

Dated: 03, December, 2022

Media Coverage

Press Release

“CCP PENALISES PAINT FIRM FOR MARKETING COVID-RELATED DECEPTIVE CLAIMS”

Nelson Paint slapped with fine for deceptive claim of 'anti-COVID-19' paint

COMPETITION REGULATOR ORDERS PAINT MANUFACTURER TO WITHDRAW STOCKS, INFORM CUSTOMERS INCLUDING A KARACHI HOSPITAL

PROFIT REPORT
SHANZAD PARACHA

Paint that keeps you safe from COVID-19? That may sound far-fetched to you now, but at the height of the COVID-19 pandemic, people were willing to try anything to keep themselves safe – including sterilising their groceries.

With little information and lots of panic there were all sorts of outlandish claims made – including by corporations and manufacturers. Many of them turned out to be false. One of them, according to a ruling in Pakistan, was the claim of Nelson Paint Pakistan Limited (Private) Limited which claimed that their product provided protection against COVID-19.

The ruling was made by the Competition Commission of Pakistan (CCP) in an order on December 1st, which noted in its order that “The marketing practices of the respondent [Nelson Paint], when taken holistically, are to the prejudice and injury, not only of the consumers, but also to other businesses.” It had, hence, violated section Section 10 of the Competition Act, 2010, which protects the business interests of other undertakings, as well as, consumers from mis-

leading information.

A two-member comprising the CCP Chairperson, Ms Rahat Kaunain Hassan and Mr Mujtaba Ahmad Lodhi, passed the order.

Nelson Paint was imposed with a token fine of Rs 10 million, with the bench saying it was keeping in view commitments made by the company that it has discontinued deceptive marketing practices and would not repeat any such activity in the future. The order was to deter companies from engaging in deceptive marketing practices, most importantly where it relates to health or safety claims.

The bench also directed Nelson Paint to withdraw batches of the products that may have been sold or are still available in stock with distributors and to inform distributors or buyers regarding the inefficacy of its claims. Nelson Paint was strongly reprimanded to avoid deceptive marketing practices in the future.

Some of the facts in the case are startling.

The saga began when M/s Nippon Paints Pakistan (Private) Limited, a competitor of Nelson Paints, sent a formal complaint that the company was distributing false and misleading information to consumers through social media about their products.

The complainant cited two major claims that were allegedly violative of Section 10, i.e. “Nelson Extra Stainless (COVID-19 Protection)” and “Nelson Extra Klick Special Matt Enamel (COVID-19, Protection).” Nelson Paint was alleged to have taken undue advantage of the prevalent health concerns at the time of the COVID-19 pandemic and attempted to increase its sales through false slogans, it said.

Some question why it took a competitor to uncover this information, and where consumer protection groups and government authorities were on the matter. Indeed, the complainant was able to move against the alleged deceptive marketing practice by Nelson Paint because Section 10 of the Competition Act, 2010, protects the business interests of other undertakings, as well as consumers, from misleading information.

CCP initiated an inquiry to investigate the complaint.

During the inquiry, M/s. Nelson Paint contended that it manufactured the impugned anti-bacterial paint, which contains a substance called Benzalkonium Chloride (BKC) that provides protection against microbes and bacteria and the Products are duly checked by the Pakistan Coun-

cil of Scientific & Industrial Research Laboratories Complex (PCSIR). It further claimed that the antibacterial efficiency of its product was 99.9% and it has performed all necessary tests after the development of the products.

After analysing the findings of the inquiry and hearing the arguments of parties involved, the bench said in its order that BKC protects only against bacteria and microbes, not against viruses, in particular COVID-19. Furthermore, the documents relied upon do not adequately mention the effective role of BKC in paint products, hence, it does not substantiate the alleged claim, i.e., protection from COVID-19.

The bench observed that there is a higher bar on undertakings making health claims and that they must substantiate their claims using competent and reliable scientific evidence.

This was not all. According to the order, it was found that a significant portion of the sale of the “protective paint” was made to a “hospital located in Karachi”. The sale of one-third of the quantity – about 100 gallons – was sold to the hospital on a 50% discount and purportedly as a Corporate Social Responsibility (CSR) initiative.

CORPORATE CORNER

CCP penalises paint company

ISLAMABAD. The Competition Commission of Pakistan (CCP) has passed an order and, keeping in view the commitment and cooperative behaviour, penalised Nelson Paint Pakistan (Private) Limited with a token penalty of Rs1 million for violation of Section 10 of the Competition Act 2010. Nelson Paint was using deceptive claims in their marketing material that their product provided protection against Covid-19. A two-member bench, comprising CCP Chairperson Rahat Kaunain Hassan and Member Mujtaba Ahmad Lodhi, passed the order. However, keeping in view the commitments made by Nelson Paint that it has discontinued the deceptive marketing practices and shall not repeat any such activity in future, the bench took a lenient view and imposed only a fixed token penalty of Rs1 million, to deter companies from engaging in deceptive marketing practices, especially where it relates to health or safety claims. The bench also directed Nelson Paint to withdraw any or all batches of the products that may have been sold or are still available in stock with their distributors and to inform its distributors or buyers regarding the inefficacy of the subject claims. PRESS RELEASE

DECEPTIVE CLAIM OF PROTECTION AGAINST COVID CCP imposes token penalty of Rs1m on Nelson Paints

IMRAN ALI KUNDI
ISLAMABAD

The Competition Commission of Pakistan (CCP) has passed an order and keeping in view the commitment and cooperative behaviour, penalised M/s. Nelson Paint Pakistan (Private) Limited with a token penalty in the sum of Rs1 million for violation of Section 10 of the Competition Act, 2010. M/s. Nelson Paint was using deceptive claims in their marketing material that their product provided protection against COVID-19.

A two-member bench comprising CCP Chairperson Ms. Rahat Kaunain Hassan and Member Mujtaba Ahmad Lodhi passed the order. However, keeping in view the commitments made by M/s. Nelson Paint that it has discontinued deceptive marketing practices and shall not repeat any such activity in future, the bench took a lenient view and imposed only a fixed token penalty of PKR one (01) million, to deter companies from engaging in deceptive marketing practices, importantly, where it relates to health or safety claims.

The bench also directed M/s. Nelson Paint to withdraw any or all batches of the products that may have been sold or are still available in stock with their distributors and to inform its distributors or buyers regarding the inefficacy of the subject claims. M/s. Nelson Paint was strongly reprimanded to avoid deceptive marketing practices in future.

M/s Nippon Paints Pakistan (Private) Limited sent a formal complaint that Nelson Paint was distributing false and misleading information to consumers through social media about their products. The complainant cited two major claims that were allegedly violative of Section 10, i.e. "Nelson Extra Stainless (COVID-19 Protection)" and "Nelson Extra Klick Special Matt Enamel (COVID-19 Protection)." M/s. Nelson Paint was alleged to have taken undue advantage of the prevalent

health concerns at the time of the COVID-19 pandemic and attempted to increase its sales through false slogans.

The alleged deceptive marketing practice by M/s. Nelson Paint attracted invocation of Section 10 (2) (a) & (b) of the Competition Act, 2010 which protects the business interests of other undertakings, as well as, consumers from misleading information. CCP initiated an enquiry to investigate the complaint. During the enquiry, M/s. Nelson Paint contended that it manufactured the impugned anti-bacterial paint, which contains a substance called Benzalkonium Chloride (BKC) that provides protection against microbes and bacteria and the products are duly checked by the Pakistan Council of Scientific & Industrial Research Laboratories Complex (PCSIIR). It further claimed that the anti-bacterial efficiency of its product was 99.9% and it has performed all necessary tests after the development of the products.

After analysing the findings of the enquiry and hearing the arguments of parties involved, the bench held in its order that BKC substance is only against bacteria and microbes, but not against viruses, in particular COVID-19. Furthermore, the documents relied upon do not adequately mention the effective role of BKC in paint products, hence, it does not substantiate the alleged claim, i.e., protection from COVID-19.

The bench observed that health and safety claims are always looked at heedfully by the Commission. There is a higher bar on the undertakings making such claims and they must substantiate their claims using competent and reliable scientific evidence. The bench held that the marketing practices of M/s. Nelson Paint, when taken holistically, are to the prejudice and injury, not only of the consumers but, also to other businesses, hence, in violation of Section 10(2) (b) along with Section 10(2) (a) of the Act.

Business Recorder

03 December 2022 | Online | CCP Press Release

Violation of Sec 10 of Competition Act: CCP imposes Rs1m token penalty on Nelson Paint

Recorder Report

ISLAMABAD: The Competition Commission of Pakistan (CCP) has passed an order and keeping in view the commitment and cooperative behaviour, penalised M/s Nelson Paint Pakistan (Private) Limited with a token penalty in the sum of Rs 1 million for violation of Section 10 of the Competition Act, 2010.

The said company was using deceptive claims in their marketing material that their product provided protection against Covid-19. A two-member comprising the CCP Chairperson Rahat Kaunain Hassan, and Member Mujtaba Ahmad Lodhi, passed the order.

However, keeping in view the commitments made by M/s Nelson Paint that it has discontinued deceptive marketing practices and shall not repeat any such activity in the future, the Bench took a lenient view and imposed only a fixed token penalty of PKR one (01) million, to deter companies from engaging in deceptive marketing practices, importantly, where it relates to health or safety claims.

The Bench also directed M/s. Nelson Paint to withdraw any or all batches of the products that may have been sold or are still available in stock with their distributors and to inform its distributors or buyers regarding the ineffectiveness of the subject claims. M/s. Nelson Paint was strongly reprimanded to avoid deceptive marketing practices in the future.

M/s Nippon Paints Pakistan (Private) Limited sent a formal complaint that Nelson Paint was distributing false and misleading information to consumers through social media about their products. The complainant cited two major claims that were allegedly violative of Section 10, i.e. "Nelson Extra Stainless (Covid-19 Protection)" and "Nelson Extra Klick Special Matt Enamel (Covid-19 Protection)." M/s Nelson Paint was alleged to have taken undue advantage of the prevalent health concerns at the time of the COVID-19 pandemic and attempted to increase its sales through false slogans.

The alleged deceptive marketing practice by M/s. Nelson Paint attracted invocation of Section 10 (2) (a) & (b) of the Competition Act, 2010 which protects the business interests of other undertakings, as well as, consumers from misleading information. CCP initiated an enquiry to investigate the complaint.

During the enquiry, M/s Nelson Paint contended that it manufactured the impugned anti-bacterial paint, which contains a substance called Benzalkonium Chloride (BKC) that provides protection against microbes and bacteria and the Products are duly checked by the Pakistan Council of Scientific & Industrial Research Laboratories Complex. It further claimed that the anti-bacterial efficiency of its product was 99.9 percent and it has performed all necessary tests after the development of the products.

After analysing the findings of the enquiry and hearing the arguments of parties involved, the Bench held in its order that BKC substance is only against bacteria and microbes, but not against viruses, in particular Covid-19. Furthermore, the documents relied upon do not adequately mention the effective role of BKC in paint products, hence it does not substantiate the alleged claim, ie, protection from Covid-19.

The Bench observed that health and safety claims are always looked at heedfully by the Commission. There is a higher bar on the undertakings making such claims and they must substantiate their claims using competent and reliable scientific evidence.

The Bench held that the marketing practices of M/s Nelson Paint, when taken holistically, are to the prejudice and injury, not only of the consumers but, also to other businesses, hence, in violation of Section 10(2) (b) along with Section 10(2) (a) of the Act.

<https://www.brecorder.com/news/40212223>

CCP penalises paint firm for marketing Covid-related deceptive claims

News Desk

ISLAMABAD: The Competition Commission of Pakistan (CCP) has passed an order and keeping in view the commitment and cooperative behaviour, penalised M/s. Nelson Paint Pakistan (Private) Limited with a token penalty in the sum of PKR one (1) million for violation of Section 10 of the Competition Act, 2010.

M/s. Nelson Paint was using deceptive claims in their marketing material that their product provided protection against COVID-19.

A two-member comprising the CCP Chairperson, Ms. Rahat Kaunain Hassan, and Member Mr. Mujtaba Ahmad Lodhi, passed the order. However, keeping in view the commitments made by M/s. Nelson Paint that it has discontinued deceptive marketing practices and shall not repeat any such activity in the

future, the Bench took a lenient view and imposed only a fixed token penalty of PKR one (01) million, to deter companies from engaging in deceptive marketing practices, importantly, where it relates to health or safety claims.

The Bench also directed M/s. Nelson Paint to withdraw any or all batches of the products that may have been sold or are still available in stock with their distributors and to inform its distributors or buyers regarding the inefficacy of the subject claims. M/s. Nelson Paint was strongly reprimanded to avoid deceptive marketing practices in the future.

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claims that were allegedly violative of Section 10, i.e. "Nelson Extra Stainless (COVID-19 Protection)" and "Nelson Extra Klick Special Matt Enamel (COVID-19 Protec-



tion)." M/s. Nelson Paint was alleged to have taken undue advantage of the prevalent health concerns at the time of the COVID-19 pandemic and attempted to increase its sales through false slogans.

The alleged deceptive marketing practice by M/s. Nelson Paint attracted invocation of Section 10 (2) (a) & (b) of the Competition

Act, 2010 which protects the business interests of other undertakings, as well as, consumers from misleading information. CCP initiated an enquiry to investigate the complaint.

During the enquiry, M/s. Nelson Paint contended that it manufactured the impugned anti-bacterial paint, which contains a substance called Benzalkonium Chloride (BKC) that provides protection against microbes and bacteria and the Products are duly checked by the Pakistan Council of Scientific & Industrial Research Laboratories Complex (PCSIR). It further claimed that the anti-bacterial efficiency of its product was 99.9% and it has performed all necessary tests after the development of the products.

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in its order that BKC substance is only against bacteria and microbes, but not against viruses, in particular COVID-19. Furthermore, the documents relied upon do not adequately mention the effective role of BKC in paint products, hence, it does not substantiate the alleged claim, i.e., protection from COVID-19.

The Bench observed that health and safety claims are always looked at heedfully by the Commission. There is a higher bar on the undertakings making such claims and they must substantiate their claims using competent and reliable scientific evidence.

The Bench held that the marketing practices of M/s. Nelson Paint, when taken holistically, are to the prejudice and injury, not only of the consumers but, also to other businesses, hence, in violation of Section 10(2) (b) along with Section 10(2) (a) of the Act.

Associated Press of Pakistan

03 December 2022 | Online | CCP Press Release

CCP imposes Rs 1m penalty on paint firm for deceptive claims

ISLAMABAD, Dec 2 (APP): The Competition Commission of Pakistan (CCP) on Friday penalized a paint firm for marketing Covid-19 related deceptive claims with a penalty in the sum of Rs 1 million.

The CCP passed an order after keeping in view the commitment and cooperative behaviour and penalised M/s. Nelson Paint Pakistan (Private) Limited with a token penalty in the sum of Rs 1 million for violation of Section 10 of the Competition Act, 2010, said a press release issued here.

M/s. Nelson Paint was using deceptive claims in their marketing material that their product provided protection against COVID-19.

A two-member comprising the CCP Chairperson, Ms. Rahat Kaunain Hassan and Member Mujtaba Ahmad Lodhi, passed the order.

However, keeping in view the commitments made by M/s. Nelson Paint that it has discontinued deceptive marketing practices and shall not repeat any such activity in the future, the Bench took a lenient view and imposed only a fixed token penalty of Rs 1million, to deter companies from engaging in deceptive marketing practices, importantly, where it relates to health or safety claims.

The Bench also directed M/s. Nelson Paint to withdraw any or all batches of the products that may have been sold or are still available in stock with their distributors and to inform its distributors or buyers regarding the inefficacy of the subject claims. M/s. Nelson Paint was strongly reprimanded to avoid deceptive marketing practices in the future.

M/s Nippon Paints Pakistan (Private) Limited sent a formal complaint that Nelson Paint was distributing false and misleading information to consumers through social media about their products.

The complainant cited two major claims that were allegedly violative of Section 10, i.e. “Nelson Extra Stainless (COVID-19 Protection)” and “Nelson Extra Klick Special Matt Enamel (COVID-19 Protection).” M/s. Nelson Paint was alleged to have taken undue advantage of the prevalent health concerns at the time of the COVID-19 pandemic and attempted to increase its sales through false slogans.

The alleged deceptive marketing practice by M/s. Nelson Paint attracted invocation of Section 10 (2) (a) and (b) of the Competition Act, 2010 which protects the business interests of other undertakings, as well as, consumers from misleading information. The CCP initiated an inquiry to investigate the complaint.

During the inquiry, M/s. Nelson Paint contended that it manufactured the impugned anti-bacterial paint, which contains a substance called Benzalkonium Chloride (BKC) that provides protection against microbes and bacteria and the Products are duly checked by the Pakistan Council of Scientific & Industrial Research Laboratories Complex (PCSIR). It further claimed that the anti-bacterial efficiency of its product was 99.9% and it has performed all necessary tests after the development of the products.

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<https://www.app.com.pk/business/ccp-imposes-rs-1m-penalty-on-paint-firm-for-deceptive-claims/>

CCP Slaps Rs. 1 Million Fine on Nelson Paints for Deceptive Claim of Protection Against Covid

PUBLISHED BY ProPK Staff

The Competition Commission of Pakistan (CCP) has penalized M/s. Nelson Paint Pakistan (Private) Limited with a token penalty of Rs. 1 million for violation of Section 10 of the Competition Act, 2010.

Nelson Paints was using deceptive claims in their marketing material that their product provided protection against Covid-19.

A two-member bench comprising CCP Chairperson Rahat Kaunain Hassan and Member Mujtaba Ahmad Lodhi passed the order. However, keeping in view the commitments made by M/s. Nelson Paint that it has discontinued deceptive marketing practices and shall not repeat any such activity in the future, the Bench took a lenient view and imposed only a fixed token penalty of Rs. 1 million to deter companies from engaging in deceptive marketing practices, importantly, where it relates to health or safety claims.

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The alleged deceptive marketing practice by Nelson Paints attracted invocation of Section 10(2)(a) (a) & (b) of the Competition Act, 2010, which protects the business interests of other undertakings as well as consumers from misleading information. CCP initiated an inquiry to investigate the complaint.

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After analyzing the findings of the inquiry and hearing the arguments of the parties involved, the bench held in its order that the BKC substance is only against bacteria and microbes but not against viruses, in particular Covid-19. Furthermore, the documents relied upon do not adequately mention the effective role of BKC in paint products; hence, they do not substantiate the alleged claim, i.e., protection from Covid-19.

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<https://propakistani.pk/2022/12/02/ccp-slaps-rs-1-million-fine-on-nelson-paints-for-deceptive-claim-of-protection-against-covid/amp/>

Urdu Point

03 December 2022 | Online | CCP Press Release

CCP Imposes Rs 1m Penalty On Paint Firm For Deceptive Claims

ISLAMABAD, Dec 2 (APP - UrduPoint / Pakistan Point News): The Competition Commission of Pakistan (CCP) has penalized M/s. Nelson Paint Pakistan (Private) Limited with a token penalty of Rs. 1 million for violation of Section 10 of the Competition Act, 2010.

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<https://www.urdupoint.com/en/business/ccp-imposes-rs-1m-penalty-on-paint-firm-for-d-1603944.html>

دھوکہ دہی پر مبنی مارکیٹنگ، مسابقتی کمیشن
کا پیٹ کمپنی پر 10 لاکھ روپے جرمانہ
اسلام آباد (کامرس رپورٹر) مسابقتی کمیشن
آف پاکستان نے کورونا سے متعلق دھوکہ دہی پر مبنی
مارکیٹنگ کرنے پر نیلسن پیٹ انڈسٹریز پرائیویٹ
لیمیٹڈ کو 10 لاکھ روپے کا جرمانہ عائد کر دیا ہے،
چیمبر پرسن سی سی پی راحت کو نین اور ممبر مجتبیٰ لودھی پر
باقی صفحہ 6 نمبر 42

بقیہ مسابقتی کمیشن 42

مستقل بینچ نے نیلسن پیٹ کے گمراہ کن دعوے پر جرمانہ
عائد کیا۔ سی سی پی کے مطابق نیلسن پیٹ کی جانب سے
دھوکہ دہی پر مبنی تشہیر کو روکنے اور مستقبل میں ایسی کسی بھی
سرگرمی کو نہ دہرانے کے حوالے سے کیے گئے عزم کو مد نظر
رکھتے ہوئے، بینچ نے نرم رویہ اختیار کرتے ہوئے صرف
دس لاکھ کفکس ٹوکن جرمانہ عائد کیا تاکہ کمپنیوں کو گمراہ کن
تشہیری سرگرمیوں میں ملوث ہونے سے روکا جائے۔ بینچ
نے نیلسن پیٹ کو یہ بھی ہدایت کی کہ وہ اپنی مذکورہ
پروڈکٹس کے تمام بیچر کو واپس منگوا لے، جو فروخت ہو
چکے ہوں یا اب بھی ان کے ڈسٹری بیوٹرز کے پاس سٹاک
میں موجود ہوں، اور اپنے تمام ڈسٹری بیوٹرز اور خریداروں
کو ان گمراہ کن دعووں کی غیر موثریت کے بارے میں مطلع
کرے۔ نیلسن پیٹ کی سختی سے سرزنش بھی کی گئی کہ وہ اس
طرح کے طرز عمل کو آئندہ نہ دہرائیں، سی سی پی کی انکوائری
کے مطابق غیر قانونی طور پر اپنی دو پیٹ مصنوعات، یعنی
”نیلسن ایکسٹرا سٹین لیس (کوویڈ-19 پروٹیکشن)“ اور
”نیلسن ایکسٹرا کلک اسپیشل مال اسپیشل (کوویڈ-19
پروٹیکشن) کی جھوٹی تشہیر کر کے کورونا وبا سے بغیر کسی قابل
اعتماد لیب رپورٹس یا سرٹیفیکیشن کے نا حائر فائدہ اٹھا رہا۔

کرو متعلق دھوکہ دہی کے بنی دعویٰ نیلسن پینٹ کمپنی کو جرمانے

مستقبل میں ایسی کسی بھی سرگرمی کو نہ دہرانے کے بارے کیے گئے عزم کو مد نظر رکھتے ہوئے صرف دس لاکھ کا فکس ٹوکن جرمانہ عائد کیا

تمام بچہ کو واپس منگوا لے، جو فروخت ہو چکے ہوں یا اب بھی ڈسٹری بیوٹرز کے پاس شک میں موجود ہوں، کمپنیشن کمیشن آف پاکستان

اسلام آباد (نامہ نگار خصوصی) کمپنیشن کمیشن آف انڈسٹریز پرائیویٹ لمیٹڈ کے خلاف ایک آرڈر پاس عائد کیا ہے۔ راحت کو نین حسن، چیئر پرسن اور بھتی پاکستان (سی سی پی) نے کمپنیشن ایکٹ 2010 کیا ہے اور کمپنی کے عزم اور تعاون پر مبنی رویے کو احمد لودھی، نمبر پر مشتمل بیچ نے یہ جرمانہ فیکس پینٹ کے سیکشن 10 کی خلاف ورزی پر نیلسن پینٹ مد نظر رکھتے ہوئے 10 لاکھ روپے کا ٹوکن جرمانہ کے اس گمراہ کن (باقی صفحہ 8 بقیہ نمبر 17)

17

جرمانہ

بقیہ

دعوے کہ ان کی پینٹ پروڈکٹس کو ویڈیو 19- کے خلاف
تلفظ فراہم کرتے ہیں، پر عائد کیا۔ نیلسن پینٹ کی جانب
سے دھوکہ دہی پر مبنی تشہیر کو روکنے اور مستقبل میں ایسی کسی
بھی سرگرمی کو نہ دہرانے کے حوالے سے کیے گئے عزم کو
مد نظر رکھتے ہوئے، بیچ نے نرم رویہ اختیار کرتے ہوئے
صرف دس لاکھ کا فکس ٹوکن جرمانہ عائد کیا تاکہ کمپنیوں کو
گمراہ کن تشہیری سرگرمیوں میں ملوث ہونے سے روکا
جائے، خاص طور پر جہاں اس کا تعلق صحت یا حفاظت
کے دعووں سے متعلق ہو۔ بیچ نے نیلسن پینٹ کو یہ بھی
ہدایت کی کہ وہ اپنی مذکورہ پروڈکٹس کے تمام بچہ کو واپس
منگوا لے، جو فروخت ہو چکے ہوں یا اب بھی ان کے
ڈسٹری بیوٹرز کے پاس شک میں موجود ہوں، اور اپنے
تمام ڈسٹری بیوٹرز اور خریداروں کو ان گمراہ کن دعووں کی
غیر موثریت کے بارے میں مطلع کرے۔