



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2010/439 and 41860
Contact Officer: Jasmine Tan
Contact Number: (02) 6243 1363

14 May 2010

Ms Nerida Pearse
Partnerships Marketing Manager, Australia & NZ
Snapfish by HP
Hewlett-Packard Australia Pty Ltd
410 Concord Road
RHODES NSW 2138

Dear Ms Pearse

**Third line forcing notifications N94669 and N94676 lodged by Hewlett-Packard
Australia Pty Ltd**

I refer to the above third line forcing notifications lodged with the Australian Competition and Consumer Commission (the ACCC) on 23 April 2010 and 4 May 2010. The notifications have been placed on the ACCC's public register.

Snapfish is a website that supplies photo processing and printing products and services. It is owned by Hewlett-Packard Australia Pty Ltd (HP Australia).

Nestle Australia Limited (Nestle) proposes to run a promotion whereby minor prizes offered would be supplied to winners by Snapfish.

Under notification N94669, HP Australia proposes to supply or offer to supply credit prizes through the Snapfish website to minor winners of the Nestle promotion on condition that the winner has purchased three of the nominated Nestle products from Woolworths supermarkets, complies with the terms and conditions of the promotion and creates an account with Snapfish.

Under notification N94676, HP Australia proposes to supply or offer to supply 50 complimentary 15x10cm digital photo prints through the Snapfish website to consumers on condition that the consumer has entered the Nestle promotion by purchasing three of the nominated Nestle products and opts to receive promotional communications from Nestle and third parties.

Legal immunity conferred by notification N94669 commenced on 7 May 2010.

Legal immunity conferred by notification N94676 will commence on 18 May 2010.

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

As with any notification, please note that the ACCC may act to remove the immunity afforded by these notifications 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.

These assessments have been made on the basis that HP Australia, Snapfish and Nestle 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 Jasmine Tan on (02) 6243 1363.

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