

CT-2003-004

THE COMPETITION TRIBUNAL

IN THE MATTER OF THE *COMPETITION ACT*, R.S., 1985, c. C-24, as amended;

AND IN THE MATTER OF an inquiry pursuant to subsection 10(1)(b)(ii) of the *Competition Act* relating to subsections 74.01(1)(a), 74.01(1)(b) and 74.01(6), and specifically the marketing by Para Inc. of Radiance_ low-e line of paints;

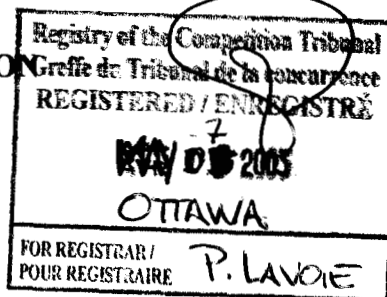
AND IN THE MATTER OF a consent agreement between The Commissioner of Competition and Para Inc. pursuant to section 74.12 of the *Competition Act* (the "Act").

BETWEEN:

THE COMMISSIONER OF COMPETITION

-and-

PARA INC.



#C0001A

CONSENT AGREEMENT

WHEREAS in 1998 Para Inc. ("Para") began exclusively distributing, manufacturing and promoting the Radiance_ low-e line of paints ("Radiance paints") as affecting heat transference and reducing energy costs in Canada;

AND WHEREAS the Radiance paints have been withdrawn from the market and were not sold in 2002 and 2003;

AND WHEREAS Para and The Commissioner of Competition (the "Commissioner") have conducted their own analyses of the tests performed to determine the energy saving qualities of the Radiance paints;

1. The Commissioner and Para hereby agree that in any representation to the public Para will :
 - (a) not claim energy savings in an average residential house greater than five (5) percent;

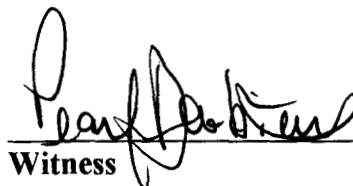
- (b) **state that the energy savings will vary according to the climate in the region where the building is situated and the quality of construction of the building among other factors;**
 - (c) **not state the heat transference qualities without identifying the energy saving qualities in accordance with paragraph (a) above.**
- 2. **Para and the Commissioner agree to register this agreement with the Competition Tribunal pursuant to Section 74.12 of the Competition Act.**
- 3. In any print advertising, Para shall include the qualifying language set out in paragraph 1 on the same page as the applicable advertisements, in a font size of not less than 10 points.
- 4. Para shall provide a copy of the Policy Guideline attached as Appendix “A” to all dealers of the Radiance paints and shall direct such dealers to operate in accordance with the Policy Guideline.
- 5. **Para shall, at least thirty (30) days prior to the commencement of any marketing of the Radiance paints to the consumer market, file with the Commissioner a copy of the Policy Guideline forwarded to the dealers pursuant to paragraph 4 of this Agreement as well as a list of the dealers to which the Policy Guideline was sent.**
- 6. Para shall:
 - (a) for the period of five (5) years after the date of this Agreement, send a written communication each year on or about May 31st, in the form set out in Appendix “A”, to its dealers in Canada; and
 - (b) file with the Commissioner no later than June 30th of the year in which the written communication referred to in paragraph 6(a) hereof is required to be sent, a copy of said written communication, together with a list in written or electronic form of the parties to whom the written communication was sent in accordance with paragraph 6(a).
- 7. **This Agreement shall be binding on Para, its corporate affiliates and their respective corporate successors, if any as well as all Directors, Officers and employees of Para.**
- 8. The Competition Tribunal will retain jurisdiction over the parties to this Agreement for the purpose of interpreting, enforcing, varying or rescinding any provisions of this Agreement on the application of either party.

9. This Agreement will commence upon registration by the Tribunal and remain in force for a period of five (5) years from the date of registration.

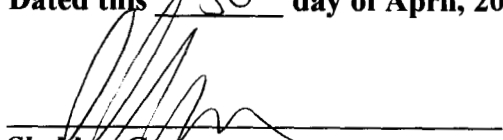
Dated this 6th day of ~~April~~^{May}, 2003.



Raymond Pierce
Deputy Commissioner of Competition
Competition Bureau
50 Victoria Street
Hull, QC K1A 0C9


Witness

Dated this 30th day of April, 2003


Sheldon Gross
Chairman of the Board and authorized
Corporate officer
Para Inc.
11 Kenview Boulevard
Brampton, Ontario
L6T 5G5
Witness

APPENDIX "A"

POLICY GUIDELINE

Dear _____

The Commissioner of Competition under the Competition Act has conducted an inquiry regarding certain marketing practices of Para Inc. This matter has been settled to the satisfaction of all parties.

The settlement requires that Para Inc. send a written communication annually to each of its dealers in Canada, setting out the Company's guidelines regarding the advertising of energy saving qualities of the **Radiance_ low-e line of paints**. Specifically Para Inc. has agreed to:

- (a) not claim energy savings in an average residential house greater than five (5) percent;
- (b) **state that the energy savings will vary according to the climate in the region where the building is situated and the quality of construction of the building among other factors;**
- (c) **not state the heat transference qualities without identifying the energy saving qualities in accordance with paragraph (a) above.**

Any questions regarding this policy can be directed to the Company at _____ or at the Competition Bureau at (800) : 348-5358

Court File No.CT-

COMPETITION TRIBUNAL

IN THE MATTER of the *Competition Act*, R.S. 1985, c. C-34 as amended;

**AND IN THE MATTER OF an inquiry pursuant to subsection 10(1)(b)(ii) of the
Competition Act relating to the marketing practices of Para Inc.;**

**AND IN THE MATTER OF a consent agreement between the Commissioner of
Competition and Para Inc. pursuant to section 74.12 of the *Competition Act*.**

BETWEEN:

THE COMMISSIONER OF COMPETITION

-and-

PARA INC.

CONSENT AGREEMENT

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