



Just Group Ltd  
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**BY COURIER**

12 April 2006

Australian Competition and Consumer Commission  
Regional Director  
Level 35, The Tower  
360 Elizabeth Street,  
MELBOURNE, VIC, 3000

FILE No:
DOC:
MARS/PRISM:

Dear Sir/ Madam,

**Third line forcing notification – Peter Alexander Sleepwear Pty Ltd**

Please find enclosed a Form G Notification pursuant to section 93(1) of the Trade Practices Act and cheque in the amount of \$100 being the filing fee.

The Notification is lodged by Peter Alexander Sleepwear Pty Ltd (“Peter Alexander”). Peter Alexander is a retailer of lifestyle goods and fashion items including sleepwear, active wear, lingerie, footwear, bedding, homewares and accessories.

The Notification concerns a promotion within the Just-Shop loyalty program. This loyalty program is operated by Just Jeans Pty Ltd (“Just Jeans”), which is a related company of Peter Alexander. Peter Alexander proposes to enter into an arrangement with Just Jeans whereby a \$10 Peter Alexander gift voucher will be provided to customers who have spent \$100 or more in one transaction at a Just Jeans store and who presented their Just-Shop loyalty card at the time of purchase. The customer can use the \$10 gift voucher for purchases made in Peter Alexander stores, via its website or via mail, fax or phone orders from the Peter Alexander catalogue.

Members of the public (except for staff of Just Jeans and its related companies, its data processing and advertising agencies) can join the Just-Shop program upon filling out an application form and paying a \$5 fee. Upon becoming a member, the customer will receive a Just-Shop card. Part of the benefit of being a member is receiving special offers. The proposed conduct is a special offer to members and is aimed at cross promoting the Peter Alexander brand.

Peter Alexander is lodging this Notification as the proposed conduct may be seen to be in breach of sections 47(6) and 47(7) of the Trade Practices Act as Peter Alexander is proposing to give or allow a discount on its merchandise to customers on the condition that the customer has spent \$100 in one transaction at a Just Jeans store and has presented their Just-Shop card at the time of purchase.

Peter Alexander submits that the public benefits of the proposed conduct far outweigh the public detriments which may arise from any third line forcing.

It is submitted that the proposed conduct will be of benefit to the public as customers will be able to make a saving on their purchase from Peter Alexander. Further the proposed conduct may encourage other retailers to provide savings to the public and for other loyalty program operators to provide offers and savings to their members.

Peter Alexander believes that the proposed conduct will not lessen competition in the retail industry as promotions offering gift vouchers and discounts to customers are common in the retail industry and in loyalty programs. Further, other retailers could provide a similar promotion in a market which is very competitive.

If you require any further information, please contact the writer on (03) 9420 0495.

Yours faithfully  
Peter Alexander Sleepwear Pty Ltd

  
Katie Coghlan  
**Solicitor**  
THE JUST GROUP

**Form G**

Commonwealth of Australia  
*Trade Practices Act 1974 ---- Sub-Section 93(1)*  
**EXCLUSIVE DEALING  
 NOTIFICATION**

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with sub-section 93(1) of the *Trade Practices Act 1974*, of particulars of conduct or of proposed conduct of a kind referred to in sub-section 47(2), (3), (4), (5), (6) or (7), or paragraph 47 (8) (a), (b) or (c) or (9) (a), (b), (c) or (d) of that Act in which the person giving notice engages or proposes to engage.

**1. (a) Name of person giving notice**

Peter Alexander Sleepwear Pty Ltd A.C.N 091 296 776

**(b) Short description of business carried on by that person**

Retailing of lifestyle goods and fashion items including sleepwear, active wear, lingerie, footwear, bedding, homewares and accessories.

**(c) Address in Australia for service of documents on that person**

658 Church Street Richmond, VIC, 3121

**2. (a) Description of the goods or services in relation to the supply or acquisition of which this notice relates**

\$10 gift voucher for use in Peter Alexander stores, online or by mail, fax or phone orders from the Peter Alexander catalogue.

**(b) Description of the conduct or proposed conduct**

To give or allow a discount (by way of \$10 gift voucher) for Peter Alexander products on the condition the customer has spent \$100 or more in one transaction at a Just Jeans store in Australia and who presented their Just-Shop loyalty card at the time of purchase.

**3. (a) Class or classes of persons to which the conduct relates**

Members of the Just-Shop loyalty program. Membership is open to the public upon completion of an application form and payment of a \$5 fee. Staff of Just Jeans Pty Ltd and its related companies, its data processing and advertising agents are ineligible to join.

**(b) Number of those persons—**

- (i) **At present time** Approximately 103,000
- (ii) **Estimated within the next year** Approximately 250,000

**(c) Where number of persons stated in item 3 (b) (i) is less than 50, their names and addresses**

Not applicable.

4. **Names and address of person authorised by the person giving this notice to provide additional information in relation to this notice**

Katie Coghlan, Solicitor, The Just Group, 658 Church Street, Richmond, VIC, 3121

Dated 12/4/ 2006

Signed for and on behalf of the applicant giving notice



\_\_\_\_\_  
(Signature)

WAI . F. TANG

\_\_\_\_\_  
(Full Name)

DIRECTOR

\_\_\_\_\_  
(Description)



## DIRECTIONS

1. If there is insufficient space on this form for the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the person giving the notice
2. If the notice is given by or on behalf of a corporation, the name of the corporation is to be inserted in item 1(a), not the name of the person signing the notice, and the notice is to be signed by a person authorised by the corporation to do so.
3. In item 1(b), describe that part of the business of the person giving the notice in the course of which the conduct is engaged in.
4. If particulars of a condition or of a reason of the type referred to in sub-section 47(2), (3), (4), (5), (6), (7), (8) or (9) of the *Trade Practices Act 1974* have been reduced in whole or in part to writing, a copy of the writing is to be provided with the notice.
5. In item 3 (a), describe the nature of the business carried on by the persons referred to in that item.
6. In item 3(b) (ii), state an estimate of the highest number of persons with whom the person giving the notice is likely to deal in the course of engaging in the conduct at any time during the next year.

## NOTICE

If this notification is in respect of conduct of a kind referred to in sub-section 47(6) or (7) or paragraph 47(8)(c) or (9) (d) of the *Trade Practices Act 1974* ("the Act"), it comes into force at the end of the period prescribed for the purposes of subsection 93(7a) of the Act ("the prescribed period") unless the Commission gives a notice under sub-section 93A(2) of the Act within the prescribed period, or this notification is withdrawn.

The prescribed period is 21 days (if this notification is given on or before 30 June 1996) or 14 days (if this notification is given after 30 June 1996), starting on the day when this notification is given.

If the Commission gives a notice under sub-section 93A(2) of the Act within the prescribed period, this notification will not come into force unless the Commission, after completing the procedures in section 93A of the Act, decides not to give a notice under subsection 93(3A) of the Act. The notification comes into force when that decision is made.

If this notification is in respect of conduct of a kind referred to in subsection 47(2), (3), (4) or (5), or paragraph 47(8)(a) or (b) or (9)(a), (b) or (c), of the Act, it comes into force when it is given.