

**IN THE COMPETITION APPELLATE TRIBUNAL**2<sup>ND</sup> Floor, Federal Courts Complex, G-11/1, Islamabademail: [registrartribunal@gmail.com](mailto:registrartribunal@gmail.com)

Tel No: 051-9320208, Fax No: 051-9320203

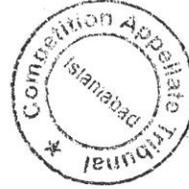
No. 1444 /Reg./CAT/2024Dated: 11-07-2024**Reckitt Benckiser Pakistan Ltd**

Vs.

**Competition Commission of Pakistan****NOTICE****Appeal No.93/2022**

Take notice that under rule 51 of the Competition Appellate Tribunal Rules, 2015, attested copies of the Judgment dated **11-07-2024** is enclosed for information and record.

2. Given under my hand and stamp of the Tribunal, this 11<sup>th</sup> day of July, 2024.



(SAEED AFZAL)  
Registrar  
**REGISTRAR**

Competition Appellate Tribunal  
Government of Pakistan  
Islamabad

**Reckit Benkiser Pakistan Ltd** (Having its Office at)  
Tenancy 04 & 05, 3<sup>rd</sup> Floor, corporate Office Block,  
Dolmen City Mall, HC-3, Block-4, Scheme-5, Clifton  
**Karachi.**

**Haroon Dugal Law Chambers,**  
6/7 Lower Ground Floor, Sir GangaRam Trust Building  
Mall Road, **Lahore** (0321-4800777)

**Unilever Pakistan Limited** (Having its Head Office at)  
Avari Plaza, Fatima Jinnah Road, **Karachi.**

✓ **Competition Commission of Pakistan**

ISE Tower, 7<sup>th</sup> Floor, 55-B, Jinnah Avenue,  
**Islamabad.**

Chairman Secretariat  
Diary No. 715  
Date Received 12-7-24  
Date Forwarded 12-7-24

SLA-II  
12-7-24

12/7/24

**BEFORE THE HONOURABLE COMPETITION  
APPELLATE TRIBUNAL, ISLAMABAD.**

Appeal No. \_\_\_\_\_ of 2020

**Reckitt Benckiser Pakistan Limited**

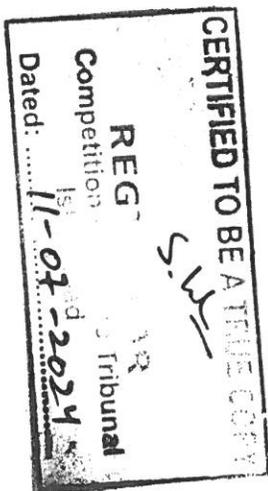
Having its office at,  
Tenancy 04 and 05, 3<sup>rd</sup> Floor, Corporate Office Block,  
Dolmen City Mall, HC-3, Block 4, Scheme 5,  
Clifton, Karachi.  
Through its authorized officer,  
Ms. Zara Khalid

.....Appellant

*Versus*

1. **Competition Commission of Pakistan**  
Through its Chairperson  
7<sup>th</sup> Floor, 55-B, ISE Tower, Jinnah Avenue,  
Islamabad.
2. **Adnan Saeed Malik**  
Registrar  
Competition Commission of Pakistan  
7<sup>th</sup> Floor, 55-B, ISE Tower, Jinnah Avenue,  
Islamabad.
3. **Unilever Pakistan Limited**  
Having its head office at,  
Avari Plaza, Fatima Jinnah Road,  
Karachi, 7753  
Through its Chief Executive Officer

.....Respondents



APPEAL UNDER SECTION 42 OF THE COMPETITION ACT,  
2010 AGAINST THE ORDER DATED 26-12-2019 PASSED BY  
THE RESPONDENT NO.1, ISSUED ON 06-01-2020 AND  
RECEIVED BY THE APPELLANT ON 07-01-2020

IN THE COMPETITION APPELLATE TRIBUNAL,  
ISLAMABAD

(Appeal No. 93 of 2022)

M/S Reckitt Benckiser Pakistan Limited

.....Appellant

Versus

Competition Commission of Pakistan and another

.....Respondents

**Present:** Justice Mazhar Alam Khan Miankhel, Chairperson.  
Muhammad Asghar Ch. Member Technical-I.  
Raja Saad Sultan, Member Technical-II.

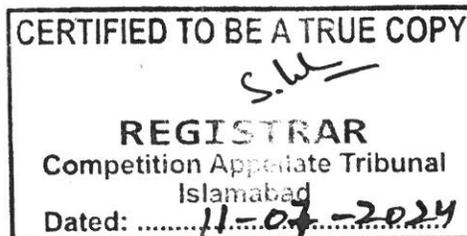
**For the Appellant:** Mr. Haroon Dughal, Advocate,  
**For Respondent No.1:** Mr. Umer Ijaz Gillani, Advocate  
assisted by Mr. Hassan Ahsan Mian, Law  
Officer.  
**For Respondent No.2:** Nemo

**Date of hearing:** 03.07.2024

**JUDGEMENT**

**Justice Mazhar Alam Khan Miankhel, Chairman.**

This is an appeal filed by M/s Reckit Benckiser Pakistan Ltd (**the appellant**) against the order dated 26.12.2019 (**impugned order**) of the Competition Commission of Pakistan (**the Commission**), whereby the complaint filed by Respondent No. 3 was accepted and a penalty of Rs. 30,000,000/- (Rupees Thirty Million)



M/s Reckitt Benckiser Pakistan Ltd  
Versus  
Competition Commission of Pakistan & another  
Appeal No. 93 of 2022

was imposed for contraventions of the provisions of Section 10 of the Competition Commission of Pakistan Act, 2010 (the Act). The appellant was also reprimanded to ensure the responsible behavior in future.

2. M/S Unilever Pakistan Ltd (the complainant) filed a complaint against the appellant for deceptive marketing practices in violation of Section 10 of the Act for making false and misleading information and claims regarding its product namely 'Dettol Soap'. The said complaint after being considered by the Commission, was referred to the Inquiry Committee. The Inquiry Committee submitted a report holding that the appellant (undertaking) was involved in the deceptive marketing practices in violation of the relevant provisions of the law. The Commission on the basis of said report issued a Showcause Notice No. 5 of 2017 dated 17.08.2017 (SCN) which was accordingly replied by the appellant, denying all the allegations leveled against him. During the proceedings, the Commission on conclusion of the proceedings held the appellant liable for deceptive marketing practices and thereby imposed a penalty of Rs. 30 Million (Rupees Thirty Million). Beside a note of reprimand to ensure a responsible behavior.

3. The appellant feeling himself aggrieved has approached this Appellate Tribunal against the verdict rendered by the Commission against him.

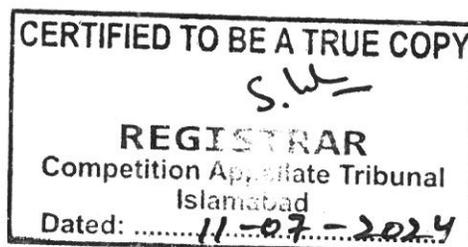


M/s Beckitt Benckiser Pakistan Ltd  
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Appeal No. 93 of 2022

4. The learned counsel for the Respondent No-3 had earlier submitted his written submissions and thereafter he did not turn up to pursue the appeal. The record of the case reflects that there were certain claims by the appellant regarding its product (Dettol Soap) with the contention that such claims were based on Lab Test Reports which are also available on the file but the said Lab Reports were not considered by the Commission in true perspective.

5. The main contention of the learned counsel for the appellant was that his above said campaign was ended in 2014, much prior to filing of instant complaint in January, 2015. All such material available on website was removed and no such claim was aired thereafter. His next argument was that when the complaint was filed, there was no such claim or campaign of the appellant in the field and this makes it clear that at the time of filing of complaint, the complainant had no cause of action to file the complaint. The learned counsel by referring to all of his above submissions was of the view that imposition of a huge penalty of Rs. 30 Million in a such like situation is totally uncalled for besides being a harsh one.

6. The learned counsel for the Commission supported the impugned order and submitted that since all the claims made by the appellant were admitted by him so the Commission was justified in



imposing the penalty. He further submitted that the target audience in the impugned advertisements were the children, in whose minds the impression lasts long and therefore, they do not care about playing in filthy conditions if use the 'Dettol Soap' afterwards.

7. We have heard the learned counsel for the appellant and the learned counsel for the Commission.

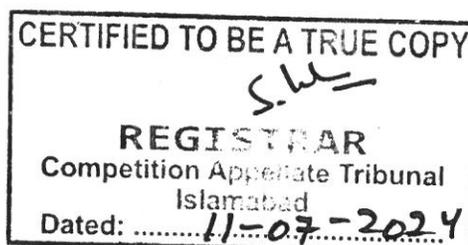
8. Perusal of the record establishes an undeniable fact that there were claims, no doubt supported by Lab Test Report, but the campaign/adds etc were stopped, off aired in 2014. At the time of filing of complaint there were no such claims or the reported Television Commercial, (TVC) in the field. The Lab Reports were used as a part of defence by the Appellant but the same were adversely commented upon by the Enquiry Committee and the Commission during the proceedings without having any technical assistance in this regard. Though there was no denial, on the part of complainant regarding its claim, but the fact remains, the said claims occupied the fields in presence of other competitors of such like products including the complainant for a considerable time. The disclaimers of such claims have also been alleged by the Appellant but the perusal of such disclaimers reflects that the same were positioned in



M/s Reckitt Benckiser Pakistan Ltd  
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a way that a human eye would not be able to catch the same in a first glance unless minutely examined. In our view such disclaimers can't be considered to fulfill the purpose. We have also observed that many of the products have such like disclaimers, but we think, if any undertaking wants to attach a disclaimer to its claim regarding its product then that should also be placed in a manner which can easily be noticed.

9. The fact remains that there was a claim supported by Technical and Scientific evidence but the same has not been appreciated Scientifically/Technically by the Enquiry Committee or the Commission. Their opinion regarding the same can only be termed as a layman opinion. However, the perusal of such claim on the face of it reflects to be exorbitant and lacking evidence to kill 100% germs, especially the viruses and other microbes. Such claims at their face value were capable of harming the business interest of others dealing with such like products. But again, there is no denial of the fact that the said claims were withdrawn in 2014 much prior to filling of the complaint and till date, no such repetition has been pointed out. The reprimand of the Commission is also there. So, in view of the above, imposing such a huge penalty regarding an issue, which is not alive, cannot be justified. We think that an amount of



Rs. 15 Million (Rupees Fifteen Million) would suffice to cover the situation.

10. In view of above discussion, this appeal is partially allowed and the penalty amount is reduced to Rs. 15 Million (Rupees Fifteen Million), which should be deposited within a period of 60 days and in case penalty amount is not paid, then the Commission will have every right to initiate recovery proceedings under the law.

*— sd —*

**Chairman /**

*— sd —*

**Member Technical-I**

*— sd —*

**Member Technical-II**

**Announced in open court**

11.07.2024.

