

PRESS RELEASE

Government seeks dismissal of Pepsi's case

New Delhi, September 22, 2003: The Union government today filed an affidavit in Delhi High Court in response to PepsiCo's petition, filed on August 8 this year following the Centre for Science and Environment's (CSE) detection of pesticide residues in soft drink samples. In its affidavit, the government sought the dismissal of PepsiCo's petition, which it said was "highly frivolous, vexatious, vague and baseless... merely to attract media attention". The case has been listed for October 28, 2003 for further directions.

It may be recalled that in its petition, PepsiCo had requested the Court to restrain CSE from publishing its findings or putting its report in the public domain. The company had also sought the Court's intervention in directing the government to determine the "correctness and veracity" of CSE's report. In its ruling, the Court had directed the government to conduct independent tests of soft drinks in laboratories of its choice and make the findings available to the Court in three weeks' time.

The government response today informed the Court of independent tests of soft drink samples conducted by its two laboratories at Mysore and Kolkata. While it pointed out that the levels of residues found by these tests differed from those detected by CSE, the affidavit also noted that Pepsi's assertion that its products fell within EU norms was not proved to be correct for all its samples. The Court was also apprised of the formation of a Joint Parliamentary Committee to examine the matter further.

The Ministry of Defence's Canteen Stores Department (CSD), the second respondents in the case also filed its affidavit, asking for dismissal of the case with costs. PepsiCo had challenged the CSD's decision to cancel orders of its products following the release of the CSE report. Submitting that PepsiCo moved Court without giving it any intimation, CSD said in its response that the company itself appeared to be bent on a 'trial by media'.

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