

## Overview

Dentons' Consumer Products team is able to help manufacturers, importers, distributors and retailers of consumer products deftly navigate the global regulatory landscape, including their interactions with local regulators. Dentons lawyers have worked with regulatory bodies throughout the world, including the US Consumer Product Safety Commission (CPSC), Health Canada, the Australian Competition and Consumer Commission (ACCC), General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China (AQSIQ), National Institute of Technology and Evaluation (NITE), the European Commission's Directorate-General for Justice and Consumers and many others.

We assist clients in complying with reporting obligations, regulatory investigations, managing product recalls, and avoiding or reducing potential civil penalties. We also help clients develop and implement consumer product safety programs that meet compliance obligations, while also building customer loyalty and marketplace goodwill. We provide guidance regarding CPSC-initiated inquiries, consumer complaints, reports of harm, case escalations, supplemental reporting, and defense against government disclosure of proprietary and confidential documents in response to FOIA requests.

We have extensive experience in implementing and expanding product recalls, including in such areas as household appliances, decorative products, consumer electronics, bicycles, exterior household products, kitchen and bath items, furniture, light fixtures, office supplies, building materials, plumbing products, heating and cooling elements, electrical meters, children's toys and other products, to name a few. We advise on recall remedies, consumer notification, crisis communication, and corrective action plan preparation and implementation—all with the aim of maximizing recall effectiveness; minimizing business disruption, cost and brand damage.

While we prefer to resolve threatened lawsuits or administrative actions by exploring every possible avenue of settlement, we will, if necessary, litigate aggressively to protect our clients' interests. Dentons has acquired an international reputation as a go-to firm for enterprises facing high-stakes cases. We regularly defend against product liability lawsuits, including group litigation and class actions, arising from both tort liability and regulatory violations. With dozens of class actions under our management at any given time, we have developed considerable tactical knowledge, often disposing of such cases on motion or through cost-effective settlement at the earliest stages of the litigation.

In sum, Dentons provides comprehensive regulatory counsel, from structuring product design and development protocols, determining product classifications and conducting risk assessments, to developing compliance programs, and establishing in-house reporting procedures and supply chain management tools that best effectuate regulatory compliance and enhance marketplace goodwill. Rely on Dentons for advice and counsel on:

- International compliance and reporting
- Product recalls
- Corrective action and reverse logistics plans
- Social media and consumer messaging
- Ongoing CPSIA compliance challenges
- General use vs. children's products

- FOIA requests and responses
- Consumer product safety programs

Learn more about our consumer product representation capabilities.

## Representative Experience

- **Manufacturer and distributor of electric food dispensers:** Providing regulatory compliance counsel and corresponding agency filings for electric food dispensers, assisting with related UL compliance, and implementation of recall corrective action plans. This representation also involved requesting and receiving prompt file closure and assisting with a FOIA defense resulting in the protection of confidential and privileged documents.
- **International bicycle manufacturer, importer and distributor:** Securing an expedited file closure determination from regulators based on a successful corrective action plan strategy following a US recall announcement that also involved international corrective action.
- **Importer and distributor of electrical products:** Assisting the client in developing a strategy and course of action that began with regulators asserting that a preliminary determination of hazard should issue, and ended favorably with the agency agreeing to a different proposed corrective action plan, including the client's replacement remedy for over one million units, despite challenging manufacturing and supply chain logistics.
- **International manufacturer and seller of fixture products:** Providing regulatory compliance and corrective action counsel for a global manufacturer of plumbing systems in a recall presenting complex engineering challenges; our work also included the successful navigation of a number of class action complaints, FOIA defenses and multiple media inquiries.
- **Importer and distributor of office supply products:** Securing an expedited determination from regulators regarding file closure in connection with a serious injury that was initially and publicly linked to a consumer product sold by our client's predecessor in interest; this also involved a complex negotiation that was impacted by a related litigation, a public facing regulatory report, and media reports.
- **Specialty gift shop and tabletop distributor:** Providing regulatory counsel involving compliance and reverse logistics plans for candles and other specialty gift items, and successfully assisting with §15 filings regarding juvenile themed ceramic banks; our work also included securing a regulatory determination that no consumer level recall was necessary based on an effective reverse logistics plan and destruction of affected products.
- **Manufacturer and distributor of aerosol cleaning products:** Providing regulatory compliance counsel for a fabric protector aerosol spray manufacturer and securing agency approval of the proposed corrective action plan. This also included negotiating file closure, and successfully defending a corresponding FOIA request with respect to confidential and privileged documents.
- **International products manufacturer:** Obtaining favorable outcomes in regulatory reporting and compliance matters involving the proper classification (i.e., general use vs. children's products) of a product containing a regulated substance, even though the product contained famous licensed artwork that some might associate with children; our work also included developing a successful reverse logistics program and regulatory disposition.