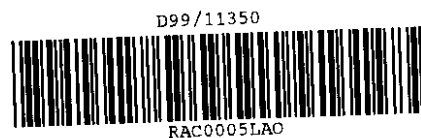


**UNDERTAKING TO THE TRADE PRACTICES COMMISSION
SECTION 87B OF THE TRADE PRACTICES**

GIVEN BY



**ORANGE INVESTMENTS PTY LTD (ACN 009 494 231)
of 30 Davey Street, Hobart, in the State of Tasmania.**

BACKGROUND

- (1) Orange Investments Pty Ltd, ACN 009 494 231 ("the Company"), is the registered owner of the business names "Grove Fruit Juices (Tas.)" (Registration Number: 39678B) and "Mr Juicy Tasmania" (Registration Number: 66698B).
- (2) The Company as part of its business activities, brings into Tasmania fruit juice concentrate from interstate. Fruit juice concentrate is made from fruit juice which has been subjected to a concentration process by removing all or some of its water content.
- (3) One of the Company's activities is wholesaling fruit juice which it reconstitutes from the aforementioned fruit juice concentrate by combining water with the concentrate.
- (4) The Company packages in bottles and markets, principally in Tasmania, the following reconstituted fruit juices:
 - (a) "Orchard Fresh" apple juice in two litre and 300 millilitre bottles;
 - (b) "Orchard Fresh" apple/blackcurrant juice in two litre and 300 millilitre bottles;
 - (c) "Orchard Fresh" apple/pineapple/orange juice in two litre bottles;
 - (d) "Orchard Fresh" apple/guava juice in two litre bottles;
 - (e) "Mr Juicy" apple juice in two litre bottles; and
 - (f) "Grove Apple Maid" apple juice in two litre bottles.
- (5) 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 regard to the place of origin of apple juice reconstituted from apple juice concentrate of non Tasmanian origin. The following representations were made on the labels on the bottles of the reconstituted juice specified below:
 - (a) "INGREDIENTS: APPLE JUICE FROM FRESHLY CRUSHED TASMANIAN APPLES." appearing on the front label of the 300ml "Orchard Fresh" apple juice bottle. Annexed to this undertaking and marked "Annexure 1" is a true copy of the said front label; and
 - (b) "INGREDIENTS: APPLE JUICE 95% AND BLACKCURRANT JUICE 5%, FROM FRESHLY CRUSHED TASMANIAN APPLES AND BLACKCURRANTS." appearing on the front label of the 300ml "Orchard Fresh" apple/blackcurrant juice bottle. Annexed to this undertaking and marked "Annexure 2" is a true copy of the said front label.

- (6) The Company was also informed that the Commission considered that the Company had made false or misleading representations in its use of the words, "Fresh" and "Freshly crushed" on the labels on the bottles of fruit juice reconstituted from concentrate. The following representations were made on the labels on the bottles of the reconstituted juices specified below:
- (a) "INGREDIENTS: APPLE JUICE FROM FRESHLY CRUSHED TASMANIAN APPLES." appearing on the front label of the 300ml "Orchard Fresh" apple juice bottle. Annexed to this undertaking and marked "Annexure 1" is a true copy of the said front label.
 - (b) "INGREDIENTS: APPLE JUICE 95% AND BLACKCURRANT JUICE 5%, FROM FRESHLY CRUSHED APPLES AND BLACKCURRANTS." appearing on the front label of the 300ml "Orchard Fresh" apple/blackcurrant juice bottle. Annexed to this undertaking and marked "Annexure 2" is a true copy of the said front label.
 - (c) "FROM FRESHLY CRUSHED APPLES" on the rear label of the "Mr Juicy" bottle. Annexed to this undertaking and marked "Annexure 3" is a true copy of the said label.
 - (d) "FRESH" appearing on the front label of the "Grove Apple Maid" bottle. Annexed to this undertaking and marked "Annexure 4" is a true copy of the said label.
 - (e) "INGREDIENTS: APPLE JUICE FROM FRESHLY CRUSHED APPLES" appearing on the rear label of the two litre "Orchard Fresh" apple/blackcurrant juice bottle. Annexed to this undertaking and marked "Annexure 5" is a true copy of the said rear label.
 - (f) "FRESH" and "INGREDIENTS: FRESH APPLE JUICE" appearing on the rear label of the two litre "Orchard Fresh" pine/apple/orange juice bottle. Annexed to this undertaking and marked "Annexure 6" is a true copy of the said rear label; and
 - (g) "INGREDIENTS: FRESH APPLE JUICE" appearing on the rear label of the two litre "Orchard Fresh" apple/guava juice bottle. Annexed to this undertaking and marked "Annexure 7" is a true copy of the said rear label.
- (7) The Commission contends that the relevant representations set out in paragraph (5) when appearing on packaging, the contents of which are not grown in Tasmania, are false or misleading in contravention of section 52 and/or section 53(eb) of the *Trade Practices Act 1974*.
- (8) The Commission contends that the relevant representations set out in paragraph (6) when appearing on packaging, the contents of which are made from fruit juice concentrate, are false or misleading in contravention of section 52 and/or section 53(a) of the *Trade Practices Act 1974*.


UNDERTAKINGS

- (9) Orange Investments 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 fruit juice which is made from fruit juice, concentrate or is not of Tasmanian origin, sold by the Company, the Company will:
- i) not use packaging bearing either singularly or in combination the relevant representations set out in paragraphs (5) and (6) above;
 - ii) not represent that reconstituted juice is fresh.
 - iii) not make false or misleading misrepresentations as regards the place of origin of fruit juice made from concentrate sold by the Company;
 - iv) take all necessary steps to remove from the market place by 1 December 1994 any fruit juice visibly making the representations set out in paragraphs (5) and (6); and
 - v) bear the cost of carrying out the undertakings set out in this document.
- (b) The Company further undertakes that on or before 9 December 1994 it will advise the Trade Practices Commission in writing as to all actions it has taken and what procedures it has implemented to ensure future compliance with this undertaking.
- (10) The Company acknowledges that the use of the words, "FRESH" and "FRESHLY CRUSHED" on the packaging of goods made from fruit juice concentrate misrepresents the standard, quality or composition of those goods.
- (11) The Company acknowledges that the use of the words "MADE IN TASMANIA FROM TASMANIAN APPLES", "FROM FRESH TASMANIAN APPLES", "FROM FRESHLY CRUSHED TASMANIAN APPLES" on the packaging of goods not of Tasmanian origin misrepresents the place of origin of those goods.
- (12) The Company acknowledges that the Trade Practices Commission will make the undertaking available for public inspection.
- (13) The Company acknowledges that the Trade Practices Commission will from time to time publicly refer to the undertaking.
- (14) 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)
ORANGE INVESTMENTS PTY LTD)
was hereunto affixed by authority)
of the Board of Directors)
previously given in the presence of:




DIRECTOR



This 2nd day of NOVEMBER 1994.

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



ATs CHAIRMAN

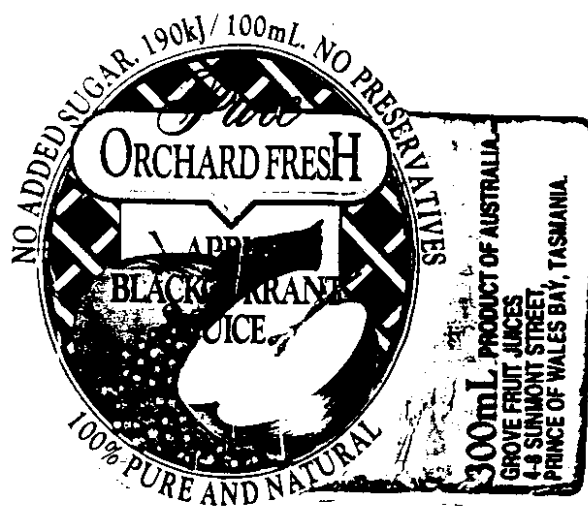
This 10th day of November 1994.

INGREDIENTS: APPLE JUICE FROM
FRESHLY CRUSHED TASMANIAN
APPLES.



300mL PRODUCT OF AUSTRALIA
GROVE FRUIT JUICES
4-8 SUMMIT STREET
PRINCE OF WALES BAY TASMANIA

INGREDIENTS: APPLE JUICE 95% AND
BLACKCURRANT JUICE 5%. FROM
FRESHLY CRUSHED TASMANIAN
APPLES AND BLACKCURRANTS.



mrjuicy® APPLE JUICE
FROM FRESHLY CRUSHED APPLES
NO ADDED SUGAR. 100mL YIELDS 170kJ

MADE IN TASMANIA FROM TASMANIAN APPLES
PRODUCT OF AUSTRALIA

NUTRITIONAL INFORMATION		
SERVINGS PER PACKAGE: 10		SERVING SIZE: 200mL
	PER SERVING (200 mL)	PER 100 mL
ENERGY	340 kJ	170 kJ
PROTEIN	0.2 g	0.1 g
FAT	0.2 g	0.1 g
CARBOHYDRATE:		
- TOTAL	20.2 g	10.1 g
- SUGARS	19.4 g	9.7 g
SODIUM	10.0 mg	5.0 mg
POTASSIUM	160.0 mg	80.0 mg


**REFRIGERATE AT LESS
THAN 4°C AT ALL TIMES**

2 LITRES

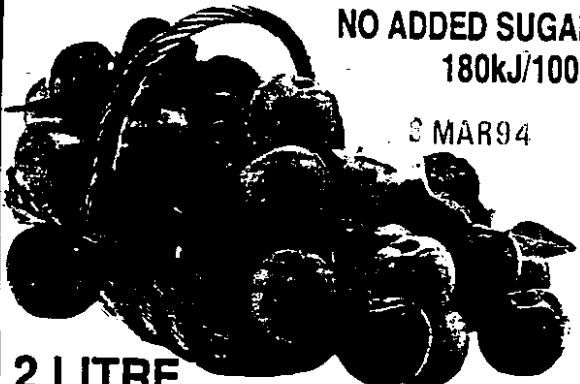
MR JUICY TASMANIA
4-B SUNMONT ST.
PRINCE OF WALES BAY, HOBART, 7009



USE BY: 12 FEB 94 9 300668 009027




GRÖVE
Apple maid
PURE APPLE JUICE
FROM FRESH TASMANIAN APPLES
NO ADDED SUGAR
180kJ/100g



3 MAR94

2 LITRE



NO PRESERVATIVES
CONTENTS: APPLE JUICE,
BEST STORED BELOW 4°C
PRODUCT OF AUSTRALIA
MANUFACTURED BY:
GROVE FRUIT JUICES, 4-8 SUNMONT ST,
PRINCE OF WALES BAY, TASMANIA

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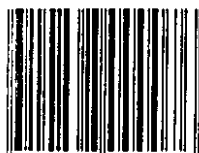
APPLE/BLACKCURRANT JUICE

95% APPLE, 5% BLACKCURRANT

NUTRITION INFORMATION

	SERVING SIZE 200mL	
	PER SERVING 200mL	PER 100mL
ENERGY	340kJ (82 cal)	170kJ (41 cal)
PROTEIN	1.2 g	0.6 g
FAV	LESS THAN 1 g	LESS THAN 1 g
CARBOHYDRATE	23 g	11.5 g
SUGARS	22 g	11 g
SODIUM	6 mg	3 mg
POTASSIUM	200 mg	100 mg

NOTE: COLOUR OF PRODUCT FLUCTUATES FROM TIME TO TIME DUE TO DIFFERENT VARIETIES OF APPLES USED.



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**REFRIGERATE
AFTER OPENING**

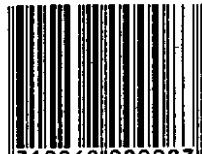
INGREDIENTS: APPLE JUICE FROM
FRESHLY CRUSHED APPLES AND
BLACKCURRANT JUICE FROM
CONCENTRATE.
GROVE FRUIT JUICES
210 COLLINS ST., HOBART, TASMANIA
PHONE 343411

USE BY 30 MAY 94 2 LITRES

ORCHARD FRESH PINE/APPLE ORANGE JUICE

NUTRITION INFORMATION

	SERVING SIZE 200 mL	
	PER SERVING 200 mL	PER 100 mL
ENERGY	390 kJ (92 cal)	190 kJ (46 cal)
PROTEIN	LESS THAN 1 g	LESS THAN 1 g
FAT	LESS THAN 1 g	LESS THAN 1 g
CARBOHYDRATE	23.0 g	11.5 g
SUGARS	21.8 g	10.9 g
SODIUM	6 mg	3 mg
POTASSIUM	200 mg	100 mg



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**REFRIGERATE
AFTER OPENING**

INGREDIENTS: FRESH APPLE JUICE,
PINEAPPLE AND ORANGE JUICES
FROM CONCENTRATE. VITAMIN C (300).
GROVE FRUIT JUICES, 4-6 SUAMONT ST.,
PRINCE OF WALES BAY, TASMANIA.
PHONE (002) 73 2033
PRODUCT OF AUSTRALIA

USE BY 26 MAY 94 2 LITRES

APPLE/GUAVA JUICE

95% APPLE, 5% GUAVA

NUTRITION INFORMATION

	SERVING SIZE 200mL	
	PER SERVING 200mL	PER 100mL
ENERGY	380kJ (92 cal)	190kJ (46 cal)
PROTEIN	LESS THAN 1g	LESS THAN 1g
FAT	LESS THAN 1g	LESS THAN 1g
CARBOHYDRATE	2.40g	1.20g
SUGARS	2.80g	1.40g
SODIUM	6mg	3mg
POTASSIUM	200mg	100mg

NOTE: COLOUR OF PRODUCT FLUCTUATES FROM TIME TO TIME DUE TO DIFFERENT VARIETIES OF APPLES USED.



9 310868 000106

**REFRIGERATE
AFTER OPENING**

INGREDIENTS: FRESH APPLE JUICE
AND GUAVA JUICE FROM
CONCENTRATE.
GROVE FRUIT JUICES, 4-6 SUNMONT ST.
PRINCE OF WALES BAY, TASMANIA
PHONE (002) 73 2033
PRODUCT OF AUSTRALIA

USE BY 23 SEP 94 2 LITRES