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# CMS Consumer Products Group



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# Overview

The Consumer Products sector is a fiercely competitive market. From all aspects of the supply chain, organisations are under pressure to improve yield, cut costs and deliver value, while also reducing the environmental impact and providing sustainable solutions. Businesses must cope with fluctuations in the cost of raw materials, funding pressures and consolidation in the market and, to do so, you need a legal team which understands the market and your needs.

The CMS Consumer Products team brings together experts who focus on advising clients in the sector and who get to know the key issues and drivers affecting the sector.

As consumer product legislation differs around the world, you will have access to a pan-European and global team. We know the industry and help, not only to understand the law, but shape its future.

**Value we bring to our clients**

*Proven international capability built on deep local knowledge*

Our clients trust us to handle their legal affairs for two principal reasons:

— Each CMS office is a leading practice in its local jurisdiction and our advice reflects our understanding of national laws, cultures and business practices.
— CMS offices are experienced in working together to provide international advice underpinned by common procedures and the same high standards of quality and commitment.

*Client-based solutions*

Our approach is to work together, tailoring advice to reflect our clients' needs and the markets in which they operate. What does this mean in practice?

— Advice, assistance and representation from specialist lawyers who work to the same exacting standards wherever they are based.
— Access to industry expertise and sector insights across European markets.
— Genuinely integrated project management and coordination.
— Flexibility of resources and the ability to tailor staffing levels to suit specific project needs.
— High standards of service quality and responsiveness.

*Sound commercially-relevant sector advice*

Our teams are structured around industry and product specialisations, rather than divided along geographical lines, combining specialist expertise, industry knowledge and the experience of relevant transactions. This structure encourages the sharing of experience and sector knowledge, discourages 'reinventing the wheel' and enables our lawyers to deliver cutting-edge legal services on national and cross-border deals.

# Our Consumer Products Sector Group

The Consumer Products sector is by its nature fast-moving and diverse, and CMS has extensive industry experience and understanding of the issues relevant to your business. We can quickly assemble cross-border teams to ensure that you are provided with high quality legal and tax advice.

We advise on all legal and tax aspects of doing business in the Consumer Products sector, including:

- **Mergers and acquisitions**
- **Unfair competition and anti-trust**
- **Contracts and distribution practices**
- **General terms of trade**
- **Labelling and regulatory**
- **Joint ventures and strategic alliances**
- **National and EU Works Council issues**
- **Corporate governance**
- **Securities and exchange filings**
- **Code of conduct**
- **Transfer pricing**
- **Exclusivity and selective distribution**
- **Dominance and abuse**
- **Category management**
- **Supply arrangements**
- **Agency and franchise**
- **Point of sale promotions**
- **Product liability, product recall**
- **Intellectual property rights**
- **Advertising and media relations**
- **Financing**
- **Impact of counter party insolvency**
- **Anti Bribery and corruption**
- **Data protection**
- **Debt and Equity Capital Markets**
- **E-commerce**
- **Real estate**
- **Tax**
- **Environmental and packaging**

CMS' specialist Consumer Products Group brings together experts from throughout the firm, all focused on providing tailor-made services to the Consumer Products sector. We have acted on behalf of clients in a wide range of areas, including:

- Food and Drinks
- Cosmetics and Personal Care
- Health and Beauty
- Clothing
- Household Accessories
- Electronics
- Retail
- Automotive





# Sector Examples

— Advising **a UK listed food manufacturer** on the sale of its gluten free business

— Advising **a sport shoe distributor** on a litigation before the French court for non-compliant labelling (criminal proceedings)

— Advising **multinational manufacturers and local leader companies from the food, drink and equipment sectors** in their day-to-day French consumer law needs

— Advising **a famous French brand of cashmere jumpers** on a full audit in consumer law

— Advising on consumer law, business law and taxation **international companies from sectors such as food, drink, personal care, home equipment and automotive**, in Algeria and Morocco

— Advising **a hip international clothes brand** regarding all issues of counterfeit of its trademarks and designs, including the filing of criminal complaints.

— Advising **a very successful Belgian fast-food chain selling natural and bioproducts** on franchising and commercial lease issues.

— Advising **an international perfume multinational** in court proceedings in the Netherlands against trade mark infringers.

— Advising **a national supermarket company** on detailed advice about an alleged infringement by a competitor on its logo.

— Advising **a large Dutch food producer** on a cartel investigation by the Dutch Competition Authority.

— Advising **a US financial institution** on the refinancing of the number one selling brand of car care products in the world with sales in 90 countries.

— Advising **an international private equity investor** on its recent acquisition of a leading producer and supplier of hotel cosmetics.

— Advising **a large private equity house** on the sale of all shares in CoffeeCompany to Sara Lee Corp.

— Advising and representing **a large fashion company** on several occasions in court proceedings in the Netherlands regarding trade mark infringement and/or parallel import/piracy.

— Advising **the largest Czech and Slovak agriculture and food group** on the acquisition of a German food company owned by the largest food company in Italy.

— Advising **a dairy products producer** on all aspects related to the manufacture, distribution, advertising and promotion of its products in Portugal.

— Advising **a top coffee brand in Portugal** on the setting up of its distribution network and the launching of new products.

— Advising **a renowned international brand of watches, jewellery and clothing** on the setting up of its selective distribution network in Portugal.

— Advising, in Portugal, **two leading automobile producers** on their distribution networks, including advice on several types of agreements to be entered into with consumers and on anti-money laundering legislation.

— Advising **a globally leading diamond company** on establishment of flagship stores, including a branch establishment in Shenzhen, China, commercial contracts, general terms and conditions and website policy.

— Advising **a leading textile manufacturer in Europe** on establishment and restructuring of a joint venture in China.



— Advising **a bakery and mill group** with an extensive product range on establishment and restructuring of a bakery retail chain joint venture in Shanghai with 18 branches.

— Advising **a Germany-based retail group** on PRC law issues concerning its supplier relationship with PRC suppliers.

— Advising **a manufacturer and distributor of cleaning equipment** on the establishment of a wholly foreign-owned enterprise and contractual arrangement of their supply chain in the PRC.

— Advising **a producer and processor of raw materials for the food industry** on restructuring of their equity interests in a Chinese food manufacturing joint venture.

— Advising **a private equity fund active in CEE** on a number of acquisitions in the retail sector in Poland, including the purchase of a popular convenience stores chain, a regional supermarkets chain and the acquisition of the largest retail group comprising supermarkets, franchise shops, convenience stores and chemist retailers.

— Advising **the leading Czech sugar producer** on a large scale restructuring involving mergers of five companies, squeeze out and restructuring as well as in several claims against the Czech Republic.

— Advising **major multinational manufacturers from the food and drinks sector** in the Czech Republic on regulatory matters, product recalls, distribution and competition law issues, the restructuring of business activities and commercial matters, including the drafting and negotiation of commercial contracts.

— Advising **a retailer of accessories and jewellery** on licensing issues relating to the opening of new stores in Hungary.

— Advising **a major private equity firm** on the acquisition of the third largest producer of private label wet and dry pet food in Europe, operating in Western Europe and the CEE region, including Hungary, Czech Republic, Poland and Slovakia.

— Advising various **car manufacturing companies** in product liability disputes in Russia, involving human casualties and substantial damage to the property.

— Advising **a major tobacco company** on various Russian product liability issues.

— Advising **a leading retailer** on tax and legal aspects regarding the structuring and optimisation of acquisition costs of land plots in the regions of Russia for the purpose of further retail stores development.

— Advising **a large Ukrainian soft drinks and snacks producer** on restructuring of their FMCG business model in Ukraine.

— Advising **a major beverage producer** in relation to a non-concentrative joint venture in the recycled plastic industry.

— Advising on a multi-jurisdiction merger filing in Eastern Africa in relation to the acquisition by **one of the major's automobile distribution group.**

— Advising on a cross-border cartel case with **German flour millers** and in a joint venture between competitors.

— Advising **producers in the food and drink sector** on the update of contracts to make them compliant with the legislation regulating the sale of food and drink products.

— Advising **a FTSE 100 company from the consumer products sector** on sponsorship arrangements and conducting risk analysis on termination of key marketing agreements.

— Advising **a global food and drink client** on various media issues, including on two investigative documentaries (by Panorama and Channel 4 Dispatches) and a proposed BBC feature film all raising serious allegations.

— Advising **a leading global FMCG company** on a competitor's comparative advertisement and potential action, including advising on scope for injunctive proceedings and complaint to the ASA.

— Advising **a global consumer products company** on a significant claim against a major retail chain for breach of a discounted supply agreement and advising on the successful settlement of the claim.

— Advising **the largest UK car dealer** on its refinancing with a large syndicate of banks and financial institutions, together with an equity raise.

— Advising **a Belgian international food retailer** on its acquisition of a market leading retail chain mostly in the food sector.

— Advising **the leader in rentable home entertainment** in the administrators on the disposal of 49 stores held by the company, to a large supermarket chain.

— Advising **one of the biggest beverage companies** worldwide on its joint venture with a company leader in the PET rigid packaging.

— Advising **a leading manufacturer of cake, bread and bakery goods** on the disposal of one of its business, to another food chain from the UK.

— Advising **the European leader in the wholesale distribution of office products, services and solutions** on four different cartel investigations in relation to envelopes, envelopes' exports, filing products and paper products (notebooks, exercise books, etc.).

— Advising **one of the major companies in the dairy sector in Europe** on proceedings opened by the SCA against the main players in the industry for alleged restrictive practices.

— Advising various banks on the financing of **consumer products and retail clients** including food, beverages and retail clothing companies

— Advising **consumer clients** on competition and antibribery and corruption compliance programmes across Europe and beyond


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