



**Australian
Competition &
Consumer
Commission**

Our Ref: N40994
Contact Officer: Ilona Balint
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14 July 2006

Ms Kara Gilmartin
Solicitor – Retail Brands
Legal Department
Kmart Australia Ltd
PO Box 350
GLEN IRIS VIC 3146

Dear Ms Gilmartin

**Re: Third line forcing notification No. N40994
lodged by Kmart Australia Ltd**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 11 July 2006. The notification has been placed on the ACCC's public register.

Kmart Australia Ltd (Kmart) has described the conduct as follows:

“Kmart proposes to attach to the September edition of Dolly magazine a voucher that entitles the voucher holder to a \$10 Kmart voucher for future purchases when the voucher holder spends a minimum of \$50 on the Girl Xpress apparel range at Kmart. The September Dolly magazine will be available for sale from 28 July to 31 August 2006.

Each customer is limited to only one Kmart Voucher that is valid for one transaction only. This Kmart voucher must be used between 28 July 2006 and 31 August 2006.”

Legal immunity conferred by the notification will come into force on 25 July 2006.

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

As with any notification, please note that the ACCC 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 ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Ilona Balint on (02) 6243 1113

Yours sincerely

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

Scott Gregson
General Manager
Adjudication Branch