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Vaughan, Sharyn

From: Black, Jane
Sent: Tuesday, 13 March 2018 10:54 AM
To: Anderson, Michael; ACCC media
Cc: McDonald, Melinda; Mayall, Deb; Godfrey, Emma; Vaughan, Sharyn
Subject: Draft media release re Birubi (Indigenous art matter at Commission 14 March 2018)
[SEC=UNCLASSIFIED]
Attachments: DORIS - D18-33210 Enf - Admin Other - Birubi DRAFT Media release.DOCX; DORIS - D18-33210 Enf - Admin Other - Birubi DRAFT Media release.tr5

Security Classification: UNCLASSIFIED

Hello media team,

The Commission will be asked to make a decision this Wednesday (14 March 2018) re whether to institute proceeding or not against Birubi Art Pty Ltd (Birubi).

The team working on the Birubi matter have drafted the attached media release should the Commission supporting the recommendation to institute proceedings.

The concise statement is still being finalised, we hope to have this completed this week and circulated to Commissioners before the meeting or after the Commission meeting (and before filing).

Ideally the media release would be finalised **this Friday**. Can you please advise if this timeline is possible for the media team and what else you need from us.

General Manager Melinda McDonald has approved the text of this media release in its current form.

I will be not available Wednesday from lunchtime and all day Thursday, so please direct questions to Sharyn Vaughan during this time.

Kind regards,

Jane Black

Senior Investigator | Queensland and Northern Territory | Enforcement
Australian Competition & Consumer Commission
Level 8 | 9-11 Cavenagh Street Darwin NT 0800
T: + 61 8 8946 9612
www.accc.gov.au

The ACCC acknowledges the traditional owners and custodians of Country throughout Australia and recognises their continuing connection to the land, sea and community. We pay our respects to them and their cultures; and to their Elders past, present and future.



MEDIA RELEASE

XX March 2018

ACCC takes action against Birubi for alleged misleading Indigenous art claims

The ACCC has instituted proceedings in the Federal Court against Birubi Art Pty Ltd (Birubi), a national wholesaler of Aboriginal art products and Australiana souvenirs. The ACCC alleges Birubi breached the Australian Consumer Law (ACL) by misrepresenting the country of origin, and the nature and history of some of its products.

The ACCC alleges that, between July 2014 and November 2017, Birubi made claims on certain products that they were made in Australia, and that an Aboriginal person had hand painted or made the product.

However, these products were made in Indonesia. The products include Aboriginal cultural objects such as boomerangs, bullroarers, and didgeridoos. The products displayed a combination of words and artwork that gave rise to the allegations, including 'hand painted' 'handcrafted' 'Aboriginal Art' and 'Australia'.

"The alleged conduct is of serious concern, as it not only harms consumers who may be misled, but it also has the potential to undermine the integrity of Aboriginal art, and negatively impact Indigenous artists and their artwork" ACCC **Chairman Rod Sims** said.

"We allege that over 18,000 of these products were sold to shops in key tourist spots throughout Australia. In the lead up to the Commonwealth Games in Australia next month, it's particularly important to ensure products purporting to be Indigenous cultural objects or art are authentic." ACCC **Chairman Rod Sims** said.

The ACCC is seeking declarations, pecuniary penalties, injunctions, corrective notices, compliance program orders, and costs.

These proceedings form part of the ACCC's work addressing conduct impacting Indigenous Australians, which is an enduring priority for the ACCC.

Media enquiries: 1300 138 917

Email: media@accc.gov.au

accc.gov.au/media



MEDIA RELEASE

22 March 2018

ACTION OVER ALLEGED MISLEADING INDIGENOUS ART CLAIMS

The ACCC has taken Federal Court action against Aboriginal art products and Australian souvenirs wholesaler Birubi Art Pty Ltd (Birubi), alleging it made misleading Indigenous art claims.

The ACCC alleges that between July 2014 and November 2017, Birubi contravened the Australian Consumer Law by making false or misleading representations that some of its products were made in Australia and/or that Aboriginal people had made or hand painted them, when in fact they were made in Indonesia.

The products include Aboriginal cultural objects such as boomerangs, bullroarers, and didgeridoos. The products displayed a combination of words and artwork including 'hand painted', 'handcrafted', 'Aboriginal Art', and 'Australia'.

"We allege that Birubi's conduct is damaging as it is likely to mislead consumers into thinking they are buying genuine handmade Aboriginal art when they are not. This has the potential to undermine the integrity of Aboriginal art and negatively impact Indigenous artists, including by undervaluing their authentic works," ACCC Commissioner Sarah Court said.

"We allege that over 18,000 of these Birubi products were sold to retail shops in key tourist spots around the country. In the lead up to the Commonwealth Games in Australia next month, with tens of thousands of tourists visiting Australia, this action by the ACCC is a timely reminder to traders to ensure that products they are selling as Indigenous cultural objects or art are authentic."

The ACCC is seeking declarations, pecuniary penalties, injunctions, corrective notices, compliance program orders, and costs.

Notes to editors

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