



JOHN BARKER LAW

— FOOD AND BEVERAGE SPECIALISTS —

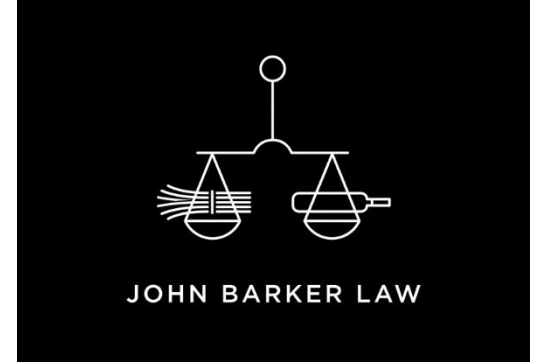
EXPORTING BEER: *10 LEGAL THINGS TO THINK ABOUT*

Dr John Barker

Principal

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BEER BUSINESSES ARE ABOUT:



Products

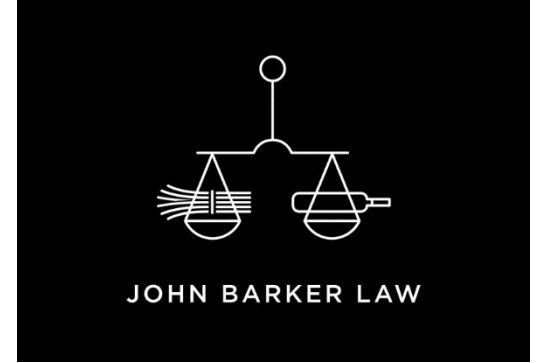


Ideas



Relationships

THE LAW SEES:



Compliance

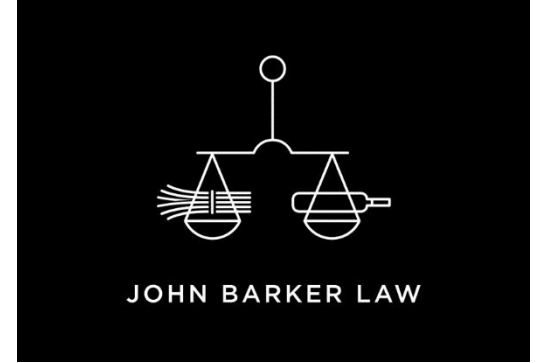


Intellectual property



Contracts

1. EXPORT RULES OF THUMB



Exported beer must comply with NZ laws and the laws of the destination market

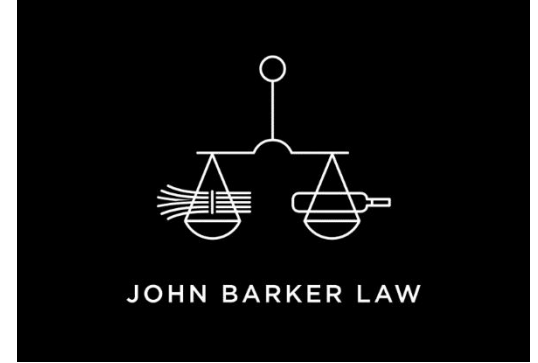


Intellectual property rights are country-specific



Distribution relationships and liabilities differ everywhere

2. KNOW YOUR MARKET



- Australia, Hong Kong, Singapore
- EU, Japan
- USA, China
- India, Russia

3. DISTRIBUTION AGREEMENTS



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- Agent or distributor?
- Territory
- Sales targets
- Promotional budgets
- IP ownership
- Termination
- Market-specific advice

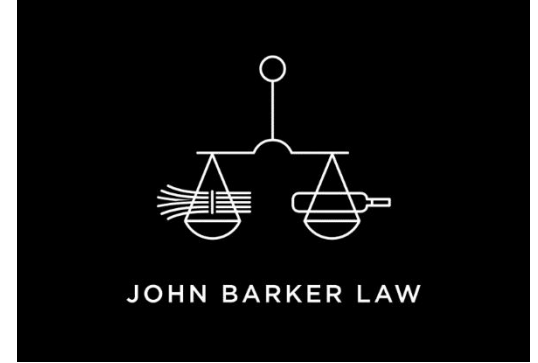
4. CONTRACT MANUFACTURING



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- Licenses, approvals, compliance
- Product specifications & quality control
- Risk/ownership
- Product liability
- IP ownership
- Termination
- Market-specific advice

5. INTELLECTUAL PROPERTY



- Search for possible conflicts
- Register your trade marks
- Watch out for geographical indications
 - “Pilsner-type” not “Pilsner” in USA;
 - No Kolsch, Lambic etc in EU

6. PRODUCT COMPLIANCE



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- Product & style definitions
- Ingredients & additives
- Composition
- Licences and approvals
- Packaging materials

INDIA

Nestlé brand taking a battering as gov't prepares to sue over Maggi

By RJ Whitehead , 08-Jun-2015

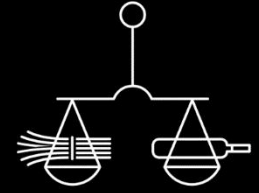
Last updated on 08-Jun-2015 at 08:58 GMT

 Post a comment



Pressure is on global Nestlé executives to prevent damage to the Maggi brand

7. MANDATORY LABELLING



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- Placement & font size
- Language
- Tolerances
- Units of measurement
- Importer details
- Health advisory
- Barley wort content



国家食品质量监督检验中心

National Food Quality Supervision and Inspection Center

Home page Introduction

Policies and
Regulations

Food
Standards

Domestic food
safety

Import and Export Food
Safety

Wine Quality
Monitoring

Food
Additives

co

Current position: Home > Import and Export Food Safety > Hot Concern

Xiamen Haicang Port batches of substandard imported beers surged 84.2 percent rate

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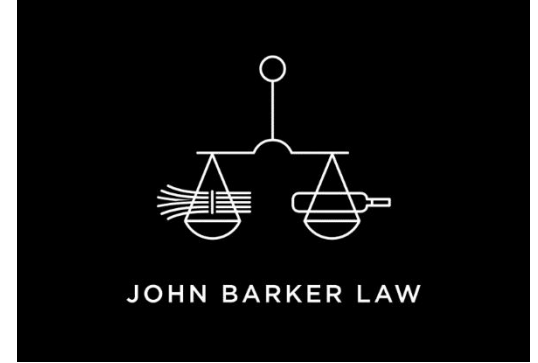
Reproduced in: Dazhong

Published: 2014-07-10T11: 49: 00

Reporters recently learned from Xiamen Haicang Inspection and Quarantine Bureau, Haicang Port imported beer explosive growth in the first half of this year, an increase of 12 times the weight.

In the first half of this year, a total of Inspection and Quarantine Bureau of Xiamen Haicang 160 batches of imported beer, 9.224 million liters, an increase of 4.51 times the import batch, weight increase of 12 times, the amount of imported beer is the first super wine imports to become the main port Imported wine varieties, has become the most important port in Fujian imported wine varieties. These beers mainly from Belgium, Germany, the Netherlands, Spain and other countries.

8. VOLUNTARY LABELLING



- Product names / GIs
- Health claims & other prohibited info
- Credence claims

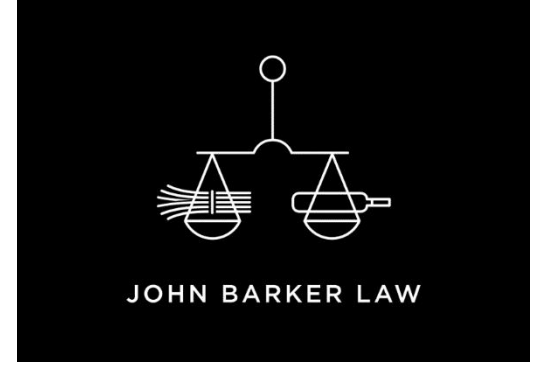


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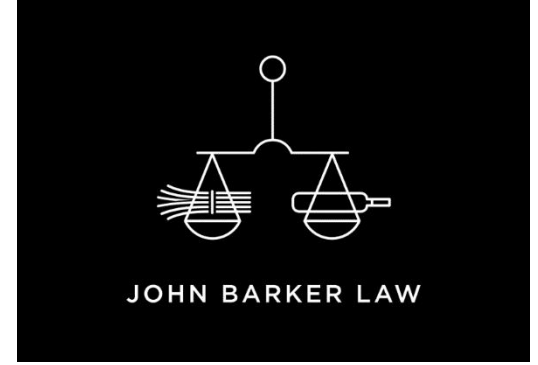
Image © ACCC

9. CERTIFICATION



- No NZ certification needed
- Product/label approval
- Facility approval
- Market certification
 - certification of origin, health certificate, free sale certificate, sanitary certification, certificate of conformity, official certificate
- Miscellaneous other requirements...

10 LIABILITY



- Depends on in-market laws & contract
- Person whose name is on the bottle is usually first cab off the rank
- Understand your risk and manage it

BUSINESS **NETHERLANDS**

LIDL ISSUES BEER RECALL FOR GLASS SHARDS IN BOTTLES

 *Posted on May 19, 2015*  *by Demid Getik*

PARTING THOUGHTS



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- Treat every market as different and get the right advice for the market
- Think about products and labels from a multi-market perspective
- Involve your importer in compliance decisions
- Get to know NZTE, MPI, MFAT



THANK YOU

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