SQUIRE PATTON BOGGS

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About Nicola

Nicola Smith has over 20 years' experience and specialises in regulatory compliance. Her expertise is wide ranging and covers product compliance, labelling, safety, conformity assessment, notifications, recall and licensing (alcohol, entertainment and goods vehicles, including local authority and traffic commissioner hearings). She advises on issues around a variety of regulated products, including food and drink, electrical and electronic equipment, machinery, automotive, medical devices, batteries, nutritional supplements, cosmetics, food-contact materials, packaging and general consumer product compliance, as well as safety and recall matters.

Nicola has advised on a number of potential recalls and notifications to competent authorities, as well as legal requirements in relation to composition, ingredients, labelling and marking, warnings, allergens, packaging requirements and claims. Nicola and her team also advise on matters related to general product compliance, such as restrictions on persistent organic pollutants and other substances (such as Bisphenol A (BPA) or per- and polyfluoroalkyl substances (PFAS)), restrictions on other materials (such as single-use plastic), "green claims" and issues related to regulatory controls in supply chains, such as those related to eco-design, deforestation, extended producer responsibility and waste.

Nicola acts for a wide range of businesses, from listed companies to entrepreneurs, and from original equipment manufacturers (OEMs) to downstream suppliers and retailers; and in addition to advisory work, she represents clients in enforcement action, including at interviews under caution, as well as hearings. Nicola also provides due diligence support on regulatory compliance matters on corporate, property and insolvency transactions and is also experienced in reviewing and advising upon due diligence systems. She has drafted manuals, protocols and compliance documents for numerous clients following such reviews.

Nicola also provides training to clients and other organisations. Examples include training to legal and marketing teams on allergen laws, green claims, food labelling requirements, food safety culture, the relevance of artificial intelligence (AI) to product safety laws, regulatory divergence post-Brexit, conformity marking and training to operational managers on licensing requirements and test purchases. She has also conducted mock interviews under caution. Nicola has presented on the management of global product recalls to members of a producer responsibility scheme, and on various food-law related matters to members of the Food and Drink Federation (FDF), Campden BRI, Westminster Forum and the UK Association for Food Protection (UKAFP). She has also provided training twice to representatives of the Chinese Food and Drug Enforcement Agency visiting the UK to understand the application of medicines and food and drink laws; and has written for the food edition of the American Bar Association (ABA) publication on recalls due to labelling errors, as well as authoring numerous articles for Sedgwick's Product Recall Index; and numerous practice notes on alcohol licensing for LexisPSL.

Experience

Licensing

- Contested licence application hearings nationwide, including in Westminster, Islington, City of London, Camden, Cardiff, Wolverhampton, Fareham, Preston and many others.

- Review hearing for a licensed premises in South Yorkshire following a series of failed test purchases. The clients volunteered additional conditions on our advice at the hearing and avoided any suspension or revocation of the licence.
- Appeals to Magistrates Courts against decisions of Licensing Committees, including successfully appealing conditions imposed on an off-licence by the Liverpool Committee.
- Various enforcement matters, including investigations into failed test purchases and representing clients in subsequent PACE interviews; dealing with voluntary closure requests from police and negotiating various conditions to avoid formal review of the licence; and agreeing the reduction of a closure period in respect of a police closure notice for underage sales.

Food Law

- Training to the EU legal team of a global catering company on food law, including EU Food Information for Consumers Regulation and Food Safety Law.
- Advising on reporting obligations and due diligence procedures following the horsemeat scandal.
- Advising a US-based manufacturer of an energy drink on labelling requirements in the EU, national requirements in the UK and Ireland, and checks on draft labels for Germany.
- Advising a retailer on the recall of a chocolate bar contaminated with plastic.
- Advising intermediate manufacturers on requirements under legislation governing food contact materials and potential enforcement action for breaches of composition and labelling requirements.
- Advising a vending machine operator on food labelling requirements on impulse machines and hot drink machines, including in relation to allergens.
- Advising on various matters, including labelling, risks and liabilities under Food Information Regulations, rules on additives and irradiated ingredients, vitamin claims, marketing terms, requirements for notification to the FSA, withdrawal and/or recall.
- Advising a US-based supplier and European subsidiary on labelling requirements for various CBD product types, including food supplements, pet products and cosmetics, and advice to a UK drinks manufacturer on the use of CBD as an ingredient, including in relation to “novel food” status.
- Advice to a Germany-based producer on UK laws as part of cross-jurisdictional advice on food labelling (natural claims) managed from Germany.
- Advising a producer of food packaging labels on obligations under Plastic Food Contact Material laws and composition requirements for adhesives and printing.
- Advising an independent drinks producer on potential liability for protected geographical indications.

Other Products

- Advising a vehicle manufacturer on requirements for UKCA marking of parts and vehicles imported from the EU into the UK following Brexit.
- Advising various clients on classification of products as medical devices, including borderline products potentially also classified as cosmetics, medicines and/or general consumer products.
- Advising US-based businesses on economic operator status for import of products to the EU and the UK, and requirements for the importer and/or authorised representative to undertake local compliance responsibilities, including labelling obligations.

Goods Vehicle Operator Licensing

- Advising numerous operators on preliminary hearings before Traffic Commissioners following bridge strikes by company vehicles, including preparation for hearings and representation.
- Assisting a holiday business with variation to an operator licence and subsequent public inquiry to consider application and numerous objections.
- Assisting a PLC client with response to the DVSA Examiner and Traffic Commissioner following a failed depot inspection and a roadside encounter.

Corporate Support

- Licensing due diligence in connection with the purchase of a music festival, as well as due diligence and drafting clauses for sale agreements, leases and other commercial documents for many other transactions.
- Due diligence on sales and acquisitions of various food manufacturing and food service businesses, including reviews of local authority records, third-party certifications, enforcement history and raising appropriate enquiries.
- Advising administrators on the effects of insolvency of a premises licence holder, completing security reviews with regard to licensed premises and submitting interim authority and transfer applications following insolvency. Also providing training to administrators on dealing with licensing issues on insolvency.

Credentials

Education

- De Montfort University, L.P.C., 2000
- University of Birmingham, LL.B., 1999

Admissions

- England and Wales, 2002

Recognitions

- Ranked in *Chambers UK* for Licensing and Product Liability – Food
- Recognised by *Legal 500 UK* for Product liability – Defendant
- Selected by *Attorney Intel* as a Top 25 Retail Attorney of 2025
- *Legal 500 UK* and *Chambers UK* testimonials include:
  - "Nicola is a very experienced and seasoned lawyer with a great knowledge of product liability, food safety and regulatory compliance. She works hard to provide the best advice for her clients".
  - "Nicola Smith is our first port of call for any regulatory issue. She is extremely good at cutting to the main issues".

Expertise

Services

- Litigation
- Environmental, Safety & Health

Industries

- Hospitality & Leisure
- Retail
- Sports & Entertainment

About our firm

One of the world's strongest integrated law firms, providing insight at the point where law, business and government meet. We deliver commercially focused business solutions by combining our legal, lobbying and political capabilities and invaluable connections on the ground to a diverse mix of clients, from long-established leading corporations to emerging businesses, startup visionaries and sovereign nations. More than 1,500 lawyers in over 40 offices across four continents provide unrivaled access to expertise.