

CASE STUDY



TricorBraun

ST. LOUIS, MO OVERVIEW

In 2019, when the supply of glass bottles in the U.S. was threatened due to some domestic manufacturers' attempts to limit the availability of foreign-made bottles, TricorBraun—the largest distributor of primary packaging and the largest distributor of wine bottles in North America—turned to Husch Blackwell to develop a solution.

Challenges

Given the protectionist turn of U.S. trade policy in recent years, there was a serious concern that a trade law approach to the problem would be unsuccessful, but the Husch Blackwell team was convinced that the client's best route forward was to rely on trade law and to develop a coalition of interested parties—namely, glassware importers, distributors and suppliers—in the U.S. that would be willing to make the case.

Solution

The approach itself was a two-prong strategy aimed at both the International Trade Commission (ITC) and the U.S. Department of Commerce. The tip of the spear, however, was the ITC proceeding, because a favorable determination there would cancel out previous adverse action taken by Commerce. Our team brought forward compelling evidence that the importation of the Chinese-made bottles does not injure or threaten U.S. producers.

Industry

Manufacturing

Service

International Trade & Supply Chain

Legal Team

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Result

Ultimately, the ITC determined in June 2020 in favor of the exporters in the injury phase of its countervailing duty investigation. As a result of the ITC decision, no countervailing duty order was issued, and the duties previously calculated by the Department of Commerce were removed, thereby protecting the current supply of glassware available to small and mid-market businesses across the U.S.