

CCP withdraws notice served on company

Our correspondent

ISLAMABAD: The Competition Commission of Pakistan (CCP) has issued an order disposing of its show cause notice issued to Reckitt Benckiser Pakistan Ltd for running a deceptive marketing campaign to promote one of its products, after compliance by the company with the Commission's directive to withdraw the campaign.

The order has been passed by a bench of CCP comprising of Mueen Batlay and Dr. Shehzad Ansar, Members CCP.

CCP took action against the company on the complaint of Wyeth Pakistan Ltd., which alleged that Reckitt Benckiser while marketing the hair removal cream, Veet, is claiming "9/10 Women prefer Veet for smooth glowing skin," which is false and misleading as it attempts to deceive the consumers into thinking that Veet as a depilatory cream is the preferred choice of 90% of women.

CCP concluded that marketing of such a claim in the absence of a clear and legible disclaimer is deceptive and misleading in terms of Section 10 of the Competition Act, 2010. The disclaimer of Reckitt Benckiser that states, "based on the survey conducted by Oasis Insight on the Veet Users," was omitted from the marketing campaign, which is deceptive and a violation of Section 10 of the Competition Act.

CCP directed Reckitt Benckiser that in future all the advertisements must have a reasonable basis and if any disclaimer is required it must be included in all the marketing material in a clearly legible manner, which is visible to the ordinary consumer.

Reckitt Benckiser, as per its commitment has stopped its marketing campaign for Veet cream and has also withdrawn all the materials regarding the campaign from the public domain. CCP has directed Reckitt Benckiser to file a compliance report within two weeks from the date of the Order and reprimanded the company not to indulge in deceptive marketing practices in future as it shall entail penal consequences for the company.

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CCP revokes notice issued to Reckitt Benckiser

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**OUR STAFF REPORTER
ISLAMABAD**

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Economy Watch
9 Jan 2015

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CCP prohibits deceptive marketing practices

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مسابقتی کمیشن نے دھوکہ دہی پر مبنی تشہیری مہم پر اظہارِ وجوہ کا نوٹس جاری کر دیا

کراچی (کامرس رپورٹرز مسابقتی کمیشن کے چیف نے ایک آرڈر جاری کیا ہے جس کے تحت ریگنٹ بینکیئر پاکستان (Reckit Benckiser Pakistan Ltd.) کی جانب سے دھوکہ دہی پر مبنی جاری ایک پروڈکٹ کی تشہیری مہم واپس لینے کے بعد اس کے خلاف فٹ اظہارِ وجوہ کے نوٹس کو واپس لیا گیا ہے، سی ای پی کو ساتھ پاکستان کی جانب سے شکایت موصول ہوئی تھی جس میں ریگنٹ بینکیئر پر ایک پروڈکٹ "وینٹ کریم" کی دھوکہ دہی پر مبنی تشہیری مہم چلانے کا الزام عائد کیا تھا۔ شکایت کے مطابق مٹی یا ہاٹر دینا چاہتی ہے کہ نوے فی صد خواہمیں وینٹ کریم استعمال کرتی ہیں جبکہ اس دعویٰ کے ساتھ ڈسکلیمر کو تشہیری مہم سے ہٹا دیا گیا ہے جو کہ دھوکہ دہی ہے اور مسابقتی قوانین کی خلاف ورزی ہے، سی ای پی نے ریگنٹ بینکیئر کی جانب سے تشہیری مہم روکنے، مارکیٹ سے ہٹا دیا ہے اور مسابقتی قوانین کی پابندی کے بعد مزید قانونی کارروائی روک دی ہے۔

Coercive actions

Competition regulator urged to return PBA documents

CPNE, APNS deplore the 'cat-and-mouse game played by CCP'

OUR CORRESPONDENT
 KARACHI

Council of Pakistan Newspaper Editors (CPNE) President Mujeebur Rehman Shami and All Pakistan Newspapers Society (APNS) President Hameed Haroon have deplored the coercive actions initiated by the Competition Commission of Pakistan (CCP) against the Pakistan Broadcasters Association (PBA).

In a statement issued on Thursday, they strongly questioned whether CCP's coercive actions constitute 'reasonable' measures against PBA. They urged CCP to immediately reverse the 'arbitrary' actions taken by it against a body that is "a legitimate functioning part of a free and fair press" under article 19 of the Constitution.

"It is not the CCP investigating competitive practices that we take virulent objection to. What we object to are the arbitrary and unreasonable actions that accompanied their covert investigation against the apex broadcasters body, unfortunately on the very evening that the 21st Constitutional Amendment was being voted upon in Parliament. Surely this is no mere coincidence."

"By all means the press is open to a CCP investigation of all unfair trade practices, if any. We uphold this facet of CCP's function. But the meaningless and self-serving press release by CCP

after its action mentions two frivolous charges; the first, that a centralised clearance system has been operating for the financial recovery of media dues against defaulting advertisers, including government – a system that exists in over one hundred countries of the world, and indeed has existed in Pakistan well before 1947."

The two press bodies described the two charges contained in a CCP press release as frivolous and absurd

"The second charge is equally absurd, where PBA is accused of fixing rates of commissions to advertising agencies at 15% (although obviously not the quantum of advertising commissions themselves) – a standard practice that is carried out in almost all the countries of the world, and is far older than the creation of Pakistan. Does CCP really mean to imply, that all regulatory agencies in the world who have accepted these practices as not being inconsistent with competitiveness, are totally negligent in the performance of their duties?"

"Clearly the CCP has got it deeply wrong, and particularly when they accompany this with the draconian actions of arriving virtually unannounced to impound the entire legal record of the PBA. The bona fides of this cat-and-mouse action are highly questionable. The CCP could have asked for the

required information which the apex body of the broadcasters would have provided willingly. And never has the PBA ever refused to provide the information, which has never been asked for."

The CCP press release states that section 4 of the Competition Act "prohibits decisions by an association of undertakings that may prevent, restrict, or reduce competition in the relevant market." We ask: "Has CCP ever considered the rate centralising and rate fixing taking place by the Press Information Department in the federal information ministry in this context? Surely there appears to be major legal asymmetry here."

"Clearly the need of the hour is for immediate steps to be taken by CCP if they are not to completely lose credibility in the eyes of the nation. Firstly, all seized documents must be returned without any further delay so as to allow PBA to perform its day to day functions with respect to the press. Secondly, a future procedure to deal with cooperating media bodies that exist to further the provisions of article 19 of the Constitution, should replace the existing cat-and-mouse game."

"Let the investigation of the CCP continue without prejudice. We welcome it. But let them learn to work within the parameters of what is reasonable in law and what is sustainable in natural justice. Otherwise, we in the media ... when confronted by unreasonable decisions ... might begin to believe that something other than the course of justice is being served."

CPNE, APNS say CCP action 'arbitrary, unreasonable'

THE President of the Council of Pakistan Newspaper Editors (CPNE), Mujeibur Rehman Shami, and the President of the All Pakistan Newspapers Society (APNS), Hameed Haroon have deplored the coercive actions initiated by the Competition Commission of Pakistan (CCP), against the Pakistan Broadcasters Association (PBA). They have strongly questioned whether these actions constitute "reasonable" measures. They have urged the CCP to immediately reverse the "arbitrary" actions against a body that is "a legitimate functioning part of a free and fair press" under Article 19 of the Constitution of Pakistan.

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"Let the investigation of the CCP continue without prejudice. We welcome it. But let them learn to work within the parameters of what is reasonable in law and what is sustainable in natural justice. Otherwise, we in the media, when confronted by unreasonable decisions in being lumped together with errant poultry-feed manufacturers, auto dealers and cement manufacturers, might begin to believe that something other than the course of justice is being served by such unreasonable and arbitrary actions."

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Analyses & Comments by BR Research

CCP: 1; common sense: 0

Not that it has ever been able to drive prices of potatoes, wheat or public transport down by a single paisa since 2007; but the Competition Commission of Pakistan has now been around for eight years. Last week this column had hailed the much-delayed appointment of a head of this institution.

It was hoped that her entry would help to redeem an institution that has so far been toothless and ineffective in clamping down against water tanker, transport and other 'mafias' that exploit the masses.

But the very first step under newly-appointed CCP chairperson, Vaddiya Khalil has set a path of confrontation with the only pillar of state actually crusading against the rent seekers of the status quo, instead of taking on profiteers and black marketers.

On 6th January, a team of CCP officials raided the offices of the Pakistan Broadcasters Association to commence "a fact finding exercise to determine whether there is any substance in the prima facie allegations" that the association's undertakings "prevent, restrict or reduce competition in the relevant market". The competition watch dog did not consider it worth their while to inform where and when the allegations emerged.

It is pertinent to note here that CCP earlier had similar suspicions towards the All Pakistan Newspapers Society (APNS). In that case, a list of questions was sent to APNS and upon receiving responses, that inquiry

appears to have been halted. For reasons best known to CCP, that opportunity was not provided to PBA.

Clearly, the regulator is oblivious to the fact that PBA was founded and structured on the same grounds as APNS and works with the same modus operandi. It is also ignorant of the fact that 15 percent commission that PBA members currently pay to advertising agencies has been in practice since partition; much before PBA's creation in 1956.

Moreover, the government-run Press Information Department (PID) also sets tariffs for government media outreach on similar basis (readership, circulation and viewership). By this line of reasoning, the government should be target number one for CCP.

The timing of the raid is also suspect; considering that it took place just as the government was banking on popular support for its decision to introduce the 21st Amendment to the Constitution. Going after media outlets through CCP is a mind boggling step at a juncture where all efforts need to be directed towards tackling the greatest peril faced by Pakistan in its history. The *raison d'être* for creating CCP was to benefit consumers who are being fleeced through cartelization and creation of monopolies. Has it done that? Certainly not so far. To serve its purpose in the interest of the people of Pakistan, the CCP should spend its days chasing those hegemonies that pilfer and profiteer at the expense of the people.

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"The CCP press release states that section 4 of the Competition Act "prohibits decisions by an association of undertakings that may prevent, restrict, or reduce competition in the relevant market." We ask: "Has the CCP ever considered the rate centralizing and rate fixing taking place by the Press Information Department in the Federal Ministry of Information, Broadcasting and National Heritage in this context? Surely there appears to be a major legal asymmetry here.

"Clearly the need of the hour is for immediate steps to be taken by the CCP if they are not to completely lose credibility in the eyes of the nation. Firstly, all seized documents must be returned without any further delay so as to allow the PBA to perform its day to day functions with respect to the press.

Secondly, a future procedure to deal with cooperating media bodies that exist to further the provisions of Article 19 of the Constitution, should replace the existing cat-and-mouse game. Such an evolved procedure should not only be deemed reasonable by all democracy-loving people, but also significantly appear to be reasonable to the nation.

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They have questioned whether these coercive actions of the CCP constitute "reasonable" measures against the PBA. They have urged the CCP to immediately reverse the "arbitrary" actions taken by it against a body that is "a legitimate functioning part of a free and fair press" under Article 19 of the Constitution of Pakistan, says a press release.

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"Clearly the need of the hour is for immediate steps to be taken by the CCP if they are not to completely lose credibility in the eyes of the nation," the statement said.

Firstly, it said, all seized documents must be returned without any further delay so as to allow the PBA to perform its day to day functions with respect to the press. Secondly, it said, a future procedure to deal with cooperating media bodies that exist to further the provisions of Article 19 of the Constitution, should replace the existing cat-and-mouse game. "Such an evolved procedure should not only be deemed reasonable by all democracy-loving people, but also significantly appear to be reasonable to the nation," they said.

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آئین پاکستان کے آرٹیکل 19 کے تحت آزاد میڈیا کے امور سرانجام دینے جانے کا ایک قانونی جڑ ہے۔ یہ سی سی ٹی وی سبقت کے حوالے سے تحقیقات کی کارروائیاں نہیں ہیں جس میں کارروائی کا ہمیں نشانہ بنایا گیا نہیں ان ظالمانہ اور غیر معقول کارروائیوں پر اعتراض ہے جس کے تحت براڈ کاسٹرز کی اعلیٰ ترین تنظیم کے خلاف خفیہ تحقیقات کی گئی۔ انیسویں کی بات ہے کہ یہ کارروائی اس وقت کی گئی جب پارلیمنٹ میں 21 ویں ترمیم پر رائے شماری جاری کی، ظاہر ہے کہ یہ کوئی اعلان نہیں ہے۔ اگر کوئی غیر منصفانہ تہادنی سرگرمیاں ہیں تو اس کی تحقیقات کیلئے پریس پوری طرح تیار ہے۔ میں ان ظالمانہ اور غیر معقول کارروائیوں پر اعتراض ہے۔ لیکن اقدام کے بعد مسابقتی کمیشن کی جانب سے بے معنی اور خود ساختہ پریس ریلیز سے دوغوا اقدامات جانے لگے۔ پہلا، نادر ہندو اور ناز سے ملی ریکوری کیلئے ایک کلینس سسٹم کام کر رہا ہے، معمول حکومت، ایسا سسٹم جو دنیا کے ایک سو سے زائد ممالک میں ہے اور درحقیقت پاکستان میں 1947 سے کس وجود رکھتا ہے۔ دوسرا، الزام ہے کہ بی بی سی اے، اشتہاری ایجنسی کے ساتھ 15 فیصد کمیشن مقرر کرنے میں ملوث ہے جبکہ ایسا دنیا کے تقریباً تمام ممالک میں ہوتا ہے اور یہ عمل تمام پاکستان سے بھی کیلئے جاری ہے۔ کیا سی سی ٹی وی اپنی یہ بہنا چاہتی ہے کہ دنیا بھر کی ریڈیو ایجنسیاں، جنہوں نے ان سرگرمیوں کو مسابقت سے متصادم قرار دے کر تسلیم کیا، وہ اپنے فرائض کی ادائیگی میں غفلت کا مظاہرہ کیا؟ واضح طور پر سی سی ٹی وی نے اسے بڑی طرح غلط بنا دیا اور خاص طور پر جب وہ بی بی سی اے کے تمام قانونی ریکارڈ کو خفیہ کرنے کی ظالمانہ کارروائی میں ساتھ آئے۔ اس سے بی بی سی کارروائی میں ایک نئی پر سوالیہ نشان ہے۔ سی سی ٹی وی مطلوبہ معلومات تک سٹیجی جیسے براڈ کاسٹرز کی اعلیٰ ترین تنظیم بخوشی فراہم کر رہی اور بی بی سی نے اسے اسے اس معلومات دینے سے بھی انکار نہیں کیا جو کسی نا اہلی سے نہیں گئی۔ سی سی ٹی وی کی پریس ریلیز میں کہا گیا کہ مسابقتی ایجنٹ کا کمیشن 4 ایک ایسی ایسی ایجنٹ کی جانب سے فیصلوں پر قدح لگا تا ہے، جو کہ متعلقہ مارکیٹ میں مسابقت کا راستہ رکھیں، اسے محدود کریں یا کم کریں۔ ہم پوچھتے ہیں کہ کیا اس میں نظر میں سی سی ٹی وی نے بھی وفاقی وزارت اطلاعات و نشریات قومی ورثہ کے پریس انفارمیشن ڈیپارٹمنٹ ریت مقرر کرنے یا انہیں سنزور لائز کرنے پر غور کیا؟ ظاہر ہے کہ یہاں بڑی قانون عدم مساوات نظر آتی ہے۔ "اگر سی سی ٹی وی قوم کی نظر میں اپنی سادھ نہیں کھوتا جانتا، تو واضح طور پر یہ وقت فوری اقدامات کرنے کا ہے۔ اول، بی بی سی اے کے خطبہ کیے جانے والے تمام دستاویزات و اجس کیے جائیں تاکہ پریس کے حوالے سے بی بی سی اے اپنے روزمرہ کے معمولات سرانجام دے سکے۔ دوم، میڈیا کے تعاون کرنے والے ادارے جو کہ آئین کے آرٹیکل 19 کے اطلاق میں معاونت کرتے ہیں، ان سے تیز و آہ ہونے کیلئے موجودہ چوہے بی بی سی طریقہ کار مستقبل میں تبدیل کیا جائے۔ اس وسیع کردہ طریقہ کار کو تا صرف جمہوریت سے محبت کرنے والوں کی جانب سے معقول سمجھا جاتا چاہیے بلکہ قوم کی جانب سے بھی اسے معقول سمجھا جانا چاہیے۔" سی سی ٹی وی کے تحقیقات کو بااخصب جاری رہنے دیا جائے، ہم اس کا خیر مقدم کرتے ہیں، اور انہیں یہ سمجھنے دیا جائے کہ قانون کے دائروں میں کام کرنے کیلئے سوز دیا گیا ہے اور قدرتی انصاف میں کونسا مل دیر پائے۔ بصورت دیگر میڈیا میں ہمیں جب ان غیر معقول فیصلوں کا سامنا ہوگا، جس میں ہمارے ساتھ صحیح مرفیوں کا دائرہ بنانے والے، کارڈ پلرز اور سٹیٹ میڈیا چھوڑ کر طرح برتاؤ کیا گیا تو ہم یہ سوچنے پر مجبور ہو جائیں گے کہ ایسی ظالمانہ کارروائیوں کے ذریعے ہمارے ساتھ نا انصافی کی جارہی ہے۔

بی بی سی اے مخالف اقدامات واپس لیے جائیں، سی سی ٹی وی، اے بی این ایس

کیا مسابقتی کمیشن کی کارروائیاں معقول و جوابات کی حامل ہیں، پریس تحقیقات کیلئے تیار ہے

کراچی (جنگ نیوز) کونسل آف پاکستان نیوز پیپرز ایڈیٹرز (سی سی این ای) کے صدر مجیب الرحمن شامی اور آل پاکستان نیوز پیپر سوسائٹی (اے بی این ایس) کے صدر حمید ہارون نے مسابقتی کمیشن پاکستان (سی سی ٹی وی) کی طرف سے پاکستان براڈ کاسٹرز ایسوسی ایشن (بی بی سی اے) کے خلاف ظالمانہ کارروائیوں کے آغاز پر انیسویں

کا اظہار کیا ہے۔ انہوں نے پزور انداز میں یہ سوال اٹھایا ہے کہ کیا مسابقتی کمیشن کی پاکستان براڈ کاسٹرز ایسوسی ایشن کے خلاف مذکورہ کارروائیاں "معقول" و جوابات کی حامل ہیں۔ انہوں نے مسابقتی کمیشن پر زور دیا کہ وہ فوری طور پر اس بی بی سی اے کے خلاف اقدامات کو واپس لے جو کہ باقی صفحہ 6 نمبر 28

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سی پی این ای، اے پی این ایس کی پی بی اے پر چھاپے کی مذمت
 مسابقتی کمیشن کے الزامات بے معنی ہیں، 21 ویں ترمیم کیساتھ ہی اقدام اتفاق نہیں ہو سکتا
 قبضے میں لیا گیا ریکارڈ واپس ہمیشہ یا کوآئین کے تحت ذیل کیا جائے: مجیب الرحمن شامی جمید ہارون

لاہور (پ) کونسل آف پاکستان نیوز ایڈیٹرز (سی) نیوز پیپرز سوسائٹی کے صدر جمید ہارون نے پاکستان پی این ای کے صدر مجیب الرحمن شامی اور آل پاکستان براڈ کاسٹرز ایسوسی ایشن (پی بی اے) کے صدر جمید ہارون نے پاکستان

سی پی این ای (21)

کیٹاف مسابقتی کمیشن کے اقدامات کی شدید الفاظ میں مذمت کی ہے۔ انہوں نے سوال کیا ہے کہ مسابقتی کمیشن کا پی بی اے کیٹاف انتہائی سخت ایکشن کیا "معقول" اقدام ہے۔ انہوں نے مطالبہ کیا ہے کہ مسابقتی کمیشن آئین پاکستان کے آرٹیکل 19 کے مطابق آزاد اور غیر جانبدار پریس کے قانونی فعال حصے کیٹاف اقدامات کو روکے۔ انہوں نے کہا کہ مسابقتی کمیشن کی مسابقتی پریکٹس کی تفتیش پر اعتراض نہیں، مگر 21 ویں آئینی ترمیم کے روز ہی ایٹکس براڈ کاسٹرز باڈی کیٹاف نامناسب اقدام اور خفیہ تحقیقات پر اعتراض ہے، یہ محض اتفاق نہیں ہو سکتا، اگر پریس میں کسی جگہ پر ناجائز ٹریڈ پریکٹس جاری ہیں تو مسابقتی کمیشن کو تحقیقات کا مکمل اختیار ہے مگر مسابقتی کمیشن کے ایکشن کے بعد جاری پریس ریلیز میں دو بے ہودہ الزامات لگائے گئے ہیں۔ پہلا کہ حکومت سمیت ڈیفنٹر ایڈورٹائزرز سے ریکوری کیلئے مرکزی کلیئرنگ سسٹم کام کر رہا ہے۔ دوسرا پی بی اے ایڈورٹائزنگ ایجنسیز کے کمیشن کے ریش طے کرتا ہے۔ دونوں عمل عرصہ دراز سے دنیا بھر کے ممالک میں جاری ہیں۔ کیا مسابقتی کمیشن کا خیال ہے کہ دنیا بھر کے ممالک کے ادارے فراہم انجام نہیں دے رہے؟ مسابقتی کمیشن قوم کے سامنے اپنی سادھ برقرار رکھنا چاہتا ہے تو پی بی اے کے دفتر سے قبضے میں لیا گیا تمام ریکارڈ فوری طور پر واپس کر دے تاکہ روزمرہ کے معاملات چلائے جا سکیں اور موجودہ چوہے جلی کا کھیل ختم کر کے آئین کے آرٹیکل 19 کے تحت میڈیا کے ساتھ ذیل کیا جائے۔