

TRADE PRACTICES ACT 1974 (“THE ACT”)

**Undertaking given to the Australian Competition and Consumer Commission
 (“the Commission”) for the purpose of section 87B of the Act**

By

**HPM Industries Pty Ltd (“HPM”)
ACN 000 102 661**

Background

1. HPM sells at wholesale throughout Australia a wide range of electrical equipment, including a range of fluorescent tube starters.
2. HPM’s DF40, 40 watt fluorescent starter (“the starter”), is imported from India, and between September 1998 and March 2000 was packaged and sold by HPM in packaging bearing the following representations:
 - A. a logo containing an image of a kangaroo and the words “Australian Made”; and,
 - B. the words “Made in India”.
3. A photocopy of the packaging bearing the representations referred to above (“the misleading packaging”) forms annexure 2 to this undertaking.
4. HPM distributed the starter in the misleading packaging, directly or indirectly, to retailers around Australia for retail sale to consumers.
5. In March 2000 the Commission received a complaint from a consumer and subsequently raised the complaint with HPM, as the representations were likely to constitute conduct by HPM that is misleading or deceptive, or is likely to mislead or deceive, in contravention of section 52 of the Act; and, constitutes, in connection with the supply or possible supply of goods, or in connection with the promotion by any means of the supply of goods, a false or misleading representations concerning the place of origin of goods, in breach section 53(eb) of the Act.
6. HPM admits that the representations were made in trade or commerce and constitute conduct that contravenes section 52 of the Act, and breaches section 53(eb) of the Act.
7. In April 2000, HPM requested that the Commission accept, pursuant to section 87B of the Act, the following court enforceable written undertakings from HPM in connection with the matter.

Undertakings

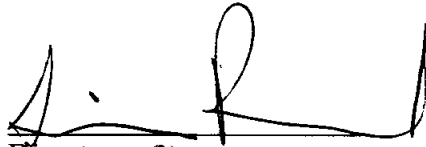
8. In consequence of the matters referred to above, HPM undertakes to the Commission pursuant to section 87B of the Act, that HPM:
 - A. as of the date of acceptance by the Commission of this undertaking (“the acceptance date”), has ceased to distribute the starter in the misleading packaging;
 - B. has used its best efforts to ensure, and considers that it has so ensured, that the misleading packaging held by resellers no longer bear a representation that the starter is made in Australia;
 - C. within either one of the first two Saturday editions of the Australian newspaper published after the acceptance date, will cause the advertisement that forms annexure 1 of this undertaking to be published within the general news section of either such edition of the Australian newspaper;
 - D. prior to the publication of the advertisement referred to in paragraph C above, has implemented a process whereby HPM will provide a refund of the purchase price to those consumers that purchase, or have purchased, the starter in the misleading packaging;
 - E. pursuant to its ISO9002 certified processes, has implemented a procedure to aid in the control of the design of new, and modification of existing, packaging, including the identification of representations contained therein that are, or are likely to, constitute false or misleading representations.

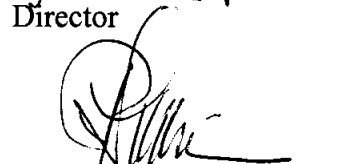
Acknowledgments

9. HPM acknowledges and accepts:
 - A. the Commission’s right to make this undertaking available to the public, including by placing it on a public register, publishing it and allowing third parties to publish it;
 - B. that the Commission may issue media releases about his undertaking and the matters referred to therein, and may, from time to time, publicly refer to the undertaking;
 - C. that this undertaking in no way derogates from the rights and remedies available to any other person arising from the alleged conduct.

The common seal of **HPM Industries Pty Ltd**)
 ACN 000 102 661 is affixed in accordance)
 with its Articles of Association in the)
 presence of:)

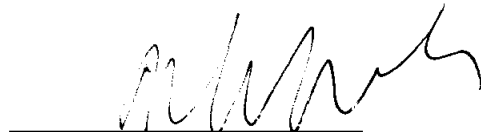



 Director


 Director

This day of May 2000

Accepted by the **Australian Competition and Consumer Commission** pursuant to
 section 87B of the Trade Practices Act 1974


 (Professor Allan Fels)
 Chairperson

This 28 day of May 2000

Annexure 1

CORRECTIVE ADVERTISEMENT

An apology from HPM Industries Pty. Ltd. ("HPM"), supplier for over 70 years of electrical products, including fluorescent starters.




The Australian Competition and Consumer Commission ("ACCC"), has brought to HPM's attention that the retail plastic and cardboard packaging of its DF40, 2 pack, 40 watt fluorescent starters is marked both "Australian Made" and "Made in India". These starters are made in India as indicated on the product itself and HPM accepts that this packaging error may misrepresent its country of origin.

As part of HPM's desire to remedy the situation, under the guidance of the ACCC, HPM has corrected all of the packaging in stores across Australia and is also offering a refund of the purchase price to those consumers who purchased this product in packaging bearing the words "Australian Made".


To claim a refund, simply return DF40 packaging bearing the phrase "Australian Made" to HPM and include your name and return address with proof of purchase.

Please mail to:
HPM - DF40
Locked Bag 7
Beaconsfield NSW 2014 *

ANNEXURE 2

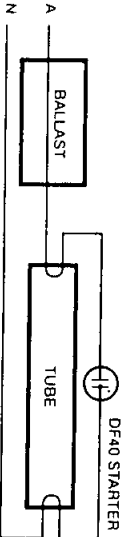


PROFESSIONALS CHOICE



9 310539 635507

INSTALLATION



This starter is intended for conventional fluorescent lamp circuits as shown above.
For 20 watt (600mm tube) twin series fittings use HPM DF20 starters.

Operation of starter

- On 'switch on' starter will glow, then
- Starter will close to complete circuit to heat elements in tubes, then
- Starter 'fires' the tubes.


To remove – power must be turned off.

1. Rotate tube 90° until pins line up with slots and slide out
2. Rotate starter anticlockwise and lift out.


To replace

1. Insert starter and twist clockwise to lock in.
2. Replace tubes if blackened on ends or elements do not heat up.
3. Ensure starter is fully rotated clockwise and tube 'clicks' into position.

NOTE: 26mm tubes may flicker on initial operation, but will start normally after 2 or 3 operations.




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AS/NZS 2875.1
Australian Standard

Col DF40
HPM Industries Pty Ltd

Made in India



PROFESSIONALS CHOICE

FLUORESCENT STARTERS

40 watt Starters

Cat DF40