

**TRADE PRACTICES ACT 1974****UNDERTAKING TO THE TRADE PRACTICES COMMISSION
GIVEN PURSUANT TO SECTION 87B**

by: **PANACHE WORLD PTY LTD**
ACN 058 721 092

108 Mitcham Road Donvale Vic 3111

BACKGROUND

Panache World Pty Ltd [*Panache*] is a company which arranges the manufacture, and distribution of electrical appliances.

Panache, in promotional leaflets for the *Classic* hairdryer and in the December/January 1995 issue of *Hospitality* magazine, used, or allowed to be used, without a licence, the *Australian Made* logo administered by the Advance Australia Foundation.

The Commission contends that the use of the logo represented that the *Classic* hairdryer was licensed by the Advance Australia Foundation to bear the *Advance Australia* logo when such was not the case. It is the Commission's view that such conduct is likely to create a false or misleading impression that the *Classic* hairdryer had the approval of the Advance Australia Foundation in contravention of sections 52 (1), and 53 (c) of the *Trade Practices Act 1974*.

Panache admits that it used the logo without the necessary approval.

UNDERTAKING

Panache undertakes for the purposes of section 87B of the *Trade Practices Act 1974* that it will:

1. not represent that any products sold by it are licensed by the Advance Australia Foundation to carry the *Australian Made* logo unless it has the requisite approval;
2. remove or amend any representation which purports that any or all *Panache* products have the approval of the Advance Australia Foundation to carry the *Australian Made* logo unless it has the requisite approval;
3. within three months of the signing of this undertaking, develop and submit to the Commission for its consideration a draft trade practices compliance programme with the characteristics and attributes set out in Attachment A to this undertaking;

4. make whatever changes to the draft programme that the Commission may reasonably require and will then prepare and submit to the Commission a trade practices compliance programme which shall be a document comprising of the draft programme with all changes required by the Commission incorporated therein;
5. implement the trade practices compliance programme within three months of the Commission advising of the changes it requires to the draft programme and that the trade practices compliance programme will remain in force for a minimum period of two years from the signing of this undertaking.

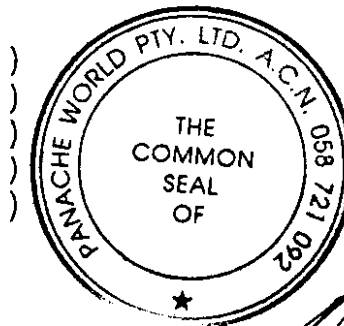
Review of the trade practices compliance programme

6. On the first and second anniversaries of the signing of this undertaking, *Panache* will cause a report to be prepared by its solicitors confirming:
 - a. compliance with the terms of this undertaking; and
 - b. the implementation of the trade practices compliance programme and the achievement of its objectives over the preceding 12 months.

Panache accepts that this undertaking is a public document which will be placed on the Commission's public register and that the Commission may otherwise publish and refer to this document at its discretion. *Panache* acknowledges that the reports referred to in paragraph 6 and the trade practices compliance programme as in force from time to time will be held with this undertaking on the public register.

Dated:

The Common Seal of
Panache World Pty Ltd
ACN 058 721 092 was hereunto
affixed by authority of the Board
of Directors in the presence of:



[Signature]
.....

[Signature]
.....

Secretary/Director

Director

This 14th day of September, 1995

Accepted by the Trade Practices Commission pursuant to section 87B of the *Trade Practices Act, 1974*.

[Signature]
.....

for and on behalf of the
Trade Practices Commission

This 2 day of October 1995