



TRADE PRACTICES ACT 1974

**UNDERTAKING TO THE TRADE PRACTICES COMMISSION
GIVEN FOR THE PURPOSE OF SECTION 87B**

BY

**PANASONIC AUSTRALIA PTY LIMITED
A.C.N. 001 592 187**

BACKGROUND

Panasonic Australia Pty Limited ("Panasonic") has offered for sale and sold in Australia Panasonic brand nickel cadmium batteries. There has appeared on the batteries a stylised triangular symbol comprising three arrows chasing each other.

The TPC believes that the presence on the batteries of the triangular symbol may lead consumers in Australia to believe that the batteries can, as a matter of practicality, be recycled in the sense that, after their useful life in the hands of the first consumer, they can be processed so that they can be reused in their present form by another consumer or their components can be used in another product cycle. Further the TPC believes that in the absence of facilities to recycle the batteries in this way, the presence on the batteries and on associated packaging of the triangular symbol may be misleading and deceptive in contravention of section 52 of the Trade Practices Act 1974 ("the Act") and may constitute a representation that they have performance characteristics or benefits that they do not have, in contravention of section 53(c) of the Act.

Panasonic is concerned that consumers may not be aware of the procedures that they should follow to recycle these batteries and has agreed to give the following undertakings for the purposes of section 87B of the Trade Practices Act 1974.

UNDERTAKINGS

For the purposes of section 87B of the Trade Practices Act 1974 ("the Act") Panasonic Australia Pty Limited ("Panasonic"), undertakes, on behalf of itself and on behalf of any and all subsidiaries of Panasonic, and all business entities controlled by Panasonic or its subsidiaries, that:

- (a) From the date of giving these undertakings, Panasonic will ensure that procedures are maintained for the shipping of spent nickel cadmium batteries to a recycler which is expected to arrange for their proper recycling.
- (b) The procedures in place for the recycling of batteries will be advised to the public by means of:
 - (i) Nationwide newspaper advertisements (already carried out)
 - (ii) Point of sale material consisting of brochures that indicate that the nickel cadmium battery is recyclable and that at the end of the battery's life it should be returned to Panasonic for recycling.

The brochure will also advise of Panasonic's Customer Care Centre telephone number through which enquiries may be made about any Panasonic product. This will include enquiries about recycling batteries. The addresses of Panasonic's offices will be shown in the brochure.

For the purposes of these undertakings, the batteries will be taken to have been recycled if, subsequent to their initial manufacture, they have been processed by another person, other than by being recharged by an end-user, so that the component parts or materials have been recovered with the intention that they will be used in the manufacture of batteries or other products.

In addition to giving these undertakings, Panasonic agrees that the Commission may, for the purpose of encouraging compliance with the Act, publicise where, when and to whom it wishes the details of these undertakings, including details of steps taken by Panasonic to arrange for the recycling of their batteries, and to advise their customers about their recycling arrangements, providing that the Commission has previously consulted with Panasonic in regard to the intended publicity.

IN WITNESS OF THESE UNDERTAKINGS AND
ITS AGREEMENT THE COMMON SEAL OF PANASONIC
AUSTRALIA PTY LIMITED was hereunto affixed
by authority of the Board of Directors
previously given in the presence of:-



W. C. Smith
.....

Director

[Signature]
.....

Secretary

This.....day of 1994

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

Michael
.....

CHAIRMAN
(Professor Allan Fels)

This.....*25*.....day of.....*October*.....1994