

**UNDERTAKING TO THE TRADE PRACTICES COMMISSION
SECTION 87B OF THE TRADE PRACTICES**



GIVEN BY

**NORMANDY POINT PTY LTD,
of 1st Floor, 579 Queensberry Street, North Melbourne, in the State of Victoria,
(ACN 005 917 331).**

BACKGROUND

- (1) Normandy Point Pty Ltd ("the Company") is the registered owner of the Victorian business name "F. AND G. AMORE" (Business Number: 0479762W).
- (2) The Company is a wholesaler of edible nuts and dried fruit which it packages and distributes under the name "Amore". The Company sells its product principally in Victoria, Tasmania and South Australia.
- (3) Following an investigation by the Trade Practices Commission ("the Commission"), the Company was informed that the Commission considered that the Company had made false or misleading representations in regard to the place of origin of imported dried fruit and imported nuts ("the imported goods").
- (4) The following representations, either singularly or in combination, were present on some packaging of the imported goods:
 - (a) The words "AUSTRALIA'S FINEST" appearing across the lower front of the packaging;
 - (b) A logo of an anthropomorphised nut holding a representation of the Australian national flag appearing on the front centre of the packaging. Annexed to this undertaking and marked "Annexure 1" is a true copy of the logo.
- (5) The Commission contends that the representations set out in paragraph (4) when appearing on packaging, the contents of which are not grown in Australia, are false or misleading in contravention of section 52 and/or section 53(ab) of the *Trade Practices Act 1974*.
- (6) The Commission acknowledges that either the word "imported", or a statement as to the country from which the product was imported, is present on the back of the packaging of the imported goods.
- (7) The Commission acknowledges that the Company also uses a variety of other packaging which does not bear either of the representations set out in paragraph (4) or which have the Australian national flag logo covered by a blank sticker.

UNDERTAKINGS

- (8) Normandy Point Pty Ltd gives the following undertakings to the Trade Practices Commission for the purposes of section 87B of the *Trade Practices Act 1974*:
 - (a) In respect of imported goods sold by the Company, the Company will:
 - i) immediately cease using packaging bearing either singularly or in combination the representations set out in paragraph (4);

