

K.L.E. SOCIETY'S LAW COLLEGE, BENGALURU

Intra-College Moot Court Competition

Problem No. 2

In the Matter of

Ramadev and Ors.

v/s

Kalmolive Co. Ltd.

Facts

Kalmolive is consumer product manufacturing company producing and selling toothpaste with a brand name 'Dolgate'. To popularise the Dolgate toothpaste, Kalmolive company produced many advertisements depicting that the traditional method of cleaning teeth with charcoal, salt, neem, lemon and clove as ineffective and only Dolgate keeps the teeth and gum healthy. To promote its product, it hired many celebrities from the entertainment and sports industry. In recent years, it faced tough competition from an indigenously made toothpaste launched by Geetanjali company. To compete with the Geetanjali's product, Kalmolive launched Dolgate Ayurvedic toothpaste claiming that it contains charcoal, neem, salt, clove, and such other herbal ingredients. Dolgate Ayurvedic Toothpaste soon became the most popular brand of toothpaste according to the survey conducted by a private agency called 'Daatun' headed by the ex-wife of the owner of Kalmolive. It was also claimed to be the most recommended brand according to the advertisements shown by the company.

Mr. Ramadev, a resident of Bengaluru, who believed that only the traditional Indian method of cleaning teeth is effective, compelled his son Rahul to use the same age-old method to clean his teeth. Rahul, by seeing his favorite cricketer, Mr.Sichin endorsing the Dolgate Ayurvedic, adamantly insisted his father to get him Dolgate toothpaste. Since his first standard, Rahul is using Dolgate Ayurvedic and now when he is in 10th standard, he suffered toothache and cavity and had to undergo root canal treatment; one of his teeth had to be removed as it had decayed.

The dentist who treated Mr. Rahul opined that the reason for tooth decay is either use of improper product or wrong method of using.

Mr. Ramadev who is using the traditional method of cleaning teeth has not faced any teeth problem even at the age of 45. Aggrieved by the problem faced by his son Mr. Ramadev filed a suit against Kalmolive and Mr. Sichin seeking damages contending that his son suffered due to the use of Dolgate Ayurvedic and same was endorsed by Mr. Sichin hence he is also responsible for the suffering of his son.

In another advertisement, Kalmolive company, to promote its product Dolgate Ayurvedic, depicted that since eating sweets like Ladoo, Halwa, Jalebee, Rasagulla, and such other traditional sweets causes decay of tooth enamel, hence people should use Dolgate Ayurvedic to avoid the risk. Sonia, daughter of Mr. Madhav, a resident of Bengaluru, was fond of eating traditional sweets and was in the habit of eating such sweets every day. Mr. Madhav, after watching that advertisement, feared that his daughter may suffer tooth decay, banished her from eating such sweets and also bought Dolgate Ayurvedic to avoid the risk of tooth decay of his daughter even if she eats such sweets discreetly. He made his daughter to brush twice a day with Dolgate Ayurvedic and also used the same for himself. However, after using Dolgate Ayurvedic for 1 year, Sonia at 20 years of age, suffered from constant toothache. To cure that, two of her teeth had to be removed, and she was required to wear artificial teeth causing disfigurement of her face due to which many prospective grooms rejected her. Aggrieved by the fate of his daughter, Mr. Madhav filed a suit against Kalmolive seeking damages for the pain and agony faced by his daughter.

Mr. Haladiram, who runs a sweet shop in Ullal, Bengaluru, and supplies a variety of traditional sweets such as Ladoo, Halwa, Jalebee, Rasagulla, was also aggrieved by the advertisement of Kalmolive company which shown eating of sweets such as Ladoo, Halwa, Jalebee, Rasagulla affects health. Mr. Haladiram filed a case against Kalmolive contending that due to such an advertisement his sales have gone down drastically and he has suffered a loss. Further, such an advertisement is defacing his culture because sweets are part and parcel of his culture and tradition and the advertisement is promoting all foreign products and degrading traditional sweets; hence, he sought appropriate remedy from the Kalmolive.

Since all the cases involved have connected issues, by following due procedure, the court has clubbed all the three cases and for a common hearing.

Prepare issues and arguments from the allotted side.