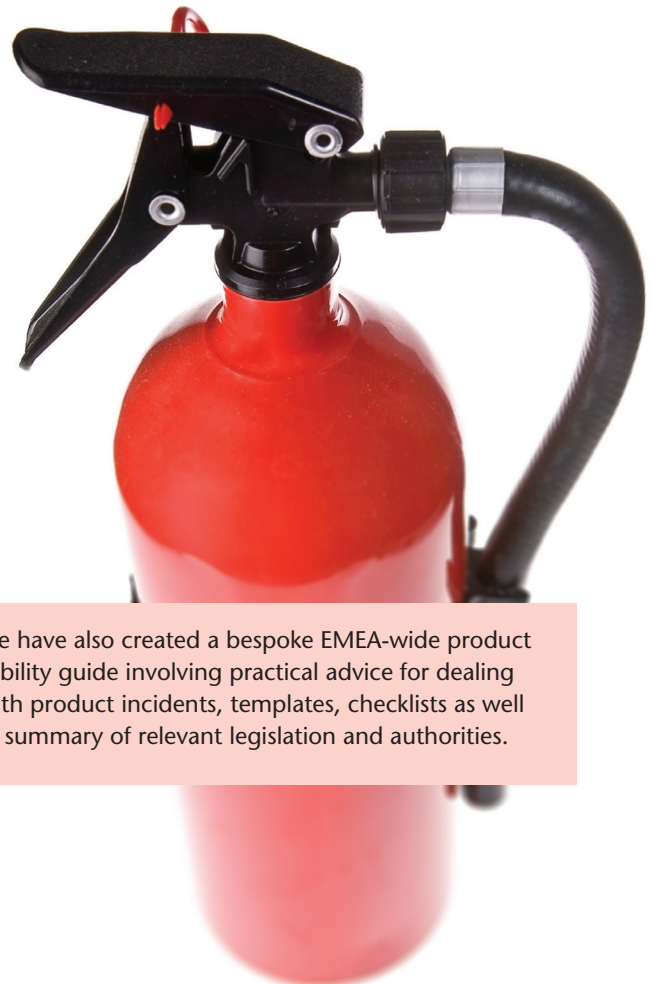
We have an international 24/7 'code red' crisis management response telephone number (+44 20 7919 0828) providing your business with immediate support and legal advice.

### Innovation

The first 48 hours after any incident are crucial. This is when key decisions are made which have long term implications. Our aim is to limit exposure, form an action plan and get the right team and strategy in place as quickly as possible, wherever you are in the world.

We work with you to ensure that:

- clear reporting lines and responsibilities are defined and adhered to
- contact with relevant authorities is handled sensitively and expeditiously
- any relationship management and international elements to the matter are anticipated and a response planned.



We have also created a bespoke EMEA-wide product liability guide involving practical advice for dealing with product incidents, templates, checklists as well as summary of relevant legislation and authorities.

# Focused on product recall

## Independent comment

*“Eversheds LLP has a multinational client base ... Richard Matthews is experienced in crisis management spanning the consumer goods, chemicals and medical device sectors.”*

**Legal 500 2010**

*“Richard Matthews ... has a broad practice acting for clients in the food and drink, consumer goods, automotive and aerospace fields. He is praised for his detailed and measured approach – he provides very clear guidance.”*

**Chambers & Partners 2010**

## Track record

Examples of our extensive experience in this area include:

- Advising on trade withdrawals and related supply chain claims and insurance issues arising out of Sudan 1 and Para Red contamination.
- Defending a series of claims, totalling in excess of £20m, brought by leading drinks manufacturers following the detection of trace levels of benzene in carbonated drinks.
- Acting for Inamed plc in the investigation, management and settlement of thousands of claims arising out of a Hazard Notice issued in respect of its Trilucent breast implants in multiple European jurisdictions.
- Advising a major insurance company on liability and quantum issues in relation to various pharmaceutical products withdrawn or subject to regulatory investigation in the United States and the EU.
- Defending automotive component suppliers from multi-million pound contractual claims arising from product recalls in Japan, the USA and Eastern Europe.

## Key contact

**Richard Matthews**

Partner

+44 113 243 4372

richardmatthews@eversheds.com

## Did you know?

- 1** We have a team of lawyers who specialise in defending criminal investigations and prosecutions that can arise from crisis situations and a reputation management unit who deal with the PR aspects of such incidents.
- 2** We have defended a number of ‘class actions’ arising from product failure and industrial accidents and can draw on experience of handling personal injury claims and the contractual and insurance issues that often arise.
- 3** Fabian Volz and Richard Matthews authored a chapter on the Practicalities of Managing a Global Recall in the 2010 International Comparative Legal Guide to Product Liability.
- 4** We have a network of expert product liability lawyers across our 47 offices in 29 jurisdictions. This enables us to provide a rapid and effective guidance to businesses facing international product liability crises.
- 5** Richard Matthews led the Eversheds team who drafted the Butterworths Lexis-Nexis online guidance on Product Liability for practitioners and was a UK member of the Task Force of the International Bar Association considering guidelines for the harmonisation of procedures for the recognition and enforcement of class actions.
- 6** Helping a multinational engineering conglomerate, Invensys plc, in the development and rolling out of an internet-based product liability risk management project involving the establishment of risk management procedures, best practice guidance, self assessment processes and ongoing monitoring for 500 businesses worldwide.