

When to seek advice

A guide for food and drink exporters

The landscape of regulatory and commercial challenges is a complex one, where legal considerations are woven into every stage of the export journey.

Knowing when to ask for help can avoid costly pitfalls, safeguard your brand, and build strong foundations for sustainable, international success.

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When to involve a Lawyer	Why does it matter?	Real-world example / Risk
After choosing target countries but before shipping or selling.	Understand local legal barriers early, for example: product bans, regulatory hurdles and sanctions.	You identify a market (e.g., China), but certain ingredients you use are banned there — without legal advice, you may lose valuable time/ money.
Before quoting prices to customers abroad.	Maximise use of tariff reductions to avoid fines for non-compliance with the “rules of origin”.	Under the CPTPP (Comprehensive and Progressive Agreement for Trans-Pacific Partnership), a “British whisky” can qualify for zero or reduced tariffs — but only if distilled and bottled correctly.
Before launching or promoting abroad (and, of course, in the UK).	Stop counterfeiters early by registering IP rights in every target country.	You sell premium “British chocolate” — but without trademark protection in the country you’re selling in, a local company there can copy your brand and packaging.
Before printing packaging or promoting.	Ensure local labelling rules (ingredients, allergens, health claims) are followed.	A “gluten-free” claim in the US must meet strict standards; wrong labelling may mean large recall costs and potential litigation.
Before agreeing any foreign sales agreements.	Secure acceptable payment terms, exclusivity rights, delivery conditions, termination rights and risk transfer points.	A weak distribution contract means your overseas distributor can drop your brand for a competitor without facing contractual consequences.

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6 Building cross-border e-commerce ↓	Before opening online sales in a new country.	Compliance with consumer protection law, returns policies, tax, customs clearance and data protection.	Amazon Japan requires proof of conformity with local food standards for listing food products — failure could block your store.
7 Logistics and export documentation ↓	When finalising shipping arrangements.	Advice on shipping terms (Incoterms), customs clearance documents and insurance to avoid delays or fines.	Misunderstanding who pays customs duties (you or the buyer) can wipe out profits.
8 Sustainability, health or ethical certifications ↓	Before advertising sustainability, ethical or health claims.	Avoid legal risks of “greenwashing” or false health benefit claims.	Claiming “carbon neutral” in Australia without certified proof could trigger regulatory fines and reputational damage.
9 Dealing with trade disputes or non-payment ↓	If customers fail to pay or products are rejected overseas.	Recover debts, resolve disputes without expensive court battles.	A food shipment is rejected at customs due to labelling errors — a lawyer can help negotiate faster release or payment settlement.
10 Expansion into complex markets	Early on in planning expansion into places like China, India and the Middle East.	Navigate licensing, joint ventures, cultural/legal complexities.	Selling meat products in the Middle East often needs halal or kosher certification — missing this can block a whole product line.

This guide is intended to be a general summary and does not constitute legal advice. Please do not hesitate to get in touch with us if you would like to discuss how we can help you on your export journey or provide more detail on anything mentioned above.