



## INDIGENOUS INDUSTRY

# LOCAVORE LAWYER

*A Noyac-based practice helps farmers  
and food makers with red tape.*

BY EILEEN M. DUFFY

“Do you like lardo?” asks Jason Foscolo jumping up from his desk. It’s not a question you’d expect from a lawyer, but yeah, sure, I like lardo. And given this lawyer specializes in food and agricultural law, it isn’t just any lardo. It’s from some guys in New Jersey who are raising Mangalitsa pigs, a breed originated in Austria and known for its high lard content. A very fatty pig.

Foscolo moves from his spare home office in Noyac into the next room, the kitchen, and starts washing his hands and pulling out a cutting board and an expensive knife. From the fridge comes a snow-white cube of fat topped with herbs in a worn piece of waxed paper.

“I cured it myself,” he says, as he slices off an almost translucent sliver and presents it on the knife. It melts on the tongue without being greasy. It’s lightly salty and tastes of rosemary. It’s delicious.

Earlier Foscolo said he got into food law because of hedonism. Eating lardo with a writer at one o’clock in the afternoon on a work-day would count as that. But that lardo would have not gotten to New York had its producers not followed an intricate tangle of state and federal laws. You want to label your product organic? There are laws for that. You want to transport your food product across state lines? There’s a federal law for that, the Perishable Agricultural Commodities Act, enacted in 1930. You want to protect the integrity of hogs bearing the name Mangalitsa? Set up a trade association and abide by the laws that govern nonprofits and become aware of how legislation can affect and drive your market. Foscolo helped Mosefund Farm in Branchville, New Jersey, the guys who grew that lardo, create such an association, which was helpful with cost sharing for all the breeders when it came to labeling compliance.

And often, says Foscolo, the kind of people who are willing to throw it all in because they love making pickles don’t think about this kind of thing until confronted with the realities of the marketplace.

“This is where I come in,” says Foscolo, “to provide services to this new class of food entrepreneurs. They’re stepping into a very sophisticated industry, and they can get bit.”

A Long Island native, Foscolo attend Fordham University and the Pace School of Law. His first career choice was to join the Marines, where he worked as a judge advocate for five years, joining in 2005. His service sent him all over the world, but it was a stint in Japan where the food flag began to fly. “It was the first time I’d been outside my food culture, and it was one where they appreciated good simple food.”

Photographs: Lindsay Morris

Before that he had been the kind of foodie who made his own pasta, but now his fervor was so acute he considered going to cooking school.

As luck would have it, at the University of Arkansas School of Law there's an advanced law degree program that would marry his skills and interests. With the help of the G.I. Bill, he graduated with a master of law degree in agriculture and food law.

Afterward, he and his wife, Lisa, who is from Southampton, moved to the East End, and he started taking clients in February 2011. Terry and Lisa Harwood, owners of Vine Street Café on Shelter Island and Blue Canoe Oyster Bar and Grill, contacted Foscolo when they wanted to start bottling barbecue sauce under their Blue Canoe label. They had run into legal obstacles that seemed to prevent them from achieving their quality goals—they wanted local people to make the sauce using local organic tomatoes. “There was so much red tape,” says Lisa. “And we didn't want the solution to be making the sauce in a factory in New Jersey. Jason was able to bring all the people together that could make that happen.” It's important, says Lisa, because it is so complicated that a lot of people just give up.

There have always been food lawyers, says Foscolo, just they worked for General Mills or Kraft. It's new entrants to the food business without agriculture backgrounds who aren't aware that they're regulated in the same way as the conglomerates. “Which is where the fun stuff is,” he says. “Where all the innovation is.” And New York and Long Island are a center of it, he says, with the agricultural history of the East End and the processing facilities in Brooklyn. “One of the only sections of the economy that is growing is food processing,” he adds, recalling a recent food festival where he learned there are 22 pickle companies in New York City. “There are 22 people dunking cucumbers in salt and making a living at it. I love that.”



**Lardo and Law:** Attorney Jason Foscolo cures his own meats.

Foscolo's specialty has attracted attention across the country, where he will spend nearly two weeks of the month traveling for speaking engagements. This month it's the American Cheese Society on food law liability, a heritage meat trade group, the Farmer-Veteran Coalition, and nonprofits that facilitate veterans in agriculture by providing financing and training. Soon he'll be going to West Virginia for a USDA event, then to talk to the American Agricultural Law Association and then to teach a class on food law at Pace.

The bottom line he says is helping these food entrepreneurs improve their bottom line, to get the better food to more people. Like the lardo. “I'm emotionally invested in their success. I need to make sure that pig is back next year. It's back to that hedonism thing. I love what my clients have to sell.” 🍷

