

Foreword

I admit that I agreed to pen the foreword for this book long before the several pounds of paper landed on my desk, where it sat for several weeks. It looked too much like the textbooks that I was so averse to opening in law school some twenty-five plus years ago.

Eventually I started thumbing through some pages. Before traveling to visit a food poison client or to speak at a food safety conference, I would grab a chunk of chapters for reading on the plane. Air travel today is not what it used to be. So I found sections like “Business Risk Exclusion,” “Cartagena Protocol on Biosafety,” and “Poultry Product Inspection Act” perfect for those long delays in Chicago, Beijing or Atlanta. Also, given the size of my ego, I spent some time looking for references to me. I was pleased to find at least one.

It occurred to me that I have been around on the scene since the dawn of foodborne illness litigation as we have come to know it. True, we have suffered foodborne illnesses (food companies’ lawyers might argue that consumers are usually to blame—a.k.a., contributory fault) for as long as we have been eating food. But it was the Jack-in-the-Box *E. coli* O157:H7 outbreak in 1993 that forced the issue into the open and launched one young lawyer down a new path.

Perhaps it was the size of the outbreak—over 650 sickened, many for life, while four children died—that focused the legal community, the scientists, the media and the politicians on a severe problem that begged for a solution. It also helped that in 1993 new forms of media like the Internet and 24-hour cable news enabled people to become even more obsessed with food that, for some, is more pornographic than just an opportunity to gather calories.

By the time I had worked my way through most of this book, I felt as though I was touring the neighborhood where I grew up. A section on damages brought back memories of a little girl I represented early on in my career. She suffered a brain injury, lost her large intestine and had to have a kidney transplant after eating contaminated meat. The causation chapters reminded me of the first times I had to tell a mother that I could not legally determine what food item was responsible for her child’s death. I could go on and on. My point is that I have lived

every one of the tragic scenarios described in this treatise. Or, I should say, my clients have lived them.

At this point I've represented well over tens of thousands of Americans poisoned by food. When I started, foodborne illness was not recognized as an area of expertise in the field of personal injury law. Now there's a treatise to guide the future generation of lawyers on how to litigate cases. I guess that in itself is evidence of the gravity of the problem.

For those not acquainted with my neighborhood, *Food Safety Law* will help you navigate the roads and give suggestions of areas of town to avoid. For those who know the territory, you will see things that you never noticed before, things that help explain why certain roads dead-end and why some restaurants are better to avoid.

Bill Marler