

# Released under FOI

Vaughan, Sharyn

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**From:** Anderson, Michael  
**Sent:** Wednesday, 21 March 2018 2:10 PM  
**To:** Black, Jane  
**Cc:** McDonald, Melinda; Godfrey, Emma; Vaughan, Sharyn  
**Subject:** RE: For approval, media release: Action over alleged misleading Indigenous art claims [DLM=For-Official-Use-Only]

**Security Classification:**  
For Official Use Only

No dramas, Jane, will do.

## Michael Anderson

Assistant Director, Media and Internal Communications | Strategic Communications Branch  
**Australian Competition & Consumer Commission**  
23 Marcus Clarke Street Canberra ACT 2601 | [www.accc.gov.au](http://www.accc.gov.au)  
T 02 6243 1081 | M 0409 120 830 | F 02 6243 1110

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.

**From:** Black, Jane  
**Sent:** Wednesday, 21 March 2018 3:40 PM  
**To:** Anderson, Michael <[michael.anderson@acc.gov.au](mailto:michael.anderson@acc.gov.au)>  
**Cc:** McDonald, Melinda <[melinda.mcdonald@acc.gov.au](mailto:melinda.mcdonald@acc.gov.au)>; Godfrey, Emma <[emma.godfrey@acc.gov.au](mailto:emma.godfrey@acc.gov.au)>; Vaughan, Sharyn <[sharyn.vaughan@acc.gov.au](mailto:sharyn.vaughan@acc.gov.au)>  
**Subject:** RE: For approval, media release: Action over alleged misleading Indigenous art claims [DLM=For-Official-Use-Only]

Hi Michael,

We will be providing Birubi's lawyers with the court documents tomorrow morning, and request that you wait for the OK from Melinda McDonald tomorrow morning before issuing the media release.

Thanks,

Jane Black

**From:** Court, Sarah  
**Sent:** Wednesday, 21 March 2018 1:31 PM  
**To:** Anderson, Michael <[michael.anderson@acc.gov.au](mailto:michael.anderson@acc.gov.au)>  
**Cc:** McDonald, Melinda <[melinda.mcdonald@acc.gov.au](mailto:melinda.mcdonald@acc.gov.au)>; Godfrey, Emma <[emma.godfrey@acc.gov.au](mailto:emma.godfrey@acc.gov.au)>; Black, Jane <[jane.black@acc.gov.au](mailto:jane.black@acc.gov.au)>; Vaughan, Sharyn <[sharyn.vaughan@acc.gov.au](mailto:sharyn.vaughan@acc.gov.au)>; Ayres, Lisa Anne <[LisaAnne.Ayres@acc.gov.au](mailto:LisaAnne.Ayres@acc.gov.au)>; Campbell, Lisa <[lisa.campbell@acc.gov.au](mailto:lisa.campbell@acc.gov.au)>; !Media <[!Media@acc.gov.au](mailto:!Media@acc.gov.au)>; !ExecutiveOffice <[executiveoffice@acc.gov.au](mailto:executiveoffice@acc.gov.au)>; Solly, Colleen <[colleen.solly@acc.gov.au](mailto:colleen.solly@acc.gov.au)>; Peter, Wendy <[wendy.peter@acc.gov.au](mailto:wendy.peter@acc.gov.au)>; Fleming, Richard <[richard.fleming@acc.gov.au](mailto:richard.fleming@acc.gov.au)>

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**Subject:** RE: For approval, media release: Action over alleged misleading indigenous art claims [DLM=For-Official-Use-Only]

Nothing from me on this, thanks

**Sarah Court**  
Commissioner

**Australian Competition & Consumer Commission**

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Please consider the environment before printing this email

**From:** Anderson, Michael

**Sent:** Wednesday, 21 March 2018 12:16 PM

**To:** Court, Sarah <[sarah.court@acc.gov.au](mailto:sarah.court@acc.gov.au)>

**Cc:** McDonald, Melinda <[melinda.mcdonald@acc.gov.au](mailto:melinda.mcdonald@acc.gov.au)>; Godfrey, Emma <[emma.godfrey@acc.gov.au](mailto:emma.godfrey@acc.gov.au)>; Black, Jane <[jane.black@acc.gov.au](mailto:jane.black@acc.gov.au)>; Vaughan, Sharyn <[sharyn.vaughan@acc.gov.au](mailto:sharyn.vaughan@acc.gov.au)>; Ayres, Lisa Anne <[LisaAnne.Ayres@acc.gov.au](mailto:LisaAnne.Ayres@acc.gov.au)>; Campbell, Lisa <[lisa.campbell@acc.gov.au](mailto:lisa.campbell@acc.gov.au)>; !Media <[Media@acc.gov.au](mailto:Media@acc.gov.au)>; !ExecutiveOffice <[executiveoffice@acc.gov.au](mailto:executiveoffice@acc.gov.au)>; Solly, Colleen <[colleen.solly@acc.gov.au](mailto:colleen.solly@acc.gov.au)>; Peter, Wendy <[wendy.peter@acc.gov.au](mailto:wendy.peter@acc.gov.au)>; Fleming, Richard <[richard.fleming@acc.gov.au](mailto:richard.fleming@acc.gov.au)>

**Subject:** For approval, media release: Action over alleged misleading Indigenous art claims [DLM=For-Official-Use-Only]

Good afternoon Sarah, please note a media release below for your approval.

For distribution – tomorrow.

The team will circulate the reasonable grounds and concise statement shortly.

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

## Michael Anderson

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