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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

I.A. 8645/2025

In

+ **CS(COMM) 567/2019**

COLGATE PALMOLIVE COMPANY & ANRPlaintiffs

Through: Mr. Amit Sibal, Senior Advocate with
Mr. Saif Khan, Mr. Achuttan
Sreekumar, Mr. Rohit Bansal & Mr.
Swastik Bisarya, Advocates.

versus

DABUR INDIA LTD.Defendant

Through: Mr. Hemant Singh, Ms. Mamta Rani
Jha, Mr. Jawahar Lal, Mr. Manish
Kumar Mishra, Ms. Akansha Singh &
Mr. Harshit Raj, Advocates.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

03.04.2025

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I.A. 8645/2025 (under Order XXXIX Rules 1 and 2 read with Section 151 of CPC)

1. This application has been filed on behalf of the plaintiffs, seeking a take down order in respect of an advertisement of the defendant, a copy of which has been reproduced in paragraph 10 of the application, in which disparaging comments have been made in respect of the presence of fluoride in toothpaste and its harmful effects on children.

2. Mr. Amit Sibal, senior advocate appearing on behalf of the plaintiffs submits that besides other disparaging contents of the said advertisement, there is a clear reference made to the plaintiffs' toothpaste, inasmuch as in the tagline "***DOES YOUR FAVOURITE TOOTHPASTE HAVE***

CS(COMM) 567/2019

Page 1 of 2



FLUORIDE?” which has been used in the said advertisement.

3. Mr Sibal submits that the word ‘favourite’ is a clear reference to the plaintiff’s toothpaste, which is stated to be the market leader.

4. He further submits that the aforesaid advertisement was placed in the same newspaper and on the same date, on which the plaintiffs have also published a front-page advertisement in respect of its toothpaste containing fluoride.

5. Issue notice.

6. Notice is accepted by Mr. Hemant Singh, advocate appearing on behalf of the defendant.

7. Mr. Hemant Singh, on instructions from the authorized representative of the defendant who is present in Court, submits that the defendant, without prejudice to its rights and contentions, shall forthwith remove the reference of the word “favourite” from the aforesaid tagline in the advertisement.

8. Reply be filed within two (2) weeks.

9. Along with the reply, the defendant shall place on record material to justify the following claims made by the defendant in the said advertisement on account of the presence of fluoride in a toothpaste: -

(i) *Lower IQ in kids*

(ii) *Brittle Bones*

(iii) *Spotting on teeth*

10. Rejoinder, if any, be filed within two (2) weeks thereafter.

11. Re-notify on 27th May, 2025.

AMIT BANSAL, J

APRIL 3, 2025

at