



TRADE PRACTICES COMMISSION

UNDERTAKING TO THE TRADE PRACTICES COMMISSION GIVEN PURSUANT TO SECTION 87B

BY

LOWES-MANHATTAN PTY LIMITED

**(ACN No. 000 307 666 of 2nd Floor, 240 Princes Highway, Arncliffe in
the State of New South Wales)**

BACKGROUND

Lowes-Manhattan Pty Limited ("Lowes") is a retailer of mens and boys clothing. It has fifty-nine stores situated throughout New South Wales and Queensland.

Following an investigation by the Trade Practices Commission ("TPC"), Lowes was informed that the TPC considered that "Outsider" brand jeans imported from China and sold through Lowes stores, misrepresented the place of origin of those goods.

The following words appear on temporary and permanent tags affixed to the back pocket and waist bank of "Outsider" brand jeans:

"Aussie Original ...Outsider Jeanswear"

"Outsider ...Born in Sydney Australia ...The Nation's Playground"

The TPC contends that these representations are false and misleading in contravention of sections 52 and 53 (eb) of the *Trade Practices Act 1974*.

Lowes has withdrawn the jeans from sale and has co-operated with the TPC by offering enforceable undertakings.

UNDERTAKING

Lowes undertakes for the purpose of Section 87B of the Trade Practices Act 1974:

1. to take immediate action to ensure that "Outsider" brand jeans displaying the words "Aussie Original" and "Born in Sydney Australia ...The Nation's Playground" are not further distributed for sale unless an overstick label displaying the words "MADE IN CHINA" is prominently affixed to the cardboard product label attached to the pocket of the jeanswear;
2. to erect and display in close proximity in the area where the jeans are sold a sign bearing the following words:-

"Lowes have previously sold a brand of jeans called "OUTSIDER". It has been brought to Lowes attention that the labelling placed on those jeans by the manufacturer may have given the impression that the jeans were manufactured in Australia whereas they were manufactured in China. All "OUTSIDER" jeans sold in Lowes' stores have now been relabelled by Lowes but should you have purchased any incorrectly labelled "OUTSIDER" jeans and wish to obtain a refund, such refund will be given."

The sign should measure at least 35 cm x 25 cm and the writing thereon is to be at least 2 cm in height. This sign is to be displayed for a minimum period of two weeks from that date being one week after the date upon which the Commission advises Lowes that it has signed these undertakings.

Lowes acknowledges and accepts that this undertaking will be placed on the Commissioner's public register and agrees that the Trade Practices Commission may otherwise publish and/or refer to this document at its discretion.

Lowes also notes that this undertaking in no way derogates from the rights and remedies available to any other person arising from the alleged conduct.

IN WITNESS OF THESE UNDERTAKINGS

THE COMMON SEAL of LOWES-MANHATTAN)
PTY LIMITED was hereunto affixed by authority of)
the Board of Directors and in the presence of:)

J. Skell

.....



Lowes Skell

This 15th day of July 1993.

ACCEPTED BY THE TRADE PRACTICES COMMISSION PURSUANT TO
SECTION 87B OF THE TRADE PRACTICES ACT 1974.


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A/B CHAIRMAN

This 9th day of August 1993.