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Vaughan, Sharyn

From: Black, Jane
Sent: Friday, 9 March 2018 11:54 AM
To: Anderson, Michael
Cc: Vaughan, Sharyn
Subject: Birubi media release and exec brief [SEC=UNCLASSIFIED]

Security Classification:
UNCLASSIFIED

Hi Michael,

We are at the Commission this Wednesday, and the Commission may decide to institute proceedings against Birubi. We plan to do a media release next week following Commission (pending their decision, and successful filing).

Some things I need from you:

- I would like to talk through exec brief timelines and sign offs with you
- I would like copies of exec brief for consumer matters that have been instituted recently, e.g.:
 - o <https://www.accc.gov.au/media-release/accc-takes-action-against-ashley-martin-for-alleged-unfair-contract-terms>
 - o <https://www.accc.gov.au/media-release/woolworths-allegedly-misleads-on-environmental-claims>
 - o We already have Jayco
- I want to understand what contact in aboriginal media the ACCC media team has, and if there is a specific plan for getting the word out to these. Birubi will be of interest to these outlets
- Who is likely to do media on this (from Commissioners)

Thanks,

Jane Black

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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.

Jane Black



Woolworths allegedly misleads on environmental claims

2 March 2018

The ACCC has taken action against Woolworths Limited (Woolworths) in the Federal Court, alleging that the environmental representations Woolworths made about its 'W Select eco' picnic products were false, misleading or deceptive, in contravention of the Australian Consumer Law.

From November 2014 to November 2017, Woolworths labelled disposable bowls, plates and cutlery in its 'W Select eco' line as 'Biodegradable and Compostable'. The ACCC alleges that by these labels Woolworths represented to consumers that the products would biodegrade and compost within a reasonable period of time when disposed of in domestic compost bins or conventional landfill sites in Australia.

The ACCC alleges Woolworths failed to make reasonable or adequate efforts to substantiate these biodegradability and compostability claims.

"Customers paid a premium because they rightfully thought the environmental claims would have been substantiated," ACCC Commissioner Sarah Court said.

"The ACCC also alleges that Woolworths made these claims in circumstances where it was aware there was confusion among consumers and businesses about the meaning of biodegradable and compostable."

"One of the suppliers of the W Select eco line also had significant qualifications on its website about the biodegradability and compostability of its products," Ms Court said.

"Despite all these matters, Woolworths made the representations without explanation or qualification."

The ACCC also alleges that Woolworths acted contrary to its own Environmental Claims Policy, which stated that: 'Environmental claims must be accurate, specific and clear; apply to a real environmental benefit; not overstate a benefit and be articulated in plain language.'

"Businesses making environmental claims about their products must take reasonable steps to ensure the benefits are achievable for ordinary Australian consumers," Ms Court said.

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The ACCC is seeking pecuniary penalties, injunctions, declarations, publication orders and costs.





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Release number:

24/18

ACCC Infocentre:

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Media enquiries:

Media team - 1300 138 917

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ACCC takes action against Ashley & Martin for alleged unfair contract terms

29 November 2017

The ACCC has instituted proceedings in the Federal Court against Ashley & Martin Pty Ltd (Ashley & Martin) alleging that clauses in its standard form contracts are unfair under the Australian Consumer Law and therefore void.

Ashley & Martin is an Australian company that provides hair loss treatment programs and hair replacement services to customers through its clinics in Australia, New Zealand and Singapore.

The ACCC alleges that from November 2013 until at least July this year, Ashley & Martin used three different standard form contracts, all containing clauses that were unfair. The contracts were used for customers signing up to Ashley & Martin's 'Personal RealGROWTH Program'.

To sign up to the program, customers attended an initial consultation with an Ashley & Martin sales consultant. Customers typically signed a treatment contract for up to 12 months during this initial consultation and then attended a medical consultation with an Ashley & Martin doctor sometime after this.

"The clauses which the ACCC alleges were unfair committed customers to paying the full contract price before the customer had a proper opportunity to consider medical advice about the treatment," ACCC Commissioner Sarah Court said.

To avoid paying the entire cost of the program, customers had only two days to consider the medical advice they received at the medical consultation and opt out of the contract.

"The ACCC is concerned that two days is not long enough for people to consider advice on medication they would be receiving over an extended period of time as part of Ashley & Martin's program. The program costs thousands of dollars to sign up to, and a customer wanting to terminate the contract, even before being able to consult with a doctor, would have been substantially out of pocket," Ms Court said.

"Consumers considering contracts for medical treatments are often in a vulnerable position. It is vital that these contracts allow a fair opportunity for people to fully consider the treatment program and medical advice, particularly where there is a risk of side effects."

The ACCC is seeking declarations that the terms are unfair and consequently void, and an order for consumer redress and costs.

Release number:

MR 221/17

ACCC Infocentre:

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