



TRADE PRACTICES COMMISSION

UNDERTAKING TO THE TRADE PRACTICES COMMISSION GIVEN PURSUANT TO SECTION 87B

BY

GAZAL APPAREL PTY LIMITED

**(ACN No 000 058 533 of 3 - 7 McPherson Street, Banksmeadow, in the
State of New South Wales)**

BACKGROUND

Gazal Apparel Pty Limited ("Gazal") is a manufacturer and importer of apparel. It is the second largest importer of apparel in Australia.

Following an investigation by the Trade Practices Commission ("TPC"), Gazal was informed that the TPC considered that "Outsider" brand jeans imported by Gazal from China and distributed for retail sale through Lowes - Manhattan Pty Limited stores ("Lowes") in Australia, misrepresented the place of origin of those goods.

The following words appear on temporary and permanent tags affixed to the back pocket and waist band of "Outsider" brand jeans:

"Aussie Original ... Outsider Jeanswear"

"Outsider ... Born in Sydney Australia ... The Nation's Playground"

The TPC contends that these representations are false and misleading in contravention of sections 52 and 53 (eb) of the *Trade Practices Act 1974*.

Gazal has withdrawn the jeans from distribution and has co-operated with the TPC by offering enforceable undertakings.

UNDERTAKING

Gazal Apparel Pty Limited undertakes for the purposes of section 87B of the *Trade Practices Act 1974*:

1. to take immediate action to ensure that "Outsider" brand jeans displaying the words "Aussie Original" and "Born in Sydney Australia ... The Nation's Playground" are not further distributed for sale unless an overstick label displaying the words "MADE IN CHINA" is prominently affixed to the cardboard product label attached to the pocket of the jeanswear; and
2. to refund to Lowes - Manhattan Pty Limited the sale price of any "Outsider" brand jeans returned to it for refund.

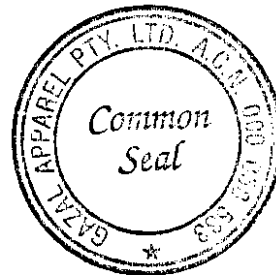
Gazal acknowledges and accepts that this undertaking will be placed on the Commission's public register and agrees that the TPC may otherwise publish and /or refer to this document at its discretion.

Gazal also notes 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

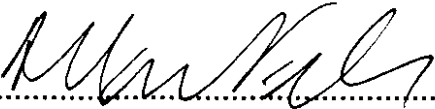
THE COMMON SEAL OF GAZAL APPAREL PTY LIMITED)
(Insert appropriate Sealing Clause as per Articles of Association)

.....
DIRECTOR/S *[Signature]*
[Signature]
SECRETARY



This 21st day of September 1993

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


.....
CHAIRMAN

This *21st* day of *November* 1993