



**Australian
Competition &
Consumer
Commission**

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Our Ref: N93892
Contact Officer: Jessica Buik
Contact Number: (02) 6243 1061

1/4/2009

Mr Colin Kangisser
Chief Executive Officer
Health Eyewear Pty Ltd
Suite 4/16-18 Marvern Ave
Chatswood NSW 2067

CC: Ms Emma Zipper
General Counsel and Company Secretary
Bupa Australia Group
PO Box 14639
Melbourne VIC 8001

Dear Mr Kangisser

**Third line forcing notification N93892 lodged by
Health Eyewear Pty Ltd ABN 24 126 819 154**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 18 March 2009. The notification has been placed on the ACCC's public register.

Health Eyewear Pty Ltd proposes to:

offer customers of MBF Australia Pty Ltd ABN 81 000 057 590 (MBF Australia) in NSW who reside in the Figtree or Parramatta areas and in Victoria who reside in the Wantirna area discounts off its products until 31 June 2009.

Further details of the offer are provided in the submission supporting the notification.

Legal immunity conferred by the notification will commence on 1 April 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 Health Eyewear Pty Ltd 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 Jessica Buik on (02) 6243 1061.

Yours sincerely

A handwritten signature in black ink, appearing to be 'R Chadwick', written over a light grey rectangular background.

Dr Richard Chadwick
General Manager
Adjudication Branch