



**Australian
Competition &
Consumer
Commission**

Our Ref: N50157
Contact Officer: Gavin Jones
Contact Number: (03) 9290 1959

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12 January 2005

Mr John Swinson
Partner
Mallesons Stephen Jaques
Level 30, Waterfront Plaza
1 Eagle Street
BRISBANE QLD 4000

Dear Mr Swinson

**Third line forcing notification lodged by
Telstra Corporation Limited (N50157)**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the Commission) on 6 January 2005. The notification has been placed on the Commission's public register.

Telstra has described the conduct as follows:

Diageo Australia Ltd proposes to promote an online dance music download giveaway called the "Free Dance Music Download" promotion.

To be able to receive a benefit under the Promotion, a participant must:

- (i) be a resident of Australia aged 18 years or over;
- (ii) purchase a specially marked 4 pack or 6 pack of Smirnoff Ice or Smirnoff Ice Double Black featuring the "Free Dance Music Download" promotion within the unique promotional product code ("**Product Code**") on the inside of the pack wrap;
- (iii) after entering a valid Product Code, follow the directions at www.inthemix.com.au/smirnoff to become a BigPond member.



After following these steps, a participant is entitled to download one BigPond Music dance music track from a selected dance music menu at no charge.

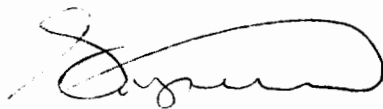
Legal immunity conferred by the notification will commence on 20 January 2005.

On the basis of the information provided, it is not intended that further action be taken in this matter at this stage.

Please note that the Commission may act to remove the immunity afforded by this notification at a later stage if it is satisfied that the likely benefit to the public from the conduct will not outweigh the likely detriment to the public from the conduct.

This letter has been placed on the Commission's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Gavin Jones on (03) 9290 1959.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Scott Gregson', with a large, sweeping flourish at the end.

Scott Gregson
A/g General Manager
Adjudication Branch