



**Australian
Competition &
Consumer
Commission**

Our Ref: 52057
Contact Officer: Hannah Ransom
Contact Number: (02) 6243 1255

GPO Box 3131
Canberra ACT 2601

22 August 2013

23 Marcus Clarke Street
Canberra ACT 2601

Mr Peter McDonald (Partner) and Mr Nathan Kiratzis (Solicitor)
Herbert Smith Freehills

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By email: peter.mcdonald@hsf.com
nathan.kiratzis@nsf.com

Dear Mr McDonald and Mr Kiratzis

Third line forcing notification N96918 lodged by DuluxGroup (Australia) Pty Ltd

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 19 August 2013. The notification has been placed on the ACCC's public register.

DuluxGroup (Australia) Pty Ltd proposes to supply a free Dulux Vintage Calendar to any person who purchases four litres or more of Dulux Paint from a retailer of Dulux Paint in Australia during the offer period (being on or around 1 September 2013 to around 30 November 2013).

Legal protection conferred by the notification will commence on 2 September 2013.

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 legal protection provided 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 DuluxGroup and any relevant retailers will disclose all relevant terms and conditions to prospective customers.

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 Hannah Ransom on (02) 6243 1255.

Yours sincerely

Dr Richard Chadwick
General Manager
Adjudication Branch