

**Hitachi Limited, Matsushita Electric Industrial Co. Ltd., Nippon Electric Company Limited, The General Corporation, Nichimen Company Limited, Sanyo Electric Co. Ltd., Sharp Corporation, Sony Corporation, Tokyo Shibaura Electric Co. Ltd., Victor Company of Japan Limited, Toshiba of Canada Limited, Importhouse of Canada Ltd., General Distributors Limited and Hitachi Sales Corporation of Canada Ltd. Appellants;**

and

**The Anti-dumping Tribunal, Zenith Radio Corporation and Electronic Industries Association of Canada Respondents.**

1978: November 16.

Present: Laskin C.J. and Ritchie, Spence, Pigeon and Dickson JJ.

ON APPEAL FROM THE FEDERAL COURT OF APPEAL

*Administrative law — Anti-dumping Tribunal — Dumping of colour television sets — Jurisdiction of the Tribunal — Anti-dumping Act, R.S.C. 1970, c. A-15, s. 16.*

Following a preliminary determination by the Deputy Minister of National Revenue concerning the dumping in Canada of colour television sets, the Anti-dumping Tribunal concluded, in accordance with s. 16(3) of the *Anti-dumping Act*, *inter alia*, that the dumping of these goods, which originated in or were exported from Japan, was likely to cause material injury to the production of like goods in Canada. Appellants' motion to have this decision varied or set aside was dismissed by the Federal Court of Appeal. Appellants obtained leave to appeal to this Court on the following question of law: when the Anti-dumping Tribunal made a finding of material injury or likely material injury in respect of exports of television sets from Japan, was it required to relate its finding to each exporter, or could it make such a finding in respect of all goods from Japan, irrespective of whether in the case of some exporters there was no evidence of injury or likely injury.

*Held:* The appeal should be dismissed.

APPEAL from a judgment of the Federal Court of Appeal affirming a decision of the Anti-dumping Tribunal<sup>1</sup>. Appeal dismissed.

*O. J. Wright, Q.C., R. Gottlieb and R. N. Waterman*, for appellants Tokyo Shibaura Electric Co. Ltd. and Toshiba of Canada Limited.

*Hyman Soloway, Q.C.*, and *James Shields*, for respondent the Anti-dumping Tribunal.

The judgment of the Court was delivered orally by

THE CHIEF JUSTICE—We do not need to hear you, Mr. Soloway and Mr. Shields. We are all of the opinion that the Anti-dumping Tribunal was empowered by s. 16(3) of the *Anti-dumping Act* to make the finding which was challenged in these proceedings. The appeal is accordingly dismissed.

*Appeal dismissed.*

*Counsel for the appellants Tokyo Shibaura Electric Co. Ltd. and Toshiba of Canada Limited: Gottlieb, Agard & Dupras, Montreal.*

*Counsel for the respondent the Anti-dumping Tribunal: Soloway, Wright, Houston, Greenberg, O'Grady, Morin, Ottawa.*

<sup>1</sup> 109, *Can. Gaz.*, Part I, 4876 (Nov. 8, 1975).