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News Coverage of Press Release

“LHC Upholds CCP Powers to Initiate Enquiry”

LHC upholds CCP's powers to investigate Mezan Beverages for deceptive marketing

A show-cause notice was issued as PepsiCo alleged Mezan copied 'Sting' packaging for its 'Storm' energy drink

The Lahore High Court has dismissed the writ petition filed by M/s Mezan Beverages Pvt. Ltd against a show-cause notice issued by the Competition Commission of Pakistan (CCP) on alleged deceptive marketing practices.

Under section 37(2) of the Act, CCP initiated the enquiry after receiving a complaint from Pepsi Co Inc. The complaint stated that Mezan was copying the overall packaging of Pepsi's energy drink 'Sting' for its energy drink 'Storm'. The subsequent completion of the enquiry report recommended the issuance of a show-cause notice to Mezan Beverages.

Mezan swiftly responded with legal manoeuvres, filing a writ petition against the CCP's enquiry process and issuing of show-cause notice.

In August 2021, the Lahore High Court in its order suspended the show-cause notice, therefore, proceedings before the CCP were stalled.

However, after hearing the parties at length, the Hon'ble LHC held that the Supreme Court of Pakistan in its judgement rendered in 'CCP v. Dalda Foods Ltd.', unanimously, upheld the statutory powers of the CCP relating to initiation of enquiries and gathering of information.

It is pertinent to mention here that on the issue of CCP's jurisdiction vis-à-vis the Tribunal created under the Intellectual Property Organization of Pakistan Act, 2012 (IPO Act), it has been held that both the enactments i.e. the Act and IPO Act have conspicuously distinct in purpose, scope, and mandate.

The Act relates to competition law, whereas, the IPO Act pertains to intellectual property laws. Each enactment has created a specialized regulatory body and has put in place a self-contained regulatory framework to administer duties and obligations imposed by law.

The IPO Act consciously excludes the Act from its Schedule and as such, the legislature has intentionally kept the Act beyond the purview of the IPO Act.

Hence, 'deceptive marketing practices' under section 10 of the Act constitute a necessary and essential element of competition law, the jurisdiction of which is vested with the CCP under the Act.

<https://profit.pakistantoday.com.pk/2024/06/28/lhc-upholds-ccps-powers-to-investigate-mezan-beverages-for-deceptive-marketing/>

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LHC Upholds CCP Powers to Initiate Enquiry

Spokesman Report

LAHORE/ISLAMABAD: Hon'ble Lahore High Court has dismissed the writ petition filed by M/s Mezan Beverages Pvt. Ltd against a show-cause notice issued by the Competition Commission of Pakistan (CCP) on alleged deceptive marketing practices.

Under section 37(2) of the Act, CCP initiated the enquiry after receiving a complaint from Pepsi Co Inc. The complaint stated that Mezan was copying the overall packaging of Pepsi's energy drink 'Sting' for its own energy drink 'Storm'. The subsequent completion of enquiry report recommended the issuance of show-cause notice to Mezan Beverages.

Mezan swiftly responded with legal maneuvers, filing a writ petition against the CCP's enquiry process and issuance of show-cause notice. In August 2021, Lahore High Court in its order suspended the show-cause notice, therefore, proceedings before the CCP were stalled. However, after hearing the parties at length, the Hon'ble LHC held that the Supreme Court of Pakistan in its judgement rendered in 'CCP v. Dalda Foods Ltd', unanimously, upheld the statutory powers of the CCP relating to initiation of enquiries and gathering of information.

It is pertinent to mention here that on the issue of CCP's jurisdiction vis-à-vis the Tribunal created under Intellectual Property Organization of Pakistan Act, 2012 (IPO Act), it has been held that both the enactments i.e. the Act and IPO Act have conspicuously distinct in purpose, scope, and mandate. The Act relates to competition law, whereas, the IPO Act pertains to intellectual property laws. Each enactment has created a specialized regulatory body and has put in place a self-contained regulatory framework to administer duties and obligations imposed by law. The IPO Act consciously excludes the Act from its Schedule and as such, the legislature has intentionally kept the Act beyond the purview of the IPO Act. Hence, 'deceptive marketing practices' under section 10 of the Act constitute a necessary and essential element of competition law, jurisdiction of which is vested with the CCP under the Act.

28-June-2024

Online

CCP decides to Initiate inquiry against Mezan Beverages for copying Sting packaging

Web Desk June 27, 2024



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LAHORE: The **Lahore High Court** (LHC) dismissed the writ petition filed by M/s Mezan Beverages Private Limited. Ltd. against the show-cause notice issued by the Competition Commission of Pakistan (CCP) on alleged deceptive marketing practices.

As per the details, under Section 37(2) of the Act, the CCP initiated an inquiry after receiving a complaint from the Pepsi Company. The complaint stated that Mezan was copying the overall packaging of Pepsi's energy drink 'Sting' for its own energy drink 'Storm'. After the completion of the inquiry report, it was recommended to issue a show cause notice to Mezan Beverages.

Mezan immediately responded with legal moves, filing a writ petition against the CCP's inquiry process and issuing a show cause notice. In August 2021, the Lahore High Court in its order stayed the show cause notice, hence the proceedings before the CCP.

However, after hearing the parties at length, the LHC held that the Supreme Court of Pakistan in its judgment in 'CCP v. Dalda Foods Ltd. maintained. Information.

It is pertinent to mention here that on the issue of jurisdiction of CCP vis-à-vis the Tribunal constituted under the Intellectual Property Organization of Pakistan Act 2012 (IPO Act) it has been decided that both the Act i.e. the Act and the IPO Act. Clearly distinct in purpose, scope and mandate. The Act deals with competition law, while the IPO Act deals with intellectual property laws.

Each enactment has created a specialized regulatory body and established a self-contained regulatory framework for administering the duties and responsibilities imposed by law. The IPO Act consciously excludes the Act from its schedule and thus the legislature has deliberately excluded the Act from the purview of the IPO Act.

Therefore, 'deceptive marketing practices' under Section 10 of the Act are a necessary and integral element of competition law, the jurisdiction of which lies with the CCP under the Act.

<https://dailyausaf.com/en/business/ccp-decides-to-initiate-inquiry-against-mezan-beverages-for-copying-sting-packaging/>

CCP to Initiate Inquiry Against Mezan Beverages for Copying Sting Packaging

By ProPK Staff | Published Jun 27, 2024 | 7:00 pm



The Lahore High Court (LHC) has dismissed the writ petition filed by M/s Mezan Beverages Pvt. Ltd against a show-cause notice issued by the Competition Commission of Pakistan (CCP) on alleged deceptive marketing practices.

Under section 37(2) of the Act, CCP initiated the inquiry after receiving a complaint from Pepsi Co Inc. The complaint stated that Mezan was copying the overall packaging of Pepsi's energy drink 'Sting' for its own energy drink 'Storm'. The subsequent completion of the inquiry report recommended the issuance of a show-cause notice to Mezan Beverages.

Mezan swiftly responded with legal maneuvers, filing a writ petition against the CCP's inquiry process and issuing of show-cause notice. In August 2021, the Lahore High Court in its order suspended the show-cause notice, therefore, proceedings before the CCP were stalled.

However, after hearing the parties at length, the LHC held that the Supreme Court of Pakistan in its judgement rendered in 'CCP v. Dalda Foods Ltd', unanimously, upheld the statutory powers of the CCP relating to the initiation of inquiries and gathering of information.

It is pertinent to mention here that on the issue of CCP's jurisdiction vis-à-vis the Tribunal created under the Intellectual Property Organization of Pakistan Act, 2012 (IPO Act), it has been held that both the enactments i.e. the Act and IPO Act have conspicuously distinct in purpose, scope, and mandate. The Act relates to competition law, whereas, the IPO Act pertains to intellectual property laws.

Each enactment has created a specialized regulatory body and has put in place a self-contained regulatory framework to administer duties and obligations imposed by law. The IPO Act consciously excludes the Act from its Schedule and as such, the legislature has intentionally kept the Act beyond the purview of the IPO Act.

Hence, 'deceptive marketing practices' under section 10 of the Act constitute a necessary and essential element of competition law, the jurisdiction of which is vested with the CCP under the Act.

<https://propakistani.pk/2024/06/27/ccp-to-initiate-inquiry-against-mezan-beverages-for-copying-sting-packaging/>

28-June-2024

Online

BUSINESS

CCP to launch an inquiry against Mezan Beverages for allegedly copying Sting packaging



Hassan Khan ·



The Lahore High Court (LHC) has rejected the writ petition filed by M/s Mezan Beverages Pvt. Ltd challenging a show-cause notice issued by the Competition Commission of Pakistan (CCP) over alleged deceptive marketing practices.

The CCP initiated an inquiry under section 37(2) of the Act following a complaint from Pepsi Co Inc., alleging that Mezan had copied the packaging of Pepsi's energy drink 'Sting' for its own product, 'Storm'. After completing the inquiry, the CCP recommended issuing a show-cause notice to Mezan Beverages.

In response, Mezan filed a writ petition against the CCP's inquiry process and the show-cause notice. Initially, in August 2021, the Lahore High Court had suspended the show-cause notice, halting proceedings before the CCP.

However, after extensive hearings, the LHC affirmed the statutory powers of the CCP as upheld by the Supreme Court of Pakistan in its judgment in 'CCP v. Dalda Foods Ltd'. The court clarified that the CCP has the authority to initiate inquiries and gather information under the Act.

Regarding the jurisdiction issue vis-à-vis the Tribunal under the Intellectual Property Organization of Pakistan Act, 2012 (IPO Act), the LHC emphasized that both the Act and the IPO Act serve distinct purposes. The Act focuses on competition law, including addressing deceptive marketing practices under section 10, which falls within CCP's jurisdiction. The IPO Act, on the other hand, deals with intellectual property laws and operates under a separate regulatory framework.

Consequently, the LHC affirmed that deceptive marketing practices are integral to competition law, and thus within the domain of the CCP as defined by the Act.

<https://theneutral.pk/ccp-to-launch-an-inquiry-against-mezan-beverages-for-allegedly-copying-sting-packaging/>

28-June-2024

Online

LHC backs CCP in Mezan Beverages marketing practices dispute



June 28, 2024 (MLN): Lahore High Court has dismissed the writ petition filed by Mezan Beverages Pvt. Ltd against a show-cause notice issued by the Competition Commission of Pakistan (CCP) on alleged deceptive marketing practices.

Under section 37(2) of the Act, CCP initiated the enquiry after receiving a complaint from Pepsi Co Inc.

The complaint stated that Mezan was copying the overall packaging of Pepsi's energy drink 'Sting' for its own energy drink 'Storm'.

The subsequent completion of enquiry report recommended the issuance of show-cause notice to Mezan Beverages.

Mezan swiftly responded with legal maneuvers, filing a writ petition against the CCP's enquiry process and issuance of show-cause notice.

In August 2021, Lahore High Court in its order suspended the show-cause notice, therefore, proceedings before the CCP were stalled.

However, after hearing the parties at length, the Hon'ble LHC held that the Supreme Court of Pakistan in its judgement rendered in 'CCP v. Dalda Foods Ltd', unanimously, upheld the statutory powers of the CCP relating to initiation of enquiries and gathering of information.

It is pertinent to mention here that on the issue of CCP's jurisdiction vis-à-vis the Tribunal created under Intellectual Property Organization of Pakistan Act, 2012 (IPO Act), it has been held that both the enactments i.e. the Act and IPO Act have conspicuously distinct in purpose, scope, and mandate.

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The IPO Act consciously excludes the Act from its Schedule and as such, the legislature has intentionally kept the Act beyond the purview of the IPO Act.

Hence, 'deceptive marketing practices' under section 10 of the Act constitute a necessary and essential element of competition law, jurisdiction of which is vested with the CCP under the Act.

<https://mettisglobal.news/lhc-backs-ccp-in-mezan-beverages-marketing-practices-dispute/>

LHC Backs CCP As Mezan Beverages Face Trouble

By Mahnoor Rashid - Jun 28, 2024



If you're a fan of local energy drinks, we have some good news and some bad news. The good news is, that Mezan is coming out with another exciting drink, "Storm". The unfortunate news is that they got sued by Pepsi Co Inc. It seems Pepsi and Mezan are head-to-head in an ongoing battle for their energy drinks.

Mezan Fights Allegations In Court

On June 28, 2024, the Lahore High Court dismissed a writ petition filed by Mezan Beverages Pvt. Ltd against the Competition Commission of Pakistan (CCP). And if you don't know already, a writ petition enforces your rights. This petition was in response to a show-cause notice issued by the CCP regarding alleged deceptive marketing practices.

The issue began when Pepsi Co Inc. complained under section 37(2) of the Act. They claimed that Mezan was copying the packaging of Pepsi's energy drink 'Sting' for its own product 'Storm'. Following this complaint, the CCP conducted an inquiry and recommended a show-cause notice to Mezan Beverages.

In response, Mezan Beverages filed a writ petition. They did so to challenge the CCP's inquiry process. Moreover, the issuance of the show-cause notice. In August 2021, the Lahore High Court temporarily suspended the show-cause notice, halting the CCP's proceedings.

However, after a detailed hearing, the Lahore High Court upheld the Supreme Court of Pakistan's decision in 'CCP v. Dalda Foods Ltd', which supported the statutory powers of the CCP to initiate inquiries and gather information.

It is vital to share that the court clarified the distinct jurisdictions of the CCP and the Intellectual Property Organization of Pakistan (IPO). The CCP deals with competition law, while the IPO focuses on intellectual property laws. Both bodies have separate regulatory frameworks and mandates. The IPO Act specifically excludes the competition law from its schedule. This helps indicate that the legislature intended for the CCP to have jurisdiction over deceptive marketing practices.

This ruling highlights the importance of maintaining distinct regulatory bodies for different legal domains and supports the CCP's role in promoting fair competition in Pakistan.

<https://www.brandsynario.com/lhc-backs-ccp-as-mezan-beverages-face-trouble/>

لاہور ہائیکورٹ، میزان بیوریجز کی جانب سے دائر رٹ پیشین خارج

CCP نے شوکا ز نوٹس میزان کی مبینہ دھوکہ دہی پر جاری کیا تھا

اسلام آباد (اوصاف نیوز) لاہور ہائیکورٹ نے کمپینیشن کمیشن آف پاکستان (سی سی پی) کے جاری کردہ شوکا ز نوٹس کے خلاف میزان بیوریجز پرائیویٹ لمیٹڈ کی جانب سے دائر رٹ پیشین کو خارج کر دیا ہے۔ سی سی پی نے یہ شوکا ز نوٹس میزان بیوریجز کی مبینہ دھوکہ دہی پر مبنی (باقی صفحہ 6 بقیہ نمبر 29)

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پیشین خارج

اوصاف

مارکیٹنگ کے طریقوں پر جاری کیا تھا۔ سی سی پی نے کمپینیشن ایکٹ کے سیکشن 37(2) کے تحت پیپسی کمپنی کی جانب سے شکایت موصول ہونے کے بعد انکوآری کا آغاز کیا۔ شکایت میں کہا گیا کہ میزان، پیپسی کے انرجی ڈرنک اسٹنگ کی مجموعی پیکیجنگ کو اپنی انرجی ڈرنک اسٹارم کیلئے کاپی کر کے استعمال کر رہا تھا۔ سی سی پی انکوآری رپورٹ کی تکمیل کے بعد میزان بیوریجز کو شوکا ز نوٹس جاری کیا گیا تھا۔

میزان کی دو نمبری پکڑی گئی، پیپسی کے انرجی ڈرنک 'اسٹنگ' کی نقل، ڈرنک 'اسٹارم' کے نام سے تیار، سی سی پی تحقیقات کرے گا

Uzair Khan June 27, 2024

پاکستان، صحت



اسلام آباد (اے بی این نیوز) سی سی پی اسٹنگ پیکیجنگ کی کاپی کرنے پر میزان بیوریجز کے خلاف انکوآری شروع کرے گا۔ لاہور ہائی کورٹ نے میسرز میزان بیوریجز پر ایویٹ لمیٹڈ کی جانب سے دائر ٹ پیٹن کو خارج کر دیا۔ مسابقتی کمیشن آف پاکستان (سی سی پی) کی طرف سے مبینہ فریب کاری پر مبنی مارکیٹنگ کے طریقوں پر جاری کردہ شوکاز نوٹس کے خلاف ایکٹ کے سیکشن 37(2) کے تحت، سی سی پی نے پیپسی کمپنی کارپوریشن کی جانب سے شکایت موصول ہونے کے بعد انکوآری کا آغاز کیا۔

شکایت میں کہا گیا کہ میزان پیپسی کے انرجی ڈرنک 'اسٹنگ' کی اپنی انرجی ڈرنک 'اسٹارم' کے لیے مجموعی پیکیجنگ کاپی کر رہا تھا۔ انکوآری رپورٹ کی تکمیل کے بعد میزان بیوریجز کو شوکاز نوٹس جاری کرنے کی سفارش کی گئی۔ میزان نے فوری طور پر قانونی طور جواب دیا، سی سی پی کی انکوآری کے عمل کے خلاف ایکٹ پیٹن دائر کی اور شوکاز نوٹس جاری کیا۔ اگست 2021 میں، لاہور ہائی کورٹ نے اپنے حکم میں شوکاز نوٹس کو معطل کر دیا تھا، اس لیے سی سی پی کے سامنے کارروائی روک دی گئی، فریقین کو طویل عرصے تک سننے کے بعد، LHC نے کہا کہ سپریم کورٹ آف پاکستان نے CCP بمقابلہ ڈالڈافوڈز لمیٹڈ میں سنائے گئے اپنے فیصلے میں، متفقہ طور پر، انکوآریوں کے آغاز اور جمع کرنے سے متعلق CCP کے قانونی اختیارات کو برقرار رکھا۔

یہاں یہ بات قابل ذکر ہے کہ انٹلیکچوئل پراپرٹی آرگنائزیشن آف پاکستان ایکٹ 2012 (آئی پی او ایکٹ) کے تحت بنائے گئے ٹریبونل کے مقابلے سی سی پی کے دائرہ اختیار کے معاملے پر یہ فیصلہ کیا گیا ہے کہ دونوں ایکٹس یعنی ایکٹ اور آئی پی او ایکٹ۔ مقصد، دائرہ کار اور مینڈیٹ میں واضح طور پر الگ ہے۔ ایکٹ کا تعلق مسابقتی قانون سے ہے، جبکہ IPO ایکٹ دانشورانہ املاک کے قوانین سے متعلق ہے۔ ہر ایکٹ نے ایک خصوصی ریگولیٹری باڈی بنائی ہے اور قانون کے ذریعہ عائد کردہ فرائض اور ذمہ داریوں کے انتظام کے لیے ایک خود ساختہ ریگولیٹری فریم ورک قائم کیا ہے۔

<https://abnnews.pk/pakistan/129166/>