



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2012/83
Contact Officer: Gina D'Ettorre
Contact Phone: 03 9290 1483

13 July 2012

Dear Sir/Madam

**Inghams Enterprises & Others
Certification Trade Mark Application No. 1435347
- interested party consultation**

The Australian Competition and Consumer Commission (ACCC) has received an application to register a certification trade mark (CTM) lodged by Inghams Enterprises Pty Ltd, Baiada Poultry Pty Ltd, Turi Foods Pty Ltd, Cordina Chicken Farms Pty Ltd, Golden Cockerel Pty Ltd, Hazeldene's Chicken Farms Pty Ltd and Red Lea Chickens Pty Ltd, under the name of the *Australian Poultry Industries Association (APIA)*.

The APIA CTM application proposes a number of 'industry' standards, including standards addressing stocking densities for free range chicken and turkey meat production. A copy of APIA's CTM Rules and Applicable Standards is attached.

I am writing to you as a party who may be interested in commenting on APIA's CTM application. Further information about the ACCC's role and APIA's CTM application is set out below.

ACCC's role in assessing certification trade marks

Under Part 16 of the *Trade Marks Act 1995* (TMA), before a CTM can be registered by IP Australia the ACCC must be satisfied that certain criteria are met. In general terms, the ACCC must be satisfied that the CTM application and corresponding rules meet the technical requirements set by the TMA and do not raise consumer protection, competition or associated concerns.

Specifically, the ACCC must be satisfied that:

- (a) the technical requirements of the rules as set out in section 173 of the TMA have been met
- (b) the rules governing the use of the CTM
 - (i) would not be to the detriment of the public (the *public detriment test*); and

- (ii) would be satisfactory having regard to the principles relating to restrictive trade practices in Part IV of the *Competition and Consumer Act 2010* and the principles relating to unconscionable conduct (Part 2-2), unfair practices (Part 3-1), and safety of consumer goods and product related services (Part 3-3) in Schedule 2 (Australian Consumer Law) of the *Competition and Consumer Act 2010* (the *trade practices test*)

as provided for by section 175 of the TMA.

Overview of APIA's Standards

APIA states that the CTM has been developed because it felt a need to develop a national industry standard for free range poultry meat that is more comprehensive, addresses animal welfare concerns held by customers and consumers more fully, and is wholly focused on chicken and turkey meat.

In summary, the proposed standards will cover farm practices and related activities such as housing, stocking density, feed production, the slaughtering process, transport and traceability required to be implemented for chicken and turkey meat to be allowed to be sold as APIA Free Range Accredited.

The APIA CTM logo (depicted below) will appear on the packaging of chicken and turkey meat products and is intended to indicate that chicken meat and turkey meat products are APIA accredited free range.



Making a submission

It is asked that parties wishing to provide a submission do so by 3 August 2012.

Written submissions can be lodged a number of ways:

By email: please [email your submission](#) to CTMs@accc.gov.au quoting reference CTM1435347 in your email subject line.

By facsimile:

02 6243 1211

By mail to:

The General Manager
Adjudication Branch
Australian Competition and Consumer Commission
GPO Box 3131
CANBERRA ACT 2601

Please advise if you do not wish to make a submission at this time, but would like to be informed of the progress of the application at the initial assessment and final assessment

stages. If you are able to, please provide a nominated contact email address for future correspondence.

You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding the application.

If you have any queries about this matter, or the submission process, please do not hesitate to contact Gina D'Ettorre on 03 9290 1483 or by email at gina.dettorre@accc.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'G Jones', with a stylized flourish at the end.

Gavin Jones
Director
Adjudication Branch