

TRADE PRACTICES ACT 1974

Undertaking to the Australian Competition and Consumer Commission given for the purposes of section 87B

by

National Foods Limited

ACN 004 486 631

Persons giving this undertaking

- 1) This Undertaking is given to the Australian Competition and Consumer Commission (**the ACCC**) by National Foods Limited (ACN 004 486 631) (**National Foods**) of Level 7, 68 York Street, Sydney, NSW 2000 for the purposes of section 87B of the *Trade Practices Act 1974* (**the Act**).

Background

- 2) From at least 2005, National Foods has, in trade or commerce, carried on the business of supplying goods to persons in Australia, including a variety of fruit juice products under brand names including “Berri” and “Daily Juice Company”.

Berri Australian Fresh Juice

- 3) Since at least 2005 until the date of this Undertaking, National Foods has supplied to retail outlets fruit juice products (referred to in this Undertaking as **Australian Fresh Juice**), in cartons displaying the words “Australian Fresh” in large, capitalised and prominent font on the front and sides of the carton. In addition, the cartons displayed:
 - a) the words “No Preservatives” on the front of the carton;
 - b) prominent images of one or more whole, or whole and sliced, pieces of fruit on the front of the carton; and
 - c) instructions to keep the product refrigerated at a temperature below 4 degrees Celsius, being the conditions in which it was also offered for sale to consumers.
- 4) A recent example of this packaging is attached at **Annexure A** to this Undertaking.
- 5) Following a request from the ACCC, National Foods advised the ACCC that in some cases, since at least 2005 until the date of this Undertaking, Australian Fresh Juice included a blend of fruit juice being:
 - a) juice that had been recently squeezed from fruit; and

- b) juice that had been stored in sterile bags (known as aseptic bags) for typically less than 12 months after that juice had been extracted from fruit.
- 6) The ACCC considers that the carton packaging of the Australian Fresh Juice conveyed, or was likely to have conveyed, to one or more classes of consumers that Australian Fresh Juice consisted solely of fresh fruit juice which:
- a) had been recently extracted from fruit; and/or
 - b) did not comprise or include juice that had been extracted and stored, as described in paragraph 5,
- (collectively referred to in this Undertaking as the **Fresh Juice Representations**).
- 7) The ACCC considers that by reason of the matters described in paragraphs 3) to 6), by making each of the Fresh Juice Representations, National Foods has:
- a) engaged in conduct that is misleading or deceptive, or is likely to mislead or deceive, in contravention of section 52 of the Act;
 - b) in connection with the supply or possible supply of goods, or in connection with the promotion of the supply of goods, falsely represented that goods were of a particular composition in contravention of section 53(a) of the Act; and
 - c) engaged in conduct that was liable to mislead the public as to the manufacturing process or characteristics of goods in contravention of section 55 of the Act.

Daily Juice Company Juice

- 8) Since at least 2005 until the date of this Undertaking, National Foods has supplied to retail outlets fruit juice products (referred to in this undertaking as **Daily Juice Company Juice**) under the brand name “Daily Juice Company”, in containers with attached labels displaying the words “Daily Juice Company” in large, capitalised and prominent font on the front and back of the bottle. In addition, the containers displayed:
- a) prominent images of whole and sliced pieces of fruit surrounding an image of a jug containing fruit juice;
 - b) instructions to keep the product refrigerated at a temperature below 4 degrees Celsius, being the conditions in which it was also offered for sale to consumers; and
 - c) a reference to the use of reconstituted juice and imported fruit juices.
- 9) A recent example of this packaging is attached at **Annexure B** to this Undertaking.

- 10) Following a request from the ACCC, National Foods advised the ACCC that, since at least 2005 until the date of this Undertaking, Daily Juice Company Juice frequently included fruit juice that contained a blend of:
 - a) juice that had been recently squeezed from fruit;
 - b) juice that had been reconstituted from frozen concentrated juice; and
 - c) juice that had been stored in sterile or aseptic bags for typically less than 12 months after that juice had been extracted from fruit.

- 11) The ACCC considers that by means of the labelling of Daily Juice Company Juice, National Foods conveyed, or was likely to have conveyed, to one or more classes of consumers that:
 - a) the Daily Juice Company was in the business of extracting juice from fruit daily; and/or
 - b) Daily Juice Company Juice did not comprise or include juice that had been extracted and stored, as described in paragraph 10,

(collectively referred to in this Undertaking as the **Daily Juice Company Representations**).

- 12) The ACCC considers that by making each of the Daily Juice Representations, National Foods has:
 - a) engaged in conduct that is misleading or deceptive or is likely to mislead or deceive in contravention of section 52 of the Act;
 - b) in connection with the supply or possible supply of goods or in connection with the promotion of the supply of goods falsely represented that goods were of a particular composition in contravention of section 53(a) of the Act; and
 - c) engaged in conduct that was liable to mislead the public as to the manufacturing process or characteristics of goods in contravention of section 55 of the Act.

- 13) In response to the ACCC's investigation, National Foods has:
 - a) acknowledged that the conduct is likely to have contravened sections 52 and 53(a) of the Act in relation to the Australian Fresh Representations;
 - b) acknowledged the ACCC's concerns in relation to the Daily Juice Company Representations;
 - c) agreed to amend the packaging of Australia Fresh Juice and Daily Juice Company Juice products to address the ACCC's concerns; and
 - d) offered this Undertaking to the ACCC.

- 14) The ACCC acknowledges that the National Foods has cooperated with the ACCC to address its concerns.

Commencement of undertaking

- 15) This undertaking comes into effect when:
- a) the undertaking is executed by National Foods; and
 - b) the ACCC accepts the undertaking so executed.
- 16) Upon the commencement of this undertaking, National Foods undertakes to assume the obligations set out in paragraphs 17 to 18 below.

Undertakings

- 17) National Foods undertakes that, by no later than 14 March 2011, it will:
- a) cease supplying to distributors or direct customers, or promoting (other than the products being offered for sale), juice under the brand name “Berri Australia Fresh” where the product contains aseptically stored juice;
 - b) commence supplying to distributors or direct customers juice currently supplied under the brand name “Berri Australia Fresh” under the brand name “Berri Australian Grown”, in a form similar to **Annexure C**; and
 - c) cease supplying to distributors or direct customers, or promoting (other than the products being offered for sale), juice under the brand name “Daily Juice Company” where the product contains aseptically stored juice unless:
 - i. the packaging of its 1 litre, 2 litre, 3 litre and 4 litre products specifies, at least as prominently as in the example packaging “Daily Juice Company” at **Annexure D** to this Undertaking, that the juice is made up of a fresh, reconstituted and from time to time, cold-stored juice; or
 - ii. the packaging of products under 600 ml (including 300 ml and 500 ml products) specifies, at least as prominently as in the example packaging “Daily Juice Company” at **Annexure E** to this Undertaking, that the juice contains fresh, reconstituted and from time to time, cold-stored juice; and
 - d) provide, within 1 month of the commencement of this Undertaking, a copy of its Trade Practices Compliance Program.

Interim Measures

- 18) National Foods undertakes that it will:
- a) publish, within 14 days of the date of commencement of this Undertaking on the following websites:

- www.australianfreshjuice.com.au
- www.dailyjuice.com.au
- www.natfoods.com.au

a prominent link headed 'Corrective Notice' which, when clicked on, will display the Corrective Notice and maintain that link until 14 March 2011. The Corrective Notice will remain open on the user's browser until he or she closes the link; and

- b) publish, at its own expense, on 26 December 2010, at a size not less than approximately 15 cm high by 2 columns wide and within the first 21 pages or, if that is unavailable, the best possible position made available by the publisher within the following publications:
 - i. The Sun Herald Sun – Melbourne
 - ii. The Sunday Telegraph – Sydney
 - iii. The Sunday Mail – Brisbane
 - iv. The Sunday Mail – Adelaide
 - v. The Sunday Times – Perth
 - vi. The Sunday Tasmanian – Hobart
 - vii. The Sunday Territorian – Darwin
 - viii. The Canberra Times (Sunday edition) – Canberra

(Corrective Notice)(Annexure F).

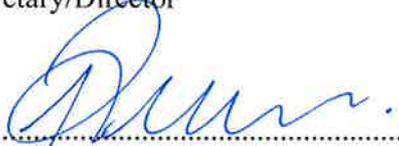
Acknowledgments

19) National Foods acknowledges that:

- a) the ACCC will make this Undertaking publicly available including by publishing it on the ACCC's public register of s. 87B undertakings on its website;
- b) the ACCC will, from time to time, make public reference to this Undertaking including in news media statements and in ACCC publications; and
- c) this Undertaking in no way derogates from the rights and remedies available to any other person arising from the alleged conduct.

EXECUTED BY NATIONAL FOODS LIMITED (ACN 004 486 631) in accordance with section 127(1) of the *Corporations Act 2001* (Cth):


.....
Secretary/Director


.....
Director

This 22 day of DEC 2010

OR

The Common Seal of National Foods Limited ACN 004 486 631 was affixed in the presence of:

.....
Secretary/Director

.....
Director

This.....day of.....2010

ACCEPTED BY THE AUSTRALIAN COMPETITION AND CONSUMER COMMISSION PURSUANT TO SECTION 87B OF THE *TRADE PRACTICES ACT 1974*.


.....

Graeme Julian Samuel
Chairman

This 22nd day of December 2010

Annexure A

SINCE
BERRI
1943

**AUSTRALIAN
- FRESH -**

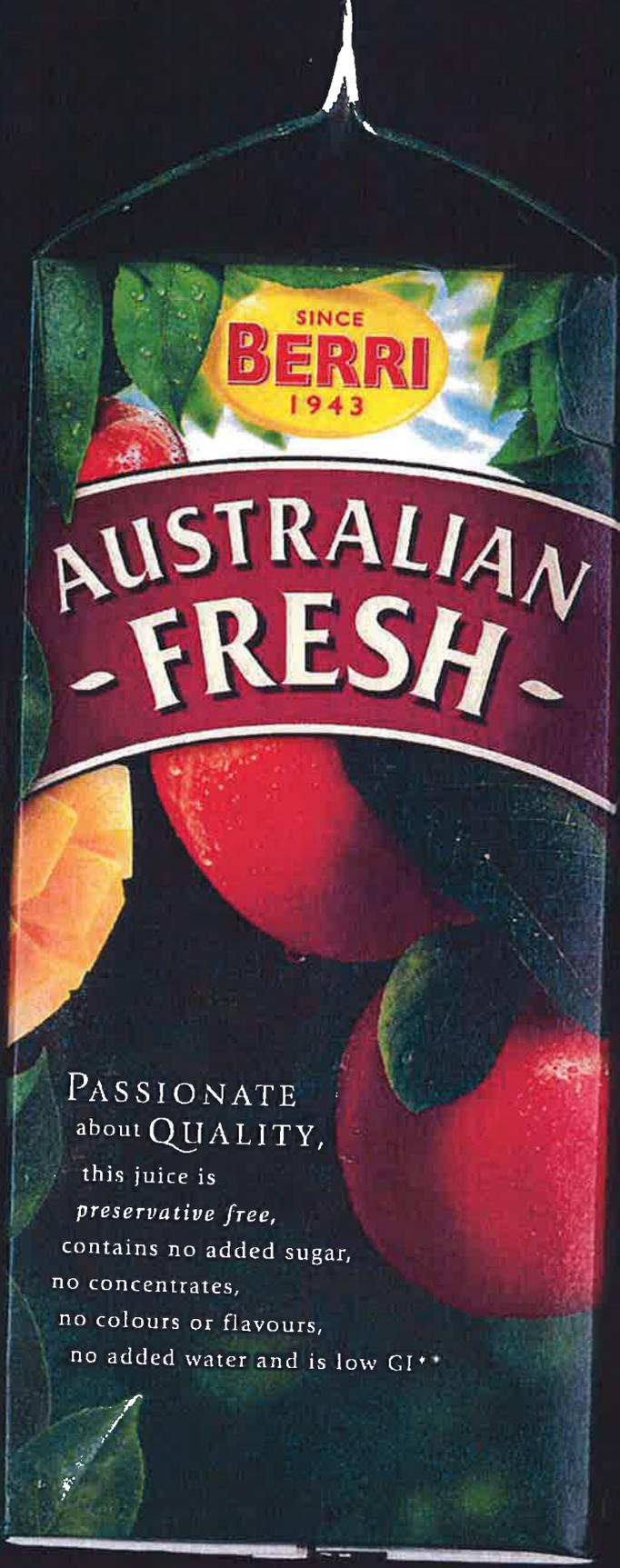
**APPLE &
MANGO
JUICE**

NO PRESERVATIVES

PER 200mL SERVE

Energy 442kJ 5%	Fat <1g <1%	Sat Fat 0g 0%	Carbs 23.0g 26%	Sodium 8mg 0.3%	Vitamin D 40mg 100%
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NO ADDED SUGAR
2 LITRES



SINCE
BERRI
1943

**AUSTRALIAN
- FRESH -**

PASSIONATE
about QUALITY,
this juice is
preservative free,
contains no added sugar,
no concentrates,
no colours or flavours,
no added water and is low GI**

By searching the
finest fruit growing regions
 across AUSTRALIA, this
real fruit juice blend of
 apple and mango brings
 you the *best nature*
has to offer.

INGREDIENTS: Apple Juice (85%), Mango
 Puree (14.9%), Vitamin C.

NUTRITION INFORMATION

SERVINGS PER PACK: 10 / SERVING SIZE: 200mL

CONTENT	AVE QUANTITY PER SERVING	% DAILY INTAKE* PER SERVING	AVE QUANTITY PER 100mL
Energy	442kJ	5%	221kJ
Protein	<1g	<1%	<1g
Fat, Total	<1g	<1%	<1g
- Saturated	0g	0%	0g
Carbohydrate	24.0g	8%	12.0g
- Sugars	23.0g	26%	11.5g
Dietary Fibre	0.6g	2%	0.3g
Sodium	8mg	0.3%	4mg
Vitamin C	40mg	100% RDI#	20mg

RDI - Recommended Dietary Intake.

* Percentage Daily Intakes are based on an average adult diet of 8700kJ. Your daily intakes may be higher or lower depending on your energy needs.

** This juice has a low Glycemic Index. Low GI foods as part of a balanced diet can help provide sustained energy.

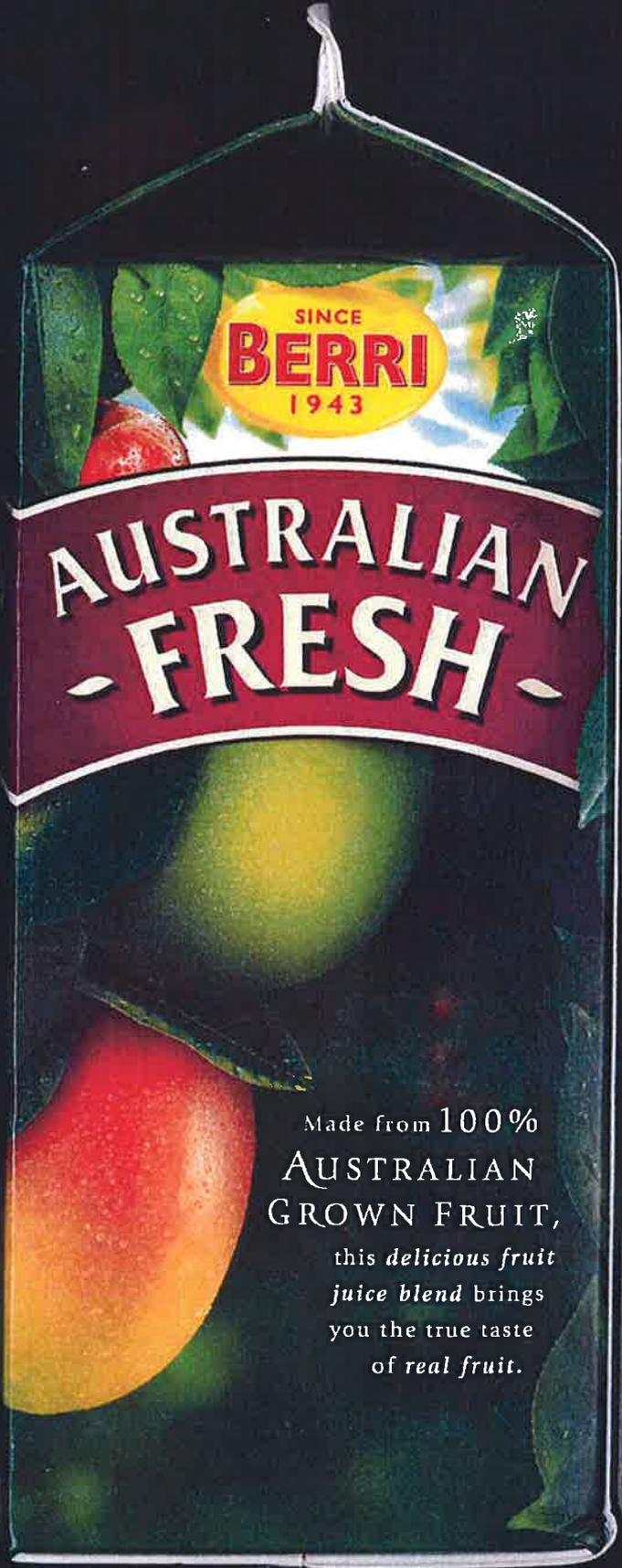


KEEP REFRIGERATED BELOW 4°C
 SHAKE WELL AND DRINK WITHIN
 5-7 DAYS AFTER OPENING

BERRI LIMITED
 737 BOURKE STREET
 DOCKLANDS VIC 3008 AUSTRALIA

CONSUMER ENQUIRIES PHONE
 1800 131 133 (FREECALL)
 AUST. ONLY

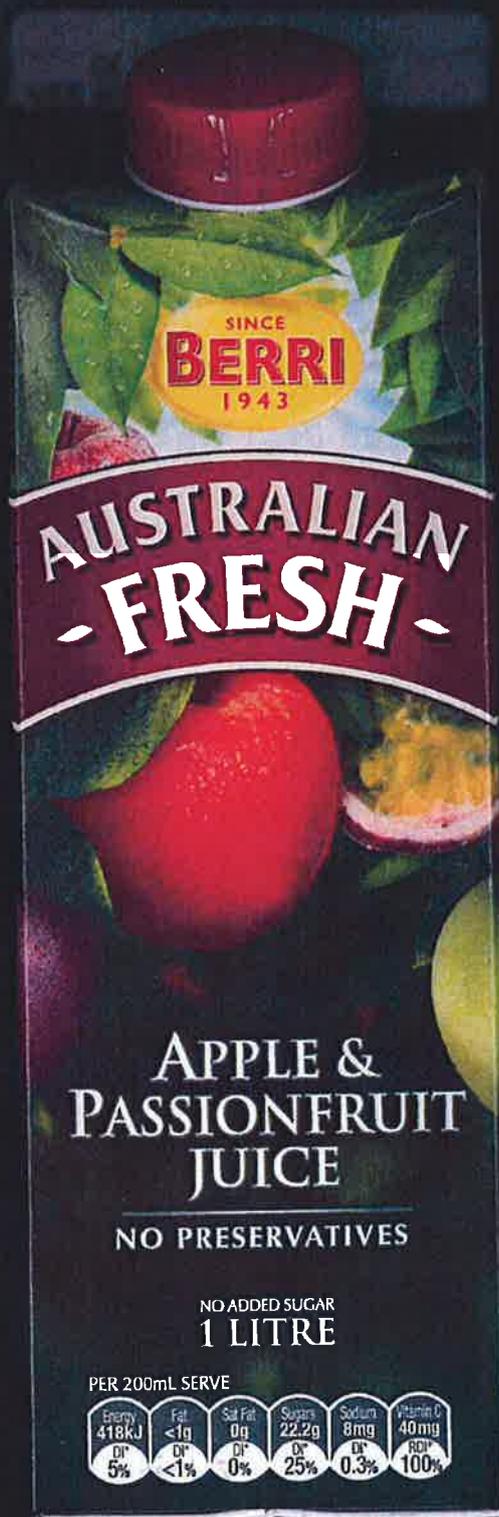
www.ausfreshjuice.com.au
 PRODUCT OF AUSTRALIA



SINCE
BERRI
1943

**AUSTRALIAN
- FRESH -**

Made from 100%
**AUSTRALIAN
GROWN FRUIT,**
*this delicious fruit
juice blend brings
you the true taste
of real fruit.*



SINCE
BERRI
1943

**AUSTRALIAN
- FRESH -**

**APPLE &
PASSIONFRUIT
JUICE**

NO PRESERVATIVES

**NO ADDED SUGAR
1 LITRE**

PER 200mL SERVE

Energy 418kJ DI* 5%	Fat <1g DI* <1%	Sat Fat 0g DI* 0%	Sugars 22.2g DI* 25%	Sodium 8mg DI* 0.3%	Vitamin C 40mg RDI* 100%
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Made from 100%
AUSTRALIAN
GROWN FRUIT,
*this delicious fruit
juice blend brings
you the true taste
of real fruit.*

PASSIONFRUIT
JUICE

By searching the
finest fruit growing regions
across AUSTRALIA, this
real fruit juice blend of
apple and passionfruit
brings you the best nature
has to offer.

INGREDIENTS: Apple (95.4%) & Passionfruit (4.5%)
Juices, Vitamin C.

NUTRITION INFORMATION

SERVINGS PER PACK: 5 / SERVING SIZE: 200mL

CONTENT	AVE QUANTITY PER SERVING	% DAILY INTAKE* PER SERVING	AVE QUANTITY PER 100mL
Energy	418kJ	5%	209kJ
Protein	<1g	<1%	<1g
Fat, Total	<1g	<1%	<1g
- Saturated	0g	0%	0g
Carbohydrate	23.0g	7%	11.5g
- Sugars	22.2g	25%	11.1g
Dietary Fibre	1.4g	5%	0.7g
Sodium	8mg	0.3%	4mg
Vitamin C	40mg	100% RDI [#]	20mg

[#] RDI - Recommended Dietary Intake.

* Percentage Daily Intakes are based on an average adult diet of 8700kJ. Your daily intakes may be higher or lower depending on your energy needs.

** This juice has a low Glycemic Index. Low GI foods as part of a balanced diet can help provide sustained energy.



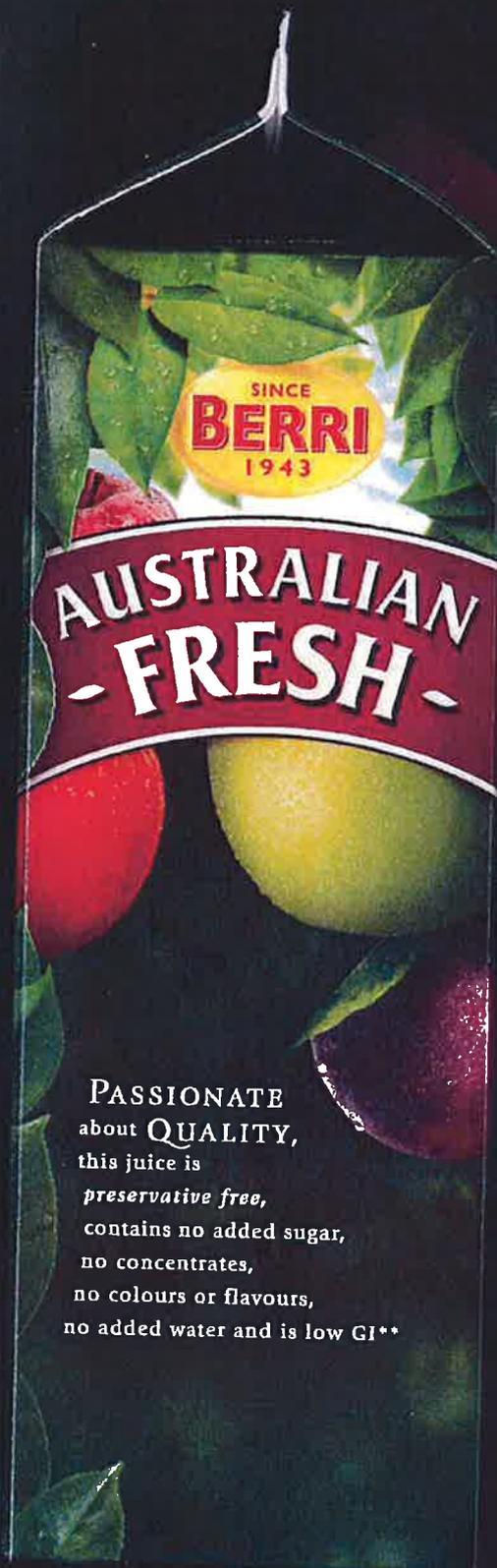
KEEP REFRIGERATED
BELOW 4°C. SHAKE WELL
AND DRINK WITHIN 5-7
DAYS AFTER OPENING.

BERRI LIMITED
737 BOURKE STREET
DOCKLANDS VIC 3008
AUSTRALIA

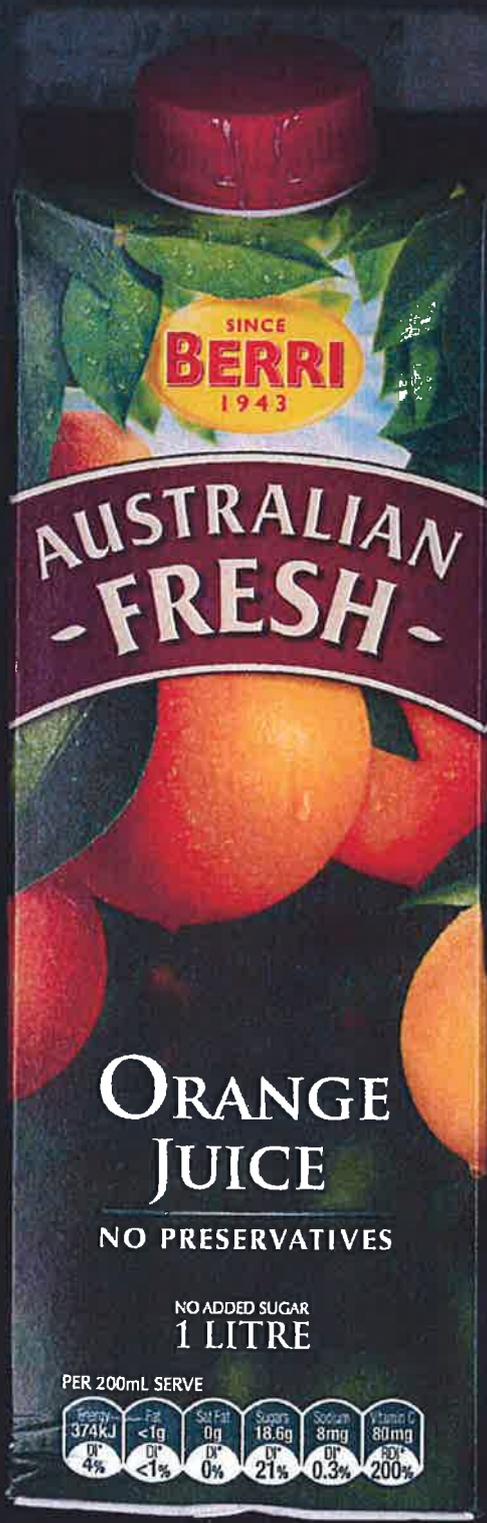
CONSUMER ENQUIRIES
PHONE: 1800 131 133
(FREECALL) AUST. ONLY

www.ausfreshjuice.com.au

PRODUCT OF AUSTRALIA



PASSIONATE
about **QUALITY**,
this juice is
preservative free,
contains no added sugar,
no concentrates,
no colours or flavours,
no added water and is low GI**



SINCE
BERRI
1943

**AUSTRALIAN
- FRESH -**

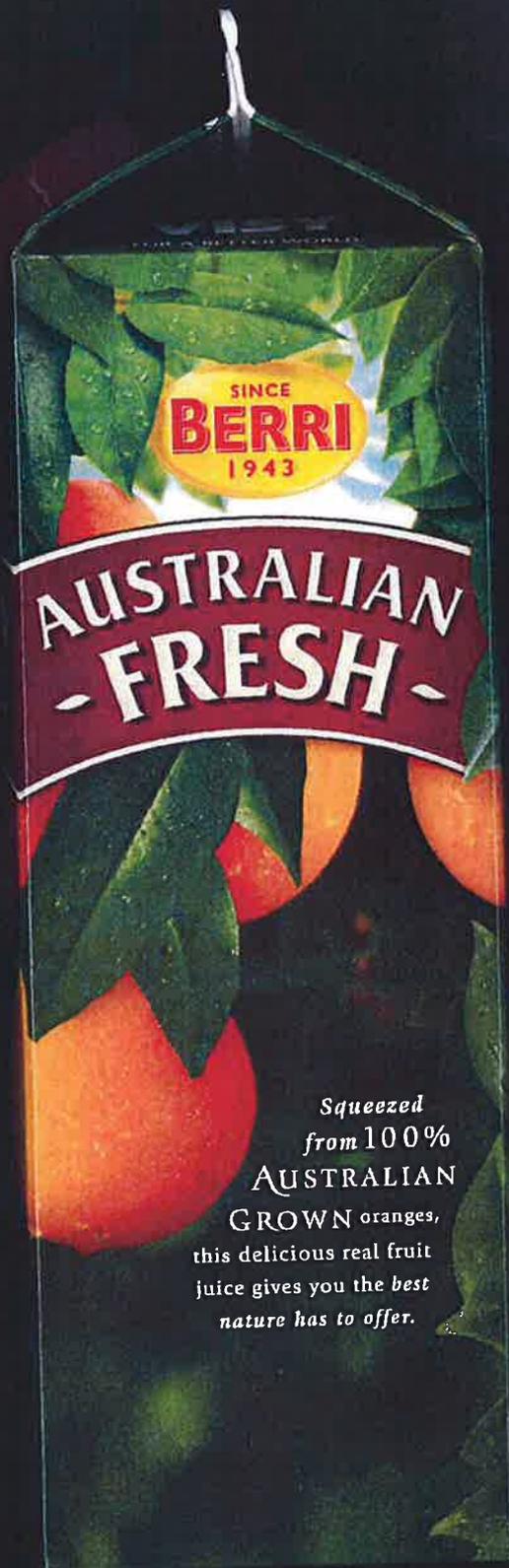
**ORANGE
JUICE**

NO PRESERVATIVES

NO ADDED SUGAR
1 LITRE

PER 200mL SERVE

Energy 374kJ DI* 4%	Fat <1g DI* <1%	Sat Fat 0g DI* 0%	Sugars 18.6g DI* 21%	Sodium 8mg DI* 0.3%	Vitamin C 80mg RDI* 200%
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SINCE
BERRI
1943

**AUSTRALIAN
- FRESH -**

*Squeezed
from 100%
AUSTRALIAN
GROWN oranges,
this delicious real fruit
juice gives you the best
nature has to offer.*

ORANGE JUICE

*As fruit changes
with the seasons, so do
the varieties of oranges
squeezed, bringing you a
TRUE TASTING JUICE
all year round.*

INGREDIENTS: Orange Juice (99.9%), Vitamin C.

NUTRITION INFORMATION

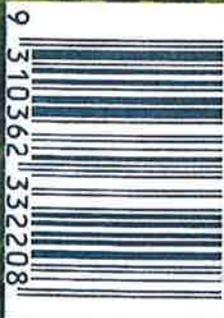
SERVINGS PER PACK: 5 / SERVING SIZE: 200mL

CONTENT	AVE QUANTITY PER SERVING	% DAILY INTAKE* PER SERVING	AVE QUANTITY PER 100mL
Energy	374J	4%	187J
Protein	1.2g	2%	0.6g
Fat, Total	<1g	<1%	<1g
- Saturated	0g	0%	0g
Carbohydrate	20.0g	6%	10.0g
- Sugars	18.6g	21%	9.3g
Dietary Fibre	0.4g	1%	0.2g
Sodium	8mg	0.3%	4mg
Vitamin C	80mg	200% RDI [#]	40mg

RDI - Recommended Dietary Intake.

* Percentage Daily Intakes are based on an average adult diet of 8700kJ. Your daily intakes may be higher or lower depending on your energy needs.

** This juice has a low Glycemic Index. Low GI foods as part of a balanced diet can help provide sustained energy.



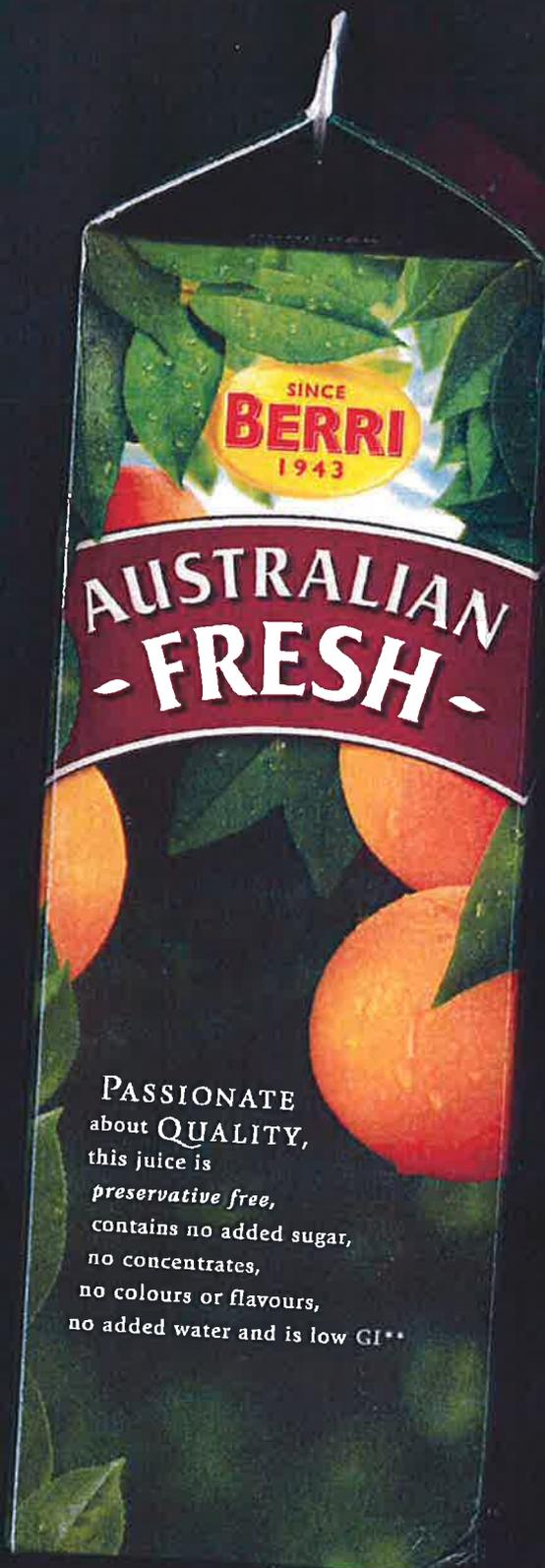
KEEP REFRIGERATED
BELOW 4°C. SHAKE WELL
AND DRINK WITHIN 5-7
DAYS AFTER OPENING.

BERRI LIMITED
737 BOURKE STREET
DOCKLANDS VIC 3008
AUSTRALIA

CONSUMER ENQUIRIES
PHONE: 1800 131 133
(FREECALL) AUST. ONLY

www.ausfreshjuice.com.au

PRODUCT OF AUSTRALIA



SINCE
BERRI
1943

**AUSTRALIAN
- FRESH -**

PASSIONATE
about **QUALITY**,
this juice is
preservative free,
contains no added sugar,
no concentrates,
no colours or flavours,
no added water and is low GI**

Annexure B



USE BY 15 NOV 10 (S) 11:38 (2)

The main label features a vibrant illustration of a glass pitcher filled with orange juice, surrounded by fresh orange slices and whole oranges. The background shows a sunny outdoor scene with trees and a blue sky. The text 'DAILY JUICE COMPANY' is prominently displayed in a stylized font, with 'ORANGE JUICE' below it. At the bottom, it states '2 LITRES NO ADDED SUGAR'. A small table provides nutritional information per 200ml serve.

DAILY JUICE
COMPANY

ORANGE
JUICE

2 LITRES NO ADDED SUGAR

Per 200ml serve	
Energy	Vitamin C
340 kJ	40 mg
8%	RDI*
4%	100%

821-15882-703938

DAILY JUICE COMPANY
ORANGE JUICE

AT THE DAILY JUICE COMPANY, WE'RE DEDICATED TO MAKING SURE THAT EVERY BOTTLE OF JUICE BRINGS YOU THAT CLASSIC, FRESH TASTE YOU KNOW AND LOVE. SO PLEASE ENJOY!

NO ADDED SUGAR • RICH IN VITAMIN C

INGREDIENTS: ORANGE JUICE & RECONSTITUTED ORANGE JUICE (99.5%), PRESERVATIVE (K202), VITAMIN C, NATURAL FLAVOURS.

NUTRITION INFORMATION (AVERAGE)

SERVINGS PER PACK: 10 SERVING SIZE: 200mL

CONTENT	PER SERVING	% D* PER SERVING	PER 100mL
ENERGY	345kJ	8%	170kJ
PROTEIN	1.2g	2%	0.6g
FAT TOTAL	LESS THAN 1g	LESS THAN 1%	LESS THAN 0.5g
- SATURATED	0g	0%	0g
CARBOHYDRATE	18.2g	6%	9.1g
- SUGARS	17.2g	19%	8.6g
DIETARY FIBRE	0.1g	1%	0.05g
SODIUM	74mg	0.7%	3.7mg
VITAMIN C	40mg	100% RDI†	20mg

*PERCENTAGE DAILY VALUES ARE BASED ON THE FOLLOWING: ENERGY 4200kJ, PROTEIN 60g, FAT 65g, CARBOHYDRATE 130g, SUGARS 100g, DIETARY FIBRE 10g, SODIUM 1000mg, VITAMIN C 100mg. †RDI = RECOMMENDED DAILY INTAKE.

DAILY JUICE COMPANY
73V BOJUNE STREET,
ECKHARTS, VIC 3202, AUSTRALIA
CONSUMER ENQUIRIES
PHONE 1300 877 633 (FREECALL)
AUSTRALIA ONLY www.dailyjuice.com.au
MADE IN AUSTRALIA FROM
AUSTRALIAN & IMPORTED
FRUIT JUICES

KEEP REFRIGERATED BELOW 4°C
CONSUME WITHIN 5-7 DAYS
AFTER OPENING

2 LITRES

PLEASE RECYCLE

B27-15357

703534





USE BY 22 NOV 10 (S) 16:45 (2)

DAILY JUICE COMPANY

ORANGE & MANGO JUICE

2 LITRES RICH IN VITAMIN C

Per 200mL serve

Energy	Vitamin C
394kJ	40 mg
5%	100%

821-13602 702655

DAILY JUICE COMPANY
ORANGE & MANGO JUICE

AT THE DAILY JUICE COMPANY, WE'RE DEDICATED TO MAKING SURE THAT EVERY BOTTLE OF JUICE BRINGS YOU THAT CLASSIC, FRESH TASTE YOU KNOW AND LOVE. SO PLEASE ENJOY!

RICH IN VITAMIN C

INGREDIENTS: ORANGE JUICE & RECONSTITUTED ORANGE JUICE (80.6%), RECONSTITUTED MANGO JUICE (5%), SUGAR, FLAVOUR, PRESERVATIVE (200), VITAMIN C.

NUTRITION INFORMATION (AVERAGE)

SERVINGS PER PACK: 10 SERVING SIZE: 200mL

CONTENT	PER SERVING	% D* PER SERVING	PER 100mL
ENERGY	240kJ	5%	120kJ
PROTEIN	1.2g	2%	0.6g
FAT TOTAL	LESS THAN 1g	LESS THAN 1%	LESS THAN 1g
- SATURATED	0g	0%	0g
CARBOHYDRATE	21.2g	7%	10.6g
- SUGARS	20.5g	22%	10.3g
SODIUM	10mg	2%	5mg
VITAMIN C	40mg	100% RDI†	20mg

*PERCENTAGE DAILY VALUES ARE BASED ON AN AVERAGE ADULT DIET OF 2000 KJ. YOUR DAILY INTAKE MAY BE HIGHER OR LOWER DEPENDING ON YOUR OWN NEEDS. †RECOMMENDED DAILY INTAKE.

DAILY JUICE COMPANY
 737 BOLTON STREET, DOCKLANDS,
 VIC 3008, AUSTRALIA
 CONSUMER ENQUIRIES
 PHONE 1800 677 852 (FREECALL
 Aust. Only www.dailyjuice.com.au
 MADE IN AUSTRALIA FROM
 AUSTRALIAN & IMPORTED
 FRUIT JUICES

KEEP REFRIGERATED BELOW 4°C
 CONSUME WITHIN 5-7 DAYS AFTER
 OPENING

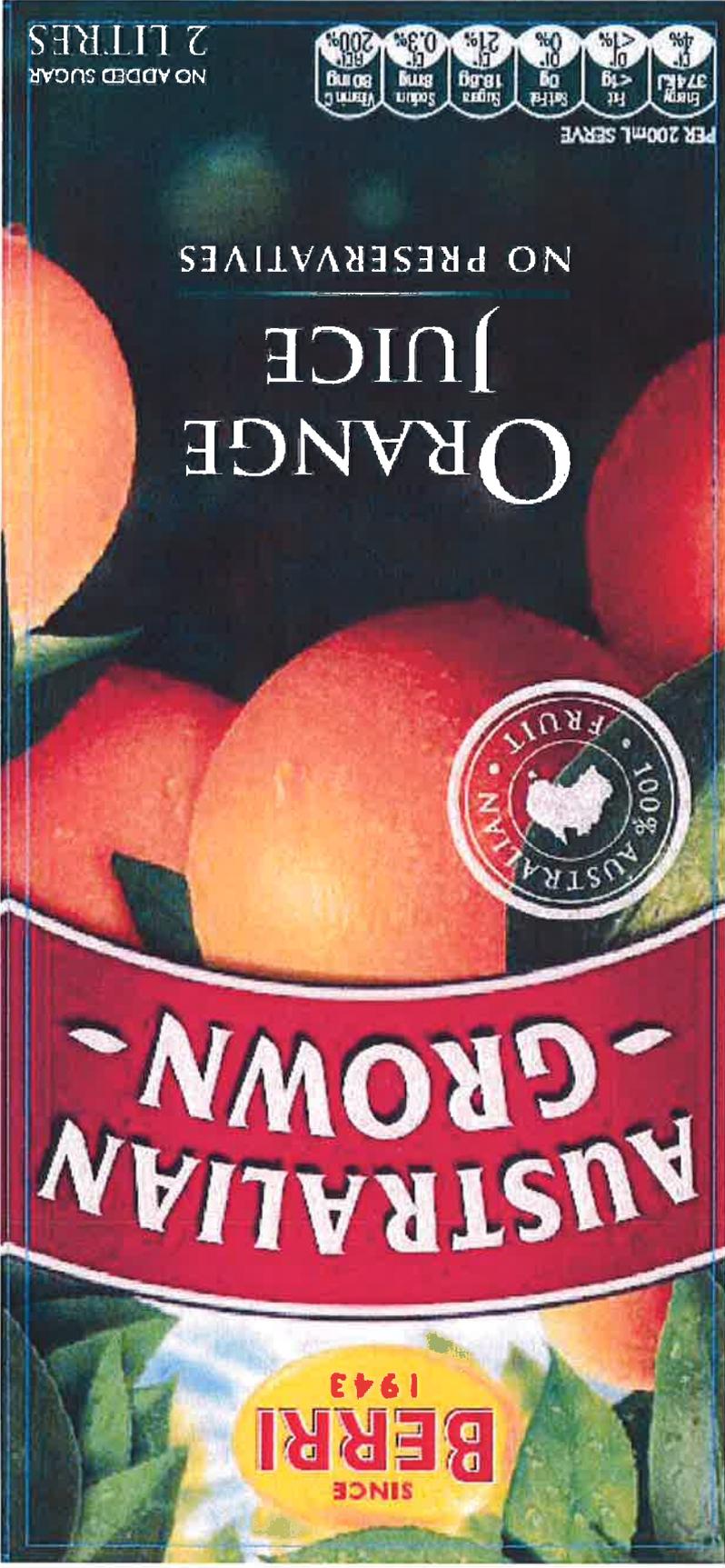
2 LITRES

PLEASE RECYCLE

921-LS141 702604



Annexure C



NO ADDED SUGAR
2 LITRES

Energy	374 kJ	9%
Total Fat	<1g	<1%
Sodium	0g	0%
Sugars	18.0g	21%
Sodium Citrate	80 mg	0.3%
Vitamin C	80 mg	200%

PER 200ml SERVE

NO PRESERVATIVES

ORANGE JUICE



AUSTRALIAN GROWN

BERRI
SINCE 1943

Annexure D



ORANGE JUICE

AT THE DAILY JUICE COMPANY, WE'RE DEDICATED TO GIVING YOU THE SAME GREAT TASTE ALL YEAR ROUND, REGARDLESS OF THE SEASON. TO DO THIS WE BLEND TOGETHER FRESH, RECONSTITUTED, AND FROM TIME TO TIME COLD-STORED JUICE TO GIVE YOU THE DELICIOUS TASTE YOU KNOW AND LOVE.

INGREDIENTS: ORANGE JUICE* & RECONSTITUTED ORANGE JUICE (9.94% PRESERVATIVE 2302, VITAMIN C, NATURAL FLAVOURS).
 *CONTAINS FRESH JUICE OR A BLEND OF FRESH JUICE & COLD-STORED JUICE DEPENDING ON FRUIT AVAILABILITY.
 SEE www.dailyjuice.com.au FOR MORE INFORMATION.

NUTRITION INFORMATION (AVERAGE)
 SERVINGS PER PACK: 10 SERVING SIZE: 200mL

CONTENT	PER SERVING	% DI* PER SERVING	PER 100mL
ENERGY	340kJ	4%	170kJ
PROTEIN	1.2g	2%	0.6g
FAT TOTAL	LESS THAN 1g	LESS THAN 1%	LESS THAN 1g
- SATURATED	0g	0%	0g
CARBOHYDRATE	18.2g	8%	9.1g
- SUGARS	17.2g	10%	8.6g
DIEBARY FIBRE	LESS THAN 1g	LESS THAN 1%	LESS THAN 1g
SODIUM	19mg	0.7%	9mg
VITAMIN C	40mg	100% RDI†	20mg

*PERCENTAGE DAILY INTAKES ARE BASED ON AN AVERAGE ADULT DIET OF 2000kJ. YOUR DAILY INTAKES MAY BE HIGHER OR LOWER DEPENDING ON YOUR ENERGY NEEDS. †RECOMMENDED DAILY INTAKE.

DAILY JUICE COMPANY
 737 BURKE STREET, DOCKLANDS
 VIC 3008, AUSTRALIA

CONSUMER ENQUIRIES
 PHONE: 1800 977 952 (FREECALL)

MADE IN AUSTRALIA FROM AUSTRALIAN & IMPORTED FRUIT JUICE.

KEEP REFRIGERATED BELOW 4°C.
 CONSUMER 5-7 DAYS AFTER OPENING.

2 LITRES

 PLEASE RECYCLE

821-45/071 102625



9 510113 614447

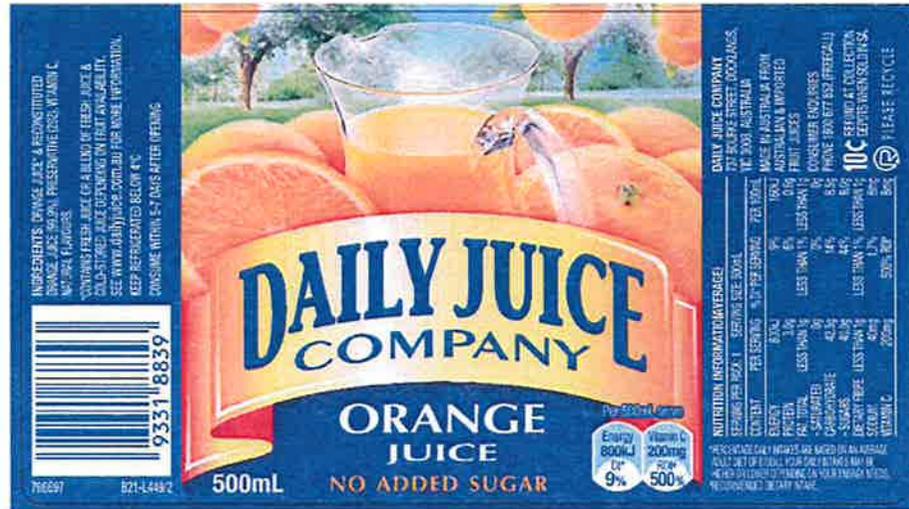


Annexure E



300mL





500mL



Annexure F

A corrective notice from National Foods - makers of Berri Australian Fresh and Daily Juice Company

The Australian Competition and Consumer Commission has raised concerns about National Foods' packaging of juice.

The ACCC considered that the Berri Australian Fresh packaging suggested to consumers that it only contained juice that was recently squeezed when in fact the products within this range may contain either fresh juice or a blend of fresh juice and aseptically stored juice. Aseptically stored juice is juice that has been stored in sterile bags, typically for less than 12 months, after the juice has been extracted.

National Foods accepts that the Berri Australian Fresh packaging is likely to have misled some consumers and contravened the *Trade Practices Act 1974*. It has agreed to change the brand name of Australian Fresh juice to ensure no consumers are misled in the future.

As soon as new packaging is available in March 2011, "Berri Australian Fresh" will become "Berri Australian Grown".

In response to the ACCC's concerns National Foods has also agreed to amend its Daily Juice Company packaging to make it clear that the products within this range contain a blend of fresh and reconstituted juice and sometimes juice that has been aseptically stored.

If you would like to know more about the use of aseptically stored juice in our products, please visit our website www.natfoods.com.au or contact us toll-free on 1800-677-852.

This Corrective Notice has been paid for by National Foods Limited and placed pursuant to an Undertaking provided to the ACCC.



**Australian
Competition &
Consumer
Commission**