

CANADA / JUDGMENT

R. v. Anthes Business Forms et al.

[1978] 1 SCR 970

COURT

Supreme Court of Canada

DECIDED

15 February 1977

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R. v. Anthes Business Forms et al. Collection Supreme Court Judgments Date 1977-02-15 Report

[1978] 1 SCR 970 Judges Laskin, Bora; Martland, Ronald; Judson, Wilfred; Ritchie, Roland Almon; Spence, Wishart Flett; Pigeon, Louis-Philippe; Dickson, Robert George Brian; Beetz, Jean; de Grandpré, Louis-Philippe On appeal from Ontario Subjects Competition law Decision Content Supreme Court of Canada R. v. Anthes Business Forms et al., [1978] 1 S.C.R. 970 Date: 1977-02-15 Her Majesty The Queen (Plaintiff) Appellant; and Anthes Business Forms et al. (Defendants) Respondents. 1977: February 15. Present: Laskin C.J. and Martland, Judson, Ritchie, Spence, Pigeon, Dickson, Beetz and de Grandpré JJ. ON APPEAL FROM THE COURT OF APPEAL FOR ONTARIO. Trade and Commerce—Combines—Conspiracy to unduly lessen competition—Association of companies requiring members to disclose prices of past orders taken where prices different from price list of members—Agreement applying only to past transactions—No conspiracy to “unduly” lessen competition—Meaning of word “undue”, question of law—Whether lessening of competition “undue”, question of fact—Combines Investigation Act, R.S.C 1952, c. 314, s. 32(1)(c). APPEAL from a judgment of the Court of Appeal for Ontario[1] dismissing an appeal from the judgment of Grant J.[2] acquitting the respondents. Appeal dismissed. R. Heather and R. Murray, for the appellant. J.J. Robinette, Q.C., and G.G.S. Takach, for the respondent Moore Business Forms Ltd. G.F. Henderson, Q.C., and G. Clarke, for the respondent R.L. Crane Ltd. J.W. Brown, Q.C., and C.S. Goldman, for the respondents Autographic Business Forms Ltd., Continuous Forms (Alberta) Ltd., Continuous Forms Ltd., Savoy Business Forms Ltd., Systems Equipment Ltd. and Western Business Forms Ltd. B.C. Bynoe, Q.C., for the respondent ABF Automated Business Forms (Western) Ltd. John Rook, for the respondent Keystone Business Forms Ltd. The judgment of the Court was delivered orally by THE CHIEF JUSTICE—We are all of the opinion that this appeal fails for want of jurisdiction. In our view, taking the trial judge’s reasons as a whole, we are not persuaded that he misdirected himself on the law, nor do we think that we would be justified in treating a single paragraph in those reasons as disclosing an error of law when even Arnup J.A. in his dissent regarded that paragraph as ambiguous; and hence, as we view it, it is not clearly indicative of a reversible error of law. The appeal is accordingly dismissed. Appeal dismissed. Solicitor for the appellant: D.A.H. Heather, Toronto. Solicitors for Anthes

Business Forms Ltd.: Miller, Thomson, Sedgewick, Toronto. Solicitors for Autographic Business Forms Ltd., Continuous Forms (Alberta) Ltd., Continuous Forms Ltd., Savoy Business Forms Ltd., Systems Equipment Ltd. and Western Business Forms Ltd.: Blake, Cassels & Graydon, Toronto. Solicitor for ABF Automated Business Forms (Western) Ltd.: B. Clive Bynoe, Toronto. Solicitors for R.L. Crane Ltd.: Gowling & Henderson, Ottawa. Solicitors for Keystone Business Forms Ltd.: Holden, Murdoch & Walton, Toronto. Solicitors for Moore Business Forms Ltd.: McCarthy & McCarthy, Toronto.

[1] (1975), 20 C.P.R. (2d) 1.

[2] (1974), 16 C.P.R. (2d) 216.

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