



Rick L. Shackelford

Shareholder; Co-Chair, Los Angeles Litigation Practice; Co-Chair, Class Action Litigation Group

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Litigation | Class Action Litigation | Antitrust Litigation & Competition Regulation | Advertising, Marketing, Sweepstakes & Promotions Law

Rick L. Shackelford's practice focuses on complex litigation in numerous fields, including consumer class actions, product liability, false advertising, bankruptcy, securities, insurance, real estate and commercial law. He has considerable experience in consumer class action litigation, having been involved in class actions in federal courts in several states. In addition, his practice includes trials and appeals, in many instances involving cases he has handled from their initial pleading stages. He has defended clients in consumer product liability cases, including Proposition 65 claims. He has also represented debtors and creditors in bankruptcy actions throughout California, as well as in Ohio, Texas and Nevada, and has defended and prosecuted avoidance actions.

Rick represents food and beverage companies in consumer class and individual actions alleging deceptive trade practices and false advertising, including challenges to nutrition, ingredient and health claims made in a variety of media. His significant experience includes successfully defending three clients in federal jury trials for alleged false advertising in violation of the Lanham Act and applying the "safe harbor" laws in two different district courts to bar consumer deception claims leveled against alcoholic beverage labels – the first such rulings ever applied to distilled spirits. Rick also handles claims for makers of dietary supplements, weight loss products, cosmetics and skin care products in California based upon claims that the products are ineffective or unlawfully marketed as unapproved drugs

Concentrations

- > False Advertising
- > Consumer Product Liability
- > Food & Beverage
- > Toxic Torts

Significant Representations

Food & Beverage

- > Served as lead trial counsel in defending Tropicana Products Co., Inc., Welch Foods, Inc. and Ocean Spray Cranberries, Inc. in three separate jury trials involving claims of false advertising in violation of the Lanham Act. All three cases resulted in defense judgments.
- > Represented PepsiCo, Inc., Smart Balance, Inc., Ocean Spray Cranberries, Inc. and Welch's Inc., as well as numerous other companies in consumer class actions alleging false advertising.
- > Served as lead counsel for PepsiCo in several consumer class action cases based upon claims of benzene in soft drink products and in connection with allegedly deceptive marketing of cereal products.
- > Counseled clients on potential consumer claims based upon the marketing of food products sweetened with sucralose and on California's Proposition 65.

Consumer Product Liability

- > Defended manufacturers of asbestos-containing products in several cases in California state courts, including trials in 2012 and 2013.
- > Represented Mattel in consumer claims of lead paint in toys and on California's Proposition 65.
- > Represented tobacco companies in numerous product liability cases, including both individual smoking cases and smoker class actions in California, Arizona, Nevada, and Minnesota.
- > Represented Lehman Brothers in the defense of claims arising from the KPMG tax shelter scandal.

Professional and Community Involvement

- > Member, American Bar Association
- > Member, Los Angeles County Bar Association
- > Member, Association of Business Trial Lawyers Los Angeles

Awards and Recognition

- > Selected, *Law360* MVP "Food & Beverage," 2016
- > Team Member, a *Law360* "Food & Beverage Practice Group of the Year," 2015
- > Listed, *Los Angeles* and *San Francisco Daily Journal*, "[Top 20 Defense Verdicts](#)," 2011
- > Named, Client Service All Star, *BTI Client Service All-Stars Report*, 2011
- > Rated, AV Preeminent® 5.0 out of 5

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Key Clients

- > PepsiCo, Inc.
- > Tropicana Products Co., Inc.

- > Welch Foods, Inc.
- > Ocean Spray Cranberries, Inc.
- > Smart Balance, Inc.
- > CVS Pharmacies

Articles, Publications & Lectures

- > Presenter, "All Natural to Zero Calories: The A to Z of Claims," Natural Products Expo West, Anaheim, CA, March 10, 2017
- > Co-Author, "Key Class Action Takeaways From *Briseno v. ConAgra Foods*," *Law360*, January 17, 2017
- > Author, "Who's the 'Ascertainable' Putative Class?," *San Francisco Daily Journal*, October 21, 2016
- > Author, "A Potential Secret Sauce for Mooting Class Claims," *Law360*, September 29, 2016
- > Presenter, "Hot Topics in Retail - Advertising & Marketing Law," Greenberg Traurig Retail Industry Group Seminar, New York, NY, September 28, 2016
- > Panelist, "Litigation Proofing, Litigation Strategy, and Risk-Management," FDLI Food Advertising, Labeling, and Litigation Conference, Washington, D.C., September 14-15, 2016
- > Author, "In California, the 'Reasonable Person' Still Helps Consumer Class-Action Defendants," Legal Backgrounder, July 29
- > Presenter, "Labeling Litigation: Strategies for Marketing Products While Avoiding the Courtroom," Natural Product Expo West, Anaheim, CA, March 11, 2016
- > Speaker, "A Recipe for Disaster: Crises that Can Arise in the Restaurant Industry and How to Respond," Philly Chef Conference, Philadelphia, PA, March 7, 2016
- > Speaker, "Food Labeling Litigation," ACI 4th Summit on Food & Beverage Consumer Fraud Litigation, San Francisco, CA, Jan 26, 2016
- > Speaker, "Food Labeling," 2015 National Council of Farmer Cooperatives (NCFC) Annual Conference, San Diego, CA, Feb 12, 2015
- > Featured, "Checking In: Rick L. Shackelford, Greenberg Traurig, LLP," *Practical Law The Journal*, February/March 2014
- > Speaker, "You're Facing a Consumer Fraud Class Action, Now What?: Leveraging Strategic Approaches to Weather the Storm and Increase Your Chances of a Successful Outcome from the Beginning," 3rd Advanced Summit on Defending Food & Beverage Consumer Fraud Litigation, San Francisco, CA, January 28, 2014
- > Featured, Top Verdicts of 2011: Top Defense Verdicts: Pom Wonderful LLC v. Ocean Spray Cranberries Inc., Los Angeles and San Francisco Daily Journal, February 15, 2012

Education

J.D., *cum laude*, Arizona State University Sandra Day O'Connor College of Law, 1990

- > Willard Pedrick Scholar
B.A., *cum laude*, Harvard University, 1986
- > Harvard College Scholar

Admitted to Practice

- > California