

26/01/2016

This statement is prompted by the launch of a website www.robertsonoriginal.com and the wholly inaccurate statements and commercially unacceptable 'passing off' contained therein.

Seasoning was a product sold by R.G. Hardie from 1950 to 1966 and their offering was an inferior product to that sold by a competitor, James Robertson's Bagpipes Ltd, which was called 'Airtight'. In 1966 the Edinburgh business of James Robertson was acquired by R.G. Hardie and all machines were transported to Glasgow. Duncan Campbell an employee since 1962 and also laterally a director of R.G. Hardie & Weatherston Ltd has provided a full recounting of the history of this period and later in a signed statement.

The real reason for the acquisition of James Robertson business was to obtain the recipe for 'Airtight' and from 1966 the product was continued in the famous tartan tin and inside was the original Robertson's recipe. The product as manufactured and sold by R.G. Hardie enjoyed decades of unrivalled sales continuing to this day and the tartan tin (now plastic bottle) is known worldwide.

For years the only person who had the recipe and who personally made the batches of product was Bob Hardie and he jealously guarded the recipe. As the years passed control of the recipe was passed to Duncan Campbell and the company has that original recipe given to Duncan Campbell and this is the recipe used today.

It was not common practice in the 60's and 70's for companies to trademark or copyright and 'Airtight', R.G. Hardie, Robertsons were never registered but ownership was in the public domain and has never been disputed.

In 1972 R.G. Hardie also acquired the shop and business of Peter Henderson from the Henderson family. The shop was in Renfrew street Glasgow. The shop manager was G. Sharpe who left the business in April 1971 having founded his own business 'Kintail'. Mr Sharpe never worked for R.G. Hardie and never had access to the airtight production or recipe.

The brand of Peter Henderson bagpipes has been owned by R.G. Hardie since 1972 and they have been manufactured in Glasgow since 1868. The 1970's were a boom time for scottish bagpipes and R.G. Hardie pipes and chanters were played and won championships worldwide. R.G. Hardie did not at that time have sufficient production capacity and did sub contract manufacture to 'Kintail' but they never sub contracted Peter Henderson.

For over 30 years R.G. Hardie continued as before until in 2001 the shop was vacated and the company went back to Bishopbriggs in Glasgow. By this time the fortunes of the company were in decline. On 7th October 2005 R.G. Hardie & Weatherston Ltd. went into liquidation after a period of turmoil. After negotiation the trademarks, intellectual property rights and copyright of the old company were bought from the liquidator and over the last decade substantial investments have been made to restore R.G. Hardie & Co Ltd to a premier position.

Within a short period after the start of trading in 2006 it came to light that Mr Sharpe did not agree with the sale of the assets and trademarks and had set up the following companies:

Peter Henderson (Bagpipes) Ltd - incorporated 7th December 2005

Robertsons Airtight Seasoning Company Ltd - incorporated 13th October 2005

James Robertson Bagpipes Ltd - incorporated 23 December 2005

Peter Henderson Bagpipes Ltd also at the same time applied for a PH stamp from the assay office.

There has followed years of correspondence between R.G. Hardie & Co Ltd and initially Mr Sharpe and later his family who now own these companies to try and obtain agreement to stop either using or holding our trademarks. We were awarded costs against Peter Henderson (Bagpipes) Ltd but to enforce the debt and force liquidation would have cost thousands. We sought to buy the company name but have been constantly rebuffed and providing it does not trade we can do nothing. I would ask why is our trademarks represented by the above limited companies and held by another.

'Airtight' and 'R.G. Hardie' and 'Peter Henderson' and 'Robertsons' are all trademarks of R.G. Hardie & Co Ltd. Prior to 2005 there has never been a product called Robertsons Original and the name and packaging directly contravene the decades long use of the 'tartan tin' which is recognisable worldwide and is passing off. All this has been raised in correspondence but to no avail and following a legal route would have again cost thousands and looking at the company accounts revealed an insolvent company and no worth. We have followed advice and having stopped use of the PH stamp and with the Peter Henderson company dormant and non-trading we let the Robertsons Original dwindle to nothing as demonstrated by the accounts.

We cannot however permit this to be resurrected and the statements on the website are totally unacceptable and wrong. They are contrary to logic and reason. The copyrights, intellectual property rights and trademarks belong to R.G. Hardie & Co Ltd and it is wrong that we have to take legal steps with all the associated costs to protect our interests against 'straw' companies.

If someone believes they have obtained the recipe then they should create their own brand in their own tin and compete on a level playing field rather than passing off a pale copy of our product.



Alastair Dunn

Managing Director

R.G. Hardie & Co. Ltd