

Consumer Packaged Goods

Kelley Drye provides comprehensive, business-focused legal counsel to help consumer packaged goods companies navigate one of the most dynamic and heavily regulated industries in the United States — staying competitive, compliant, and positioned for growth at every stage of a company's lifecycle.

About

Our interdisciplinary teams support companies manufacturing, marketing, and selling food, beverage, supplement, beauty, wellness, and alcohol products across advertising, intellectual property, litigation, corporate transactions, employment, food and drug law, trade, and privacy. We prioritize practical, cost-efficient solutions tailored to each client's business strategy, and our deep relationships with regulatory agencies — bolstered by former FTC and state AG officials — provide unique advocacy advantages. We hone counseling and transactional support in light of the most recent regulatory enforcement and private litigation and class action trends and represent clients in regulatory and litigation matters when they arise — providing a 360-view on risks and opportunities for well-known and emerging CPG companies. Whether you are launching a new product, expanding distribution, conducting a capital raise, or defending your brand, Kelley Drye delivers tailored legal solutions so you can focus on growing your business while we handle the legal complexities.

Advertising & Marketing

Creative, cutting-edge advertising strategies are essential for CPG brands competing for consumer attention — but they must also withstand regulatory scrutiny. Kelley Drye helps companies of all sizes, from start-ups to global brands and Fortune 500 consumer products companies to ensure their marketing, advertising, and promotions are both effective and compliant with federal and state laws, broadcast network standards, and industry self-regulatory requirements. Our team of more than two dozen dedicated advertising attorneys offers deep knowledge of traditional and digital marketing compliance, influencer and endorsement agreements, social media campaigns, and emerging media channels to set brands up for success and reduce risk of regulatory scrutiny, competitor challenges, and consumer class actions. In the event of an investigation, demand letter, or challenge, our attorneys leverage experience, strategic insight, and deep relationships to advocate for our clients with practical, business-oriented solutions.

Claims Substantiation

Whether a CPG company is a beloved brand or an emerging name, advertising and marketing claims and campaigns can produce real results. But many claims, if not properly analyzed and substantiated, carry legal risk -- from "natural" and "organic" to "clinically proven" and “#1 recommended.” Kelley Drye and offers day-to-day counseling on advertising claims for clients across food, beverage, personal care, wellness, dietary supplement, and household product categories. We pride ourselves on providing practical, risk calibrated advice that accounts for FTC, FDA, USDA, and state requirements and enforcement priorities, as well as the latest litigation trends. We evaluate monadic and comparative claims, develop substantiation strategies, and provide risk management guidance to minimize the potential for competitor, consumer, or agency challenges while balancing

the business desires of disruptive brands. Our team regularly and successfully defends CPG clients in claim substantiation challenges before the NAD, brings affirmative challenges to competitor claims at NAD, and presents clients before the FTC, state AGs, and in false advertising litigation.

Endorsements, Promotions & Sweepstakes

Endorsements, sweepstakes, contests, loyalty programs, and other promotions can be powerful tools for CPG brands to build consumer engagement, but each comes with its own set of legal requirements and risks. Kelley Drye regularly helps clients with endorsement campaigns, ranging from influencer campaigns to multi-million-dollar celebrity deals. We negotiate the agreements and help ensure the campaigns comply with applicable laws. Our team also helps companies run a variety of promotions across channels, including stores, social media, and mobile. We draft terms, advise on execution, and help clients deal with unexpected issues. Our experience spans Fortune 500 CPG companies to emerging brands, and we work to protect our clients from the litigation that has plagued companies when things go wrong.

Corporate & Finance

Growth-stage and established CPG brands alike rely on Kelley Drye for strategic transactional counsel across the full business lifecycle from formation to exit. Our corporate attorneys advise on all aspects of capital raises including SAFEs, common and preferred financings, convertible notes and debt financings. We have extensive experience in mergers and acquisitions, joint ventures, strategic business combinations, IPOs and public offerings and advising on other exit strategies. Our attorneys frequently serve as outside general counsel to middle-market and emerging consumer brands and are heavily involved in our clients' day-to-day operations including negotiating commercial contracts such as manufacturing agreements, supply agreements, distribution agreements, leases, broker agreements, offer letters and employment agreements and purchase terms and conditions, with industry leaders. Working closely with our corporate team, our tax, labor, environmental and benefits lawyers help structure transactions to minimize tax costs, address diligence issues and properly incentivize workforces, navigating the complex landscape of the IRS Code, ERISA and labor statutes. From advising CPG clients on corporate governance including cap tables, equity issuances, governance documents, proxy contests for our public companies to representing investors in early-stage financings of emerging consumer brands, we deliver business-savvy counsel at every stage of growth.

Distribution & Licensing

CPG companies with products in the food, beverage, and alcohol sectors face unique regulatory complexities around distribution, licensing, and permitting. Kelley Drye advises importers, distributors, manufacturers, and even retailers, on all legal aspects of their operations, including compliance with the U.S. Alcohol and Tobacco Tax and Trade Bureau (TTB) and state control boards, distribution agreements, importation agreements, franchise laws, advertising compliance, and supply chain contracts. We have experience in helping our clients with gray-market goods and protecting their brands. Our experience includes representing major beverage distributors in joint ventures with industry leaders, advising leading importers and distributors of wines and spirits, and counseling MillerCoors distributors on financing and M&A transactions. We leverage deep knowledge of the alcoholic beverage industry's regulatory landscape to help clients expand distribution while maintaining compliance.

Trade, Customs & Export Controls

CPG companies depend on complex global supply chains to source ingredients, packaging, raw materials, and finished products. As tariffs, forced labor enforcement, customs scrutiny, and supply chain disruptions continue to reshape global commerce, companies must balance cost, compliance, and operational resilience. We help importers, manufacturers, distributors, and retailers navigate the evolving trade landscape while protecting their brands and maintaining efficient supply chains. Kelley Drye's internationally recognized trade team advises on tariff exposure, customs compliance, country-of-origin determinations, free trade agreement qualification, and duty mitigation strategies. We help clients evaluate sourcing and procurement decisions, assess the impact of new trade measures, and develop practical approaches to managing customs and regulatory risk across their supply chains. We are particularly experienced in helping companies address forced labor and supply chain due diligence requirements, including supplier risk assessments, supply chain mapping, compliance program development, and responses to Customs and Border Protection inquiries and enforcement actions. Our attorneys also represent clients in customs audits, investigations, disclosures, and trade-related disputes, and regularly advise on the trade implications of mergers, acquisitions, and other strategic transactions.

Regulatory Compliance (Proposition 65 & Labeling)

CPG brands selling into California — or anywhere their products may reach California consumers — must navigate Proposition 65, one of the most consequential state-level regulatory programs in the United States. Kelley Drye guides manufacturers, distributors, and retailers in developing tailored Prop 65 compliance programs and labeling strategies, drawing on our broad experience in environmental law, health and safety, and food and drug regulation. We have resolved dozens of Prop 65 cases across industries including food and nutritional supplements, cosmetics, clothing, and consumer products, and we regularly advise on FDA and state labeling requirements for product packaging and marketing. When enforcement actions arise, we help clients navigate the process to achieve cost-effective resolutions.

ESG & Extended Producer Responsibility

As consumers and regulators increasingly demand transparency around environmental and social impact, CPG companies must address sustainability, packaging, and supply chain responsibility as both a compliance obligation and a brand differentiator. Kelley Drye's Environmental, Social and Governance (ESG) team advises on voluntary and mandatory sustainability reporting, green marketing claims, Extended Producer Responsibility (EPR) laws, and environmental justice initiatives. We counsel national retailers, restaurants, distributors, and manufacturers on compliance with evolving product stewardship regulations and help evaluate advertising claims related to environmental accomplishments to minimize "greenwashing" risks. Our integrated approach — blending environmental, advertising, and corporate governance capabilities — helps CPG brands build credible sustainability programs while minimizing legal exposure.

Privacy & Online Platforms

Consumer packaged goods companies are increasingly engaging consumers through direct-to-consumer (DTC) channels, digital platforms, loyalty programs, and interest-based advertising—driving the collection and use of significant volumes of consumer data and elevating privacy, compliance, and litigation risk. Kelley Drye's privacy team advises CPG companies at the intersection

of media, technology, and consumer protection, helping in-house legal, product, and marketing teams navigate a rapidly evolving patchwork of federal, state, and international privacy and consumer protection regimes, as well as shifting enforcement priorities.

We partner with legal and business stakeholders to develop defensible data strategies, support AI-enabled products and marketing initiatives, and embed practical, risk-based controls aligned with business objectives. When challenges arise, we represent clients in regulatory inquiries, investigations, and privacy-related class actions, delivering experienced, strategic defense.

Intellectual Property & Brand Protection

Among a CPG brand's most valuable assets are its trademarks, trade dress, packaging, proprietary formulations and other innovations. Kelley Drye provides strategic, full-spectrum intellectual property counseling that goes beyond routine filings to support global brand building, procurement of IP rights, and enforcement/litigation. Our team manages worldwide IP portfolios and advises on clearance, prosecution, licensing, infringement and enforcement for major consumer brands. Our goal is to find practical business solutions to protecting our client's valuable intellectual property assets. When necessary, we are ready and able to vigorously enforce our client's rights in adversarial proceedings, including litigation. Our team provides day-to-day intellectual property counseling including management of national and global enforcement programs. We also represent our clients in courts around the country and as litigating high-stakes proceedings before the U.S. Trademark Trial & Appeal Board, and the U.S. Patent Trial & Appeal Board. We also manage and oversee adversarial proceedings in trademark and patent offices and courts outside the United States via our network of expert local counsel around the world.

Litigation & Enforcement Defense

Consumer class actions have become a multibillion-dollar challenge for CPG brands and are on the rise across jurisdictions nationwide. Kelley Drye regularly defends consumer products companies in demand letters, class actions, and mass arbitrations brought by plaintiff's lawyers on a host of longstanding and emerging laws and legal theories, including traditional false advertising and labeling, unfair and deceptive trade practices, fictitious or misleading promotional or surveillance pricing, as well as claims alleging TCPA violations, FCRA claims, and privacy-related actions. Our defense capabilities cover all of the United States with a focus on plaintiff-friendly jurisdictions such as California, Florida, Illinois, and New York. Recognized by Legal 500 for "strong experience and knowledge of the consumer-packaged goods industry" and by Law360 as a "Consumer Protection Practice Group of the Year," our team provides early case assessment, strategic case control, and a proven track record of securing dismissals and defeating class certification. We also regularly handle regulatory investigations and litigation with federal and state governments – negotiating favorable resolutions where in the best interests of our client and otherwise advocating for our clients to obtain the best possible outcome in litigation. To accomplish this, we draw on extensive experience with federal and state regulatory investigations and litigation and leverage our credibility and relationships with the FTC and state attorneys general offices.

Labor & Employment

CPG companies managing manufacturing operations, distribution networks, and retail workforces face a complex landscape of employment law requirements. Kelley Drye's labor and employment team helps clients identify and manage the specific risks that emerge from that footprint: broad, integrated, often international operational networks carried out by employees across multiple

jurisdictions, facilities, and business functions. We litigate and neutralize those risks when they evolve into unavoidable disputes, but our real focus is proactive: we guide clients on wage and hour risks, contractual obligations, antidiscrimination compliance, wrongful discharge, harassment and discrimination claims, and other complex employment issues and disputes. Our labor attorneys also help CPG clients develop strategies for working with organized labor, responding to employee organizing efforts, and navigating proceedings before the National Labor Relations Board.

Employee Benefits & Executive Compensation

Our benefits team designs and advises on retirement programs, as well as health and welfare benefit plans. We also provide guidance on executive compensation, deferred compensation, and equity-based plans, including compliance with ERISA, tax, and securities laws. We ensure that your benefit structures support and motivate talent, attract and retain key executives, and align with your ongoing business objectives. Additionally, we help support your business through government audits, reviews, mergers, acquisitions, and organizational change.

Related Services

Advertising and Marketing
Corporate and Tax
Customs
Employee Benefits and Executive Compensation
Environmental Regulation
Export Controls and Economic Sanctions
Finance and Lending
Food and Drug
Labor and Employment Counseling and Compliance
Intellectual Property
Litigation
Marketing and Promotions
Mergers and Acquisitions
Privacy and Information Security

Contacts

[Donnelly L. McDowell](#)
dmcdowell@kelleydrye.com

[Timothy R. Lavender](#)
tlavender@kelleydrye.com