

**IN THE SUPREME COURT OF NOVA SCOTIA**

**Citation:** Maritime Travel Inc. v. Go Travel Direct.Com Inc., 2008 NSSC 163

**Date:** 20080530

**Docket:** SH No. 192257

**Registry:** Halifax

**Between:**

Maritime Travel Inc., a body corporate

Plaintiff

and

Go Travel Direct.Com Inc., a body corporate

Defendant

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**LIBRARY HEADING**

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**Judge:** The Honourable Justice Suzanne M. Hood

**Heard:** January 28-31 and February 1, 2008, in Halifax, Nova Scotia

**Written Decision:** May 30, 2008

**Subject:** *Competition Act*, ss. 36(1) & 52; false or misleading advertising; causation; burden of proof.

**Summary:** Maritime Travel commenced action against Go Travel Direct with respect to advertisements Go Travel Direct ran referring to Maritime Travel. Maritime Travel says the ads are false or misleading under the *Federal Competition Act*, R.S.C. 1985, c. C-34 and seeks damages pursuant to that *Act*.

**Issues:**

1. Were the ads or any of them false or misleading in a material respect?
2. If so, damages:
  - a) from the entire advertising campaign by Go Travel Direct; or
  - b) from any false or misleading ads.

**Result:** Ads in 2003 and 2005 not false or misleading in a material respect; ad in 2004 was. Damages awarded for the latter. *Athey v. Leonati*, [1996] 3 S.C.R. 458, considered.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.  
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***