

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

D99/11397



GIVEN BY

**AUSSIE GLASS (OPERATIONS AND MARKETING) PTY LTD,
of Level 1, 128 Fullarton Road, Norwood, in the State of South Australia,
(ACN 057 002 043).**

PREAMBLE

- (1) Aussie Glass (Operations and Marketing) Pty Ltd ("the Company") trades under the name "Aussie Glass"
- (2) The Company is an operator and a franchisor in the business of commercial and domestic glazing and glass sales.
- (3) Following an investigation by the Trade Practices Commission ("the Commission"), the Company was informed that the Commission considered that the Company had made false or misleading representations in entries under the name "Aussie Glass" in the 1994 editions of the Adelaide 'White Pages' and 'Yellow Pages' telephone directories which alluded to the company having various Adelaide suburban branch offices which did not actually exist ("the entries").
- (4) The entries contained representations that the company had branch offices at Adelaide, Findon, Glenunga, Norwood, Richmond, Port Adelaide, Prospect, Stirling, Tea Tree Gully, and Unley ("the localities").
- (5) The Commission contends that a branch office is a place which the public can attend in person during normal business hours and where a person can conduct business transactions.
- (6) The Commission contends that the Company did not, during the relevant periods of 1994, have branch offices at the localities and that representations to that effect in the entries are false or misleading in contravention of section 52 and/or section 53(ea) of the *Trade Practices Act 1974*.

UNDERTAKINGS

- (7) Aussie Glass (Operations and Marketing) Pty Ltd gives the following undertakings to the Trade Practices Commission for the purposes of section 87B of the *Trade Practices Act 1974*:
 - (a) In respect of all advertising by the Company, the Company will:
 - i) immediately cease representing that the Company has branches offices at the localities set out in paragraph (4) unless such branch office conforms with the meaning set out in paragraph (5);
 - ii) immediately cease making false or misleading representations as to the location of the Company's branch offices;
 - iii) take all necessary steps to remove from all future advertising, including entries in the Adelaide White Pages and Yellow Pages telephone directories, any false

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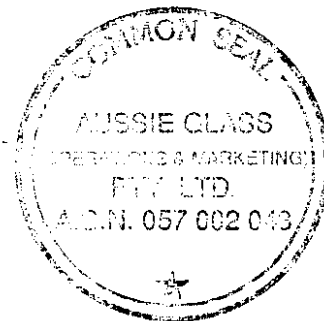
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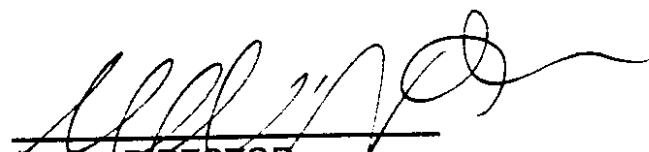
or misleading representations as to the location of the Company's branch offices;

- (iv) bear the cost of carrying out the undertakings set out in this document.
- (b) The Company acknowledges that the representations by the company in Adelaide telephone directories of fictitious branch offices misrepresents that the company has branches in suburbs or localities where, in fact, those branches do not or did not actually exist;
- (c) The Company acknowledges that the Trade Practices Commission will make the undertaking available for public inspection;
- (d) The Company acknowledges that the Trade Practices Commission will from time to time publicly refer to the undertaking.
- (e) 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 AUSSIE GLASS)
(OPERATIONS AND MARKETING) PTY)
LTD was hereunto affixed by authority)
of the Board of Directors)
previously given in the presence of:)





DIRECTOR

This 20th day of APRIL, 1994.

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



CHAIRMAN

This 27 day of April 1994.