

Your World First



# Food and beverage



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Your blend of deep substantive expertise and keen sense of business realities and strategic thinking are just what we need.

*Global General Counsel, Major Food Manufacturer*





# Food and beverage sector overview

At CMS we work hard to be a truly client focused law firm. This means understanding the unique needs and challenges of each market sector, and providing a tailored service addressing your particular concerns and requirements.

Food and beverage companies operate in challenging times. Shifts in the grocery market are placing intense pressure on margins, compliance and regulatory burdens are growing, and there is mounting emphasis on supply chain transparency. Meanwhile, public interest in diet and health, animal welfare, and sustainability, as well as complex rules on nutrition and functional food claims also all form part of a complex landscape that food and beverage companies must navigate in order to run their businesses successfully.

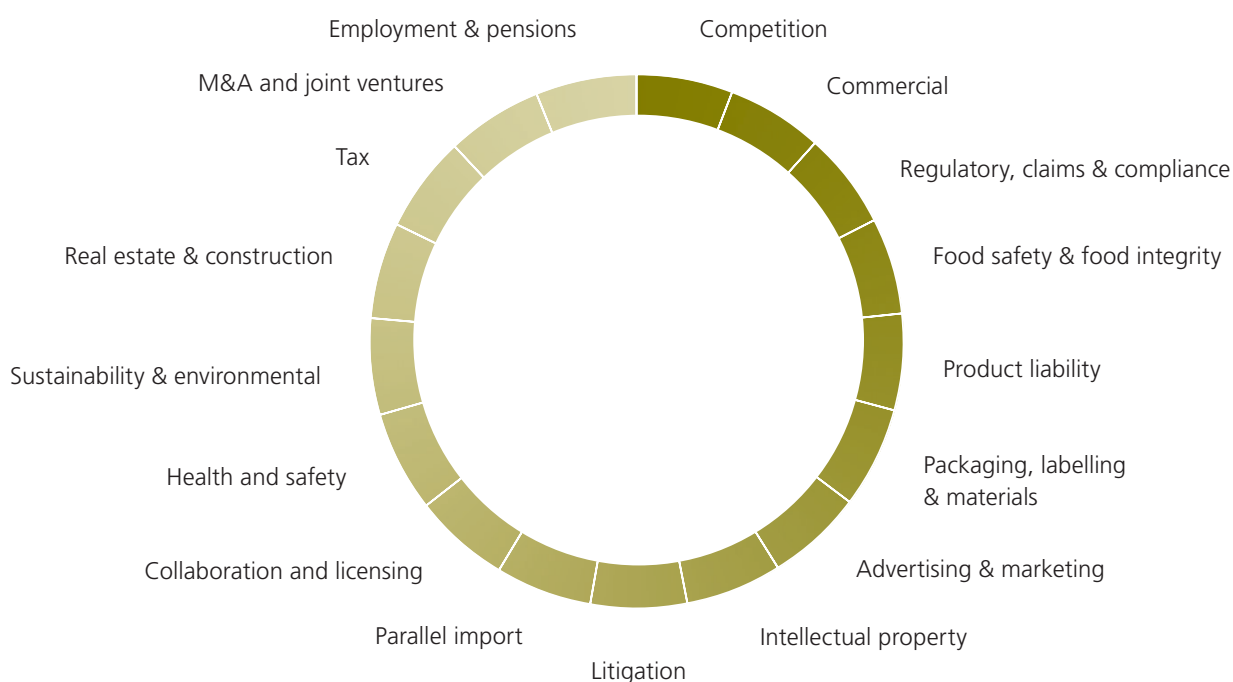
## CMS food and beverage expertise

CMS' food and beverage group brings together specialist food lawyers and sector experts to create a one-stop-shop for issues relating to the food and beverage sector.

CMS' specialist team advises on a full range of matters, from regulatory and compliance (including nutrition, health and food information) to product liability issues, contamination and recall, regulatory prosecutions, new product launches, nutraceuticals, labelling, advertising, marketing and promotions, IP and brand protection, borderline products and product audits, commercial contracts, food safety, food integrity, and health and safety issues.

We also advise food and beverage manufacturers on corporate transactions, banking and refinancing matters, reorganisations and restructurings, real estate and construction, and on HR and pensions matters.

## Areas of law



## Specific food and beverage sector issues

We support our clients on a wide array of issues that arise out of current market trends:



### **Legal risks of the supply chain:**

we advise food and beverage manufacturers on the legal risks associated with long and often international supply chains e.g. food safety, traceability, Modern Slavery Act.



### **Packaging:**

the rules on packaging, labelling and marketing seem to be in a constant state of flux. We regularly help manufacturers navigate the complex regulatory environment relating to packaging, food contact materials, and claims.



### **Nutraceuticals:**

many traditional food manufacturers have recognised the potential opportunities of adding nutraceuticals to their portfolios. Our cross-sector experts advise manufacturers on the specific legal issues that arise in this area, including how such foods are regulated, and what claims manufacturers can make.



### **Significant industry themes:**

we advise food and beverage manufacturers on the potential impacts of, and responses to, new legislation such as the UK's Sugar Tax, and large-scale events including Brexit.



### **Regulation:**

we help food and drink manufacturers navigate the challenging FMCG regulatory environment, including framework legislation, the complex and fast-changing rules on food safety, hygiene and integrity, and novel and genetically modified foods.



### **M&A:**

we help companies in the sector tackle market consolidation and we are consistently ranked as the leading firm for European M&A. We also support companies on corporate finance matters and PE investments and disposals.

## Our sector experience

The following is a short overview of the depth and range of our diverse experience in the food and beverage sector. Relevant experience includes advising:

### **The UK's no.1 supplier of premium cakes**

- On a licence, manufacturing and packaging agreement with another leading food brand. CMS also advised on a framework distribution agreement for the marketing, distribution and resale of gluten free bakery goods in France, as well as on a variety of M&A transactions.

### **A leading transnational food and beverage company**

- On its appeal to the High Court and then on the reference to the Court of Justice of the European Union in respect of the application to register the shape of its wafer biscuit bar as a 3-dimensional trade mark.

### **A multinational food and beverage business**

- In relation to a former employee's conduct in requesting 'sponsorship' payments from customers and particularly whether it could result in criminal liability for the company.

### **A market leading soft beverages manufacturer**

- In respect to a dispute over sub-standard sugar supplied by an overseas refinery.

### **A beverage retailer**

- In relation to an urgent product recall on its discovery that contaminated wine had passed into its downstream supply chain.

### **A leading global food manufacturer**

- On UK and EU legislation in relation to a range of product claims including 'pure', 'natural', 'artisan' and 'traditional'.

### **An international food group**

- On a review of research on the link between processed red meats and pancreatic cancer, as well as the underlying studies, to assess the merits and validity of the findings. We advised on the potential risks and possible next steps, covering issues ranging from product formulation/reformulation, changes to the packaging, website information, PR and other factors.

### **An international fast food hamburger chain**

- On developments in the horsemeat contamination scandal, the role of Select Committees and the level of testing being carried out.

### **A multinational food and beverage manufacturer**

- In relation to the client's entry into the nutraceuticals market, advising on food contact materials, packaging, and applicable legislation including additives and food safety.

### **A manufacturer of food coatings**

- In a patent infringement matter spanning a number of jurisdictions. This involved coordinating patent litigation and patent prosecution, as well as advising the client on general commercial strategy.



**A leading animal feed manufacturer**

- On both whether the claims on a product as well as the product itself were compliant with existing PARNUTS legislation.

**A leading global food manufacturer**

- On the net content declaration and application of the 'Packers Rules' for a range of products.

**A leading UK supplier of natural mineral water**

- On the legal implications for the client if the extraction point was relocated from the registered source, including the impact on labelling, product packaging, marketing and claims.

**A global food and beverage 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.

**A global beverages manufacturer**

- On the asset management of its property portfolio in the United Kingdom.

**A leading food and beverage organisation**

- On the application of Food Information Regulations to existing packaging and advising on the transition to the new rules in a pragmatic and cost-effective way.

**A multinational manufacturer**

- On the impact of the proposed UK Sugar Tax together with strategies both for compliance and challenge.

**A major global food manufacturer**

- In relation to its strategic decision to begin selling personalized food products through a 3rd party online retailer. This included advising on competition, liability, packaging and labelling, and regulatory issues.

**An online food retailer**

- On a wide range of food liability issues, in the context of the distribution and storage service the retailer provides to its third party sellers of food products.

**A manufacturer of artificial sweeteners**

- On the impact of EU decisions about 'free from' claims on products which did not contain artificial sweeteners and whether such claims unfairly damaged our client's reputation.

# Contact us

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# Geographical scope

If your business is international, or looking to expand overseas, we can provide a service across 34 jurisdictions with 60 offices in Europe and beyond.

The unique way our business is structured means you will benefit from lawyers with genuine local knowledge and understanding combined with the service levels and resources of an international firm. We have a particularly strong presence in CEE.



“They’re extremely high-calibre – if I want sterling advice quickly I’ll go to this team.

*Chambers and Partners 2015*

“[CMS] really understand our way of working, they have proximity, presence – we can get them quickly – they are very flexible.

*Large international food retailer*



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1605-0237-5