



## Consumer Goods, Food and Retail

DLA Piper's Consumer Goods, Food and Retail Sector team is recognized for advising many of the world's leading organizations in the consumer goods, food and beverage and retail sectors. For businesses looking to expand into new product lines or territories, protect their brand and IP, understand the consequences of changing consumer spending habits, or comply with the regulatory regimes in all the jurisdictions where they have a presence, DLA Piper can help.

Consumer Goods, Food and Retail lawyers are based in offices across the Americas, Asia Pacific, Africa, the Middle East and Europe. We leverage our vast on-the-ground experience and global platform to work seamlessly across borders, supporting you wherever you do business.

We regularly advise companies in these industries:

- Food and beverage
- Grocery
- Health, beauty and personal care
- Household care products
- Investors and funders
- Retail and fashion

As the power of the consumer continues to rise, changing shopping behaviours, never has the consumer had more to say in the battle for customer centricity. This brings with it a number of challenges of which our lawyers regularly advise on, including:

- Wellness and wellbeing
- Sustainability
- Product and supply chain integrity
- Waste and accountability
- The rise of technology
- The use and ownership of customer data
- Distress on the high street
- Direct to consumer
- New ventures and acquisitions
- Crisis management

To find out more about our Consumer Goods, Food and Retail team, please contact either of our Global Co-Chairs.

### KEY CONTACTS

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### RELATED SERVICES

- Intellectual Property and Technology
- Real Estate
- Employment
- Corporate
- Mergers and Acquisitions
- Restructuring
- Litigation, Arbitration and Investigations

### Publications

#### Blockchain and Digital Assets News and Trends

23 November 2020

#### [BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)

IMF issues report on regulatory framework for CBDs and GSCs, SEC invites feedback on application of custody rule to digital assets.

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#### Law à la Mode

20 November 2020

#### [LAW À LA MODE](#)

Retail has had to adapt to COVID-19 with speed, ingenuity and resilience. But even bigger disruptions may be around the corner.

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#### Contracting for the climate: The Climate Contract Playbook is a trove of climate clauses

11 November 2020

Contracts have become an essential vehicle for companies seek to mitigate their environmental risks and limit their carbon footprints.

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#### Q&A: ACORE Capital

9 November 2020

Tony Fineman of ACORE Capital discusses the loan origination market and the repositioning of the retail sector.

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#### Q&A: Square Mile Capital Management, LLC

9 November 2020

Michael Lavipour of Square Mile Capital Management, LLC predicts the future of shopping malls and explains why now is a good time to lend on hotel assets.

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#### Chile: Drafting arbitration clauses in international contracts – practical aspects

26 October 2020

International arbitration has expanded considerably in recent years in Chile.

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#### Replacing NAFTA: What the USMCA means for the future of North American trade and investment – a Q&A

26 October 2020

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Contributors from the US, Mexico and Canada discuss several key considerations.

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### **Oman introduces VAT: A law firm's perspective**

22 October 2020

Prudent businesses operating in Oman are already planning for the implementation of Omani VAT and have started reviewing their legal arrangements and contracts.

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### **Blockchain and Digital Assets News and Trends**

21 October 2020

#### **[BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)**

SDNY finds Kin token is a security; unpacking the DOJ's cryptocurrency guidance – plus latest legal, regulatory and case law developments.

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### **China Enforces Tax Collection on Employees Working for Chinese-invested Enterprises Overseas**

16 October 2020

With the recent IIT reform in 2019, and the introduction of a number of implementation rules (particularly the tax policy on overseas income), it appears the China tax authorities are taking a harder stance on how overseas income derived by China tax residents will be taxed in China, starting with Chinese expatriates working for Chinese state-owned enterprises.

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### **COVID-19 – Galvanising your business against supply chain and customer insolvency risk**

7 October 2020

The risk of unforeseen counterparty customer or supplier financial distress and failure amidst the on-going challenges for businesses from COVID-19 means that pre-emptive legal and operational protections against the risk of heavy financial loss or business disruption from customer/supplier failure are more valuable than ever.

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### **Mass layoffs and collective redundancies guide**

6 October 2020

As COVID-19 continues to impact the global economy in unprecedented ways, companies that have had to scale back or shut down operations are bracing for what the next few months will bring, and what this means for their workforces. In this guide, we examine key considerations for employers looking to make permanent reductions in force across APAC.

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### **Consumer contracts affected by COVID-19: CMA Guidance**

25 September 2020

As uncertainties continue over the nature and timing of future restrictions relating to the 2019 novel coronavirus disease (COVID-19), businesses should proceed with caution when dealing with their consumer customers and contracts...

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## **UAE overhauls Economic Substance Regulations**

3 September 2020

The first ESR Report filing deadline is December 31, 2020.

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## **Sale of Lion Dairy and Drinks – not in Australia’s national interest**

27 August 2020

On Tuesday 25 August 2020, the Treasurer of Australia announced that the proposed sale of Lion Dairy and Drinks Pty Ltd (Lion Dairy) to China Mengniu Dairy Company Limited (China Mengniu) would not be within Australia’s “national interest”, effectively blocking the transaction. This article discusses the ramifications of the decision and how they could impact on foreign investment in Australia.

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## **Details of the second tranche of Hong Kong’s Employment Support Scheme released**

24 August 2020

On 18 August 2020 the Hong Kong government announced details surrounding the second tranche of the Employment Support Scheme. While the majority of the rules surrounding the second tranche remain largely the same as the first tranche, there are new penalties for employers who have fallen foul of a number of nebulous terms.

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## **Blockchain and Digital Assets News and Trends**

21 August 2020

### **[BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)**

California appellate court affirms judgment for Coinbase in lawsuit over Bitcoin Gold – plus latest legal, regulatory and case law developments.

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## **Release of exposure draft legislation for major reforms to Australia’s Foreign Investment Framework**

10 August 2020

Many governments around the world have been strengthening their laws relating to foreign investment. Australia is no exception to this development and has just released proposed sweeping reforms to its foreign investment regime. In this article, we provide a high level overview of the key proposed amendments and our thoughts on how some of those proposals are likely to affect foreign investment into Australia.

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## **The US-Mexico-Canada Agreement: A summary of changes in Mexico's laws**

6 August 2020

Mexico makes sweeping changes to an array of laws.

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## **Schrems II: Now what? New FAQs from EU data protection supervisors provide guidance on data transfers**

28 July 2020

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Organizations relying on Privacy Shield for transfers to the US of personal data subject to GDPR must immediately implement an alternative mechanism or cease transfers.

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### **Amid spike in positive cases, Puerto Rico tightens restrictions for businesses and tourism**

21 July 2020

The restrictions impact certain businesses, particularly in the food and beverage, entertainment and tourism industries.

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### **Hong Kong Government increases statutory entitlement for maternity leave**

16 July 2020

On 10 October 2018, the Chief Executive stated in her policy address that the government proposed to increase the statutory maternity leave entitlement from ten to 14 weeks.

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### **New Dutch Franchise Act poses challenges for franchisors**

1 July 2020

#### **[FRANCAST](#)**

The legislation offers a number of protections to franchisees, which will be problematic for foreign franchisors who transact with well-established Dutch franchisees. The law will take effect on January 1, 2021, although it provides a two-year transition period for existing agreements.

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### **Are you ready for the USMCA? Customs-related takeaways on key changes from NAFTA**

30 June 2020

Claiming USMCA duty advantages – practical considerations.

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### **Changes to Hong Kong anti-discrimination legislation**

30 June 2020

Anti-discrimination laws in Hong Kong have undergone a series of changes over the past few years.

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### **Blockchain and Digital Assets News and Trends June 2020**

18 June 2020

#### **[BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)**

World Economic Forum announces Presidio Principles as a foundation of blockchain ecosystem design – plus latest legal, regulatory and case law developments.

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### **World Economic Forum announces Presidio Principles as a foundation of blockchain ecosystem design**

18 June 2020

WEF's foundational values for a decentralized future.

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### **Boardroom Brexit - 15 June 2020**

15 June 2020

#### **BOARDROOM BREXIT**

Boardroom Brexit - Britain rules out extension (15 June 2020).

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### **Afghanistan's Food & Beverage Market and COVID-19**

28 May 2020

Afghanistan is a frontier market and an importer of a variety of food products; and in the last two years has undergone a record number of business reforms meaning there are significant opportunities for international food and beverage companies in the Afghan market, even in the midst of COVID-19.

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### **Blockchain and Digital Assets News and Trends**

20 May 2020

#### **BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS**

California may limit application of securities laws to tokens, French court says bitcoins are fungible assets – plus latest legal, regulatory and case law developments.

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### **Consumer Goods, Food and Retail Top of Mind: COVID-19 sector insights**

20 May 2020

In this time of growing uncertainty, we recognize that many of our clients are facing unprecedented challenges arising from the coronavirus disease 2019 (COVID-19) pandemic.

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### **US takes action to abate tariffs and duties in wake of COVID-19**

8 May 2020

US importers may consider navigating the various tariff exemptions and deferrals in several ways.

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### **BIS announces three new rules that place significant restrictions on exports to China**

7 May 2020

These rules will subject many products and technologies to new US export control licensing requirements.

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### **Coronavirus: Changes to rules governing meetings and the execution of company documents (Australia)**

7 May 2020

Certain requirements in the *Corporations Act 2001* (Cth) (**Corporations Act**) relating to shareholders meetings, and document

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signatures, are not compatible with public health requirements for social distancing during the coronavirus pandemic. In order to facilitate these important corporate functions during this period, on May 6, 2020 the Australian Federal Government introduced the Corporations (Coronavirus Economic Response) Determination (No. 1) 2020.

This determination modifies the legislative requirements regarding meetings and execution of company documents. These changes come into force on 6 May 2020, and will expire after six months, on 5 November 2020.

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## **COVID-19: New York and Other Northeast Council states take phased approach to reopening economy**

6 May 2020

These developments raise a number of immediate questions and considerations for businesses operating in the region.

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## **Coronavirus: Cancellation of consumer contracts and consumer law enforcement in the UK during the pandemic**

6 May 2020

While various COVID-19-related special measures have already been announced by the UK government to alleviate the impact on businesses, is there anything special for businesses dealing with consumers who did not receive or use what they paid for because of coronavirus-related restrictions?

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## **CFIUS filing fees effective as of May 1, 2020: What you need to know**

5 May 2020

The filing fees go into effect and must be paid for transactions filed on or after May 1, 2020.

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## **Economic relief for hemp farmers in new round of funding in response to COVID-19**

5 May 2020

The new stimulus package is a more apparent green light for hemp businesses to obtain financial aid.

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## **Coronavirus: Directors' duties and making decisions in a crisis (Australia)**

4 May 2020

Directors need to carefully consider the risks of the COVID-19 outbreak within their business, given its impact on the global economy. As many now face significant, and increasing, cash flow pressure, directors should carefully consider their actions in the context of the legal framework.

In this new guide we have set out the practical steps directors should be taking to protect their company and its business going forwards.

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## **Food and beverage COVID-19 regulatory updates**

1 May 2020

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Ongoing commentary and guidance from US regulators.

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### **Covid-19: Advertising guidance for brands (UK)**

30 April 2020

The outbreak of COVID-19 is an unprecedented and rapidly-evolving challenge to businesses in all sectors. In the context of advertising, marketing and social media communications, the overwhelming regulatory focus has been on preventing the exploitation of consumers and on limiting the spread of misinformation.

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### **Law à la Mode**

30 April 2020

#### **[LAW À LA MODE](#)**

Law à la Mode: top tips for social media campaigns, the expansion of copyright protection in the UK, compulsory labelling in Russia, an interview with Deploy's Founder and Creative Director Bernice Pan and more

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### **Post-COVID-19: What to expect in the "next normal"**

30 April 2020

Issues that are front of mind, based on an informal survey of some of the largest companies and most influential global business leaders.

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### **eSignature and ePayment News and Trends**

30 April 2020

#### **[ESIGNATURE AND EPAYMENT NEWS AND TRENDS](#)**

Some key considerations for lenders looking to close loans electronically, either in person or remotely, plus latest regulatory, legal and case law developments around eSignatures and ePayments.

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### **COVID-19: Critical due diligence considerations for M&A, financing and strategic corporate transactions in the retail industry**

29 April 2020

Parties to retail-related transactions must consider unprecedented issues.

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### **Coronavirus: reopening businesses – compliance risks**

24 April 2020

Companies looking to reopen are urged to do so in compliance with varying, changing government restrictions to avoid longer term liabilities that could potentially outweigh short term gains

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### **Strengthening franchise systems post COVID-19: Strategic acquisitions**

23 April 2020

For franchise companies looking for strategic opportunities, a discussion of transaction structures.

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### **Hong Kong government approves Hotel Sector Support Scheme**

22 April 2020

The Hong Kong government has approved a Hotel Sector Support Scheme. Please find more information and how to contact us on our website if you have any queries.

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### **Hong Kong government approves catering sector one-off subsidy**

22 April 2020

The Hong Kong government's Finance Committee met on Friday and Saturday to discuss and approve further details surrounding its Anti-epidemic Fund.

The Committee approved the terms of a government paper published last week which clarifies certain additional details in relation to the one-off subsidy for the catering sector as set out below. This is a new development following our previous alert, which was published on 10 April.

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### **Guidance from the courts (England and Wales) on the application of the Covid-19 Job Retention Scheme (or employee furlough) in administrations.**

21 April 2020

The High Court has given directions to the administrators of each of Carluccio's Limited and Debenhams Retail Limited on the application of the Covid-19 Job Retention Scheme, but can the government tread a course that protects the rights of employees and follows the scheme?

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### **Proposed amendments to Hong Kong's Employment Support Scheme**

21 April 2020

The Hong Kong government's Finance Committee met today, Friday 17 April, to discuss and approve further details surrounding the Employment Support Scheme in response to coronavirus COVID-19.

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### **US antitrust enforcers on high alert for collusion in labor markets during COVID-19 pandemic**

21 April 2020

#### **[ANTITRUST AND COMPETITION: NOVEL ISSUES IN A POST-CORONAVIRUS WORLD](#)**

Antitrust enforcers are closely monitoring employer coordination to disadvantage workers.

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### **Puerto Rico's Emergency Paid Sick Leave Act is in force**

16 April 2020

The Act will also apply in case of future epidemics in which the Puerto Rican government declares a state of emergency.

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## **Adapting to a new consumer market**

15 April 2020

As consumer-facing businesses consider changes in their business models, avoiding legal pitfalls in some key areas is necessary for a successful transition.

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## **US CPSC advises consumers certain recall remedies may be unavailable due to COVID-19 – four key takeaways**

15 April 2020

Guidance will evolve as the pandemic develops, and CPSC-regulated firms are encouraged to consider these actions.

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## **COVID-19: New York State provides new guidance on essential businesses**

13 April 2020

The Guidelines raise a number of immediate questions and considerations for New York businesses.

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## **FDA COVID-19 updates for the food and beverage industry**

13 April 2020

### **FOOD AND BEVERAGE NEWS AND TRENDS**

FDA issues guidance to serve as a food safety resource during the COVID-19 pandemic, plus other late-breaking developments in the food and beverage sector.

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## **Main Street Lending Program: Federal Reserve unveils emergency lending facilities for small and mid-size businesses up to 10,000 employees**

13 April 2020

The Fed announces new steps it is taking to provide loans to assist employers of various sizes, as well as to strengthen the ability of state and local governments to deliver critical services during the pandemic.

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## **UK government to provide additional financial support measures for mid-market business impacted by COVID-19**

9 April 2020

On 3 April 2020 the Chancellor announced a new scheme for larger companies, with the creation of the new Coronavirus Large Business Interruption Loan Scheme (CLBILS) to ensure that more firms are able to benefit from government-backed support during this difficult time.

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## **Contract analysis in a crisis: flowcharts**

7 April 2020

Flowcharts providing considerations for analyzing commercial contracts in the context of the COVID-19 pandemic through a

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logical process flow that can serve as a practical checklist.

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### **Coronavirus - Mitigating supply chain and customer insolvency risk (Canada)**

7 APR 2020

The on-going impact of the COVID-19 outbreak could have a significant impact on your global supply and customer chains.

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### **Cost-cutting considerations in the time of COVID-19 (Part 3 – employment issues outside the US)**

7 April 2020

A deeper dive into various cost-saving measures and their viability for employers outside the US.

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### **A balance between the government, the private sector and the needs of the people: Invocation of rarely used provisions to ensure public safety during the COVID-19 pandemic**

6 April 2020

The Defense Production Act, compulsory licensing and march-in rights are means for authorizing the government to step in and assert rights against private companies.

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### **COVID-19 and the "essential business" designation: Practical guidance for businesses that fall in the gray area between "essential" and "non-essential"**

6 April 2020

Certain frequently asked questions as well as practical guidance.

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### **Coronavirus: The Defense Production Act's authorities and limitations in the fight against COVID-19**

6 April 2020

The DPA has significant implications for companies receiving a direct order from the President and for the subcontractors and suppliers behind them; meanwhile, recent legislation has created procurement opportunities under the DPA.

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### **COVID-19: Financial relief programs for hemp and hemp-related businesses**

3 April 2020

What the relief bill may mean for the cannabis industry.

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### **Beyond social distancing: What employers need to know to keep their workplaces safe and manage privacy obligations in the face of COVID-19**

2 April 2020

Guidance from OSHA, EEO and CDC to help employers seeking to protect the health, safety and privacy of their on-site

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employees.

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## **eSignature and ePayment News and Trends**

March/April 2020

### **[ESIGNATURE AND EPAYMENT NEWS AND TRENDS](#)**

COVID-19 special edition

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## **Coronavirus: Cybersecurity considerations for your newly remote workforce (United States)**

31 March 2020

Cyber risk management involves balancing the productivity of a workforce with ensuring confidentiality, integrity and availability of the company's own systems and data, as well as that of their supply chain.

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## **Coronavirus: DHS Response to COVID-19 - What US Employers Need to Know**

29 March 2020

Key questions and answers related to the new DHS guidance.

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## **Coronavirus: US State AGs ramp up efforts to combat price gouging**

29 March 2020

### **[ANTITRUST AND COMPETITION: NOVEL ISSUES IN A POST-CORONAVIRUS WORLD](#)**

State Attorneys General throughout the country are vigorously enforcing state unfair trade practice and price gouging statutes against those alleged to be taking advantage of consumers during the COVID-19 pandemic.

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## **Coronavirus: Employer's guide to the California Stay at Home Order and the Bay Area Shelter in Place Orders**

27 March 2020

Many Northern California employers are seeking to reconcile their obligations under these orders. This Alert will address some of the uncertainties associated with dual compliance for Northern California employers.

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## **ESG: The rise of private ordering and the role of the NCGC committee (United States)**

26 March 2020

### **[ESG HANDBOOKS AND GUIDES](#)**

This inaugural ESG handbook, part of our 2020 Proxy Season Hot Topics series, aims to help public companies as they develop and maintain a robust ESG program.

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## **Blockchain and Digital Assets News and Trends**

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25 March 2020

## **BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS**

The age of viral outbreaks – key contract considerations in a post-COVID-19 world, plus latest legal, regulatory and case law developments around blockchain and digital transformation.

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### **Coronavirus: Cyber hygiene practices**

25 March 2020

While the world is responding to the coronavirus disease 2019 (COVID-19), and individuals are increasingly focused on personal hygiene and social distancing, augmenting cyber hygiene efforts at home and at work are increasing in importance too.

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### **Coronavirus: Employee furloughs, reductions-in-force and similar temporary cost-saving measures (Part 2 – Employment issues outside the US)**

25 March 2020

A general overview of key employment issues to consider outside of the US in light of COVID-19.

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### **Coronavirus: Employee furloughs, reductions-in-force and similar temporary cost-saving measures in the US - Part 1**

25 March 2020

Key employment-related issues for US-based employers in relation to cost-saving measures due to COVID-19.

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### **Coronavirus: Several state and local governments issue “shelter in place” orders (United States)**

23 March 2020

Between March 17 and 22, state and local governments have promulgated at least a dozen “Stay-at-Home” / “Shelter-at-Home”-type Orders. This alert provides details on a number of state and local government orders.

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### **[UPDATED] New stay at home orders in California and Los Angeles: key highlights**

23 March 2020

The orders all exempt various businesses from compliance, but the orders have different scopes.

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### **90-day deferral for US federal income tax payments**

20 March 2020

Those who decide to defer their federal tax payments will be able to do so on a penalty-free and interest-free basis, with penalties and interest beginning to accrue for payments submitted after July 15, 2020.

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### **COVID-19 and food – FDA position (United States)**

19 March 2020

For help considering potential impacts of FDA touchpoints.

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## **COVID-19: The benefits of US chapter 11 relief in a time of economic crisis**

19 March 2020

Highlighting some of the most significant benefits of US chapter 11 for companies facing severe challenges under the current circumstances.

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## **Coronavirus: Federal government stimulus response – Massive stimulus package may move through US Congress at “warp speed”**

19 March 2020

The economic stimulus package taking shape may be the biggest one ever.

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## **Coronavirus: executive summary - key highlights from Washington (March 19, 2020) (United States)**

19 March 2020

Key highlights for March 19, 2020.

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## **COVID-19: As diagnostic companies and laboratories ask “how can I help?” FDA responds with unprecedented regulatory flexibility, seeking to achieve more rapid testing capacity in the US**

18 March 2020

Options expand for life science, healthcare and other stakeholders.

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## **Real Estate Gazette: Operational Real Estate**

17 March 2020

### **REAL ESTATE GAZETTE**

Operational real estate is a rising star in the real estate investment market. One element that makes this asset class so interesting is the various sub sectors it covers, each calling for specialist experience and practical know-how in both commercial and legal terms.

That diversity is reflected in this issue, we hope you enjoy it.

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## **US employee benefits and the coronavirus**

17 March 2020

Some of the many benefit plan issues that employers are facing.

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## **Coronavirus: Congress expected to pass expanded paid leave (United States)**

16 March 2020

The paid leave requirements in the current version of the Families First Coronavirus Response Act.

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## **Coronavirus: federal and state tax relief (United States)**

16 March 2020

Congress and state legislatures and administrative agencies are working hard to provide necessary tax relief for those affected by the coronavirus disease (COVID-19) pandemic.

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## **Coronavirus (COVID-19): ten practical steps for global employers, right now (Global)**

13 March 2020

These steps are not based on laws of any one jurisdiction but rather are designed to provide a global employer with themes to consider, understanding that what may be suitable for each employer may vary greatly depending on the employer's unique circumstances.

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## **Implications of the Single Use Plastics Directive**

12 March 2020

New Regulations concerning Single Use Plastics (SUP) and other plastics all over Europe will be affecting the product compliance, design and manufacturing processes of the EU operating Food and Beverage industry substantially within the near future.

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## **Defending your supply chain against coronavirus COVID-19 (United States)**

9 March 2020

An action plan that companies can implement to make strategic decisions related to potential supply chain disruptions.

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## **Court of International Trade blocks expanded Section 232 tariffs on certain US imports, prompting others to take legal action**

4 March 2020

The first injunction in an appeal filed by a US importer challenges the expansion of the tariffs on constitutional and procedural grounds.

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## **Coronavirus COVID-19 and corporate governance (Australia)**

18 February 2020

The coronavirus COVID-19 outbreak and ensuing government restrictions raise corporate governance concerns and create areas of risk across the ESG spectrum that should be considered by companies and their directors and officers.

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## **Coronavirus COVID-19 and other supply chain disruptions (UK)**

14 February 2020

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In a world of increasingly long, international and interdependent supply chains, the coronavirus COVID-19 outbreak is just the most recent event to highlight the ever more complex considerations arising from a disruption to supply.

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### **When is an outbreak an act of God? Mitigating commercial and operational risks during the COVID-19 crisis (Global)**

13 February 2020

A close look at a standard but often overlooked "act of God" or force majeure clause in contracts may provide some insight into options for mitigating commercial and operational risks during the ongoing health crisis.

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### **An update on the impact of the coronavirus on business in Singapore**

12 February 2020

Due to the evolving 2019-nCoV acute respiratory disease (the COVID-19) situation, the Ministry of Health (the MOH) and the Ministry of Manpower (the MOM) have, since January 2020, issued advisories which employers will need to be aware of. In particular, the MOH and MOM have, since our last update on February 12 2020, updated and issued new advisories due to the increased risk of importation of COVID-19 into Singapore.

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### **COP25's key outcome: adoption of the San Jose Principles on carbon market mechanisms – takeaways for business**

12 February 2020

Ambitious countries are not waiting for full consensus on carbon markets.

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### **Coronavirus COVID-19 and force majeure: How are your contracts being affected? (Europe)**

12 February 2020

The outbreak of coronavirus COVID-19 has caused, and continues to cause, great uncertainty for businesses around the world.

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### **Coronavirus COVID-19: The legal impact on force majeure events (Australia)**

12 February 2020

Key considerations for parties that may wish to declare a force majeure event or dispute the declaration of a force majeure event by a counterparty in relation to coronavirus COVID-19.

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### **Hong Kong Government introduces mandatory quarantine measures**

11 February 2020

On 9 February 2020, the number of deaths due to the rapidly spreading coronavirus in Mainland China officially surpassed the figure seen during the 2002/2003 SARS epidemic.

Numerous governments have been implementing restrictions barring entry to those with recent travel history through Mainland China, including Singapore, Japan, Australia and the United States. Following pressure from public health workers, the Hong Kong

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Government has now followed suit and has begun a mandatory two-week quarantine for anyone arriving from Mainland China.

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### **How to resume business amid the coronavirus outbreak (China)**

11 February 2020

As reported in our previous article, China has extended its Chinese New Year holiday and work suspension period as a result of the novel coronavirus outbreak which has now infected more than 40,000 people around the world.

This is a summary of the Back to Work Day and compensation for working before Back to Work Day in key cities and provinces across China.

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### **APAC employment issues arising out of the Coronavirus (AsiaPac)**

31 January 2020

On 29 January 2020, the number of confirmed cases of the rapidly spreading coronavirus in Mainland China officially surpassed the figure seen during the 2002/2003 SARS epidemic.

Multinationals with local operations around the APAC region have been significantly affected. As staff return to the office following the Chinese New Year holiday period, businesses are now considering what they can do to minimise any risk to health and safety and support staff through this challenging period where anxiety and uncertainty is rife, whilst at the same time complying with their employment obligations and maintaining business continuity. Putting in place detailed business and contingency plans and ensuring careful communications with staff to address key topics and concerns is key, as is keeping such plans and communications under frequent review given the fluidity of the current situation.

This alert considers some of the key issues that HR and business leaders should be considering across the APAC region.

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### **The President announces expansion of Section 232 tariffs expected to affect millions of dollars in US imports**

30 January 2020

The Proclamation authorizes the Department of Commerce to establish a process for requesting exclusions for affected parties located inside the US.

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### **Harsher penalties on discriminatory employment practices in Singapore**

29 January 2020

The Fair Consideration Framework was updated in January 2020 to impose harsher penalties on employers found to be engaging in discriminatory practices such as by favouring the hiring of foreigners over Singaporeans.

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### **China extends holidays for workers amid coronavirus outbreak (China)**

28 January 2020

Learn about how the widely publicised corona virus outbreak affects business in Greater China.

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## **Brazil's new Franchising Law allows parties to settle their disputes by arbitration**

27 January 2020

The new framework aims to allow the expansion of franchising in Brazil through more legal certainty, transparency and simplification.

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## **The almost free US-Japan Trade Agreement is now in effect**

9 January 2020

This trade agreement reduces or eliminates US customs duties on numerous goods.

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## **Commerce imposes export licensing requirement on geospatial imagery software**

8 January 2020

Companies that produce, design, test, manufacture, fabricate, or develop a software described in the new controls may now be operating within the category of "critical technologies" as defined in CFIUS regulations.

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## **Different countries, different circumstances . . . but both require attention**

8 January 2020

### **[FRANCAST](#)**

Franchisors seeking to expand into Saudi Arabia will face significant regulatory hurdles, and those eyeing Indonesia will generally find a more relaxed regulatory regime.

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## **EU launches preparatory work for a global sanctions regime for human rights violations**

17 December 2019

On 9 December 2019, High Representative/Vice-President of the European Union Josep Borrell announced that the Foreign Affairs Council has agreed with strong consensus to start the preparatory work for a global sanctions regime to address serious human rights violations.

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## **Law à la Mode: Levi Strauss & Co and Google; Mystery shoppers and the GDPR; Monograms and trademarks; Counterfeit products in China and more**

16 December 2019

### **[LAW À LA MODE](#)**

The UK editorial team is delighted to bring you the 29th edition of *Law à la Mode*, the legal magazine produced by DLA Piper's Consumer Goods, Food and Retail sector group for clients and contacts of the firm worldwide.

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## **VAT - Monthly Alert - October 2019**

4 November 2019

### **[VAT MONTHLY ALERT](#)**

A summary of important VAT developments with implications for cross-border business operations.

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## **Beginning October 11, 2019: opportunity to obtain temporary reduction or suspension of US import duties**

7 October 2019

Miscellaneous Tariff Bill petitions can be submitted to the ITC until 5:15 pm EST on December 10, 2019.

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## **US Trade Representative imposes additional tariffs on EU goods following WTO decision in Airbus subsidies dispute**

7 October 2019

This decision marks the resolution of a 15-year WTO dispute over US claims of illegal subsidies to support Airbus production.

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## **With great influence comes great responsibility: potential liabilities in the growing influencer marketplace**

30 Sep 2019

What responsibility, if any, falls on the influencer for social media product endorsements?

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## **The CBD problem: searching for a legal pathway for CBD in foods and supplements**

20 September 2019

The current state of the laws and regulations in the US, and potential pathways to a resolution.

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## **US Trade Representative publishes fourth list of Chinese products subject to Section 301 tariffs**

19 August 2019

Yet more Chinese products will be subject to an additional 10 percent tariff.

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## **VAT - Monthly Alert - July 2019**

5 August 2019

### **[VAT MONTHLY ALERT](#)**

A summary of important VAT developments with implications for cross-border business operations.

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## **Dallas employees may not want to call in sick**

31 July 2019

An Austin-based conservative think tank filed suit this week against the City of Dallas arguing that the paid sick leave ordinance violates the United States Constitution.

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## **Puerto Rico changes its business permitting process**

22 July 2019

Among the most notable changes is the implementation of a Single Permit (Permiso Único).

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## **Who's that bot? California requires clear disclosure starting 7/1/2019**

20 June 2019

A California law attempts to tackle the problem of automated online accounts that simulate conversation – and that are used to confuse or deceive.

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## **Diversity and Inclusion - how does the retail sector fare in the boardroom?**

5 JUN 2019

With diversity and inclusion fast becoming a hot topic on the agenda for almost every business across the globe, there is no doubt that the requirement for a more diverse board is increasing.

The consumer goods and retail landscape is rapidly evolving. Now more than ever, consumers are seeking more diverse products from which to choose and a variety of different ways to shop. With the need for the overall customer experience to reflect this broadening diversity, is the sector sufficiently diverse to be equipped with the varied cultural knowledge and understanding to take on the challenge?

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## **Law à la Mode: Beauty Trends: 5 Key Beauty M&A deals; Street art and fashion; Word from the industry's mouth; The rise in innovative retail services; and more**

20 MAY 2019

### [LAW À LA MODE](#)

The Moroccan editorial team is delighted to bring you the 28th edition of Law à la Mode, the legal magazine produced by DLA Piper's Consumer Goods & Retail Sector Group for clients and contacts of the firm worldwide.

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## **Intellectual Property and Technology News (Asia Pacific) May 2019**

15 MAY 2019

### [INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS](#)

Intellectual Property and Technology News (Asia Pacific) is our biannual publication designed to report on worldwide development in intellectual property and technology law, offering perspectives, analysis and visionary ideas.

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## **Dallas passes ordinance requiring paid sick leave for private sector workers – key facts to know**

29 APR 2019

With the effective date rapidly approaching, companies with employees in the City of Dallas should become familiar with the ordinance and review their applicable policies.

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## **So you want to go digital...**

11 APR 2019

This article assists businesses in identifying the core issues that must be addressed to ensure the legal sufficiency of transactions conducted on eSignature platforms.

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## **Top of Mind: Litigation**

20 MAR 2019

In this issue, our coverage of 10 big topics businesses have been thinking about this quarter.

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## **PFAS: in California, regulators put cleanup levels on hold, but announce major data hunt**

7 MAR 2019

This data hunt will affect thousands of facilities, drinking water systems and private drinking water well owners.

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## **DLA Piper in Latin America: 2018 in review**

28 FEB 2019

While challenges always lie ahead, we are excited by the region's continuing growth.

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## **Data privacy law: the top global developments in 2018 and what 2019 may bring**

25 FEB 2019

In 2018, the world saw numerous significant privacy law developments, a trend that is continuing in 2019.

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## **Sharpen your pencils: California AG's Office announces start of its important CCPA pre-rulemaking and schedule for issuing its important CCPA rules**

13 FEB 2019

Because the CCPA is littered with drafting errors and confusing definitions, this AG rulemaking is extremely important.

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## **California Consumer Privacy Act: what's new for retailers?**

23 JAN 2019

Particular features of the CCPA affect the retail industry in unique ways.

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## **Global Employment Law Quiz 2019**

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11 JAN 2019

The annual quiz about global developments and trends in employment law.

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### **Singapore deposits OECD Multilateral Instrument**

8 JAN 2019

#### **[TRANSFER PRICING](#)**

Multinationals that have a holding, financing, or intangible property company in Singapore are taking note.

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### **Supreme Court Corner Q4 2018**

20 DEC 2018

A trademark case concerning the Lanham Act's prohibition of "immoral" marks; a patent case asking whether the government is a "person" under the AIA.

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### **Taking part in 2018 ANA/BAA Marketing Law Conference**

21 DEC 2018

Ben Mulcahy and Gina Reif Ilardi actively participated in the 2018 Association of National Advertisers/Brand Activation Association Marketing Law Conference in Chicago.

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### **The Music Modernization Act: stronger protections for artists and publishers**

21 DEC 2018

The MMA revamps the Copyright Act in three major aspects.

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### **eSignature and ePayment News and Trends**

20 DEC 2018

#### **[ESIGNATURE AND EPAYMENT NEWS AND TRENDS](#)**

In this issue, digitally transforming your business – the year's big legal and regulatory developments and breaking news.

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### **Global Anticorruption Newsletter**

5 DEC 2018

DLA Piper's *Global Anticorruption Newsletter* offers practical guidance on complying with international bribery laws.

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### **The European Data Protection Board issues long-awaited guidelines on the territorial scope of the GDPR**

30 NOV 2018

Among other provisions, the Guidelines concern GDPR's application to entities in the EU even when they process personal data of persons outside the EU.

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## **eSignature and ePayment News and Trends**

30 NOV 2018

### **[ESIGNATURE AND EPAYMENT NEWS AND TRENDS](#)**

In this issue, a fintech Q&A with the team, plus the latest developments from the legislatures, the regulators and the courts

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**Law à la Mode: Word of the industry's mouth; Enforcement of IP rights through Ukrainian customs register; E-commerce in Poland; The development of artificial intelligence in the fashion industry; and more**

26 NOV 2018

### **[LAW À LA MODE](#)**

The US editorial team is delighted to bring you the 27th edition of *Law à la Mode*, the legal magazine produced by DLA Piper's Retail Sector Group for clients and contacts of the firm worldwide.

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## **Slavery in the supply chain: new corporate reporting obligations for companies**

9 DEC 2015

### **[HEALTH, SAFETY AND ENVIRONMENTAL MATTERS SERIES](#)**

The UK's Modern Slavery Act 2015 is in force, imposing on companies new reporting requirements and new enforcement powers, including the creation of an Independent Anti-Slavery Commissioner.

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## **Supply chain planning in the post-BEPS era: five questions for MNEs**

22 JUL 2015

After BEPS actions are incorporated into OECD documents and local legislation, tax planning opportunities will still exist, but realizing the benefits of tax planning will require a greater emphasis on economic substance. One often-overlooked area of opportunity is tax-efficient supply chain planning.

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## **[EVENTS](#)**

### **[Previous](#)**

## **EDPB recommendations for safeguarding data transfers after Schrems II**

19 November 2020

Webinar

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## **Sustainability and ESG: A case study on Timberland's strategic alliance in Haiti**

28 September 2020

### **[SUSTAINABILITY AND ESG: A CASE STUDY ON TIMBERLAND'S STRATEGIC ALLIANCE IN HAITI](#)**

Webinar

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## **Sustainability and ESG: A case study on Timberland's strategic alliance in Haiti**

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## **Evolution of the global grocery market during and after COVID-19**

21 July 2020

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## **TopCo liability panel**

25 JUN 2019

London

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## **NEWS**

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### **DLA Piper advises Grupo Sports World in refinancing with HSBC, Banco Santander and Arrendadora Actinver**

17 September 2020

DLA Piper represented Grupo Sports World S.A.B. de C.V. in the refinancing of its debt before HSBC, Banco Santander and Arrendadora Actinver.

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### **DLA Piper advises Alsea and its subsidiaries in a multi-jurisdictional debt renegotiation and refinancing**

9 July 2020

DLA Piper represented Alsea S.A.B. de C.V. and its subsidiaries in the renegotiation and refinancing of Alsea's debt before Mexican and international banks.

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### **DLA Piper announces partnership promotions for 2020**

30 April 2020

DLA Piper is proud to announce that 67 lawyers have been promoted to its partnership. The promotions are effective as of April 1, 2020 in the United States and May 1, 2020 for EMEA and Asia Pacific. The promotions have been made across many of the firm's practice areas in 35 different offices throughout 13 countries.

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Across the firm's practices globally, Corporate saw the largest intake of new partners with 19 promotions, followed by Litigation and Regulatory with 15. Intellectual Property and Technology and Finance and Projects had ten and eight promotions respectively, while there were six in Real Estate. Tax and Employment both had four, and there was one in Restructuring.

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### **DLA Piper lawyers named Acritas Stars**

10 March 2020

Acritas has named over 200 DLA Piper lawyers as 2020 Acritas Stars. Now in its fourth year, Acritas Stars highlights the stand-out lawyers in private practice as nominated by clients around the world. More than 3,000 senior in-house counsel feed into the nomination process to give a comprehensive view of highly recommended lawyers across the globe.

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### **DLA Piper advises Giddings Fruit S.A. in US\$90 million cross-border note purchase agreement**

5 March 2020

DLA Piper represented Giddings Fruit S.A., a Latin American fruit export company, as the borrower in a US\$90 million note purchase and guarantee agreement.

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### **New report finds retail sector leadership diversity deficit will affect future competitiveness**

5 JUN 2019

DLA Piper and executive recruitment and diversity consultancy Green Park today launch *The Retail Leadership 700* report, which reveals for the first time the extent of the lack of diversity within the leadership teams of the top US, UK and European retailers.

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### **DLA Piper announces partnership promotions for 2019**

1 APR 2019

DLA Piper is proud to announce that 77 lawyers have been promoted to its partnership. The promotions are effective as of April 1, 2019 in the United States and May 1, 2019 for EMEA and Asia Pacific. The promotions were made across many of the firm's practice areas in 43 different offices throughout 20 countries.

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## **Sustainability and ESG**

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Lawmakers, investors, shareholders and governments around the world are pressuring businesses to incorporate Sustainability and Environment, Social and Governance (SESG) practices into their operations and strategies, and this focus is only going to grow. Moreover, consumers are weighing in, sharing their experiences and opinions about companies via social media and then making buying decisions accordingly. Social responsibility, reputation, leadership and corporate transparency have never been so important. Consumer goods, food and retail companies must be prepared with an SESG strategy that demonstrates their values as responsible corporate citizens and ensures that these values are implemented in a transparent and auditable way across the supply chain.

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SESG covers a wide spectrum of matters expanding beyond environmental issues: among them, diversity in employment, workplace practices, and transparency in accounting, as well as end-to-end supply chain accountability, including product sourcing, manufacturing and product life-cycle management, routes to market, final mile logistics, and waste management and reduction. There is a great deal to consider.

Although there may be a perceived dichotomy between SESG issues and the demands to increase profitability and improve margins, the market atmosphere and consumer buying behaviour has begun to narrow the gap between these two goals. As a result, SESG issues must be fully understood by businesses and integrated into the business model and strategy if they are going to remain profitable. Companies that fail to address these issues risk exposing themselves to litigation (particularly in global jurisdictions where class actions are on the increase), regulatory breaches, and reputational damage, as well as impacting the bottom line and investment opportunities.

## CONSUMER GOODS

Many consumer goods businesses view this emerging way of thinking as an opportunity and are not waiting for regulatory forces to drive change. They appreciate the cost savings resulting from energy efficiencies and the reduction of carbon output at all stages of the supply chain. They are decreasing their dependency on fossil fuels and using renewables; they are also using LEAN operational methods to reduce waste, which can slash costs and improve long-term sustainability. Further, they are turning to new technologies, like artificial intelligence and the Internet of Things, which can drive environmental and cost benefits by supporting greater efficiency and facilitating more effective predictive demand forecasting as well as capacity sharing for warehouses and logistics. Consumer goods brands are now facing scrutiny for the ways they manage their product life cycle. Consumers want retailers to show them how items are made and what materials are used. This transparency can be achieved by implementing blockchain solutions to create a digital ledger of transactions which cannot be altered. This technology has the potential to be transformative for the consumer goods sector, by reducing barriers and increasing visibility, trust, and interoperability between different parties in the supply chain. Many businesses are also now implementing closed loop value chains to manage waste, reduce environmental hazards, and promote recycling. For example, consumer durables, such as kitchen appliances, have a high environmental impact: at the end of their useful life, they may go straight to landfill rather than being recycled; they often contain harmful chemicals which will be released when not correctly disposed of. Closed loop value chains applied to such products encourage safe disposal and effective recycling. Waste management and recycling are increasingly important aspects of business strategy in this sector.

## FOOD AND BEVERAGE

For the food and beverage sector, probably the most publicized aspect of SESG arises from the sharpening focus on health issues. A clear example: the worldwide problem of obesity, which the World Health Organisation has dubbed a global epidemic. More than 650 million people are now recorded as obese, and the ramifications for societies – shorter life spans, an array of related health problems such as heart disease and diabetes – are considerable. Food and beverage businesses are being called upon to demonstrate their commitment to helping address this crisis by making their ingredients healthier, addressing the pricing of healthier foods, and restricting marketing of unhealthy foods. Governments are also developing new ways to reduce obesity which include educating people on their choices, introducing taxes for products like sugary beverages, and changing labelling regulations.

There is also a growing trend towards “healthification” and being a “conscious consumer”: the pursuit of a healthier and more environmentally sensitive lifestyle, particularly among young adults, which includes reducing meat intake, drinking less alcohol (or none at all), and consuming products that are not just organic but ethically sourced. It is these trends that are influencing the investment and development of new products like low-alcohol seltzers and meat-free alternatives. The main drivers behind conscious consumerism are:

- Health worries, on a personal and societal scale
- Ethical concerns/animal welfare
- Environmental impact of meat consumption and international shipment of foodstuffs
- Food security
- And, most recently, COVID-19 and potential future pandemics.

Because a significant part of conscious consumerism concerns ingredients, and provenance, we are likely to see blockchain embraced as a means of creating a permanent, immutable, transparent record of each link in the supply chain, including ingredient sourcing and monitoring of factory, warehouse and transport conditions. Using blockchain to track and record the life

of a product will also make product recalls easier and more efficient.

Another aspect of ESG that is relevant for food and beverage businesses is food labelling and packaging. For many years, prominent members of the industry have urged legal reforms that would ensure food labels and packages are standard across the industry and are clear and understandable for consumers as they seek to make healthy decisions

Product life-cycle management is another focal topic for the food and drinks industry. For years now, the industry has relied heavily on single-use plastics, but governments and consumers alike are now decrying this, demanding that plastics be reliably recycled and even not used in packaging at all. Many retailers have been taking this into account, and mass reduction in the use of plastic has been seen across the industry.

## RETAIL

Waste is a leading sustainability concern for the retail sector. Perhaps the most top-of-mind aspect of this is so-called fast fashion. Clothing brands rely on marketing seasonal products to consumers eager to stay on trend. But often, at the end of a season, these products are simply discarded, creating enormous waste and clogging landfills. Consumers are becoming more aware of their purchasing habits and the environmental consequences of throwing away entire wardrobes at the end of each season. Fashion and retail businesses will need to find a way to address this issue and balance it with the competing downward pressure on price and margin.

Waste is not just limited to cheap fast fashion brands: luxury brands too have issues with waste. For instance, the pattern cutting process can leave behind large amounts of waste. We are also seeing negative attention focused on luxury brands which are accused of burning unsold stock to maintain their perceived exclusivity.

All of this has led to a wider consumer concern about ESG issues in retail. Consumers want to know where items are from and how they are made. They also want to know how brands treat their employees, including employees of their sub-contractors and of their suppliers. Consumers expect brands to follow ethical practices, to ensure the occupational health and safety of their workers, to ensure their workers earn a living wage, and to take broad responsibility for ESG practices not just in their storefronts but throughout the supply chain. NGOs, moreover, often champion the interests of workers in factories where practices are unethical and see it as their moral duty to shine a light on these issues. Companies are expected to take responsibility for every aspect of their production, and those who fail to measure up in a transparent way may face the repercussions –social media notoriety, consumer boycotts, regulatory action, and lasting reputational and commercial impact.

The issue of how the consumer receives the product is also key. The move to online shopping has been accelerated by COVID-19. ESG issues around logistics and particularly waste generated in the delivery process and the environmental impact of inefficiencies in the final mile are more visible to the public and, as a result, are subject to greater scrutiny. This is an issue which the industry has been grappling with for several years from a cost efficiency perspective, but which now is also being examined from the ESG perspective. Use of electric vehicles in the final mile, particularly in urban areas, is becoming increasingly prevalent, and we also predict an increase in the use of technology to aid dynamic delivery scheduling and capacity sharing within vehicles. Similarly, the issue of single-use plastics for deliveries is also increasingly prevalent – brands are under increased pressure to reduce plastic packaging and to use fully recycled (and recyclable) materials.

Finally, another key aspect of ESG in the retail space arises from the use and security of consumer data. The online shopping experience makes it easier for consumers to buy a retailers' products, but also exposes companies, and consumers, to the risk of cyberattack. Furthermore, some companies have sought to monetize consumer data, raising further issues of privacy. Companies with transparent data handling practices and transparency around how they handle security breaches are more likely to gain and keep consumer trust.

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To discuss the implications of these issues for your business, please contact our ESG leaders.