SHIN & KIM

Labeling & Advertising · Terms & Conditions

With the KFTC's shift to consumer protection, consumer protection laws such as the Act on Fair Labeling and Advertising ("Labeling & Advertising Act") and the Act on the Regulation of Terms and Conditions ("Terms & Conditions Act") have received more attention in Korea than ever before.

The KFTC has been actively enforcing the Labeling & Advertising Act, particularly where environmental pollution and food hygiene are concerned, which frequently led to fines in the tens of billions of Korean Won and referrals for criminal indictments. Close attention to the Labeling & Advertising Act is therefore essential for businesses across all industries, particularly in distribution, automobile manufacturing, and construction, where violations of the Labeling & Advertising Act are more likely to occur.
The Terms & Conditions Act has expanded from traditional business areas to emerging business areas such as mobile coupons, social commerce, and smartphones, and the scope of requirements to terms and conditions, such as those related to the collection and use of personal information by online service providers, have also expanded. Further, there have been a number of instances where the KFTC's examinations led to a change in the fundamental structure of the business. In light of these risks, there is a growing need to more actively prepare for and respond to investigations and examinations by the KFTC.

Shin & Kim's antitrust and competition team has extensive experience and an excellent track record in dealing with investigations into potential violations of the Labeling & Advertising Act and the Terms & Conditions Act, as well as advising companies on consumer protection related matters. We have represented many companies under KFTC investigation and have successfully defended them in administrative actions. Our team also works with clients to ensure affected advertisements and terms and conditions comply with applicable law.

Key Services

Shin & Kim provides the following services in relation to the Labeling & Advertising Act and the Terms & Conditions Act:

- Assessing potential violations of the Labeling and Advertising Act and the Terms & Conditions Act and advising on practical solutions

- Advising clients with requests and orders issued by the KFTC for information and on-site investigations during investigations
- Representing clients in hearings before the KFTC and submitting opinions on the examiner's report
- Defending clients in administrative lawsuits and civil and criminal proceedings resulting from violations of the Labeling & Advertising Act
- Representing and advising clients in cases brought to mediation by the Korea Fair Trade Mediation Agency
- Assisting in developing business structures and sales strategies to minimize risk of violating the Labeling & Advertising Act, the Terms & Conditions Act, and other related laws and regulations

Experience

- Leading domestic and multinational companies in wide-ranging industries, including food, dairy and alcoholic beverages (beer) manufacturing and distribution, telecommunications, home shopping, automobile manufacturing and distribution, construction, finance, credit cards, tobacco manufacturing and distribution, insurance, online learning, apparel, and marriage consulting in investigations by the KFTC for alleged violations of the Labeling & Advertising Act
- Major companies in various industries including finance, credit cards, bakeries, nutrition and health foods for potential violations of the Terms & Conditions Act

Key Contacts

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Awards and Rankings

- Ranked Band 1 Law Firm for Competition/Antitrust
  Chambers Asia 2016-2026
- Ranked Tier 1 Law Firm for Antitrust and Competition

Asia Pacific Legal500 2017-2019, 2025-2026

- Ranked Elite Law Firm
  GCR 100 2017-2026
- Named "Regional Firm of the Year – Asia-Pacific, Middle East & Africa"
  GCR100 2016

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