

Competition Tribunal



Tribunal de la Concurrence

Citation: *Moose International Inc v Canada (Commissioner of Competition)*, 2020 Comp Trib 9
File No.: CT-2020-008
Registry Document No.: 3

IN THE MATTER OF a Consent Agreement pursuant to section 74.12 of the *Competition Act* with respect to certain marketing practices of Moose International Inc. under subsection 74.01(1) of the *Competition Act*;

AND IN THE MATTER OF an informal application, on consent, pursuant to paragraph 74.13(b) of the *Competition Act* to vary such Consent Agreement.

BETWEEN:

Moose International Inc.
(applicant)

and

The Commissioner of Competition
(respondent)



Decided on the basis of the written record
Before: D. Gascon J. (Chairperson)
Date of order: September 8, 2020

**ORDER ALLOWING AN INFORMAL APPLICATION UNDER PARAGRAPH 74.13(b)
OF THE COMPETITION ACT TO VARY A CONSENT AGREEMENT**

[1] **WHEREAS** a consent agreement between the Commissioner of Competition (“**Commissioner**”) and Moose International Inc. (“**Moose International**”) was filed for registration with the Tribunal on December 7, 2016 (“**Consent Agreement**”) pursuant to section 74.12 of the *Competition Act*, RSC 1985, c C-34 (“**Act**”);

[2] **AND WHEREAS** paragraph 3 of the Consent Agreement provides that Moose International shall make a charitable donation in the amount of \$150,000 each year for 5 years;

[3] **AND FURTHER** to an informal application, made on consent, pursuant to paragraph 74.13(b) of the Act (“**Application**”) by Moose International to vary the Consent Agreement in order to alter the nature of the charities that will fulfill the donation obligation set out in paragraph 3 of the Consent Agreement;

[4] **AND UPON** considering the Application, the information and the reasons set out therein for the variation of the Consent Agreement;

[5] **AND UPON** being satisfied with the reasons and information provided;

[6] **AND UPON** noting that the variation of the Consent Agreement is on consent but is nevertheless a discretionary matter for the Tribunal;

[7] **AND UPON** dispensing with the application of the *Competition Tribunal Rules*, SOR/2008-141, in order to deal with this matter as informally and expeditiously as the circumstances and considerations of fairness permit;

THE TRIBUNAL ORDERS THAT:

[8] The Application made pursuant to paragraph 74.13(b) of the Act is allowed.

[9] Paragraph 3 of the Consent Agreement is hereby varied by inserting the underlined text:

The Respondent shall pay an amount of \$150,000.00 each year for 5 years (i) in the first four years, in cash payable to charities that support the needs of underprivileged children in Canada such as the supply of outerwear clothing to be decided by the parties, the first installment to be paid within thirty (30) days of the Effective Date; and (ii) in 2020, by paying \$50,000 in cash to charities or foundations such as hospital foundations (“Hospitals”) agreed by the Parties to support the supply of personal protective equipment or other health care initiatives in respect of COVID-19 in Canada; by donation in kind of \$78,000 worth of personal protective equipment to Hospitals agreed by the Parties; and by paying \$22,000 in cash to charities that support indigenous peoples in Canada agreed by the Parties.

[10] All other terms in the Consent Agreement shall remain unchanged.

[11] There shall be no costs on this Application.

DATED at Montreal, this 8th day of September 2020.

SIGNED on behalf of the Tribunal by the Chairperson.

(s) Denis Gascon

COUNSEL OF RECORD:

For the applicant:

Moose International Inc.

Emrys Davis

For the respondent:

Commissioner of Competition

Jonathan Hood