

CANADA

PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

SUPERIOR COURT
(Class Actions)

NO: 500-06-001418-256

RAPHAEL BADAoui

Plaintiff

v.

LOBLAW COMPANIES LIMITED and al.

Defendants

**AMENDED APPLICATION OF THE DEFENDANTS LOBLAW COMPANIES LIMITED
AND LOBLAWS INC. FOR LEAVE TO ADDUCE RELEVANT EVIDENCE**
(Articles 574 and 575 CCP)

**TO THE HONOURABLE DOMINIQUE POULIN, J.C.S., SITTING IN AND FOR THE
DISTRICT OF MONTRÉAL, THE DEFENDANTS LOBLAW COMPANIES LIMITED
AND LOBLAWS INC. HEREBY SUBMIT THE FOLLOWING:**

I. INTRODUCTION

1. The defendants Loblaw Companies Limited and Loblaws Inc. ("**Loblaws**") seek permission to adduce relevant evidence to complete missing information in the *Application to Authorize a Class Action* ("**Application for Authorization**") on Mr. Badaoui's alleged personal cause of action in their regard.

II. THE PROPOSED CLASS ACTION

2. On September 10, 2025, Mr. Badaoui filed his Application for Authorization, in which he seeks to represent the following putative class:

All persons who purchased an item from one of the Defendants marked as Canadian or local (or containing the maple leaf or fleur-de-lis logo) which was imported from another country;	Toutes les personnes qui ont acheté un article auprès de l'une des défenderesses marqué comme canadien ou local (ou contenant le logo de la feuille d'érable ou de la fleur de lys) qui a été importé d'un autre pays;
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3. In short, Mr. Badaoui alleges that he bought various products from an assortment of retailers which he alleges were erroneously advertised as "Canadian" on the

shelves while their labeling mentioned having been imported. He alleges that the defendants have systematically engaged in this “maplewashing” practice.

4. On this basis, and although he mostly alleges Québec legislation, Mr. Badaoui seeks authorization to institute a national class action against the defendants.
5. In the Application for Authorization, Mr. Badaoui alleges the following regarding his personal cause of action against Loblaws (par. 15-21, 75):
 - a) He alleges having spent hundreds of dollars in groceries relying on “made in Canada” or similar representations.
 - b) He provides two precise, factual personal examples vis-à-vis Provigo :
 - i) He alleges purchasing “Val Nature” bars from Provigo at 2386 Lucerne, advertised on the shelves as “Préparé au Canada”.
 - ii) He alleges purchasing President’s Choice coconut milk from Provigo at 2386, Lucerne advertised on the shelves as “Préparé au Canada”.

5.1 On April 13, 2026, Mr. Badaoui amended his Application for Authorization (“**Amended Application for Authorization**”), in which he now seeks to represent the following putative class:

<u>All persons who purchased an item from one of the Defendants, including via their representatives, agents, affiliate merchants, franchisees, mandataries, and/or retailers acting in their name, marked as Canadian or local (or containing the maple leaf or fleur-de-lis logo) which was imported from another country;</u>	<u>Toutes les personnes qui ont acheté un article auprès de l'une des défenderesses, y compris par l'intermédiaire de leur représentants, agents, marchands affiliés, franchisés, mandataires et/ou détaillants agissant en leur nom, marqué comme canadien ou local (ou contenant le logo de la feuille d'érable ou de la fleur de lys) qui a été importé d'un autre pays;</u>
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5.2 In his Amended Application for Authorization, Mr. Badaoui further alleges, among other things, that the red maple leaf symbol encircled by the words “Canada Organic – Biologique Canada,” appearing on the bottom right of the President’s Choice Coconut Milk can, constitutes “maplewashing.”

6. Loblaws’ proposed relevant evidence, as detailed below, is pertinent, useful, and essential for the Court to appreciate whether Mr. Badaoui has fulfilled the criteria for authorization in article 575 CCP in their regard.

III. THE PROPOSED RELEVANT EVIDENCE

7. Mr. Badaoui's alleged personal cause of action against Loblaws rests on two purchases he made at Provigo at 2386 Lucerne, for which he alleges that shelf advertising did not match the product label.
8. Loblaws seeks permission to adduce the Québec Enterprise Registry excerpt for Provigo at 2386 Lucerne, showing that it is a different legal entity from the Loblaws defendants (**Exhibit RL-1**). This distinction is important, since Mr. Badaoui alleges inaccurate advertising on the **shelves** of a grocery store.
- 8.1** Loblaw also seeks permission to adduce into evidence the Canadian Food Inspection Agency's informational webpage on organic claims on food labels (**Exhibit RL-2**). This evidence is relevant since it confirms that the Canadian Food Inspection Agency regulates the use of "Canada Organic – Biologique Canada" logo appearing on the bottom right of the President's Choice Coconut Milk can, and that the logo may be applied to imported organic products.
9. This proposed relevant evidence is concise and essential to the appreciation of whether the plaintiff has demonstrated the authorization criteria, in particular an arguable case based on his personal cause of action, against each of the two Loblaws defendants.
10. At the authorization hearing, the Loblaws defendants intend to rely on this relevant evidence, if authorized, to submit that the authorization criteria for a class action have not been demonstrated in their regard.
11. It is in the interests of the parties and of justice that Loblaws be allowed to submit Exhibits RL-1 and RL-2 as relevant evidence to provide the Court with the relevant facts to assess the authorization criteria in article 575 CCP.

IV. CONCLUSION

12. This evidence is relevant and useful to assess whether Mr. Badaoui's proposed class action satisfies all authorization criteria vis-à-vis the Loblaws defendants and is consistent with proportionality principles in articles 18 and 19 CCP.

FOR THESE REASONS, MAY IT PLEASE THE COURT TO:

GRANT the present *Amended Application of the Defendants Loblaw Companies Limited and Loblaws Inc. for Leave to Adduce Relevant Evidence*;

AUTHORIZE the Defendants Loblaw Companies Limited and Loblaws Inc. to file Exhibits RL-1 and RL-2 as evidence in the Court record;

THE WHOLE without costs, unless contested.

MONTRÉAL, June 12, 2026

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Our Reference: 11863-4035

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Attorneys for the Defendant Giant Tiger Stores Limited

TAKE NOTICE that the *Application of the Defendants* Loblaw Companies Limited and Loblaws Inc. *for Leave to Adduce Relevant Evidence* will be presented before the Honourable Justice Dominique Poulin, J.S.C. of the Superior Court, sitting in and for the District of Montréal, at a date and time to be determined by the Court, at the Montréal Courthouse, located at 1 Notre-Dame Street East, Montréal, Québec H2Y 1B6.

PLEASE GOVERN YOURSELVES ACCORDINGLY.

MONTREAL, June 12, 2026

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LIST OF EXHIBITS

EXHIBIT RL-1 : Québec Enterprise Registry excerpt for Provigo at 2386 Lucerne.

EXHIBIT RL-2 : Canadian Food Inspection Agency's informational webpage on organic claims on food labels, English and French versions, *en liasse*.

MONTRÉAL, June 12, 2026

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