



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2008/1651
Contact Officer: Joanne Palisi
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22 October 2008

Mr Colin Kangisser
Chief Executive Officer
Health Eyewear Pty Ltd
Suite 4
16-18 Malvern Ave
CHATSWOOD NSW 2067

Dear Mr Kangisser

Third line forcing notification N93619 lodged by Health Eyewear Pty Ltd

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 13 October 2008. The notification has been placed on the ACCC's public register.

Health Eyewear Pty Ltd (Health Eyewear) proposes to offer members of MBF Australia Pty Ltd (MBF) discounts on its prescription products as set out in the submission in support of the notification.

Legal immunity conferred by the notification will commence on 27 October 2008.

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 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.

This assessment has been made on the basis that Health Eyewear and MBF will disclose all relevant terms and conditions to prospective clients.

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 Joanne Palisi on (02) 6243 1323.

Yours sincerely

A handwritten signature in black ink, consisting of a stylized 'R' followed by a horizontal line that extends to the right.

Dr Richard Chadwick
General Manager
Adjudication Branch