



**Australian  
Competition &  
Consumer  
Commission**

Our Ref: 54826  
Contact Officer: Gavin Jones  
Contact Number: 03 9290 1475

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Canberra ACT 2601

13 June 2014

23 Marcus Clarke Street  
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Mr James Kirkham  
Legal Counsel  
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By email: [james.kirkham@catchoftheday.com.au](mailto:james.kirkham@catchoftheday.com.au)

Dear Mr Kirkham

**Third line forcing notifications N97475 & N97476 lodged by Catchoftheday.com.au Pty Ltd & Mumgo.com.au Pty Ltd**

I refer to the above third line forcing notifications lodged with the Australian Competition and Consumer Commission (the ACCC) on 5 June 2014. The notifications have been placed on the ACCC's public register.

Catchoftheday.com.au and Mumgo.com.au propose to sell goods through eBay some of which will be subject to benefits, discounts, allowances, rebates or prizes, on condition that the purchasers are or become members of eBay.

Legal protection conferred by the notifications will commence on 19 June 2014.

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 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.

This assessment has been made on the basis that Catchoftheday.com.au and Mumgo.com.au 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 Gavin Jones on 03 9290 1475.

Yours sincerely

Dr Richard Chadwick  
General Manager  
Adjudication Branch