

Court File No.

**FEDERAL COURT OF CANADA
(TRIAL DIVISION)**

BETWEEN:

HER MAJESTY THE QUEEN

Applicant

- and -

LA COMPAGNIE BRASSERIE STROH (QUÉBEC) LTÉE

Respondent

PROHIBITION ORDER

UPON THE APPLICATION of the Attorney General of Canada for an Order pursuant to subsections 34 (1) and 35 (1) of the *Competition Act*, R.S.C. 1985 c. C-34, and upon having registered a conviction this day against the Respondent directed toward the commission of an offence contrary to section 61 of the said Act, as set out in the indictment filed herein, and upon hearing oral submissions by counsel for the Attorney General of Canada and counsel for the Respondent, and upon reading the Agreed Statement Facts filed herein and on the consent of the Respondent:

1. **THIS COURT DOES PROHIBIT** the doing or continuation of any act or thing by the Respondent and its subsidiaries, any party managing the business and affairs of such companies in the province of Québec and their respective directors, officers and managers in the Province of Quebec (the "Respondents") directed

toward the commission of an offence under section 61 of the said Act;

2. AND THIS COURT DOES FURTHER PROHIBIT the Respondents from doing any of the following acts or things directed towards the commission of the said offence: namely, by agreement, threat, promise or any like means, attempt to influence upward, or to discourage the reduction of, the price at which retailers supply or offer to supply or advertise beer and malt-based beverage products in the Province of Quebec.

3. AND THIS COURT DOES DIRECT the Respondents to:

(a) provide within 60 days of this Order, to the extent that they have not already done so, to each of their directors, officers and managers, the following material:

- (1) a copy of this Order;
- (2) a current copy of the relevant sections of the *Competition Act* which is attached hereto as Appendix "A"; and
- (3) a written statement that:
 - it is the Respondents' policy to require compliance with the *Competition Act* and this Order,
 - failure to comply would result in appropriate disciplinary action which may include termination of employment,

- failure to comply with, or contravention of, this Order is punishable under subsection 34 (6) of the *Competition Act*,
- the corporate legal advisors are available to confer about any compliance questions;

(b) for the period of three years after the date of this Order, provide a copy of each of the materials described in subparagraph (a) to everyone who attains the status described in that subparagraph within 60 days of attaining such status;

(c) for the period of three years after the date of this Order, provide to the Commissioner of Competition under the *Competition Act* (the "Commissioner"), on or before May 31st of each year, a written statement setting out the fact and the manner of compliance with paragraphs 3 (a) and (b) of this Order; including confirmation that each person identified in paragraphs 3 (a) and (b) has acknowledged their awareness of the materials set out in paragraph (a) and that the acknowledgment is recorded on the personnel file of each such person; and

(d) provide to the Commissioner, for a period of three years after the date of this Order and within 60 days of receipt of a written request from the Commissioner, such information as he may

reasonably request for the purpose of monitoring compliance with this Order.

4. **AND THIS COURT DOES FURTHER ORDER** that each and every paragraph of this Order that applies to the Respondents shall be applicable to any corporate successors or assignees of the Respondents.

5. **AND THIS COURT DOES FURTHER ORDER** that it retains jurisdiction over the parties to these proceedings for the purpose of varying or rescinding any provisions of this Order upon the application of any of the parties.

6. **AND THIS COURT DOES FURTHER ORDER** that this Order and all of the terms herein shall terminate three (3) years from the date of this Order and thereafter shall be of no force or effect.

DATED at the City of Ottawa, in the Province of Ontario, this day of
October, 2002.

Judge, Federal Court of Canada

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