



**UNDERTAKING TO THE TRADE PRACTICES COMMISSION GIVEN PURSUANT TO
SECTION 87B OF THE TRADE PRACTICES ACT 1974**

GIVEN BY

**THE PHARMACY PRESS PTY LTD (ACN 000 015 252)
of 35 Richmond Road, Homebush West, in the State of New South Wales**

BACKGROUND

- 1) The Pharmacy Press Pty Ltd, ACN 000 015 252, ("the Company") is engaged in the business of supplying labels and other printed products including prescription envelopes, general stationery and advertising brochures to pharmacies in New South Wales and Queensland.
- 2) Following an investigation by the Trade Practices Commission ("the Commission"), the Company was informed that the Commission considered that the Company had, between approximately September 1991 and July 1994, made several attempts to induce price fixing and market sharing arrangements between itself and competing label manufacturers, namely, Fildes Pty Ltd, Norwil Ticket Printers Pty Ltd and Bagot Press in relation to the sale of pharmacy labels.
- 3) The Commission contends that the conduct set out in paragraph (2) is contrary to section 76 of the Trade Practices Act 1974 ("the Act") which prohibits a person inducing, or attempting to induce, a person, whether by threats or promises or otherwise, to contravene the restrictive trade practices provisions of the Act. Section 45 of the Act prohibits a corporation from making an arrangement or arriving at an understanding if the arrangement or understanding has the purpose or likely effect of substantially lessening competition. Section 45A of the Act deems all arrangements or understandings relating to the price of goods or services to be illegal per se.

UNDERTAKINGS

- 4) The Company, on behalf of itself and any agents which it controls, gives the following undertaking to the Commission for the purposes of section 87B of the Act:
 - a) In respect of future conduct the Company will not induce, or attempt to induce, any person, whether by threats or promises or otherwise, to make a contract or arrangement or arrive at an understanding with any person carrying on business as a manufacturer of pharmacy labels in Australia in respect of the price of, and/or market for, pharmacy labels contrary to section 45 of the Act.

ACKNOWLEDGMENTS

- 5) The Company acknowledges that the Commission will make this undertaking available for public inspection.
- 6) The Company acknowledges that the Commission will from time to time publicly refer to the undertaking.
- 7) The Company acknowledges and accepts that this undertaking in no way derogates from the rights and remedies available to any other person arising from the alleged conduct.

IN WITNESS OF THESE UNDERTAKINGS

THE COMMON SEAL OF
THE PHARMACY PRESS PTY LTD
was hereunto affixed by authority
of the Managing Director




MANAGING DIRECTOR



This 2 day of FEBRUARY 1995.

ACCEPTED BY THE TRADE PRACTICES COMMISSION PURSUANT TO SECTION 87B
OF THE TRADE PRACTICES ACT 1974



CHAIRMAN

This 22 day of FEBRUARY 1995.