

Supreme Court rules in favor of Andrómaco in extensive trial against Danone.

The country's highest court backed Andrómaco's claim, which denounced the French company Danone to act illegally by capturing its clients and distributing baby food, causing damages for up to \$ 9.200 million.

According to the fillings of the laboratory, represented by the litigants Sebastián Yanine and Jorge Bofill, of the law firm Bofill Escobar, Danone put an early termination to an agreement for the distribution of dairy products in breach of it. The reason? According to the food firm, Andrómaco would have violated the ban on advertising contained in the Who Code, the World Health Organization's Food Code, which prohibits the advertising of milk formula. In the first instance, Andromaco's claim was rejected and Danone's claim, which in turn alleged several breaches, was awarded. However, in a twist, the Supreme Court reversed the ruling and stated that all the publicity that Danone reproached and that invoked as a reason to terminate the agreement had been instructed and designed precisely by the French company. It also stated that some batches of Nutricia products delivered by Danone to Andrómaco - which were intercepted by the latter before being sold - were contaminated with the deadly bacterium *cronobacter sakazakii*, a fact denied by Danone in its writings.

The Supreme Court ruling confirmed that the evidence was sufficient to prove the damages suffered by Andrómaco and gave credit to the expert opinion of the economist Patricio Arrau, who estimated the damage up to \$ 9.200 million with a central estimate of \$ 4 billion. "With the means of justification invoked by the plaintiff, the existence of damages caused by Danone was proved, at terminating the agreement without being entitled to do so. The fact is firm for this court", the ruling stated.

The proceeding could continue before a civil judge who would have the task of specifying the exact amount of the damages, if the parties do not agree on the amount of the same, within the parameters set by justice.