



**Australian
Competition &
Consumer
Commission**

Our Ref: 53381
Contact Officer: Tanya Hobbs
Contact Number: 02 6243 1029

GPO Box 3131
Canberra ACT 2601

17 December 2013

23 Marcus Clarke Street
Canberra ACT 2601

Mr Shane Sauvarin
National Lifestyle Sales & Corporate Sales
New Balance

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www.accc.gov.au

By email: shane.sauvarin@newbalance.com.au;

Cc: Ms Emma Zipper
General Counsel & Company Secretary
Bupa Australia Group
PO Box 14639
MELBOURNE VIC 8001

Dear Mr Sauvarin

Third line forcing notification N97151 lodged by New Balance Australia Pty Ltd

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 13 December 2013. The notification has been placed on the ACCC's public register.

New Balance Australia Pty Ltd proposes to offer a 30% discount off certain items purchased from its website on condition that the customer is a BUPA health insurance member.

Legal protection conferred by the notification will commence on 27 December 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 New Balance Australia Pty Ltd and BUPA 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 Tanya Hobbs on 02 6243 1029.

Yours sincerely

Dr Richard Chadwick
General Manager
Adjudication Branch