



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

## Publications

### Puerto Rico updates guidance for the management of COVID-19 cases

19 May 2022

The new guidance is applicable to all employers in the public and private sectors.

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### Brazil sets forth conditions for tax settlements in goodwill disputes: multinationals take note

18 May 2022

A quick discussion of Public Notice n° 9/2022.

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### Protecting your IP in Russia: Best practices, action steps

18 May 2022

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

US companies may take action in Russia to protect their IP rights, notwithstanding US economic and trade sanctions.

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### New wave of US sanctions on Russia targets services, broadcasting, banking, and US exports

16 May 2022

#### [GLOBAL SANCTIONS ALERT](#)

The US government continues to announce new measures.

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### 10 considerations for companies on the path to sustainability

11 May 2022

For boards of directors and management teams as they discuss measuring, disclosing and reducing the company's climate impact.

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### Embracing the movement towards digital and ESG

11 May 2022

As governments seek to shape the country's long-term response to COVID-19, greater focus and concern over ESG initiatives is emerging.

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### eSignature and ePayment News and Trends

11 May 2022

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

Embracing the movement towards digital and ESG.

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### Employment law in 5: 5 developments to read for May in less than 5 minutes

5 May 2022

5 developments to read for May in less than 5 minutes.

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## Global M&A Intelligence Report 2022

3 May 2022

Our annual Global M&A Intelligence Report is based on an analysis of key deal terms in almost 5,000 private M&A transactions on which we have advised since 2015.

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## Mexican Congress rejects electricity constitutional reform and approves bill to regulate lithium

20 April 2022

An outline of the House of Representatives' decision regarding the Electricity Reform and Mining Reform, as well as its possible implications.

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## Blockchain and Digital Assets News and Trends

19 April 2022

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

Treasury report on money laundering and terrorist finance in the art trade looks at NFT marketplaces; FDIC issues new crypto-asset guidance and notification requirements.

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## Latest sanctions block Russia's largest banks, cyber actors and more; Biden's executive order prohibits investments in Russia by US persons

8 April 2022

### [GLOBAL SANCTIONS ALERT](#)

Two of Russia's largest banks, Sberbank and Alfa-Bank, which had previously been subject to narrower restrictions, have now been blocked.

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## Mitigate the legal risks of influencer marketing with our updated and expanded Influencer Marketing Guide

11 April 2022

Influencer marketing continues to play an increasingly important role in marketing strategies. However, there are numerous legal challenges for influencers and the brands they cooperate with, and influencer marketing remains a focus for advertising regulators around the world.

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## Proposed EU corporate sustainability due diligence directive: what US companies need to know

31 March 2022

If adopted, the proposed directive could have significant implications not only for EU enterprises but also for US and other non-EU companies conducting business within the EU.

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## **New wave of US sanctions targets Russian Duma, additional elites, defense entities; BIS extends export controls to more than 100 Russian aircraft**

29 March 2022

### **GLOBAL SANCTIONS ALERT**

The latest sanctions affect all members of the Duma, Russian elites, bank executives and board members, and Russian defense firms, and BIS has extended export controls to certain Russian aircraft.

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## **ISDA proposes Form of Amendment for nickel market disruption fallbacks: understanding the options**

28 March 2022

Those who use nickel for their commodity reference price may find the Form of Amendment useful to avoid calculation uncertainty.

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## **US lifts Section 232 tariffs on steel and aluminum from the UK effective June 1, 2022**

28 March 2022

The US-UK agreement includes novel requirements that deserve special attention.

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## **OECD releases commentary on the Pillar Two GloBE Rules – observations on selected topics**

17 March 2022

A look at six topics found in the commentary which have particular relevance for multinational companies and other stakeholders.

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## **US announces new trade restrictions against Russia as well as a new round of sanctions against Russian political elites**

16 March 2022

### **GLOBAL SANCTIONS ALERT**

Many of the newly announced measures will require Congressional action.

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## **US sanctions Russian energy sector while allowing various energy-related activities to continue**

9 March 2022

### **GLOBAL SANCTIONS ALERT**

Today's actions further restrict commercial activity and increase risks of sanctions violations by well-intentioned companies.

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## **Canadian sanctions in response to Russian military actions against Ukraine**

March 7, 2022

### **GLOBAL SANCTIONS ALERT**

The Government of Canada has recently announced a series of new economic sanctions in response to Russia's invasion of and continued military actions against Ukraine.

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## US continues to escalate sanctions against Russia and Belarus

4 March 2022

### GLOBAL SANCTIONS ALERT

White House announces new sanctions while putting in place extensive new export control measures against Russia and Belarus; DOJ announces Task Force KleptoCapture; OFAC closes some loopholes.

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## US escalates its sanctions regime against Russia, targeting its financial system

28 February 2022

### GLOBAL SANCTIONS ALERT

And additional measures are expected to be announced by the US and its allies in the coming days

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## US imposes further sanctions and export controls against Russia

25 February 2022

### GLOBAL SANCTIONS ALERT

The White House emphasized that these newly announced sanctions and export controls will be complemented with similar measures imposed by US allies and partners.

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## Aiscension: an AI tool to ensure effective risk management by detecting anti-competitive practice

24 February 2022

Anti-competitive activity has been rife in companies for centuries and there are many who like to take the ostrich approach and bury their head in the sand. However, it is known that this approach to risk management is ineffective should the regulators come looking, and with fines of up to 10% of global turnover, it is a big risk to take.

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## New US sanctions in response to Russia's actions against Ukraine

23 February 2022

### GLOBAL SANCTIONS ALERT

Additional sanctions are expected that will target Russia's financial, technology, and defense sectors.

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## Exploring the metaverse: What laws will apply?

22 February 2022

Like any new foundational technology, the metaverse remains confusing and unknown to many. Writing for *Chambers TMT 2022*, we explore key questions.

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## Blockchain and Digital Assets News and Trends

18 February 2022

## BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS

Lawsuit tackles tax treatment of staking rewards; SEC settles with crypto lending platform; emergency measures in Canada affect financial services entities.

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### Looking to verify your energy project to generate carbon credits? Understanding two popular verification registries

18 February 2022

A summary of VERRA and Gold Standard.

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### Mexican labor law amendments impose restrictions on personnel subcontracting

14 February 2022

The changes effectively prohibit employers in Mexico from subcontracting their personnel.

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## eSignature and ePayment News and Trends

31 January 2022

### ESIGNATURE AND EPAYMENT NEWS AND TRENDS

Recently enacted federal and state laws, federal and state regulatory activities, fresh judicial precedent and more.

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### US lifts Section 232 tariffs on steel from Japan, effective April 1, 2022

10 February 2022

Beginning April 1, 2022, steel from Japan will be subject to a tariff-rate quota (TRQ), allowing a yearly set volume to enter the US tariff-free.

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### A whole new world: What Alibaba's record antitrust fine means for retailers

7 February 2022

Arrangements between retailers and online platforms are currently subject to enhanced scrutiny by global competition authorities. Regulators are focusing in part on the extent to which retailers use online platforms to coordinate activities with competitors. But how do you ensure your business is compliant?

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### Is blockchain the key to a more ESG-compliant supply chain?

26 January 2022

The retail industry will need to overcome unprecedented challenges if it wants to mitigate ESG risks and improve visibility into its supply chains. Fortunately, help may be on the way.

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## A legal overview

4 January 2022

## **UNDERSTANDING THE UK NATIONAL SECURITY & INVESTMENT REGIME PODCAST**

In episode 2 of our podcast series we discuss the legal context of the regime: how it will operate and the implications for businesses. In particular, the legislation - which comes into force today, 4 January - has wide reaching implications for M&A involving businesses or assets connected with the UK.

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

21 December 2021

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

Breaking legal news on cryptoassets and cryptocurrency, plus: Google sues to disrupt massive botnet

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### **Law à la Mode: Fashion and retail industry trend 2022: NFTs, ESG impacts and more**

17 December 2021

## **LAW À LA MODE**

In the 33rd edition of Law à la Mode we look at the “athleisure” fashion trend and the increase in M&A activity; the opportunities and risks of using NFTs; ESG impacts in the retail sector; The rise of e-commerce of post-bankruptcy companies; Interview with Brianne West – How Ethique is revolutionizing the cosmetics industry with plastic free packaging?

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### **Brands and influencers in the spotlight as FTC focuses on civil penalties for deceptive advertising**

13 December 2021

More than 700 warning letters sent in just one month.

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### **Google files groundbreaking civil suit to disrupt massive botnet with blockchain backup system**

10 December 2021

Civil actions to take down botnets have been around for years, but the blockchain aspect adds a new twist.

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### **Six commodities predictions for 2022**

2 December 2021

The worldwide turmoil of 2020 is, in many ways, still with us, but the good news is that alongside the struggles, the commodities realm is seeing an immense number of opportunities. Here, we take a fast look at the six areas we think the commodities sector should be watching in the year to come.

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### **The Glasgow Climate Pact: What does it mean for Business?**

23 November 2021

In this article, members of our Sustainability and ESG Steering Committee share their thoughts on eight key themes emerging from COP26 and what they mean for business.

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## Blockchain and Digital Assets News and Trends

22 November 2021

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

Infrastructure bill, including crypto "broker" rules, becomes law.

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## Treasury releases 2021 Sanctions Review: Its key recommendations and their implications for the private sector

28 October 2021

### [GLOBAL SANCTIONS ALERT](#)

The Report puts into perspective recent Biden Administration sanctions while helping to forecast what will come.

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## Blockchain and Digital Assets News and Trends

18 October 2021

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

Non-fungible tokens: What are the legal risks?

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## Five issues to watch for at COP26 in Glasgow

12 October 2021

Hopes had already been high for COP26 even before the pandemic paused it. The pent-up potential has only heightened those expectations.

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## An interview with Aldersgate Funding

11 October 2021

In this podcast, DLA Piper partner Henry Quinlan interviews Jim Holding and Matthew Lo at Aldersgate Funding Limited, who shed some light on the advantages of litigation and arbitration funding; the types of claims eligible for funding; the process of funding a case; and the jurisdictional constraints on this type of financing.

[DLA Piper · Aldersgate Funding on how litigation funding can help your business](#)

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## OECD announces global deal on international tax reform with its Two-Pillar solution

11 October 2021

In addition, the OECD sets out a detailed implementation timeline aiming to have parts of the plan ratified in 2022 and effective as early as 2023.

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## US Trade Representative seeks comments on possible reinstatements of previously extended exclusions to



## Section 301 tariffs

6 October 2021

Interested parties should consider submitting comments in support or opposition to any possible reinstatement.

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## The global landscape of data privacy: Important points about new laws in three key jurisdictions

21 September 2021

### PRACTICAL COMPLIANCE

New data privacy requirements in three important jurisdictions – the European Union, China, and Brazil – with an emphasis on action steps for compliance officers.

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## Blockchain and Digital Assets News and Trends

17 September 2021

### BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS

Proposed infrastructure bill would subject cryptocurrencies to wash sale and constructive sale rules.

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## Commodities News and Trends

20 September 2021

### COMMODITIES NEWS AND TRENDS

Brazil and Argentina lead the way in biofuels; CFTC: we will support transition to a low-carbon economy; is the end in sight for the shale-driven pipeline building boom?

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## Proposed infrastructure bill would subject cryptocurrencies to wash sale and constructive sale rules

17 September 2021

The move comes as part of the Ways and Means Committee's attempt to raise revenue to finance infrastructure spending.

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## Defending trademarks from non-use cancellations: Strategies for OEM manufacturers in China

September 2021

For many companies, China is an essential piece of their business, but they may never sell a single product to a Chinese company or consumer. Those businesses must answer the tricky question of how to protect their brand in a country where consumers never see it.

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## Protecting your company from supply chain cyber attacks

September 2021

Today, virtually all companies rely on third-party technical solutions to manage their business. The downside is that incorporating new third-party technology into business operations creates new vectors for cyberattacks.

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## Supreme Court Corner

September 2021

The Court chose to enhance the Director's power to review PTAB decisions directly.

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## New workplace sexual harassment laws passed – (some) Respect@Work recommendations become law

8 September 2021

After months of anticipation, the Australian Federal Government's Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021 has now passed both houses of Parliament. The amendment contains important reforms to address workplace sexual harassment.

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## When are non-US products incorporating US products free from US jurisdiction?

25 August 2021

### [DLA PIPER TRADE TRUTHS](#)

This summary article provides key points to consider as well exemptions possible if your non-US manufactured products are subject to US reexport authorization requirements.

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## Blockchain and Digital Assets News and Trends

23 August 2021

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

New information reporting requirements for cryptocurrency transactions; CFPB involvement in cryptocurrency oversight; NCUA seeks comments on use of DLT and DeFi by credit unions.

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## A shop window of opportunity: Act now to recover

6 August 2021

### [LAW À LA MODE](#)

Challenges in bricks-and-mortar retail are not new. However, the impact of the COVID-19 pandemic has accelerated many key consumer trends away from the high street, forcing acute (and potentially permanent) reductions in footfall as well as widespread store closures.

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## Arming your legal team for the new normal

6 August 2021

### [LAW À LA MODE](#)

The last 12 months have seen significant shifts in the way business is conducted within the consumer goods, food and retail sector. While some of these shifts will gradually reverse as countries ease their restrictions over the course of 2021, others will remain in varying degrees.

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## Belgium: Diversity in the workplace and legal compliance

6 August 2021

[LAW À LA MODE](#)

More and more companies are striving to demonstrate their commitment to inclusion and diversity through workplace diversity and inclusion (D&I) training, equal employment opportunity (EEO) programs and affirmative action in the recruitment phase. To ensure these initiatives yield positive results, companies should first consider their legal ramifications.

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## Defending trademarks from non-use cancellations: Strategies for OEM manufacturers in China

6 August 2021

[LAW À LA MODE](#)

For many companies, China is essential to business, but they may never sell a single product to a Chinese company or consumer. For those companies, China is the source of their manufacturing and products, even if a Chinese consumer never purchases the goods. Those businesses must answer the tricky question of how to protect their brand in a country where consumers never see it.

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## Law à la Mode

6 August 2021

[LAW À LA MODE](#)

The world has seen huge disruption in the last 18 months, but as we begin to see the shoots of normalcy beginning to grow we reflect on what the pandemic has taught us and the trends we are seeing.

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## RetailTech: How digitization in the retail industry is shaping the way we shop in Australia

6 August 2021

[LAW À LA MODE](#)

Digital marketplaces are growing significantly, taking up a larger share of e-commerce worldwide. In Australia, we expect to see continuing diversification of channel partner strategies, as well as continuing diversification of payment methods.

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## Sustainably fashionable and fashionably sustainable

6 August 2021

[LAW À LA MODE](#)

Sustainability is making a splash in the fashion industry, but sustainability claims are more than just feel-good messaging, and brands seeking to tout their green bona fides must do so thoughtfully to avoid liability for making deceptive or misleading marketing claims.

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## US: Food service delivery becomes more taxing

6 August 2021

[LAW À LA MODE](#)

The tax consequences of using an app to order a pepperoni pizza for delivery are getting more complex by the day. Not necessarily for the customer, but certainly for meal delivery service providers.

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## Values-driven fashion: An interview with Clare Press

6 August 2021

### LAW À LA MODE

Hear from Clare Press, Founder of the Wardrobe Crisis and First Sustainability Editor for Vogue Australia on how corporate values are what every fashion brand needs.

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## “Olympic” marketing and what to consider when advertising major sporting events in Germany

6 August 2021

### LAW À LA MODE

With the Olympic Games in Tokyo taking place this summer, we must brace ourselves for “Olympic” advertising. In a matter of weeks, grocery stores, sports brands and other businesses will be tempting consumers with “Olympic” discounts and prices. But is such marketing in line with competition law?

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## Blockchain and Digital Assets News and Trends

19 July 2021

### BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS

IRS says tax-deferred like-kind exchange is not available for cryptocurrency trades; copyright issues plague NFTs; crypto venture investments continue to accelerate.

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## EDPB's final Recommendations on Supplementary Measures confirm a subjective approach to assessing personal data transfer risks

2 July 2021

The Recommendations' detailed guidance will be useful to businesses and privacy practitioners as they conduct or update their transfer assessments, but the scope and detail of those assessments will require a sustained effort.

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## Supreme Court Corner

June 2021

The issue at hand in *Unicolors v. H&M* turns on a question of inaccuracies in the copyright registration certificate.

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## Global M&A Intelligence Report 2021

23 June 2021

Our annual Global M&A Intelligence Report is based on an analysis of key deal terms in over 3,200 private M&A transactions on which we advised since 2015.

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## Biden's FY 2022 budget and Treasury Green Book – additional details on international tax proposals

2 June 2021

Fleshing out revenue proposals in the White House's American Jobs Plan and American Families Plan.

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### **Managing Mexican mandatory disclosure rules**

8 April 2021

A review of new obligations for taxpayers and advisors under Mexico's mandatory disclosure rules.

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

April 2021

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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### **Employee and independent contractor classification: Still the top legal issue in franchising**

30 March 2021

Franchising rests on a basic premise that franchisees are independent contractors and not employees.

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### **SEC interim final amendments signal stricter regulation on Chinese and other emerging market companies**

29 March 2021

Under the new requirements, certain companies must establish that they are not owned or controlled by a foreign government entity and must disclose any foreign government influence.

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### **Episode 15: Comprehensive New E-Commerce Rules Introduced**

23 March 2021

#### **[NAVIGATING CHINA: THE DIGITAL JOURNEY](#)**

Operators of e-commerce platforms, websites and apps in China, and those using third party e-commerce, social media or livestreaming platforms to sell their products and services in China, must update their operations, services and systems in advance of wide-ranging new rules.

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### **United States imposes significant new export controls and sanctions on Russia and China**

23 March 2021

Reflecting a further hardening of US foreign policy and national security policy positions with those two countries.

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

22 March 2021

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

Wyoming moves to clarify legal status of DAOs; court dismisses class action against a cryptocurrency exchange.

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### **Country-specific guidance on the transfer pricing implications of the COVID-19 pandemic**

4 March 2021

Businesses may wish to consider the guidance from several countries on the appropriate transfer pricing treatment for governmental subsidies related to the COVID-19 pandemic.

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

25 February 2021

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

Canada's AML regime amendments: is your interactive entertainment service or platform operating a "money service business"?

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### **Employers in Puerto Rico must comply with new breastfeeding room requirements**

25 February 2021

Requiring employers to provide a private, safe and hygienic space.

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### **Puerto Rico: Employers must establish workplace harassment protocols – guidelines are available**

23 February 2021

Employers in Puerto Rico have until August 2, 2021 to adopt protocols on workplace harassment.

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### **Corruption Perceptions Index 2020 - a regional perspective**

11 February 2021

Last week Transparency International launched the 2020 edition of its Corruption Perceptions Index (CPI), which ranks 180 countries and territories by their perceived levels of public sector corruption, according to experts and business people, using a scale of zero to 100 (100 being very clean and zero being highly corrupt).

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### **Announced, proposed and implemented: Developments in Digital Services Tax in key European jurisdictions**

9 February 2021

While the OECD and G20 work toward a global agreement on digital services taxes, some European countries have forged ahead on their own.

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### **Announced, proposed and implemented: Key features of France's DST**

9 February 2021

The French definition of "taxable service" under the DST differs from the definition of "taxable services" as used for VAT purposes.

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### **Announced, proposed and implemented: Key features of Italy's DST**

9 February 2021

The Italian DST applies only to revenues deriving from the provision of tax-relevant digital services linked to Italian-located users.

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### **Announced, proposed and implemented: Key features of Spain's DST**

9 February 2021

The annual worldwide revenue threshold is not limited to revenues generated by the provision of digital services, meaning that non-tech businesses may also need to comply.

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### **Announced, proposed and implemented: Key features of the United Kingdom's DST**

9 February 2021

The UK's DST is intended to be an interim measure pending a long-term global solution to the tax challenges arising from digitalization.

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### **No firing for lighting up? Cannabis in the workplace**

28 January 2021

Appropriately addressing cannabis usage in the workplace while navigating anti-discrimination protections for workers.

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### **The Qualified Maquiladora Approach Agreement has been renewed: Implications for multinationals' transfer pricing**

26 January 2021

US-based multinationals using the maquiladora structure to manufacture goods in Mexico are taking note.

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### **China's Blocking Rules: New trade-compliance dilemmas for third-country companies**

25 January 2021

The Blocking Rules respond to the increased use of "secondary" economic sanctions and export controls by the US.

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### **Understanding the OECD's guidance on the transfer pricing implications of the COVID-19 pandemic**

5 January 2021

A practical look at the new OECD guidance.

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### **Franchisor consolidations after COVID-19**

22 December 2020

Consolidations will continue in an opportunistic way, but will be moderated by a recognition that consolidation can be risky.

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## **Cyberfrauds and Cyberattacks: Remote Working Posing Increased Risks and How to Stay Protected**

14 December 2020

Cybercriminals are becoming more sophisticated in the ways they facilitate cyberfrauds, with the increasing use of personalised messages on instant messaging platforms such as WeChat or WhatsApp and socially engineered phishing emails to deceive recipients to transfer funds, disclose sensitive information or click on malicious links.

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## **Practical Compliance**

8 December 2020

### **PRACTICAL COMPLIANCE**

Q4 2020: Spotlight on real estate COVID-19 compliance.

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## **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

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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

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

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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

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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## Australia tightens rules on foreign investment

17 June 2020

In this article we summarise the tax-related developments from early June 2020, as Australia takes a more stringent approach towards compliance procedures involving foreign investments.

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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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## 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](#)

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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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**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

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**Law à la Mode: Social Media Influencers & Effective Disclosures, IP and E-Commerce: Your basic checklist, Longchamp's Handbag Copyright Saga, IP Protection of Fashion Shows in Italy and more**

21 MAY 2018

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**Law à la Mode: Social Media Influencers & Effective Disclosures, IP and E-Commerce: Your basic checklist, Longchamp's Handbag Copyright Saga, IP Protection of Fashion Shows in Italy and more**

21 MAY 2018

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**Law à la Mode: Virtual Reality and Augmented Reality; Insta-worthy or Insta-infringement; E-commerce in Poland; Harnessing hidden advertising; and more**

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**Law à la Mode: The dangers of unused trademarks; demonstrating reputation; lowering the cost of retail rent in Hong Kong; Brexit update; and more**

22 MAY 2017

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The Belgian editorial team is delighted to bring you this special edition of *Law à la Mode*, marking the 139th INTA Annual Meeting in Barcelona.

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**Law à la Mode: The future of retail; Green fashion; E-commerce in China; Brexit update: trademarks and design;**

and more

3 APR 2017

## [LAW À LA MODE](#)

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### **Law à la Mode: 10 tips when licensing a brand; a new provision for trademark parody; and more**

23 May 2016

## [LAW À LA MODE](#)

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

9 DEC 2015

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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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### **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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# 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 (ESG) 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 ESG 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.

ESG 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 ESG 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, ESG 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 ESG 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.