



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2007/2254
Contact Officer: Gina D'Ettorre
Contact Number: 03 9290 1483

~~20~~ December 2007

Ms Miranda Noble
Minter Ellison Lawyers
GPO Box 769G
MELBOURNE VIC 3001

Dear Ms Noble

Third line forcing notification N93237 – Subaru (Aust) Pty Ltd (Subaru Australia)

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 4 December 2007. The notification has been placed on the ACCC's public register.

You have described the conduct as:

Subaru Australia supplying, or offering to supply, a prepaid fuel card to consumers on the condition that the consumer will acquire their Subaru vehicle's 50,000km or 100,000km service from a Subaru Service Provider.

Subaru Australia refusing to supply, or offer to supply, a prepaid fuel card to customers for the reason that the customer has not acquired, or has not agreed to acquire, their Subaru vehicle's 50,000km or 100,000km service from a Subaru Service Provider.

Legal immunity conferred by the notification came into force on 19 December 2007.

On the basis of the information 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 the 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.

A copy of 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 Gina D'Ettorre on 03 9290 1483.

Yours sincerely

A handwritten signature in black ink, consisting of a stylized 'S' followed by a long horizontal line that loops back to the right.

Scott Gregson
General Manager
Adjudication Branch