

Leading **LAWYERS**

Eleven of the D.C. Area's Top Food and Drug Attorneys

Richard Frank

Olsson, Frank and Weeda

Among food lawyers, Richard Frank holds a place at the top of the pyramid.

A partner in Olsson, Frank and Weeda, he makes the case for a wide range of food producers, including PepsiCo Inc. subsidiaries Quaker Oats and Tropicana and trade groups such as the National Confectioners Association.

Lawrence Graham, president of the candy-makers organization, describes Frank as "extremely knowledgeable about food law, the history behind the laws and regulations, and how companies can deal with and anticipate changes."

Graham adds that Frank, who serves as the group's general counsel, has proved to be "a great help with strategy and with crisis situations."

Frank, 54, says he sees himself as "a choreographer." He explains: "There isn't just one way to address an issue. I try to bring to bear what Washington offers to move a matter for a client." This might include litigation, lobbying, or reaching out to consumer groups and the press.

This multidisciplinary approach was on display in a high-profile win in a dispute over the word "fresh." Frank's clients—several California tomato processors and an orange-juice maker he declines to identify—objected to the use of the word on labels for Ragu Foods' Fresh Italian pasta sauce and the Procter & Gamble Co.'s Citrus Hill Fresh Choice orange juice. Both products, Frank argued, could not be considered fresh, since they were made from concentrated tomato paste or concentrated orange juice.

The Food and Drug Administration "had not gone after labeling in 30 years. They didn't have the resources," Frank recalls. "So how do you get the FDA to actually do something?"

His solution: Partner with consumer groups, state attorneys general, and the media, and "keep hammering." In 1991 the FDA cracked down, even ordering U.S. marshals to seize a shipment of improperly labeled Citrus Hill juice.

In another food-labeling victory, Frank represented the National Turkey Federation in a fight against the pork industry—first before the U.S. Department of Agriculture, then in

federal courts—over the right to use the term "turkey ham" for a cured-turkey-thigh product.

He also helped the National Frozen Pizza Association (and continues to serve as the group's general counsel) in its efforts to prevent mandatory labeling of pizza made with nondairy cheese.

And recently, OmegaTech (now part of the Martek Biosciences Corp.) relied on him to get nutrient content claims approved by the FDA for the omega-3 fatty acids DHA and EPA.

Frank also chairs the nonprofit Food Institute, which provides information to the food industry.

But food isn't Frank's only business. He's currently pushing the FDA to change the rules for what he calls the "mouse type" that accompanies drug ads in magazines and other print publications. "No one reads it," he says. "And if they did, would they understand it? No."

So, Frank says, "we're trying to get the FDA to rationalize" this requirement. His idea: a "drug-facts" box, similar to the nutrition-facts box required for food products.

In this effort he's representing Catalina Health Resource, which works with drug companies and retail pharmacies to provide patients with information about their conditions and medicines. They're working in partnership with the National Consumers League on the issue.

Craig Scott, president of Catalina, calls Frank "a very strong partner to our business for more than 10 years" and "a real consigliere." Scott adds, "He's not only a very determined, dogged, and creative lawyer, but he's also a good businessperson."

Frank earned his J.D. from the University of Michigan in 1976. He joined then-Collier, Shannon, Rill & Edwards before striking out with partner Philip Olsson in 1979 to form two-lawyer Olsson & Frank. (David Weeda, who died in 2001, became a name partner in 1987.) Frank has served as managing partner of the now-30-lawyer food-and-drug firm since the beginning.

He is also the founder of the 10K race Lawyers Have Heart, now in its 15th year. (*Legal Times* has been a race sponsor.) A longtime runner, Frank says he wanted to do something to help improve the public image of lawyers. His father had heart disease, and Frank saw the race as "a double good"—a way to raise money for the American Heart Association and to "show that the Washington legal community has some heart."

