

Le Creuset loses promotional campaign case

South Africa's largest tomato producer, **ZZ2** recently offered genuine Le Creuset casserole dishes as prizes and its promotion featured an image of a Le Creuset casserole pot, which was up for grabs, on the packaging of its tomatoes sold at major supermarkets across the country.



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Le Creuset demanded that **ZZ2** immediately stop the campaign and, when **ZZ2** refused to do so on the advice of its attorneys Adams & Adams, Le Creuset responded with an urgent application for an interdict in the Pretoria High Court.

Le Creuset argued that **ZZ2**'s campaign resulted in a dilution of its famous cookware brand in that it took unfair advantage of the brand or that the campaign was otherwise likely to tarnish the elite brand, through its connection with fast-moving consumables. It also relied on the outdated notion that our common law recognises 'leaning-on' as a distinct species of unlawful competition.

The court refused the application and held that there was nothing unlawful about **ZZ2**'s campaign.

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