



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

Stefanie Jill Fogel

Partner

Boston

T: +1 617 406 6053

stefanie.fogel@dlapiper.com

Noel Haywood

Partner

Birmingham

T: +44 (0)121 262 5953

noel.haywood@dlapiper.com

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

Publications

Food and Beverage News and Trends

2 December 2021

[FOOD AND BEVERAGE NEWS AND TRENDS](#)

Suspend imports of fresh beef from Brazil, US cattle group says; plant-based producers take new approach in suit over Oklahoma labeling law; plus salt, soda, and news from Hawaii

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.

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.

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.

Exchange - International: Financial Services Regulation Newsletter

22 November 2021

[EXCHANGE - INTERNATIONAL: FINANCIAL SERVICES REGULATION NEWSLETTER](#)

Welcome to the latest edition of Exchange - International, our global newsletter designed to keep you informed of the latest regulatory developments in the financial services sector. This issue includes updates from the UK, the EU, as well as contributions from Ireland, Germany and the US, plus international developments.

New antidumping duty petition: emulsion styrene-butadiene rubber from the Czech Republic, Italy and Russia – consequences for industry and downstream consumers

22 November 2021

Key details.

Food and Beverage News and Trends

12 November 2021

FOOD AND BEVERAGE NEWS AND TRENDS

Avoid foods with glittery garnishes, CDC says; USDA considers whether Salmonella should be declared an adulterant; soaring energy costs this year may mean widespread food shortages next year.

New York enacts requirements for monitoring employee phone, e-mail and Internet usage

12 November 2021

Employers who are found to violate this law will be subject to civil penalties.

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

4 November 2021

The FTC again sends the message that it is closely monitoring advertising on social media and will act to stop practices it views as deceptive and unfair.

NACHA updates its rules regarding consumer ACH debits: key points

1 November 2021

The new standing authorization essentially bridges the gap between authorizing single and recurring debit entries.

With Civil Cyber-Fraud Initiative, government sharpens focus on cybersecurity obligations for government contractors

1 November 2021

Acting Assistant Attorney General Brian Boynton recently discussed how the Civil Cyber-Fraud Initiative would use the False Claims Act to pursue cybersecurity-related fraud.

eSignature and ePayment News and Trends

1 November 2021

ESIGNATURE AND EPAYMENT NEWS AND TRENDS

NACHA creates a new type of consumer ACH debit authorization.

Takeaways from the new USPS rule prohibiting the mailing of vape products

29 October 2021

The Final Rule clarified that hemp vape products are included within the definition of ENDS, and are thus nonmailable.

Food and Beverage News and Trends

28 October 2021

FOOD AND BEVERAGE NEWS AND TRENDS

FDA announces initiative to improve children's diets; massive study finds using salt substitute is low-cost way to reduce stroke risk; onion recall expands.

The Corporate Profits Minimum Tax Proposal – key elements

28 October 2021

The proposal is likely to become part of the final reconciliation measure.

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

28 October 2021

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

FERC reliability standards in wake of Winter Storm Uri

27 October 2021

One recommendation included a mandatory electric reliability standard.

Compliance tips for marketing health benefits in alcohol

19 October 2021

As companies craft their marketing strategies around these alcohol products, they may wish to consider the impact of product classification on their claims.

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?

Aybar v. Aybar: New York Court of Appeals finds registering to do business in the state does not mean consent to general jurisdiction

12 October 2021

Consent by registration was the sole issue before the New York Court of Appeals in this case.

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.

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

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.

New California law threatens to dramatically increase pain-and-suffering damages in survival actions

7 October 2021

Considerations in approaching case valuations and risk assessments in survival actions brought in California.

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.

Georgia Supreme Court: Consent by registration a valid way to exercise personal jurisdiction over out-of-state corporations

5 October 2021

The court deduced that a corporation authorized to do business in Georgia must be subject to general personal jurisdiction in the state.

New antidumping and countervailing duty petition: Freight rail coupler systems and components from China – consequences for the industry and downstream transportation companies

4 October 2021

The preliminary ITC injury determination must be made by November 15, 2021.

Food and Beverage News and Trends

1 October 2021

[FOOD AND BEVERAGE NEWS AND TRENDS](#)

FDA announces winners of food traceability challenge; Pennsylvania rations sale of some popular liquors; not enough vegetables?

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.

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.

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?

Food and Beverage News and Trends

17 September 2021

[FOOD AND BEVERAGE NEWS AND TRENDS](#)

FDA approves a new blue; senators seek COOL labels; pet food, Pop Tarts, Parnells.

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.

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.

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.

Supreme Court Corner

September 2021

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

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.

eSignature and ePayment News and Trends

7 September 2021

[ESIGNATURE AND EPAYMENT NEWS AND TRENDS](#)

CFPB to study electronic disclosures on mobile devices.

Food and Beverage News and Trends

26 August 2021

[FOOD AND BEVERAGE NEWS AND TRENDS](#)

Vegan butter company prevails; California olive oil producers reach agreement on labeling; key part of Kansas ag-gag bill struck down.

Subject to the EAR: When is a non-US product free from the EAR?

25 August 2021

When does a non-US-made product incorporating US-origin components or technology escape the technical jurisdiction of the EAR? This article outlines the exemptions possible, and explains the application of the second incorporation rule.

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.

Top 10 trends for US employers – Mid-year update

24 August 2021

We recap key developments over the last six months and look at the potential changes ahead related to the top 2021 trends we identified at the start of the year.

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.

Food and Beverage News and Trends

12 August 2021

[FOOD AND BEVERAGE NEWS AND TRENDS](#)

White House says order on USDA labeling rules is coming soon; appeals court rejects challenge to California's Prop 12 and its rules for housing farm animals; no vax, no service.

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.

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.

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.

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.

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.

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.

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.

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.

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.

“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?

Remote notarization is here to stay

4 August 2021

Key developments.

eSignature and ePayment News and Trends

4 August 2021

[ESIGNATURE AND EPAYMENT NEWS AND TRENDS](#)

Remote notarization is here to stay.

Food and Beverage News and Trends

23 July 2021

[FOOD AND BEVERAGE NEWS AND TRENDS](#)

FDA reassures public on the safety of PFAS in the food supply; trial of former Blue Bell CEO is postponed.

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.

New proposed regulations aim to standardize non-preferential origin determinations for imports from Canada and Mexico

19 July 2021

Companies have the opportunity to present written comments on all aspects of the Proposed Rule by August 5, 2021.

Food and Beverage News and Trends

9 July 2021

FOOD AND BEVERAGE NEWS AND TRENDS

FDA sets 2022 deadlines for sodium reduction goals and milk alternative labeling; restaurant grant program officially closes.

New antidumping duty petition: Acrylonitrile-butadiene rubber from France, Mexico and the Republic of Korea – consequences for exporters and US importers

8 July 2021

Key details and implications.

New antidumping and countervailing duty petition: Urea ammonium nitrate solutions from Russia and Trinidad and Tobago – consequences for exporters and US importers

7 July 2021

The petitioners additionally allege that the governments of Russia and Trinidad and Tobago are providing unfair subsidies to their countries' producers and exporters of urea ammonium nitrate to the US.

Ransomware preparedness: NYDFS announces additional expectations of regulated entities' cybersecurity programs

7 July 2021

As regulatees address their vulnerabilities to ransomware, NYDFS raises its expectations.

Impact on the US solar, silicon and related industries of new US government actions aimed to address labor practices in Xinjiang

6 July 2021

Key details and implications for US companies.

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.

eSignature and ePayment News and Trends

2 July 2021

[ESIGNATURE AND EPAYMENT NEWS AND TRENDS](#)

With Illinois's adoption of UETA, the US is near full adoption.

Understanding California's South Coast AQMD Warehouse Indirect Source Rule – key points for warehouse owners, operators and tenants

30 June 2021

Implementing the rule may prove challenging to owners, operators and tenants of warehouse facilities.

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.

Food and Beverage News and Trends

28 June 2021

[FOOD AND BEVERAGE NEWS AND TRENDS](#)

FDA leader points to major changes in nation's food system; in many places, cocktails to go are going on.

Sustainable seafood in the ESG spotlight

28 June 2021

The mounting potential for severe legal, financial and reputational risks illustrates a growing trend showing how seafood sourcing implicates ESG.

FCC proposes ban on electronic products and devices made by Huawei and other Chinese companies

23 June 2021

Key details.

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.

Global corporate benchmarking group seeks inputs on corporate human rights standards

22 June 2021

Comments are requested by June 25, 2021.

EEOC updates guidance regarding employer COVID-19 vaccination policies; still more to come

15 June 2021

The updated guidance addresses mandatory vaccination policies, vaccination incentive programs and confidentiality requirements.

A long hot summer: Five steps for energy commodities traders in a time of heightened scrutiny

14 June 2021

Rising temperatures may exacerbate current market volatility, which in turn may lead to heightened regulatory scrutiny.

Whatever your sector, ransomware attacks are changing how to think about platform security risk: Action steps

14 June 2021

In an increasingly digitized economy, creating awareness of platform security risks is critical.

Food and Beverage News and Trends

11 June 2021

FOOD AND BEVERAGE NEWS AND TRENDS

Supreme Court declines to act on vaping regulations, FDA proposes "common sense reform" for dietary supplements industry, USDA and CDC investigate Salmonella linked to chicken parts.

Enforcing a disputed electronic signature – recent case highlights importance of authentication, audit trails, and record management

4 June 2021

The decision reaffirms a long line of cases enforcing electronic signatures where a secure, reliable system, in compliance with the requirements of UETA and the federal ESIGN Act, is used.

eSignature and ePayment News and Trends

4 June 2021

ESIGNATURE AND EPAYMENT NEWS AND TRENDS

A Texas Supreme Court decision reaffirms a long line of cases enforcing electronic signatures where a secure, reliable system, in compliance with UETA and the federal ESIGN Act, is used.

Commodities News and Trends

3 June 2021

COMMODITIES NEWS AND TRENDS

Fossil fuel industry and ESG; energy aspects of Biden infrastructure plan; floating storage can rule the seas or give you a sea of trouble.

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.

FDA solicits public comment on adding list of device materials to certain medical device labels

26 May 2021

The proposed change would apply to all medical devices that may be in contact with a patient long term.

Food and Beverage News and Trends

26 May 2021

FOOD AND BEVERAGE NEWS AND TRENDS

FDA discloses post-pandemic plans for routine facility inspections, Alabama eases alcohol delivery rules, WHO issues new sodium standards.

Texas considers truth in labeling law for meat-alternative products: Potential consequences in the marketplace and the courtroom

19 May 2021

Truth in labeling acts have been met with close scrutiny in the states that have passed them.

EPA moves to phase out powerful GHG refrigerants under bipartisan mandate

7 May 2021

EPA estimates the HFC phasedown will yield cumulative climate-related economic benefits of \$283.9 billion from 2022 through 2050.

Food and Beverage News and Trends

7 May 2021

Federal court upholds FDA ruling on heme; bipartisan lawmakers introduce Truth in Buffalo Labeling Act; key senator calls for White House conference on hunger and nutrition.

FTC's \$9.8 million settlement holds firm and its principals liable for "consumer protection" violations in

transactions with small businesses

6 May 2021

The settlement is notable for two reasons.

eSignature and ePayment News and Trends

30 April 2021

[ESIGNATURE AND EPAYMENT NEWS AND TRENDS](#)

In a key ruling on the TCPA, the Supreme Court narrows the definition of ATDS.

California mulls new standards for post-consumer plastic in thermoforms – proposed penalties may be severe

28 April 2021

Producers would be required to show they are including higher thresholds of post-consumer recycled plastic in thermoform plastic containers manufactured to contain fresh foods.

FDA warning letters: More warnings and closer scrutiny of COVID-19 and vaping products

26 April 2021

A large percentage of warning letters concern adulterated, unapproved or misbranded products related to COVID-19, and e-cigarette companies continue to be in the agency's crosshairs for selling unapproved products.

New antidumping duty petition: Raw honey from Argentina, Brazil, India, Ukraine and Vietnam – consequences for exporters and US importers

26 April 2021

Key details and considerations.

Food and Beverage News and Trends

22 April 2021

[FOOD AND BEVERAGE NEWS AND TRENDS](#)

USDA extends universal free school lunch program; FDA updates leafy-greens action plan; should gluten be disclosed in drugs?

US Supreme Court clarifies scope of specific personal jurisdiction over corporations: *Ford Motor Co. v. Montana Eighth Judicial District*

12 April 2021

The decision resolves confusion in the lower courts.

Food and Beverage News and Trends

9 April 2021

FOOD AND BEVERAGE NEWS AND TRENDS

Bill aims to change regulatory and tax treatment of kombucha, plus what are "processed" foods anyway?

Managing Mexican mandatory disclosure rules

8 April 2021

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

New antidumping and countervailing duty petition: Walk-behind snow throwers and parts from China – consequences for exporters and US importers

7 April 2021

The petition alleges that certain walk-behind snow throwers and parts from China are being sold in the US at less than fair value.

Latest regulatory changes reduce burden for software and technology companies under US export controls

6 April 2021

Revisions to the US Export Administration Regulations implement changes to Export Controls for Conventional Arms and Dual-Use Goods and Technologies.

New antidumping and countervailing duty petition: Organic soybean meal from India – consequences for exporters and US importers

5 April 2021

Foreign producers, exporters and importers should have a strategy for addressing AD and CVD investigations, including possible participation.

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.

eSignature and ePayment News and Trends

2 April 2021

ESIGNATURE AND EPAYMENT NEWS AND TRENDS

Continuing the digital transformation into 2021.

Preliminary injunction granted in Cal Chamber lawsuit concerning acrylamide Prop 65 warning

1 April 2021

California's Eastern District federal court found that Prop 65's acrylamide warning requirement was likely unconstitutional and preliminarily enjoined new lawsuits alleging failure to warn for acrylamide exposure in food and beverages.

Financial services in the cannabis industry: A compliance guide

31 March 2021

An overview of the guidance issued by federal law enforcement agencies to financial institutions addressing the provision of services to the cannabis industry consistent with their BSA obligations.

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.

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.

Food and Beverage News and Trends

26 March 2021

FOOD AND BEVERAGE NEWS AND TRENDS

Consumer groups ask FDA to act against hard seltzers; Berkeley passes healthy checkout-aisle ordinance; plus: wear a mask, get a sandwich.

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.

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.

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.

California Air Resources Board proposes cuts to VOC limits in consumer products

17 March 2021

Proposed amendments to consumer products regulations would affect retailers and manufacturers of aerosol air fresheners, hair care products, fragrances and insecticides.

Benefit plan provisions in the American Rescue Plan

16 March 2021

The practical impact on employers and participants.

Food and Beverage News and Trends

12 March 2021

[FOOD AND BEVERAGE NEWS AND TRENDS](#)

Biden restaurant grants called a lifeline for the industry; plus sugary cereal, cell-cultured seafood and sesame in the news.

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.

California Prop 65: OEHHA proposes changing popular short-form warning

3 February 2021

Businesses selling products in California that utilize short-form Proposition 65 warnings may have to be re-label yet again or risk enforcement actions.

Food and Beverage News and Trends

1 March 2021

[FOOD AND BEVERAGE NEWS AND TRENDS](#)

Winter storm devastates Texas agriculture.

Legislators and regulators continue to support digital transformation

26 February 2021

Endorsing the movement towards digital transformation.

eSignature and ePayment News and Trends

26 February 2021

[ESIGNATURE AND EPAYMENT NEWS AND TRENDS](#)

How legislatures and regulators endorse the movement towards digital transformation.

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"?

Employers in Puerto Rico must comply with new breastfeeding room requirements

25 February 2021

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

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.

Food and Beverage News and Trends

12 February 2021

[FOOD AND BEVERAGE NEWS AND TRENDS](#)

COVID-19 relief package includes restaurant grants; plus: tuna or not? Icelandic or not?

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).

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.

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.

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.

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.

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.

CFPB Taskforce on Federal Consumer Financial Law proposes changes to ESIGN

5 February 2021

The CFPB looks at the consumer consent requirements triggered when information must be provided or made available to a consumer "in writing."

eSignature and ePayment News and Trends

5 February 2021

[ESIGNATURE AND EPAYMENT NEWS AND TRENDS](#)

The CFPB looks at "in writing" consumer consent requirements; plus reports on new federal and state laws and regulatory activities and fresh judicial precedent.

Year in review and 2021 preview – Top 10 trends for US employers

2 February 2021

We identify the top 10 trends impacting US businesses as we close out 2020 and enter 2021.

Food and Beverage News and Trends

28 January 2021

[FOOD AND BEVERAGE NEWS AND TRENDS](#)

Hahn steps down; USDA to oversee safety of gene-edited animals; plus vanilla, honey, poppy seeds.

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.

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.

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.

Consequences of producing non-compliant hemp

25 January 2021

Hemp producers may face different consequences for producing non-compliant hemp, depending on the jurisdiction where the hemp producer is licensed.

The Consolidated Appropriations Act of 2021: Temporary amendments to the Bankruptcy Code

25 January 2021

An outline of key amendments.

Blockchain and Digital Assets News and Trends

22 January 2021

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

Looking at the OCC's guidance on stablecoins.

Food and Beverage News and Trends

15 January 2021

[FOOD AND BEVERAGE NEWS AND TRENDS](#)

New Dietary Guidelines for Americans remain much the same; USDA seeks produce industry input on new food safety survey.

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.

Boardroom Brexit: What the deal means for business

31 December 2020

[BOARDROOM BREXIT](#)

Welcome to this last edition of Boardroom Brexit, marking the end of the negotiations and the agreement of a new trade deal, the UK-EU Trade and Cooperation Agreement (TCA). In this edition, we summarise the impact of the deal on all aspects of business operations in one place – please use the hyperlinks below to help you navigate the report.

eSignature and ePayment News and Trends

30 December 2020

[ESIGNATURE AND EPAYMENT NEWS AND TRENDS](#)

CFPB finalizes additional requirements regarding debt collection – plus latest legal, regulatory and case law developments.

Blockchain and Digital Assets News and Trends

22 December 2020

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

New Jersey seeks to regulate digital asset business activity through a mandatory licensing framework.

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.

The EEOC breaks its silence on the COVID-19 vaccine

22 December 2020

Some of the most important questions answered by the EEOC's guidance.

The new economic aid to hard-hit small businesses, nonprofits, and venues...what is in it for businesses?

22 December 2020

From US\$284 billion in PPP loans to tax deductions and tax credits for sick leave; stimulus funds will help make the winter not so chilly for many businesses.

Food and Beverage News and Trends

15 December 2020

[FOOD AND BEVERAGE NEWS AND TRENDS](#)

Industry urges vaccine prioritization for food workers; FDA will publicize outbreak investigations weekly; sesame, salmon, soy milk.

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.

New regional stay-at-home orders in California

9 December 2020

Employers are strongly encouraged to evaluate their compliance with current orders as of December 9, 2020, and prepare for additional restrictions.

Nasdaq proposes board diversity listing standards

8 December 2020

The proposal is the first of its kind among US exchanges and, if approved by the SEC, would mark an important step toward mandated diversity requirements for the boards of US-listed public companies.

Practical Compliance

8 December 2020

[PRACTICAL COMPLIANCE](#)

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

eSignature and ePayment News and Trends

3 December 2020

[ESIGNATURE AND EPAYMENT NEWS AND TRENDS](#)

CFPB finalizes debt collection rules, addressing use of electronic communications; court finds no private right of action under ESIGN; plus latest legal, regulatory and case law developments.

California adopts emergency COVID-19 standards

1 December 2020

The emergency standards affect most companies with California-based employees.

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.

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.

Food and Beverage News and Trends

16 November 2020

[FOOD AND BEVERAGE NEWS AND TRENDS](#)

FDA ordered to study risks of GM salmon, health experts urge strict limit on alcohol consumption, plus "lite," listeria, labels.

How COVID-19 has shifted the global grocery landscape

16 November 2020

DLA Piper partners Angela Agrusa and Stefanie Fogel are joined by Maureen Hinton and Joseph Robinson of GlobalData to discuss the impact of the pandemic on the industry, with a focus on current developments and the outlook for 2021.

Schrems II: The next chapter – EDPB issues recommendations on supplementary measures for transfers of personal data to the US, European essential guarantees for surveillance measures

13 November 2020

The measures could have significant impacts on international data transfers, particularly those between Europe and the US, which drive over a trillion dollars in trade every year.

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.

Q&A: ACORE Capital

9 November 2020

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

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.

As expected, California ballot initiative passes, significantly altering the California Consumer Privacy Act

5 November 2020

The California Privacy Rights Act adds new obligations on both businesses and service providers, adds some important new definitions and creates new liability risks.

The US Hemp Production Handbook

4 November 2020

A concise, high-level overview for businesses that are currently or are considering operating in this growing market.

eSignature and ePayment News and Trends

2 November 2020

[ESIGNATURE AND EPAYMENT NEWS AND TRENDS](#)

Electronic signature hygiene – does your electronic signature process allow you to enforce a disputed signature? Plus latest legal, regulatory and case law developments.

Chile: Drafting arbitration clauses in international contracts – practical aspects

26 October 2020

International arbitration has expanded considerably in recent years in Chile.

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.

Vaping and COVID-19: Plausibility and causality

26 October 2020

In a courtroom, assertions must be analyzed in the context of tort law.

Food and Beverage News and Trends

23 October 2020

FOOD AND BEVERAGE NEWS AND TRENDS

USDA sued over bioengineered-food rules; as jurisdictions address the pandemic, some developments for restaurants and bars; plus plant-based burgers, cell-based meat, “natural” applesauce.

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.

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.

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.

Expanded NYC Earned Safe and Sick Leave Law imposes additional obligations on employers

8 October 2020

New York City's amended Earned Safe and Sick Leave mirrors new, more generous statewide requirements.

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.

California legislation and recent stockholder derivative suits push for more board diversity

7 October 2020

California's latest diversity law follows a new wave of shareholder derivative actions attacking the lack of racial diversity in corporate leadership.

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.

California enacts consumer financial protection legislation and establishes the Department of Financial Protection and Innovation

5 October 2020

Along with the creation of California's financial services regulator, this new legislation will greatly expand regulation of consumer financial services providers in California.

New York Department of Financial Services issues circular on climate change and financial risks

1 October 2020

The NYDFS expects insurers to start integrating the consideration of financial risks from climate change into their governance framework, risk management processes and business strategies.

eSignature and ePayment News and Trends

30 September 2020

[ESIGNATURE AND EPAYMENT NEWS AND TRENDS](#)

CFPB seeks to promote innovation by giving financial firms more opportunities and compliance flexibility to try new technologies, practices and methods – plus latest legal, regulatory and case law developments.

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...

Blockchain and Digital Assets News and Trends

23 September 2020

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

The court finds that a valid arbitration agreement exists in the ongoing WAX tokens dispute – plus latest legal, regulatory and case law developments.

California on the verge of instituting new deidentification requirements, broader research exemptions for health data

23 September 2020

AB 713 has an emergency clause that means it will go into immediate effect once the governor signs it.

Amendments to Ontario franchise law take effect

17 September 2020

[FRANCAST](#)

These are welcome changes which help align Ontario's legislation with other jurisdictions and with the expectations of franchisors.

Food and Beverage News and Trends

17 September 2020

[FOOD AND BEVERAGE NEWS AND TRENDS](#)

First-ever consent decree under FSMA, plus new egg rules, new grape variety names, carrot cake without carrots, smoked almonds without smoking.

Changes to California's AB 5 independent contractor law create new opportunities and risks

16 September 2020

These changes create additional opportunities for individuals, especially those involved in translation/interpretation and the music industry, to remain independent contractors.

Department of Labor Opinion Letter spells death knell for driver reimbursement claims under the FLSA

9 September 2020

The Opinion Letter provides substantial latitude to employers when reimbursing employees who use their personal vehicles in connection with their jobs.

PREP Act immunity: federal courts weigh in

4 September 2020

The decisions suggest PREP Act immunity may apply broadly to manufacturers but may be more limited for hospitals, nursing homes, healthcare providers and others.

UAE overhauls Economic Substance Regulations

3 September 2020

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

SBA creates administrative process for appealing PPP loan decisions

2 September 2020

Under the process, a borrower may challenge written decisions by the SBA regarding ineligibility and loan forgiveness.

eSignature and ePayment News and Trends

2 September 2020

[ESIGNATURE AND EPAYMENT NEWS AND TRENDS](#)

Want to receive 4506-T documents electronically? Ensure you are addressing recent changes - plus latest legal, regulatory and case law developments.

Proposed changes to US Department of Commerce antidumping and countervailing duty regulations: Consequences for exporters and US importers

31 August 2020

The proposed changes are likely to increase the risk of importers being exposed to unexpected additional duties; foreign producers and exporters could be forced to reduce or cease shipping to the US due to AD and/or CVD duties.

Food and Beverage News and Trends

27 August 2020

[FOOD AND BEVERAGE NEWS AND TRENDS](#)

USDA to hold virtual meeting on Salmonella contamination, egg producer charged with price gouging in the pandemic, plus vegan butter, fish, jams, and the onion recall expands again.

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.

Slave-Free Business Certification Act proposes audit requirements for labor abuses in major company supply chains

27 August 2020

The legislation would require large companies to report on and root out forced labor in their supply chains.

Georgia shields businesses and other entities from COVID-19 liability claims and lawsuits

25 August 2020

The act protects businesses and other entities from certain liability claims and lawsuits related to the transmission of COVID-19 allegedly occurring on their premises.

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.

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.

CCPA regulations take effect with a few minor changes

19 August 2020

The final approved CCPA regulations take effect immediately.

Food and Beverage News and Trends

10 August 2020

[FOOD AND BEVERAGE NEWS AND TRENDS](#)

FDA announces new food safety blueprint, plus cell-cultured meat, bioengineered foods, soda, onions and a white candy bar, a court says, is white.

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.

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.

NLRB overturns restrictions on employee discipline for profane or abusive outbursts

31 July 2020

Another reflection of a labor law landscape undergoing dramatic change.

eSignature and ePayment News and Trends

30 July 2020

[ESIGNATURE AND EPAYMENT NEWS AND TRENDS](#)

OCC says national banks may provide cryptocurrency custody services – plus latest legal, regulatory and case law developments

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.

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.

Returning to work: OSHA issues guidance

21 July 2020

The latest guidance includes FAQ responses which clarify OSHA's position on a number of important COVID-19 issues.

Blockchain and Digital Assets News and Trends

20 July 2020

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

Court upholds New York AG's Martin Act authority to investigate virtual currency fraud – plus latest legal, regulatory and case law developments.

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.

Food and Beverage News and Trends

10 July 2020

[FOOD AND BEVERAGE NEWS AND TRENDS](#)

Illinois warns bars and restaurants about social distancing, Colorado mandates cage-free hen housing.

New antidumping and countervailing duty petitions filed against imports of standard steel wire mesh from Mexico: Consequences for exporters and US importers

7 July 2020

Duties can be imposed if the DOC determines that imported goods are dumped and/or subsidized and if the ITC also determines that the domestic industry is materially injured or threatened with such injury by reason of subject imports.

The legal challenges facing the vaping industry in the EU/UK and the US: An overview and a look ahead

7 July 2020

Notes as the industry matures.

All quiet on the merger front...right? US antitrust agencies issue joint 2020 Vertical Merger Guidelines

6 July 2020

The Guidelines focus heavily on two primary concerns – foreclosure or raising rivals' costs and access to competitively sensitive information.

eSignature and ePayment News and Trends

2 July 2020

[ESIGNATURE AND EPAYMENT NEWS AND TRENDS](#)

Honoring National E-SIGN Day – plus latest legal, regulatory and case law developments

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.

New countervailing duty petitions filed against phosphate fertilizer imports from Morocco and Russia: Consequences for exporters and US importers

1 July 2020

US CVD investigations can result in the imposition of substantial duties, in addition to other already applicable duties and tariffs.

The new US-Mexico-Canada trade agreement goes live today

1 July 2020

USMCA is the first treaty in which complaints of noncompliance by a Mexican facility may be reported to a US government agency for the purpose of investigation and, if appropriate, remediation.

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

30 June 2020

Claiming USMCA duty advantages – practical considerations.

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.

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.

Puerto Rico lockdown lifted; most businesses and tourism reopen

18 June 2020

The tourism, recreation and entertainment industries will resume operations progressively.

The CCPA is a moving target

18 June 2020

What is a Chief Privacy Officer to do about CCPA compliance amid this uncertainty?

US Department of Commerce clears Huawei to participate in international standards organizations

18 June 2020

BIS noted it is important to US technological leadership that US companies be able to work in these standards bodies to ensure US standards proposals are fully considered.

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

18 June 2020

WEF's foundational values for a decentralized future.

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.

Boardroom Brexit - 15 June 2020

15 June 2020

[BOARDROOM BREXIT](#)

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

Food and beverage COVID-19 regulatory updates

4 June 2020

Ongoing commentary and guidance from US regulators.

COVID-19 spurs digital transformation and electronic use and acceptance

3 June 2020

Steps to help to ensure enforceability and meet compliance obligations.

Update: NLRB proceeds with partial implementation of new election rules after adverse federal court ruling

3 June 2020

The new rules faced a bumpy road to implementation.

eSignature and ePayment News and Trends

3 June 2020

[ESIGNATURE AND EPAYMENT NEWS AND TRENDS](#)

COVID-19 spurs digital transformation and electronic use and acceptance, plus latest legal, regulatory and case law developments.

New antidumping and countervailing duty petitions filed against lawnmowers from China and Vietnam: consequences for exporters and US importers

29 May 2020

ITC staff work begins almost immediately on such petitions.

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.

Lockdown in Puerto Rico modified to allow greater commercial activity

28 May 2020

Puerto Rico's lockdown order is extended, but a number of additional businesses are being allowed resume operations, with certain limitations.

Supreme Court of Wisconsin invalidates state's emergency order: Questions remain for businesses seeking to reopen

27 May 2020

This sudden development increases challenges facing Wisconsin businesses as they consider reopening their businesses.

Food delivery fee disclosures and caps in the wake of COVID-19 pandemic

26 May 2020

As a result of customers' increased reliance on third-party food delivery services precipitated by social distancing measures and compliance with local stay at home orders, cities have begun to take note of the fees charged by third-party delivery service providers, often with disparate impact on restaurant companies of varying sizes and negotiating power.

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.

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.

CPRA analysis: The "good" and "bad" news for CCPA-regulated "businesses"

11 May 2020

How might the CPRA change the CCPA? Highlights.

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.

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.

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 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.

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.

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?

Ending the inevitable battle over whether the estate should assert claims: The case for independent fiduciary investigations

6 May 2020

An effective mechanism for investigating whether claims should be pursued against the debtor on behalf of the bankruptcy estate.

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.

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.

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.

US securities regulators focus on China and emerging markets: Further risk and disclosure considerations are necessary

4 May 2020

Key takeaways for China-based US-listed companies.

Food and beverage COVID-19 regulatory updates

1 May 2020

Ongoing commentary and guidance from US regulators.

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.

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

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.

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.

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.

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

Blockchain and Digital Assets News and Trends

23 April 2020

BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS

The FSB report on global stablecoin frameworks and related cryptoassets reflects views inside G20 governments – plus latest legal, regulatory and case law developments.

Strengthening franchise systems post COVID-19: Strategic acquisitions

23 April 2020

FRANCAST

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

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.

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.

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?

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.

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.

The litigation environment in the vape industry

17 April 2020

The industry should anticipate more lawsuits and investigations from attorneys general and local municipalities.

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.

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.

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.

Federal Circuit reshapes the rules for color marks on product packaging

14 April 2020

The Federal Circuit decision changes the rules for adjudging the ability to register color marks.

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.

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.

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.

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.

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 logical process flow that can serve as a practical checklist.

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.

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.

Trump Administration issues new regulations reducing stringency of automobile fuel economy and greenhouse gas emissions standards for 2021-2026

7 April 2020

The new standards are controversial and are subject to multiple court challenges.

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.

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.

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.

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

3 April 2020

What the relief bill may mean for the cannabis industry.

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 employees.

eSignature and ePayment News and Trends

March/April 2020

[ESIGNATURE AND EPAYMENT NEWS AND TRENDS](#)

COVID-19 special edition

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.

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.

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.

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.

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.

Blockchain and Digital Assets News and Trends

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.

Coronavirus: Competition and regulatory measures in Ireland

25 March 2020

ANTITRUST AND COMPETITION: NOVEL ISSUES IN A POST-CORONAVIRUS WORLD

An unprecedented challenge calls for unprecedented measures. The competition and regulatory world has reacted rapidly to the challenge of COVID-19 with bold legal solutions. We discuss how EU and Irish regulators are responding with support for business, exploring the relaxation of competition laws and adopting temporary measures for merger review.

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.

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.

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.

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.

[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.

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.

Coronavirus: New York State enacts emergency paid sick leave law, effective immediately (United States)

20 March 2020

To be eligible for the benefits available under the Act, an employee must be subject to a mandatory or precautionary order of quarantine or isolation.

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

19 March 2020

For help considering potential impacts of FDA touchpoints.

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.

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.

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

19 March 2020
Key highlights for March 19, 2020.

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.

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.

US employee benefits and the coronavirus

17 March 2020
Some of the many benefit plan issues that employers are facing.

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.

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.

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.

The age of growing viral outbreaks: key contract considerations in a world facing the latest outbreak – COVID-19 (Global)

13 March 2020

The effect of viral outbreaks on overall business continuity and performance as a priority in assessing operational, reputational and contract risks and their potential consequences and liabilities.

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.

Negotiations begin on legislation to mitigate economic impact of coronavirus outbreak: Congressional tax writers seek your input

10 March 2020

The Congressional tax writers are seeking private sector input in two different but equally important forms.

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.

Game changer – DOL and NLRB issue final rules interpreting joint employer status

5 March 2020

The new rules narrow the circumstances under which businesses may be considered joint employers under the FLSA and NLRA.

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.

Task Force on Artificial Intelligence hearing: Equitable Algorithms: Examining Ways to Reduce AI Bias in Financial Services – key testimony on challenges and opportunities

28 February 2020

What does it mean to design ethical algorithms that are transparent and fair, and how do we program fairness? Testimony before the House Task Force on Artificial Intelligence.

eSignature and ePayment News and Trends

28 February 2020

ESIGNATURE AND EPAYMENT NEWS AND TRENDS

What does it mean to design ethical algorithms that are transparent and fair? Testimony from the latest House Task Force on AI hearing; plus latest legal, regulatory and case law developments.

Food and Beverage News and Trends

21 February 2020

FOOD AND BEVERAGE NEWS AND TRENDS

Members of Congress protest proposed changes in federal school meal program; plant-based company sues California regulators on free speech grounds.

Blockchain and Digital Assets News and Trends

19 February 2020

BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS

In this issue, SEC Commissioner Peirce proposes bold new safe harbor for digital tokens, plus the latest legal developments in blockchain technology, smart contracts and digital assets.

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.

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

14 February 2020

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.

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.

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.

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.

California issues CCPA proposed modified regulations 2.0

12 February 2020

Version 2.0 adds clarity to the proposed California Consumer Privacy Act regulations.

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.

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.

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

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.

Food and Beverage News and Trends

7 February 2020

FOOD AND BEVERAGE NEWS AND TRENDS

Virginia moves to define "milk," court overturns Kansas ag-gag law, plus vanilla, glyphosate, and Hep A back in the news.

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.

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.

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.

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.

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.

Food and Beverage News and Trends

24 January 2020

[FOOD AND BEVERAGE NEWS AND TRENDS](#)

Appeals court strikes down Missouri alcohol advertising rules on free speech grounds; USDA loosens school lunch nutrition rules; plus news of salads, e-cigarettes, serving sizes, and a new dietary fiber

Iran nuclear deal: the launch of the 'Dispute Resolution Mechanism' and the 'potential snapback' of UN and EU sanctions

17 January 2020

This week, France, Germany and Britain have triggered the Dispute Resolution Mechanism against Iran under the Joint Comprehensive Plan of Action (JCPOA). Will this process lead to the re-imposition of UN and EU sanctions on Iran?

Blockchain and Digital Assets News and Trends

16 January 2020

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

Taxation of cryptocurrency: challenges for charities in the US and new guidance in the UK, plus latest legal developments in blockchain technology, smart contracts and digital assets.

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.

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.

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.

eSignature and ePayment News and Trends

20 December 2019

[ESIGNATURE AND EPAYMENT NEWS AND TRENDS](#)

In this issue, a NIST report examines the demographic accuracy of nearly 200 facial recognition algorithms; plus latest developments from the legislatures, the regulators and the courts.

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.

New California laws make potentially costly changes to Civil Discovery Act

17 December 2019

The changes are sure to affect all California litigants and civil litigators starting in 2020.

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.

Blockchain and Digital Assets News and Trends

13 December 2019

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

A new lawsuit alleges the CFPB Prepaid Rule violates free speech; plus the latest legal developments in blockchain technology, smart contracts and digital assets.

Food and Beverage News and Trends

11 December 2019

[FOOD AND BEVERAGE NEWS AND TRENDS](#)

Nomination of new FDA head advances, plus rose chocolate, meat wars, cage-free hens, and the last near-beer state.

New federal overtime rule set to take effect January 1, 2020

10 December 2019

The new rule significantly modifies the legal landscape regarding wage-and-hour compliance.

Announcing DLA Piper's MDL Benchmark Database

9 December 2019

Comprehensive and systematic analyses of MDL procedures and practices.

New Jersey to jump on the salary history "ban" wagon

3 December 2019

If violated, this new law gives applicants the ability to bring a private right of action against the prospective employer, and employers risk additional liability under the New Jersey Law Against Discrimination.

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.

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.

California Proposition 65 lists two chemicals, PFOA and PFOS, found in a number of consumer products

12 DEC 2018

Given Prop 65's active and litigious enforcers, companies doing business in California that suspect their products may cause an exposure to PFOA/PFOS should consider compliance options now.

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.

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

[LAW À LA MODE](#)

The UK editorial team is delighted to bring you this special edition of Law à la Mode, produced by DLA Piper's Retail Sector group for distribution to clients and contacts of the firm worldwide and marking the 140th Annual Meeting of INTA in Seattle.

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

[LAW À LA MODE](#)

The UK editorial team is delighted to bring you this special edition of Law à la Mode, produced by DLA Piper's Retail Sector group for distribution to clients and contacts of the firm worldwide and marking the 140th Annual Meeting of INTA in Seattle.

California Supreme Court adopts broad "ABC" test for determining employment relationship

11 MAY 2018

[FRANCAST](#)

Franchisors are taking note of this long-awaited decision.

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

20 DEC 2017

[LAW À LA MODE](#)

The Asia Pacific editorial team is delighted to bring you the 24th edition of Law à la Mode, the quarterly legal magazine published by DLA Piper's Retail Sector group for clients and contacts of the firm worldwide.

Supreme Court Corner: Q1 2017

30 MAR 2017

Key Supreme Court decisions in the copyright and patent areas.

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

[LAW À LA MODE](#)

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.

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

The UK editorial team is delighted to bring you the 22nd edition of Law à la Mode, the quarterly legal magazine published by DLA Piper's Retail Sector group for clients and contacts of the firm worldwide.

Opportunity for temporary duty suspension or reduction - submit petitions for Miscellaneous Tariff Bills to ITC by 12/12/16

1 NOV 2016

Interim rules governing the petition process and a web portal – the MTB Petition System – to facilitate submission of duty suspension requests.

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

The French editorial team is delighted to bring you this special edition of Law à la Mode, marking the 138th INTA Annual Meeting in Orlando.

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.

FTC updates Q&A on Endorsement Guides – changes affect all types of media and endorsement: 5 takeaways

3 JUN 2015

The Endorsement Guides apply equally to all types of media and forms of endorsement

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.

EVENTS

Previous

US employment laws and updates

17 November 2021 | 2:00 - 3:00 ET

CONSUMER GOODS AND RETAIL SPEAKER SERIES

Webinar

Food and Drug Law Journal 2021 Symposium

4 November 2021

Webinar

Trade dress and unconventional trademarks

20 October 2021 | 2:00 - 3:00 ET

CONSUMER GOODS AND RETAIL SPEAKER SERIES

Webinar

False advertising 101

15 September 2021 | 2:00 - 3:00 ET

CONSUMER GOODS AND RETAIL SPEAKER SERIES

Webinar

Embracing Digital Evolution

15 September 2021

Webinar

Biden's Climate Summit - what changes can we expect and how could those impact COP26?

27 April 2021

Webinar

Employment in the consumer goods, food and retail sectors in 2021 – what to expect

16 February 2021

Webinar

VAT: Sales of goods to and from the UK post-Brexit

9 December 2020 | 12:00 - 1:00 ET

Webinar

EDPB recommendations for safeguarding data transfers after Schrems II

19 November 2020

Webinar

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

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

NEWS

DLA Piper partners Jeff Baglio and Erin Gibson named to *San Diego Business Journal's* 2021 Leaders in Law list

15 November 2021

DLA Piper is pleased to announce that partners Jeff Baglio and Erin Gibson have been named to the *San Diego Business Journals* 2021 Leaders in Law list.

DLA Piper partner Jeff Baglio named a 2021 BTI M&A Client Service All-Star

9 September 2021

DLA Piper is pleased to announce that BTI Consulting Group has recognized partner Jeff Baglio for providing superior service to clients

in its 2021 BTI M&A Client Service All-Star report.

DLA Piper advises Foot Locker in US\$360 million acquisition of atmos

4 August 2021

DLA Piper represented Foot Locker, Inc. in its recent agreement to acquire Text Trading Company, K.K., which owns and licenses the atmos brand.

DLA Piper recognized as one of the "Most Recommended Law Firms" by BTI Consulting Group

26 July 2021

Due to its ability to "exceed client expectations and consistently demonstrate deep business understanding," DLA Piper is pleased to announce that it has been named one of the 11 Most Recommended Law Firms by BTI Consulting Group for 2021.

DLA Piper partner Jamila Justine Willis named to *Bloomberg Law's They've Got Next: 40 Under 40* list

15 July 2021

DLA Piper is pleased to announce that Jamila Justine Willis was named to *Bloomberg Law's* inaugural They've Got Next: 40 Under 40 list highlighting up-and-coming attorneys across various practices.

DLA Piper lawyers and practices ranked in latest edition of *The Legal 500*

17 June 2021

DLA Piper announced today that the firm received 42 individual lawyer rankings and 49 firm rankings in *The Legal 500 United States* 2021 guide.

DLA Piper advises Katapult in merger with FinServ Acquisition Corp.

15 June 2021

DLA Piper represented Katapult Holdings, Inc. in its merger with special purpose acquisition company FinServ Acquisition Corp.

Angela Agrusa named to the *Los Angeles Business Journal's* 2021 LA500 list

1 June 2021

DLA Piper is pleased to announce that Angela Agrusa was named to the *Los Angeles Business Journal's* 2021 LA500 list honoring the most influential leaders and impactful executives in Los Angeles.

DLA Piper lawyers and practices ranked in latest Chambers edition

1 June 2021

DLA Piper today announced that the firm received 216 lawyer rankings and 94 firm rankings in *Chambers USA's* 2021 guide.

DLA Piper announces new sector leadership

10 March 2021

DLA Piper is pleased to announce several recent changes to the firm's sector leadership.

DLA Piper advises Essentia CEO Scott Miller in sale of Essentia to Nestlé

9 March 2021

DLA Piper represented Scott Miller, CEO of Essentia Water, in the sale of Essentia, a premium functional water brand headquartered in Bothell, Washington, to Nestlé.

DLA Piper advises Pairwise in US\$90 million Series B financing

5 February 2021

DLA Piper represented food technology company Pairwise in its recent US\$90 Series B financing.

DLA Piper represents Blue Diamond in dismissal of class action lawsuit

14 December 2020

DLA Piper represented Blue Diamond Growers in the dismissal of a class action lawsuit filed in the US District Court for the Southern District of New York.

Tamar Duvdevani named a *Hollywood Reporter* Top 20 New York Power Lawyer

9 December 2020

DLA Piper is pleased to announce that partner Tamar Duvdevani, the Intellectual Property and Technology chair of the New York office, has been named to *The Hollywood Reporter's* inaugural Power Lawyers list of Top 20 New York Entertainment Attorneys.

DLA Piper advises Whole Earth Brands in US\$80 million acquisition of Swerve

12 November 2020

DLA Piper represented Whole Earth Brands, Inc. in its US\$80 million acquisition of Swerve, a rapidly growing manufacturer and marketer of a portfolio of zero sugar, keto-friendly and plant-based sweeteners and baking mixes.

DLA Piper advises Twin Point Capital in its control investment in Frontpoint Security

12 October 2020

DLA Piper represented Twin Point Capital in its purchase of a controlling interest in Frontpoint.

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.

Stefanie Fogel named to the *National Law Journal's* 2020 list of Cannabis Law Trailblazers

17 September 2020

DLA Piper is pleased to announce that Stefanie Fogel has been named a 2020 Cannabis Law Trailblazer by the *National Law Journal*.

DLA Piper advises Haymaker Acquisition Corp. II in business combination with ARKO Holdings and GPM Investments

9 September 2020

DLA Piper represented Haymaker Acquisition Corp. II in a definitive agreement for a business combination with GPM and ARKO Holdings Ltd.

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.

DLA Piper lawyers and practices ranked in latest Chambers edition

8 May 2020

DLA Piper today announced that the firm received 172 lawyer rankings and 71 practice rankings in *Chambers USA's* 2020 guide.

DLA Piper advises OneSpaWorld in US\$75 million investment

5 May 2020

DLA Piper represented OneSpaWorld Holdings Limited, a global provider of health and wellness services and products on cruise ships and in destination resorts around the world, in an agreement to sell US\$75 million in common equity and warrants to Steiner Leisure Limited and its affiliates and other investors.

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.

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.

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.

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.

Sector focus

Consumer Goods

Food and Beverage

Retail

CONSUMER GOODS

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.

FOOD AND BEVERAGE

Companies operating in today's global food and beverage sector must adapt to an increasingly competitive environment and at the same time navigate an ever more complex array of industry-specific regulatory requirements. Understanding and complying with these requirements is an integral component of strategic growth, from R&D through to manufacturing, marketing and distribution.

With a global platform, on-the-ground presence in local markets and a dedicated cross-disciplinary focus on the food and beverage industry, DLA Piper is positioned to advise and partner with companies operating in this sector. We are the instigators of thought leadership and help shape the development of policy on issues integral to the industry.

We anticipate the development of key emerging issues and promptly advise on important issues affecting the industry, such as:

- Balancing consumer choice, affordability and health and wellness
- Risk management in globalized supply chains, including sustainability, provenance, obesity and food miles
- Nutritional content and the development and use of innovative ingredients
- Environmental impact, waste management and recycling
- Global legislative and regulatory trends, such as testing, certification and labeling
- Product liability, recall and class action litigation
- International trade and antitrust and competition developments (including pricing, market segmentation and merchandising)
- Advertising and, in particular, nutritional claims

RETAIL

Retail continues to undergo constant disruption. Consumers are becoming more powerful. Experiential shopping, shifting attitudes about shopping, redevelopment opportunities, the growing dominance of e-commerce, pop-up stores, off-price retailing and the need for supply chain improvements are major trends reshaping the retail industry. To remain competitive, retailers are facing the need to significantly change.

In this competitive, swiftly evolving environment, sophisticated business clients want lawyers who understand their business, anticipate legal problems, know how others in their industry are addressing emerging issues, find out what regulators and accounting professionals think about those issues, and give efficient, business-oriented answers to a question the first time it is asked. DLA Piper believes that this ability to advise retail clients is only developed through extensive industry involvement, a sharp understanding of developing trends, and a determination to provide high-quality, seamless service.

Our firm's sector approach is critical to tackling the needs of retailers and is a key reason why retail companies seeking a strategic partner in the legal arena turn to DLA Piper.

Our Retail sector includes nearly 200 lawyers in North America with experience in diverse, highly relevant areas of practice. The sector team offers a matrix of services that retailers consider critical to their success:

- **Strategic advice:** general corporate advice and outside general counsel experience
- **Brand management and protection:** advertising, trademark, copyright licensing, anti-counterfeiting
- **Channel management:** distribution, franchise, e-commerce, privacy
- **Corporate and finance:** M&A, securities, debt finance, taxation
- **Cybersecurity, e-commerce, privacy and data protection:** Helping businesses keep up with critical, fast-changing data protection laws and create, manage and maintain a secure cyber DNA in the face of escalating threats and legal requirements, in-house turnover and a shift in the duty of care
- **Franchising and distribution:** We are the top franchise practice in the world. Many of the world's largest and most innovative retailers, restaurant chains, hotels and service providers rely on us to help them establish franchise or related distribution systems and navigate their expansion into new markets
- **Government affairs:** We have one of the top government affairs practices in the US, representing clients before governments and administrative organizations on a broad array of public policy, legislative, regulatory and administrative issues
- **Infrastructure services:** human resources, IT sourcing, outsourcing
- **Employment:** employment counseling and advice, defense and prosecution of bet-the-company litigation
- **Litigation:** consumer class actions, brand/IP litigation, product liability • **International needs:** cross-border taxation, transactions, sourcing, branding
- **Real estate:** leasing, land use and zoning, construction, warehouse and distribution facilities
- **Regulatory:** packaging and labeling, permitting/licensing, product recalls, children's products, California Prop 65, food, beverage, and alcohol retail sales, supply chain implications
- **Restructuring:** reorganizations, distressed asset sales and purchases, restructuring analysis and alternatives advice
- **Tax:** tax planning, structuring, audit defense both locally and globally

[Back to top](#)

Sustainability and ESG

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.

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 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. Close 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 SESG 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 SESG 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. SESG 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 SESG 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 SESG 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.

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