



# Korean Consumer Goods & Retail Industry Newsletter

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Shin & Kim's Consumer Goods & Retail PG (CGR PG) offers comprehensive legal services encompassing licensing, intellectual property (IP), taxation, labor, product liability, personal information protection, fair trade, environmental regulations, and more. Our services are tailored for companies operating in various industries, including alcohol, tobacco, food, cosmetics, fashion/luxury, and daily necessities. CGR PG periodically releases newsletters every 2-3 months, highlighting significant regulatory changes and legal issues pertinent to our clients.

## 1. Korea Fair Trade Commission's Notice to Amend the *Guidelines for Consumer Protection in Electronic Commerce, Etc.*

Following the February 13, 2024 amendment to the *Act on the Consumer Protection in Electronic Commerce* (the “**E-Commerce Act**”), new regulations addressing online dark patterns have been introduced. To help businesses interpret and comply with these provisions, the Korea Fair Trade Commission (the “**KFTC**”) announced on August 29, 2025 a proposed amendment to the *Guidelines for Consumer Protection in Electronic Commerce, Etc.* (the “**Consumer Protection Guidelines**”), which provides detailed interpretative standards and compliance recommendations.

The amended Consumer Protection Guidelines classify online dark patterns into six categories, such as hidden renewals, and provide concrete examples of prohibited or regulated practices for each type. In addition, the guidelines outline compliance recommendations for businesses in three key areas, including price display, to prevent consumer confusion.

With the amended Consumer Protection Guidelines now providing detailed interpretative standards on online dark pattern regulations, businesses are encouraged to proactively assess whether their marketing practices or online interface designs may fall under any of the six categories identified in the proposed amendment. The key elements of the amendment are summarized below.

[KFTC Interpretive Standards for Regulation of Dark Patterns under the Amended Consumer Protection Guidelines]

Type of Dark Pattern	Interpretive Standards
<b>Hidden Renewals</b>	<ul style="list-style-type: none"> <li>•Practices subject to regulation are classified into two categories:               <ol style="list-style-type: none"> <li>i. When the regular payment price of goods or services increases and the increased price is applied to existing consumers.</li> <li>ii. When a discount is applied for a limited period at the time of the initial contract, after which the regular price applies.</li> </ol> </li> <li>•Examples where consumer consent cannot be deemed to exist:               <ol style="list-style-type: none"> <li>i. When consent to future price increases or paid conversions is obtained collectively together with consent for the initial purchase or use of goods/services at the time of the initial contract.</li> <li>ii. When the consumer closes the consent window or selects “check later,” etc. without making an explicit choice.</li> </ol> </li> <li>• Businesses must ensure that no automatic price increase or paid conversion occurs until valid consumer consent is obtained.</li> </ul>
<b>Gradual Disclosure of Prices</b>	<ul style="list-style-type: none"> <li>•“Initial screen” is defined as the first page within an online mall where consumers can initially view information on products and prices.</li> <li>• “Total price” is defined as the aggregate of all costs that an ordinary consumer, under normal transaction practices, cannot reasonably avoid paying to achieve the intended purchase purpose.</li> </ul>
<b>Pre-selection of Options</b>	<ul style="list-style-type: none"> <li>•Examples of regulated conduct include:               <ol style="list-style-type: none"> <li>i. Automatically preselecting optional goods or services during the purchase process before the consumer makes an active choice.</li> <li>ii. Automatically preselecting a paid membership option during the sign-up process, even though it is optional, thereby inducing consumer enrollment.</li> </ol> </li> </ul>
<b>False Hierarchies</b>	<ul style="list-style-type: none"> <li>•Examples of regulated conduct include:               <ol style="list-style-type: none"> <li>i. During the purchase process, displaying paid options as if they are the only available choices, or implying that purchase is possible only when selecting a paid option.</li> <li>ii. During the sign-up process, presenting optional items, such as consent to receive advertising materials or consent to the use of consumer data, as mandatory for registration.</li> <li>iii. Presenting alternatives such as “deactivate account” or “change payment plan” as if they are the only available actions when the consumer intends to cancel or withdraw.</li> </ol> </li> </ul>
<b>Repeated Interference</b>	<ul style="list-style-type: none"> <li>•Examples of regulated conduct include:               <ol style="list-style-type: none"> <li>i. Re-displaying prompts that ask the consumer to reconfirm or reconsider their previous choice.</li> <li>ii. Repeatedly showing the same question that the consumer has already answered.</li> </ol> </li> </ul>
<b>Obstruction of Cancellation or</b>	<ul style="list-style-type: none"> <li>•Examples of regulated conduct include:               <ol style="list-style-type: none"> <li>i. Requiring consumers to go through two or more steps to confirm or reconsider their</li> </ol> </li> </ul>

<b>Withdrawal</b>	<p>intent to cancel or withdraw.</p> <p>ii. Splitting the notification of the effects of cancellation or withdrawal (e.g., loss of benefits) into multiple stages.</p> <ul style="list-style-type: none"> <li>• Cancellation or withdrawal must be made available on the same website or application through which the original purchase or subscription was completed.</li> </ul>
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**[KFTC Recommendations on Online Business Interfaces]**

Category	Recommendations
<b>Price Display</b>	<ul style="list-style-type: none"> <li>• If product prices vary and it is difficult to display the total mandatory payment amount on the initial screen where prices are shown or advertised, it is recommended that the price section of the detailed product page clearly specify the relevant cost components, pricing method, and total amount.</li> <li>• When discounts differ depending on transaction conditions, the pre-discount price should also be displayed on the initial screen, with specific discount conditions disclosed on the detailed product page.</li> <li>• If the detailed product page features multiple products but the initial screen displays or advertises a representative product, it is recommended that the price of that representative product be clearly indicated on the initial screen.</li> </ul>
<b>Optional Items</b>	<ul style="list-style-type: none"> <li>• When offering optional items that may involve additional payments or separate service subscriptions, it is recommended to clearly disclose that additional costs may be incurred depending on the consumer's selection.</li> <li>• When obtaining consumer consent, a clear option to refuse should be provided, and neutral, objective language should be used to avoid psychologically pressuring or misleading consumers into granting consent or selecting options favorable to the business.</li> </ul>
<b>Cancellation / Withdrawal</b>	<ul style="list-style-type: none"> <li>• It is recommended that the cancellation or withdrawal button be clearly visible and positioned in a location that is easily recognizable and intuitively understandable to consumers.</li> </ul>

## **2. Personal Information Protection Commission's Legislation Notice to Amend the *Enforcement Decree of the Personal Information Protection Act* to Expand the Right to Data Portability**

On June 23, the Personal Information Protection Commission ("PIPC") announced a draft amendment to the *Enforcement Decree of the Personal Information Protection Act* aiming to expand the scope of the right to data portability.

The right to data portability enables data subjects to request that a personal information controller provide access to their personal data (i.e., download). Since its introduction on March 13, 2025, **this right has been limited to the medical and telecommunications sectors. However, under the proposed amendment, its scope would be significantly broadened to all industries by expanding both (i) the definition of information transmitters (personal information controllers) subject to data access requests, and (ii) the range of data that may be accessed.** The amendment also sets forth detailed procedures and methods for exercising this expanded right.

Under the draft amendment, the criteria for determining information transmitters subject to data access requests and the scope of accessible data are outlined as follows. In principle, information processed on the basis of (i) the data subject’s consent, (ii) the performance or conclusion of a contract, or (iii) statutory grounds, will all be subject to data access requests. However, separately generated information, meaning data created independently by a personal information controller through its own analysis or processing, and information that may infringe upon the rights or interests of third parties are excluded from the scope.

**[Detailed Criteria for Information Transmitters Subject to Data Access Requests and Accessible Data]**

<p><b>Information Transmitters Subject to Data Access Requests</b></p>	<ul style="list-style-type: none"> <li>(1) Entities with annual revenue of at least KRW 150 billion and handling 1 million or more data subjects, or handling sensitive or personally identifiable information of 50,000 or more individuals.</li> <li>(2) Universities with 20,000 or more students.</li> <li>(3) Institutions operating public systems.</li> <li>(4) Information transmitters that provide data to third parties.</li> </ul>
<p><b>Accessible Data</b></p>	<ul style="list-style-type: none"> <li>(1) Information processed on the basis of consent, for the performance or conclusion of a contract, or pursuant to laws and regulations, as reviewed and approved by the PIPC.</li> <li>(2) Information that has not been separately generated through independent analysis or processing.</li> <li>(3) Personal information processed through information-processing devices, excluding information that infringes upon third-party rights or interests or remains encrypted to prevent decryption.</li> </ul>

In addition to the existing method, where data subjects can access and review their information directly through a website, the amendment newly allows data subjects to download their information as encrypted files. This change is intended to allow information transmitters to provide data subjects with access to their data with relatively less burden.

Furthermore, when a data subject exercises the right to data portability through a representative, the amendment introduces enhanced security procedures. Specifically, if the representative uses automated tools such as data scraping, data access will be permitted only through methods pre-approved in consultation with the information transmitter to ensure the protection of personal information. While API linkage is recommended as the standard method, it is notable that data scraping will be temporarily permitted only for specialized personal information management institutions that have been pre-approved and are deemed secure and reliable.

Given these proposed amendments to the *Enforcement Decree of the Personal Information Protection Act*, businesses

and institutions that may fall within the scope of information transmitters subject to data access requests are advised to closely monitor the legislative process and begin preparing for the implementation of the expanded right to data portability.

### 3. Strengthening of GMO Food Labeling Regulations

The “GMO Full Labeling System” refers to a regulatory framework requiring products made using genetically modified organisms (GMOs) to indicate the use of GMO raw ingredients, even if no GMO DNA or proteins remain after manufacturing or processing.

Recently, the submission of several proposed amendments to the *Food Sanitation Act* introducing the GMO full labeling system have reignited public debate. Under the current law, only six types of genetically modified agricultural and marine products, i.e., soybeans, corn, cotton, canola, alfalfa, and sugar beets, are permitted for food use, and GMO labeling is required only when GMO DNA or proteins remain in the final processed food made from such GMO raw materials.

Proponents of the GMO full labeling system argue that it is essential to enhance consumers’ right to know and protect domestic agricultural products. Opponents, however, contend that such a system would increase production costs and raise consumer prices in the processed food sector, which relies heavily on imported raw materials, by effectively incentivizing the use of non-GMO ingredients.

If adopted, the GMO full labeling system would likely require GMO labeling for food products derived from the six permitted GMO raw ingredients, such as edible oils, soy sauce, and starch sugars.

Some of the recently proposed amendments to the *Food Sanitation Act* go beyond the introduction of the GMO full labeling system by extending the labeling obligation to food service businesses that use GMO-derived agricultural, livestock, or marine food products in the preparation of food.

On August 28, 2025, the Second Legislative Examination Subcommittee of the National Assembly’s Health and Welfare Committee collectively introduced the related amendment bills and resolved to submit an alternative bill reflecting their key elements to the Health and Welfare Committee. The proposed alternative bill includes the following key points: (i) maintaining the current labeling system in principle; (ii) requiring GMO labeling, regardless of the presence of residual GMO DNA or proteins, for certain food items designated by the Minister of Food and Drug Safety; (iii) not expanding the scope of businesses subject to labeling obligations; and (iv) establishing a legal basis for “non-GMO” labeling for products that do not use GMO raw ingredients.

If the *Food Sanitation Act* is amended as proposed, the Ministry of Food and Drug Safety will designate the specific food items subject to GMO labeling through subordinate regulations.

The Ministry has recently convened a “Policy and Issues Forum on the GMO Full Labeling System” to collect input from key stakeholders, including consumer organizations, academia, and industry representatives. Companies in the food

sector are advised to closely monitor the legislative process and prepare for the potential impact of the forthcoming regulatory changes.

## 4. National Tax Service’s Regulatory Revisions: Increased Support Limit for Durable Consumer Goods and Narrowed RFID Tagging Requirement for Alcoholic Beverages

To support the growth of the alcoholic beverages industry and respond to evolving market conditions, the National Tax Service (“NTS”) implemented a series of regulatory improvements on July 1, 2025 through amendments to notices and directives under its jurisdiction, including the *Notice of Delegation Order on the Establishment of Order in Alcoholic Beverage Transactions* and the *Regulations on the Handling of Liquor Tax Affairs*. These revisions aim to reduce regulatory compliance costs and improve business conditions for alcoholic beverage manufacturers and importers.

### [Key Amendments]

<p><i>Notice of Delegation Order on the Establishment of Order in Alcoholic Beverage Transactions</i> (Effective January 1, 2026)</p>
<p>The limit on financial support that alcoholic beverage manufacturers and importers may provide to entertainment and dining establishments for purchasing durable consumer goods has been increased (Article 3 Subparagraph 2). 0.5% of the previous year’s alcoholic beverage sales → 1%</p>
<p><i>Notice of Delegation Order on the Release and Sale of Alcoholic Beverages</i> (Effective July 1, 2025)</p>
<p>The scope of “whisky, etc.” subject to mandatory RFID tagging has been narrowed (Article 14) Whisky and whisky-based beverages → Whisky and whisky-based beverages with an <b>alcohol content of 17% or higher</b></p>
<p><i>Notice of Delegation Order on the Manufacture, Facilities, and Labeling of Alcoholic Beverages and Regulations on the Handling of Liquor Tax Affairs</i> (Effective July 1, 2025)</p>
<p>The types of containers exempt from labeling as “for household use” have been expanded (Article 2(2)(1) of the Notice of Delegation Order; Article 49 of the Regulations). Before: Metal containers (cans, kegs) and containers of 100ml or less. → After: Existing exemptions + <b>paper containers (paper-pack packaging) and synthetic resin containers (PET bottles)</b></p>

## 5. Addition of Button Cells to Products Subject to Child Protective Packaging under the *Electrical Appliances and Consumer Products Safety Control Act*

On July 16, 2025, the Ministry of Trade, Industry and Resources (“**MOTIR**”) announced a draft amendment to the *Enforcement Rules of the Electrical Appliances and Consumer Products Safety Control Act*. The amendment aims to prevent child ingestion accidents by designating button-type and coin-type primary batteries, except those used for industrial purposes, as products subject to child protective packaging (Annexes 2 and 7).

On the same day, the Korea Agency for Technology and Standards (“**KATS**”), an agency under MOTIR, announced a comprehensive revision of the *Safety Standards for Industrial Products Subject to Child Protective Packaging* (KATS notice), renaming it the *Safety Standards for Consumer Products Subject to Child Protective Packaging*. The revised standards define button-type and coin-type primary batteries as all lithium and non-lithium batteries with a diameter of 31.7 mm or less, and set forth detailed requirements for packaging methods, warning label displays, and other safety measures.

MOTIR plans to finalize the amendment within 2025 and implement it in 2026 following a six-month grace period. Relevant businesses are advised to closely review both the announced draft and the forthcoming finalized safety standards, and to incorporate these new requirements into product design and manufacturing processes to ensure full compliance once the new rules take effect.

## 6. Enforcement of the Amended *Act on the Promotion of Saving and Recycling of Resources* Expanding the Obligation to Use Recycled Raw Materials

The amended *Act on the Promotion of Saving and Recycling of Resources* (the “**Recycling Act**”), which imposes an obligation on manufacturers of products and containers to use a minimum percentage of recycled plastic raw materials and establishes a verification and labeling system for such usage, has been implemented from September 26, 2025.

Previously, the Recycling Act merely permitted manufacturers that used a certain proportion of recycled raw materials in their products or containers to indicate the usage percentage voluntarily on the product (Article 33-2 of the prior Act). Under the amendment, however: (1) manufacturers must first apply to the Minister of Environment for verification of the recycled raw material usage ratio; (2) only manufacturers who receive verification may label the verified usage ratio on their products or containers; (3) re-verification must be obtained every three years, or every five years for manufacturers that have undergone at least two prior verifications (Articles 33-2(1) to (3)); and (4) manufacturers of certain products or containers (including purchasers in OEM production arrangements) will be obligated to use a minimum ratio of recycled plastic raw materials (Article 33-3(1)).

The amendment delegates several key details to subordinate regulations, including: (i) the application procedures for verifying recycled raw material usage ratios and methods for labeling the usage ratios; (ii) the scope of recycled plastic raw materials subject to the mandatory use requirement and the specific minimum usage ratio; and (iii) the reporting of actual usage. Accordingly, businesses should closely monitor forthcoming amendments to the subordinate regulations to ensure full compliance and avoid potential violations.

The Ministry of Environment is also expected to continuously drive regulatory improvements to further promote the use of recycled raw materials, drawing on international models such as those of the EU, including ordering consultation services for expanding the scope of entities subject to the mandatory use requirement as well as the usage ratio. Companies with high plastic packaging usage ratios are therefore advised to proactively track regulatory developments and prepare for broader compliance obligations under this evolving framework.

[\[Korean version\]](#) 소비자 · 유통업 뉴스레터

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