

Richard Mojica Discusses the Impact of the CBP's Detention of Imports Over Forced Labor Concerns in Law360

"International Trade Cases to Watch in 2022"

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Richard Mojica discussed the *Virtus Nutrition* case that is currently pending before the U.S. Court of International Trade (CIT). Virtus Nutrition is challenging the decision by U.S. Customs and Border Protection (CBP) to detain certain palm oil products over forced labor concerns.

"Companies in the various industries that have been affected by withhold release orders (WROs) have been keenly interested in this case, which is the first court challenge to a WRO," Mojica said, adding that "Those companies hope to get greater insight into CBP's decision-making process related to merchandise detentions and the burden of proof to release detained merchandise." Both Virtus Nutrition and the government extended a late August discovery deadline, which has since been pushed back through early January. "It is interesting that, to our knowledge, there are no other active cases challenging CBP's enforcement of a WRO... We believe that, in addition to the associated costs and other practical issues, the scrutiny that a public lawsuit related to forced labor may bring to a company's brand serves to disincentivize pursuing litigation against CBP," Mojica said.