



**Australian
Competition &
Consumer
Commission**

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Contact Officer: Erin Donohue
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27 October 2009

Ms Claire Barratt
General Counsel
Think Pharmacy Pty Ltd
Unit 12/783 Kingsford Smith Drive
Eagle Farm QLD 4009

Dear Ms Barratt

Third line forcing notification N94243 lodged by Think Pharmacy Pty Ltd

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 6 October 2009. The notification has been placed on the ACCC's public register.

The notified third line forcing conduct may be described as follows:

Think Pharmacy Pty Ltd will allocate rewards points (Think Dollars) to members of the Think Card Loyalty Program on condition they acquire eligible products (limited to general retail items such as cosmetics, toiletries, health and beauty items and excluding medication) from participating Think Pharmacy Stores operated by independent franchisees.

Legal immunity conferred by the notification commenced on 20 October 2009.

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 Think Pharmacy will disclose all relevant terms and conditions to prospective members of the loyalty program.

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 Erin Donohue on (02) 6243 1291.

Yours sincerely

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

Dr Richard Chadwick
General Manager
Adjudication Branch