



THE COMPETITION APPEAL COURT OF SOUTH AFRICA

CAC CASE NO: 186/CAC/JUN20

In the matter between

**BABELEGI WORKWEAR AND
INDUSTRIAL SUPPLIES CC**

Appellant

And

**THE COMPETITION COMMISSION OF
SOUTH AFRICA**

Respondent

HEALTH JUSTICE INITIATIVE

First amicus

OPEN SECRETS NPC

Second amicus

JUDGMENT: 18 November 2020

DAVIS JP

[1] What is the role of competition law when essential goods such as face masks are sold at a particularly high price in the midst of the Covid 19 pandemic? This question has confronted competition authorities in many jurisdictions. For example, the European Commission, EFTA and the European National Competition Authorities issued a joint statement stressing that it is 'of utmost importance' to ensure that products like facemasks which are 'considered essential to protect the health of consumers' remain available 'at competitive prices. These competition authorities announced that they 'will therefore not hesitate to take action against companies taking advantage of the current situation by... abusing dominant position.' (Joint statement of the