

COMPETITION COMMISSION OF PAKISTAN

ENQUIRY REPORT

(Under the provisions of Section 37(2) of the Competition Act, 2010)

**IN THE MATTER OF COMPLAINT FILED BY M/S. COLGATE PALMOLIVE
PAKISTAN LIMITED AGAINST M/S. RECKITT BENCKISER PAKISTAN LIMITED**

FOR

DECEPTIVE MARKETING PRACTICES

BY

Salman Zafar/Usman Ahmed

Dated: 31-Aug-2021

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1. BACKGROUND

- 1.1. The Competition Commission of Pakistan ("**Commission**") is in receipt of a complaint dated 17-5-21 filed by M/s. Colgate Palmolive Pakistan Limited ("**CP**" or "**Complainant**") against M/s. Reckitt Benckiser Pakistan Limited ("**RB**" or "**Respondent**") for the alleged violation of Section 10 of the Competition Act, 2010 ("**Act**").
- 1.2. It is alleged in the complaint that RB has recently used in-store communications to advertise its hand-wash and sanitizers, which state that these products are "*Tested Effective Against Covid-19 Virus Proven*" and "*100% Sure*" with fine print disclaimers such as "*Based formulation has been tested*". CP further alleges that RB has not tested its actual products manufactured, produced and/or sold in Pakistan against Covid-19 virus.
- 1.3. CP alleges that these practices by RB amount to deceptive marketing practices, in breach of Section 10 of the Act.
- 1.4. In view of the above, the Competent Authority initiated an Enquiry in accordance with sub-section (2) of Section 37 of the Act by appointing Mr. Salman Zafar, Director (OFT), and Mr. Usman Ahmed, Deputy Director (OFT) as enquiry officers (hereinafter "**Enquiry Committee**"). The Enquiry Committee was directed to conduct the enquiry on the issues raised in the complaint and to submit an enquiry report ("**ER**") containing findings and recommendations on the following:
 - (i) *Whether Section 10 (2) (a) of the Act has been violated;*
 - (ii) *Whether Section 10 (2) (b) of the Act has been violated; and*
 - (iii) *Whether there is a spillover effect of the said practice.*

2. THE COMPLAINT

- 2.1. CP submits that RB has recently used in-store communications to advertise its hand wash and sanitizers, which state that these products are "*Tested Effective Against Covid-19 Virus Proven*" and "*100% Sure*" with fine print disclaimers such as "*Based formulation has been tested*". CP alleges that RB has not tested its actual products manufactured, produced and/or sold in Pakistan against the Covid-19 virus.
- 2.2. CP submits that these in-store communications mislead consumers into believing that the act of hand washing with ordinary soap is inadequate in germ protection. This, it is alleged, is false and misleading, as scientific literature (*including publications by the World Health Organization*) has proven decisively that the mechanical act of hand

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washing with any soap, or sanitizers with 70% alcohol content, is the most potent defense against germs and viruses, and to imply that RB's hand washes and sanitizers offer superior protection as compared to the ordinary soap, is false and misleading.

- 2.3. CP further submits that the timing of RB's in-store display/shelf advertisements amplify risk to consumers as the nation is in the midst of the third wave of coronavirus pandemic, and to imply that their products offer superior protection as compared to ordinary hand wash soaps and sanitizers is a gross exaggeration that is not only harmful to consumers as misleading information, but also capable of harming CP's interests.
- 2.4. The in-store communications used by RB, with the claims highlighted in red, are as follows:



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- 2.5. CP has also submitted an advertisement supplement, published in the Daily 'Dawn' Newspaper on 05.05.21, on "World Hand Hygiene Day". The supplement highlights the importance of hand washing frequently, and contains tips on maintaining good hand hygiene. **(Attached at Annexure 1).**
- 2.6. In the prayer to the complaint, CP seeks the following relief from the Commission:
- (i) Declaring the impugned in-store communication to be deceptive marketing practices;*
 - (ii) Declaring that the in-store communication of the Respondent is capable of harming the business interests of the Complainant;*
 - (iii) Any other relief which the Commission deems appropriate in the circumstances.*

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3. RESPONDENT'S REPLY TO THE COMPLAINT

- 3.1. The complaint was forwarded to the Respondent on 01-06-21 for its response to the allegations made therein. RB requested an extension in time for submitting its response vide email dated 10-06-21, and was granted an extension in time of 1 week. RB submitted its response on 23-06-21. Briefly, the submissions made by RB in its response are as follows:
- 3.2. At the outset, RB denies that it has marketed its products in violation of Section 10 of the Act. The complaint is said to be misconceived that is based on conjectures and surmises, and an erroneous interpretation of the law and facts. RB is a well-established multinational organization known world over for integrity and ethics, and works tirelessly to manufacture best possible products aiming to protect, heal and nurture. It is very conscious of the importance of hygiene, especially during these uncertain and challenging times of Covid-19 pandemic.
- 3.3. RB places reliance on the Commission's Order in the matter of *China Mobile Pak Limited vs. Pakistan Mobile Telecom Limited (reported as 2010 CLD 1478 and herein after referred to as the "Zong Order")* wherein the Commission elaborated, *inter alia*, "False" and "Misleading" information.
- 3.4. As regards the Complainant's contention that RB has not tested its products carrying the claim "*Tested effective against Covid-19 virus proven*", RB relies on the Commission's Order in the matter of *Procter & Gamble Pakistan (Pvt.) Ltd (reported as 2010 CLD 1695)* wherein the Commission held that "*the advertiser must have had some recognizable substantiations for the claims made prior to making it in an advertisement*". RB submits that the legal requirement, therefore, is to undertake extensive third-party testing through an accredited or authorised laboratory, and to ensure that there is a reasonable basis for making such a claim.
- 3.5. RB has submitted a report of a test conducted by Microbac Laboratories, Inc (Sterling, VA, US) ("**Microbac**"), which clearly shows microbicidal¹ actives in Dettol products to be effective against Covid-19 virus. In view of the results of the study wherein RB's products were tested against SARS-CoV-2², RB submits that it is evident that there are recognizable substantiations based on scientific evidence for the claim "*Tested effective against Covid-19 Virus Proven*".
- 3.6. As for CP's contention that RB was using the claim "*100% sure*", RB submits that this is entirely baseless. RB's company motto, it is submitted, is in fact "**Be 100% sure**" rather

¹ An agent that kills microscopic organisms such as bacteria, fungi, and viruses.

² The virus that causes the Covid-19 disease.

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than "100% sure". This motto, RB states, is used to provide assurance to its customers that they can be certain of their environmental health and safety. The Respondent submits that, if it is presumed the Complainant is alleging that the claim "100% sure" is an absolute claim, then this is unfounded and speculative. Even if the correct "Be 100% sure" claim was to be considered as an absolute claim (which is denied), it is qualified on the Respondent's products with the disclaimer "In removing 99.9% germs", in exercise of abundant precaution.

- 3.7. As for the newspaper clippings attached with the complaint regarding the World Health Organization's recommendation of using hand sanitizers with 70% alcohol content, RB submits that this has no relevance or bearing on the instant matter, as the Complainant is merely providing information that is already publicly available. As a show of good will, however, RB reiterates that its hand sanitizers have an ethyl alcohol content that ranges between 71% and 73%, thereby surpassing the basic requirement.

4. COMPLAINANT'S REJOINDER TO REPLY BY RESPONDENT

- 4.1. The response submitted by RB was communicated to the Complainant on 25-06-21 for its rejoinder, and CP requested an extension in time for submission, which was granted. CP's rejoinder was received on 23-07-21, the summary of which is below:
- 4.2. CP submits that the Dettol in-store communications with the claims "*Tested & Proven Effective Against Covid-19 Virus*", "*Be 100% sure*" and "*Protect what's worth fighting for*", along with the hashtag #stayprotected, could provide consumers with the mistaken impression that Dettol products provide on-going protection to consumers against the Covid-19 virus, and that washing their hands or using hand sanitizer once would be sufficient to "*stay protected*" from Covid-19.
- 4.3. CP further states that a lab report showing elimination does not translate to protection. RB, it is submitted, conducted testing for the time it takes for different Dettol products to kill SARS-CoV-2 virus from initial contact, with measurements ranging from 1 to 5 minutes. As a result, CP submits, RB should not use misleading claims to suggest any form of protection from SARS-CoV-2 in the absence of any clear proof as to how the elimination of the virus would translate to "*ongoing protection*" on the skin. If RB cannot claim protection on the basis of an in-vitro³ study, then all the more it cannot claim "*stay protected*", which implies ongoing protection from SARS-CoV-2. This, it is submitted, is of particular importance in light of the guidelines laid down by the World Health Organization, which stress the importance of washing hands multiple times a day.

³ Process performed or taking place in a test tube, culture dish, or elsewhere outside a living organism.

- 4.4. CP submits that the advertisements must be read in totality and should not mislead. While the "Be 100% sure" claim purportedly has a disclaimer stating "In removing 99.9% germs", CP submits, the claim is combined with Covid-19 "protection" claims, and the Dettol range of products marketed and sold in Pakistan do not have any disclaimers relating to Covid-19 on their labels.
- 4.5. Lastly, CP states that RB has only conducted an in-vitro study of Dettol products against SARS-CoV-2, therefore the use of the terms "effective", "tested" and "proven" together is misleading as it may give consumers the overall impression that clinical tests were conducted, and that RB's products are able to deliver "effective, proven and tested" protection against the Covid-19 virus, whereas at best, the results of the test establish only the elimination of the virus within 1-5 minutes of contact with the said products.

5. ANALYSIS

- 5.1. As stated above, the Enquiry Committee was directed to conduct the enquiry on the issues raised in the complaint, and to submit an ER containing findings and recommendations on the following:
- (iv) *Whether Section 10 (2) (a) of the Act has been violated;*
 - (v) *Whether Section 10 (2) (b) of the Act has been violated; and*
 - (vi) *Whether there is a spillover effect of the said practice.*
- 5.2. Prior to determining the above, however, a "spillover effect" of the Respondent's alleged deceptive marketing must be identified, as per the Hon'able Lahore High Courts direction in *Writ Petition No. 9518/2009 titled LPG Association of Pakistan vs. Federation of Pakistan*.
- 5.3. A spillover effect will be demonstrated if the effects of any alleged violation of Section 10 of the Act carry over the territorial limits of provinces. In cases of advertisements being aired on national television, online or through social media, it is apparent that any consumer, regardless of which province they reside in, can view the advertisements and base their purchasing choice on them. However, it is harder to identify in cases where the alleged violation has occurred in advertisements displayed in physical shops, such as the case in the instant matter.
- 5.4. In this regard, the Complainant has informed the Enquiry Committee that the images of the in-store communications submitted as evidence have been taken in stores in Karachi. In order to determine whether such advertisements are displayed in stores outside Karachi, the Enquiry Committee conducted a market visit in Islamabad. The image below

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was taken on 24th August 2021 at Saladin Supermarket in Islamabad's Supermarket located in F-6:



5.5. The Complainant, as requested by the Enquiry Committee, also sent additional images of the in-store communications used by RB in multiple cities, as shown below:



Moon Market, Wah Cantt.

Save Mart, Bahria Town, Rawalpindi

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City Emporium, Faisalabad

Victoria, Lahore

- 5.6. It is clear, therefore, that the in-store communications used by RB are not limited to Karachi, Sindh, and are displayed in cities across Pakistan as well. Moreover, the Enquiry Committee found an advertisement on the Internet wherein RB has made the claims stated above. This advertisement, naturally, may be viewed by anyone with an internet connection, regardless of location. For this reason, it is submitted that the effects of the alleged deception carry over the territorial limits of provinces, thereby demonstrating a spillover effect.
- 5.7. Prior to identifying violations of Section 10 (2) (a) or (b), it may be helpful to review what constitutes "false" and "misleading" information as decided by the Commission in the Zong Order, wherein it was held:

"'False information' can be said to include: oral or written statements or representations that are; (a) contrary to truth or fact and not in accordance with the reality or actuality; (b) usually implies either conscious wrong or culpable negligence, (c) has a stricter and stronger connotation, and (d) is not readily open to interpretation.

Whereas 'misleading information' may essentially include oral or written statements or representations that are; (a) capable of giving wrong impression or idea, (b) likely to lead into error of conduct, thought, or judgment, (c) tends to misinform or misguide owing to vagueness or any omission, (d) may or may not be deliberate or conscious and (e) in contrast to false information, it has less onerous connotation and is somewhat open to interpretation as the circumstances and conduct of a party may be treated as relevant to a certain extent."

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- 5.8. The above interpretation suggests that any information distributed via marketing campaigns may mislead consumers if it is vague or has omitted material information, regardless of whether the conduct is deliberate. Distribution of such information that is capable of inducing a consumer into purchasing a product results in consumer injury, and is a violation of Section 10 of the Act.
- 5.9. It may also be pertinent to mention that the Commission has made it clear, in the Zong Order that an advertisement *"has to be viewed as whole without emphasizing isolated words or phrases apart from their context"*. In this regard, reliance may also be placed on the U.S Federal Trade Commission's ("FTC") Order⁴ wherein it was noted as follows:

"[i]n evaluating advertising representations, we are required to look at the complete advertisement and formulate our opinions on them on the basis of the net general impression conveyed by them and not on isolated excerpts."

- 5.10. Furthermore, the Commission, in its ***Order in the Matter of Show Cause Notice issued to M/s. Colgate-Palmolive for Deceptive Marketing Practices (2017)***⁵ noted: *"the advertiser itself is responsible for material substantiation of all such claims"*, and that *"the advertiser must have some reasonable substantiation for all the claims made prior to making it in an advertisement"*⁶.
- 5.11. It may also be helpful to turn to the Commission's jurisprudence on prior recognizable substantiation. In its Order in the matter of ***Show Cause Notice issued to M/s. Proctor & Gamble Pakistan (Pvt.) Ltd***, the Commission deliberated on a similar matter, and held that *"Such a claim that purports to provide ample protection from infections and viruses...must be based on competent scientific evidence for it to be acceptable."* In the same Order, the Commission noted that the FTC had published requirements for "Competent and Reliable Scientific Evidence", which provides as follows:

"The evidence-based ranking system presupposes that FTC's requirement of "competent and reliable scientific evidence" to substantiate an advertising claim related to health and safety has been met. FTC defines "competent and reliable scientific evidence" as "tests, analysis, research, studies or other evidence" based on the expertise of professionals in the relevant area, that has been "conducted and evaluated in an objective

⁴ In the matter of *Standard Oil of Calif*, 84 F.T.C 1401 (1974)

⁵ Available at http://www.cc.gov.pk/images/Downloads/ms_colgate_palmolive_10_aug_2017.pdf

⁶ Relying on its Order dated February 2010 in the Matter of Show Cause Notice issued to M/s. Proctor & Gamble Pakistan (Pvt.) Ltd.

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manner by persons qualified to do so, using procedures generally accepted" in the profession to "yield accurate and reliable results."

- 5.12. This analysis, therefore, will focus on whether the Respondent's advertisement, when viewed as a whole, contained claims that may be either false, misleading, or both. Further, in view of the contents of the complaint, the Respondent's reply, and the Complainant's Rejoinder, the Enquiry Committee is of the view that the matter at hand revolves around the principal allegation made by the Complainant: Can RB provide a reasonable substantiation for the claims "*Tested Effective Against Covid-19 Virus Proven*" and "*100% Sure*"? In other words, has RB tested its actual products manufactured, produced and/or sold in Pakistan against the Covid-19 virus, and if so, do the results of the tests conducted by the third party on the Respondent's products provide reasonable and recognizable substantiation for the claims made by the Respondent? Apart from this, further allegations made by the Complainant will also be analyzed.

HAS RB TESTED THE PRODUCTS AVAILABLE IN PAKISTAN AGAINST THE COVID-19 VIRUS?

- 5.13. We now turn to the response submitted by the Respondent, particularly the results of an independent third party test conducted on microbicidal actives. As submitted by RB, a test was conducted by Microbac⁷. This test, which took place in Sterling, VA, USA and was published in May 2020, was conducted on microbicidal actives to ascertain their virucidal⁸ efficacy against the Covid-19 virus.
- 5.14. This study, titled "*Microbicidal actives with virucidal efficacy against SARS-CoV-2*", accounted for the mechanisms through which viruses spread, and the excerpt from the study, which was also published in the American Journal of Infection Control⁹, is as follows:

"Dissemination of SARS-CoV-2 from infected to susceptible individuals is believed to occur directly, via respiratory droplets and droplet nuclei/aerosols, and indirectly through contaminated high touch environmental surfaces ("HITES"). SARS-CoV-2 has been reported to remain infectious on contaminated HITES for hours to days, allowing for onward self-infection of new individuals when contaminated hands come into contact with susceptible tissues (mucous membranes of the nose, eyes and mouth). This Droplets-HITES-Hands nexus is central to the chain of

⁷ Microbac Laboratories, Inc. operates a commercial testing and analytical laboratory network. The company offers agrochemical, antimicrobial efficacy, consumer product, environmental, life sciences, pharmaceutical, and other testing services.

⁸ Having the capacity to, or tending to, destroy or inactivate viruses.

⁹ Available at: <https://www.ajicjournal.org/action/showPdf?pii=S0196-6553%2820%2930313-8>

infection with SARS-CoV-2, and highlights the critical role that targeted application of effective microbicides against potentially contaminated HITES and hands plays in infection prevention and control during the ongoing COVID-19 pandemic.

"Fortunately, enveloped viruses such as SARS-CoV-2 are among the most susceptible of pathogens to formulated microbicidal activities and detergents (including personal care soaps and liquid hand washes). Inactivation of such viruses by formulated microbicidal actives and detergents is believed to occur as a result of disruption of the virally modified, host-cell-derived phospholipid¹⁰ bilayer glycoproteinaceous¹¹ envelope, and the associated spike glycoproteins that interact with the angiotensin-converting enzyme receptor required for infections of host cells." (Attached at Annexure 2).

5.14. As per global standards, the elimination of germs is calculated against a "log₁₀ reduction"¹², which is calculated as follows¹³:

- 1 log₁₀ reduction = 90% reduction
- 2 log₁₀ reduction = 99% reduction
- 3 log₁₀ reduction = 99.9% reduction
- 4 log₁₀ reduction = 99.99% reduction
- 5 log₁₀ reduction = 99.999% reduction
- 6 log₁₀ reduction = 99.9999% reduction

5.15. As per the study, Hand Sanitizer Gel was tested against SARS-CoV-2 and was able to achieve a $\geq \log_{10}$ reduction of 4.2, which equates to a 99.99% reduction of germs. As for RB's Liquid Handwash, the study showed that the product achieved a $\geq \log_{10}$ reduction of 3.1, which equates to a 99.9% reduction of germs.

5.16. In view of the above mentioned results of the study, wherein RB's products were tested against SARS-CoV-2, it is clear that there are recognizable substantiations based on scientific evidence for the claim "*Tested effective against Covid-19 Virus Proven*", and CP's allegation that RB has not tested its actual products manufactured, produced and/or sold in Pakistan against the Covid-19 virus is, therefore, not made out.

¹⁰ A lipid containing a phosphate group in its molecule.

¹¹ A molecule that consists of a carbohydrate plus a protein.

¹² Log reduction stands for a 10-fold (or one decimal point) reduction in bacteria, meaning the disinfectant reduces the number of live bacteria by 90 percent for every step.

¹³ Source: <https://microchemlab.com/information/log-and-percent-reductions-microbiology-and-antimicrobial-testing>

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- 5.17. Additionally, the Complainant stated that RB's product has a fine print disclaimer stating "Based formulation has been tested", however it not clear whether CP is alleging any impropriety on part of RB in this regard. In any case, the Enquiry Committee has analyzed this disclaimer, and it is clear that this disclaimer is with regard to the claim "Dermatologically Tested" that appears on the back labeling of RB's Dettol Liquid Hand wash and Antibacterial Handwash, and not in connection with any claim regarding protection from Covid-19, as depicted in the images below:



IS "BE 100% SURE" AN ABSOLUTE CLAIM?

- 5.18. CP has made further allegations regarding RB's use of the claim "100% sure", stating that these in-store communications mislead consumers into believing that the act of hand washing with ordinary soap is inadequate in germ protection. As stated above, RB has stated that this is erroneous, as its company motto is "Be 100% sure" rather than "100% sure". The Complainant has not expressly stated that this is an absolute claim made by RB, however, if this is the implication to be drawn from the allegation made by CP, then it is pertinent to look into how the Commission has, through its jurisprudence, fleshed out the concept of absolute claims.
- 5.19. The Commission, in its Order in the Matter of Show Cause Notice issued to M/s. Proctor & Gamble Pakistan (Pvt.) Ltd¹⁴, while deliberating on the claim "Eliminates 99.9% Bacteria", held that this was "considered to be an absolute claim as it has not been qualified or limited through the use of a disclaimer or otherwise. There is also an absence of any asterisk which is used to draw the attention of the consumer to a qualifying statement or disclosure." Absolute claims, therefore, are those that are not qualified or limited in any way, and which give the consumer the net general impression that they are absolute representations.

¹⁴ Available at: https://www.cc.gov.pk/images/Downloads/proctor_and_gamble_20_07_2017.pdf

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- 5.20. In this regard, RB has submitted that at the outset, it is denied that "Be 100% sure" is an absolute claim. Without prejudice to the above, if it is assumed that the allegation made by CP is that this *is* an absolute claim made by RB, then in any case it is accompanied by an asterisk that draws the attention of the consumer to the disclaimer "*In removing 99.9% germs*". This has been verified by the Enquiry Committee. The images below show the front and back labeling on RB's Dettol Antibacterial Handwash, with the claim and its accompanying disclaimer highlighted.



- 5.21. In view of the above, we are of the considered view that the claim "*Be 100% Sure*" is not an absolute claim, as it is accompanied by an asterisk that draws the attention of the consumer to the disclaimer "*In removing 99.9% germs*", in line with the Commission's jurisprudence.

**DO THE CLAIMS MADE BY RB, ACCOMPANIED WITH THE HASHTAG
"#STAYPROTECTED", IMPLY THAT DETTOL PRODUCTS PROVIDE ON-GOING
PROTECTION TO CONSUMERS AGAINST THE COVID-19 VIRUS?**

- 5.22. CP has alleged that RB's claims "*Tested & Proven Effective Against Covid-19 Virus*", "*100% sure*" and "*Protect what's worth fighting for*", along with the hashtag #stayprotected, could provide consumers with the mistaken impression that Dettol products provide on-going protection to consumers against the Covid-19 virus, and that washing their hands or using hand sanitizer once would be sufficient to "*stay protected*" from Covid-19.
- 5.23. We note here that RB does not state, in any of the in-store communications submitted by the Complainant nor in the packaging of any of the products purchased by the Enquiry Committee during the course of this Enquiry, that the use of their products offer ongoing

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protection, and that washing hands or using hand sanitizer once would be sufficient to "stay protected" from Covid-19.

- 5.24. In order to determine whether the claims mentioned above, along with the hashtag #stayprotected, could mislead consumers into believing that washing their hands or using hand sanitizer once would be sufficient to stay protected from Covid-19, it may be useful to note that the Commission has, in multiple orders, stated that *"an opinion regarding deception is to be formulated on the basis of the net general impression conveyed by them and not on isolated excerpts."* This is in line with the standard adopted by the US FTC.
- 5.25. The Enquiry Committee is of the opinion that, when viewed as a whole, the claims and the hashtag #stayprotected are not capable of giving consumers the net general impression that the act of washing hands with soap once, or using hand sanitizer once, is sufficient for ongoing protection against Covid-19. In these uncertain times due to the ongoing pandemic, there is a plethora of information available to consumers regarding the importance of washing hands multiple times a day, such as advertisements and scientific literature published in newspapers across Pakistan, including the very Advertisement Supplement submitted by the Complainant attached herewith as Annexure 1, and the replacement of usual phone caller tones with a recorded health message on the importance of social distancing and maintaining good hygiene including washing hands frequently¹⁵.
- 5.26. Research by the Enquiry Committee has also found a television advertisement, wherein RB has highlighted the importance of washing hands multiple times a day (*albeit with their own product, however this is besides the point*). The advertisement may be viewed at: <https://www.youtube.com/watch?v=OHySCqxnkA0>.
- 5.27. In view of the above, therefore, it is difficult to establish that the consumer will be left with the net general impression that the act of washing hands with soap once, or using hand sanitizer once, is sufficient for ongoing protection against Covid-19 due merely to the claims made along with the hashtag #stayprotected.

¹⁵ United Nations Development Programme (UNDP) Pakistan estimates that over 113 million people across the country directly heard the recorded message. For details, see: <https://www.pk.undp.org/content/pakistan/en/home/blog/2020/innovative-ringtone-messages-positively-impacts-knowledge--perce.html>

6. CONCLUSION

- 6.1. In view of the above, and having examined the information and material submitted by the Complainant and Respondent during the enquiry, we are of the considered opinion that the Respondent has not been found to be distributing false and misleading information in violation of Section 10 (2) (b) of the Act, as they have provided a prior reasonable and recognizable substantiation for the claims made. Moreover, the Respondent's actions are not capable of harming the business interest of the Complainant, in violation of Section 10 (2) (a) of the Act. Lastly, we are of the view that a spillover effect can clearly be demonstrated in this case.
- 6.2. For the reasons recorded above, it is recommended that the complaint against the Respondent may be disposed off in accordance with the law.



Usman Ahmed
Deputy Director
(Enquiry Officer)



Salman Zafar
Director
(Enquiry Officer)