

December 20, 2007

Le 20 décembre 2007

Coram: McLachlin C.J. and Fish and  
Rothstein JJ.

Coram : La juge en chef McLachlin et les  
juges Fish et Rothstein

**BETWEEN:**

**ENTRE :**

Consumers' Association of Canada and  
Bruce Cran

Association des consommateurs du Canada  
et Bruce Cran

Applicants

Demandeurs

- and -

- et -

Coca-Cola Bottling Company, Pepsi-Cola  
Beverages Ltd. Pepsi-Qtg Canada Inc.,  
Pepsi-Cola Canada Ltd, Pepsi Bottling  
Group (Canada), Co., Cott Beverages West  
Ltd., Minute Maid Company Canada Inc.,  
Buy-Low Foods Ltd, Great Pacific Industries  
Inc., Canada Safeway Limited, London  
Drugs Limited, Shoppers Drug Mart Inc.,  
H.J. Heinz Company of Canada Ltd., Ocean  
Spray International Inc., 7-11 Canada Inc.,  
Snapple Beverage Corp., Sun-Rype Products  
Ltd., McCain Foods (Canada), McCain  
Foods Limited, Motts Canada, Cadbury  
Beverages Canada, Motts' Inc., Nestle  
Canada Inc., Campbell Soup Company of  
Canada, Campbell Soup Company Ltd.,  
Canada Pure Water Company Ltd.,  
Canadian Springs Water Co., Clearly  
Canadian Beverage Corp., Costco  
Wholesale Canada Ltd., Dan-D Foods Ltd.,  
Great Western Brewing Company Limited,  
Procter and Gamble Inc., Tetley Canada Inc.,  
Wal-Mart Canada Corp., Zellers Inc. and  
Encorp Pacific (Canada)

Coca-Cola Bottling Company, Pepsi-Cola  
Beverages Ltd. Pepsi-Qtg Canada Inc.,  
Pepsi-Cola Canada Ltd, Pepsi Bottling  
Group (Canada), Co., Cott Beverages West  
Ltd., Minute Maid Company Canada Inc.,  
Buy-Low Foods Ltd, Great Pacific Industries  
Inc., Canada Safeway Limited, London  
Drugs Limited, Shoppers Drug Mart Inc.,  
H.J. Heinz Company of Canada Ltd., Ocean  
Spray International Inc., 7-11 Canada Inc.,  
Snapple Beverage Corp., Sun-Rype Products  
Ltd., McCain Foods (Canada), Motts  
Canada, Cadbury Beverages Canada, Motts'  
Inc., Nestle Canada Inc., Campbell Soup  
Company of Canada, Campbell Soup  
Company Ltd., Canada Pure Water  
Company Ltd., Canadian Springs Water Co.,  
Clearly Canadian Beverage Corp., Costco  
Wholesale Canada Ltd., Dan-D Foods Ltd.,  
Great Western Brewing Company Limited,  
Procter and Gamble Inc., Tetley Canada Inc.,  
Wal-Mart Canada Corp., Zellers Inc. et  
Encorp Pacific (Canada)

Respondents

Intimées

JUDGMENT

The application for leave to appeal from the judgment of the Court of Appeal for British Columbia (Vancouver), Number CA034194, 2007 BCCA 356, dated June 21, 2007, is dismissed with costs to the respondents Encorp Pacific (Canada), Dan-D Foods Ltd., Zellers Inc., Procter and Gamble Inc., Ocean Spray International Inc., Great Western Brewing Company Limited, McCain Foods (Canada), McCain Foods Limited, Canada Pure Water Company Ltd., Canadian Springs Water Co., Tetley Canada Inc., Clearly Canadian Beverage Corp., Pepsi-Cola Canada Ltd., Pepsi Bottling Group (Canada) Co., 7-Eleven Canada, Inc., Costco Wholesale Canada Ltd., Nestle Canada Inc., Coca-Cola Bottling Company and Minute Maid Company Canada Inc.

JUGEMENT

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de la Colombie-Britannique (Vancouver), numéro CA034194, 2007 BCCA 356, daté du 21 juin 2007, est rejetée avec dépens en faveur des intimées Encorp Pacific (Canada), Dan-D Foods Ltd., Zellers Inc., Procter and Gamble Inc., Ocean Spray International Inc., Great Western Brewing Company Limited, McCain Foods (Canada), McCain Foods Limited, Canada Pure Water Company Ltd., Canadian Springs Water Co., Tetley Canada Inc., Clearly Canadian Beverage Corp., Pepsi-Cola Canada Ltd., Pepsi Bottling Group (Canada) Co., 7-Eleven Canada, Inc., Costco Wholesale Canada Ltd., Nestle Canada Inc., Coca-Cola Bottling Company et Minute Maid Company Canada Inc.

C.J.C.  
J.C.C.