Enforcement

The following are reports on new and concluded Commission actions in the courts, settlements requiring court enforceable undertakings (s. 87B) and mergers opposed by the Commission. Other matters currently before the court are reported in appendix 1. Section 87B undertakings accepted by the Commission and non-confidential mergers not opposed by the Commission are listed in appendix 2.

Anti-competitive agreements (Part IV)

AMA (WA) and Mayne Nickless Limited

Alleged agreements lessening competition (s. 45); price fixing arrangements (s. 45A)

On 9 July 2003 the Federal Court, Perth, decided that the Commission had not established its claim that the Mayne Group Limited and two former officers had breached the Trade Practices Act over dealings with the AMA (WA) and its officers for hiring visiting doctors at the Joondalup Health Campus, Perth in 1995 to 1997.

The decision arises from proceedings instituted by the Commission against Mayne, trading as Health Care of Australia, and the AMA (WA).

It was alleged that:

- Mayne and the AMA (WA), acting on behalf of doctors at the hospital, engaged in price fixing and other anti-competitive conduct by negotiating and agreeing on the fees at which visiting doctors would supply public patient medical services at the hospital
- in support of the doctors' position, the AMA (WA) advised Mayne that the doctors had agreed to take whatever action was necessary to conclude the negotiations and would discharge their patients unless agreement on their fees was reached, in breach of the Act's primary boycott provisions
- Mayne Group officers, Mr Martin Day and Mr Ian MacDonald, and AMA (WA) Executive Director, Mr Paul Boyatzis and former AMA (WA) President, Dr David Roberts, were each knowingly concerned in the alleged conduct of their respective organisations.

Previously the AMA (WA) admitted to the court that it had entered into an understanding with Mayne to set doctors' fees for public patient medical services provided by doctors visiting the hospital.

Based on this admission, the court was satisfied that the AMA (WA), Mr Boyatzis and Dr Roberts had breached the price fixing and anti-competitive conduct provisions of the Act. In December 2001 it imposed penalties and costs of $285 000 on the AMA (WA), Mr Boyatzis and Dr Roberts.

Following a contested trial against Mayne, the court has now decided that the evidence presented about Mayne's involvement in the understanding was not enough to prove the company or its officers were party to the alleged understanding.

News Ltd vs. South Sydney appeal

Alleged primary boycotts—exclusionary provisions (s. 45(4D))

On 13 August 2003 the High Court upheld an appeal by News Limited from a majority decision by the Full Court of the Federal Court that the exclusion of South Sydney from the National Rugby League competition was a breach of the Trade Practices Act. According to Commission Chairman, Mr Graeme Samuel, this has clarified some aspects of s. 4D of the Act.

The majority view of the High Court has clarified that:

- the word 'purpose' in s. 4D of the Act should be interpreted as the subjective purpose of the parties engaging in the conduct
- that the application of s. 4D is not limited to circumstances that have traditionally been described as a 'boycott' when the purpose of the conduct is to harm a selected target.

In his judgment Justice McHugh confirmed that 'purpose' in s. 4D referred to the subjective purpose of the parties to the alleged exclusionary provision.

The High Court challenge arose from the initial decision by News Limited and the Australian Rugby League to exclude the South Sydney District Rugby League Football Club from the 2000 National Rugby League competition.

In challenging the NRL's decision to exclude the team from the premier competition, South alleged before the Federal Court that the term of the partnership agreement between News Ltd and the ARL, which restricted the number of teams eligible to play in 2000 to 14, was an exclusionary provision in breach of the Act.

The Commission sought to intervene before the High Court as the matter raised significant issues about the construction of the prohibition on exclusionary provisions contained in the Act. The High Court granted the Commission leave to intervene.

The Commission sought to put an argument that it believed could have avoided the unexpected result in the unusual circumstances of this case. That argument was not taken up by the parties to the appeal.

In his judgment Chief Justice Gleeson said that the appeal was argued by the parties on the basis that, at the time of the 1997 understanding, News and ARL [Australian Rugby League] were in competition with each other about the supply or acquisition of goods or services to which the 14 team term of the understanding related. That was disputed by the Commission, but that dispute would have involved a widening of issues that was inappropriate at this stage of the litigious process for an intervener to instigate.

South Australian fire protection companies

Alleged agreements lessening competition (s. 45)

In October 2002 the Commission instituted proceedings in the Federal Court, Adelaide, against a number of participants in the South Australian fire protection industry, alleging that they made, or attempted to make, illegal anti-competitive and price fixing agreements. The Commission has now discontinued those proceedings by consent of the court and on 15 August 2003 advised the parties accordingly. The court made no order on costs.

Tassal Ltd, Tasmanian Salmonid Growers Association

Alleged anti-competitive conduct (s. 45)

On 1 August 2003 the Federal Court, Hobart, declared that Tassal Limited and the Tasmanian Salmonid Growers Association were involved in an anti-competitive agreement to restrict the supply of Atlantic salmon.

In proceedings brought by the Commission, the court found that the TSGA facilitated an illegal agreement in February 2002 between Tassal Ltd and other Atlantic salmon farmers to cull 10 per cent of their salmon stocks. The cull was intended to limit the amount of Atlantic salmon available for sale later in 2002–03, and thereby reduce the scope of any price reductions caused by supply outpacing demand.

The conduct occurred after the TSGA obtained legal advice that the fish cull was unlikely to contravene the Trade Practices Act. However, the legal advice was based on a misapprehension of the facts of the situation.

Tassal subsequently conducted a partial cull of some 70 tonnes of Atlantic salmon stock in April 2002, giving effect to its obligations under the agreement. The agreement was rescinded after the parties were contacted by the Commission and had obtained separate legal advice based on a full appreciation of the facts. Tassal was the only farmer which undertook the cull before the agreement was abandoned.

The culling agreement and Tassal's subsequent partial cull occurred before the appointment of a Receiver Manager to Tassal in June 2002.

Under the Trade Practices Act it is illegal for competitors to make agreements with the purpose, or likely effect, of controlling the price of their goods or services. In this instance the court declared that the agreement to cull fish had the likely effect of controlling prices because it sought to limit supply and thereby artificially reduce consumers benefiting from lower prices which usually occur when production rises.

The Federal Court by consent imposed injunctions on the TSGA and Tassal restraining them from being involved in further culling agreements. Tassal and the TSGA will also establish a trade practices education program for their staff and members. The respondents will pay the Commission's costs.

Warner Music and Universal Music

Alleged exclusive dealing (s. 47)

On 22 August 2003 the Full Federal Court upheld that Warner Music and Universal Music had breached s. 47 of the Trade Practices Act dealing with exclusive dealing when responding to the parallel importation of music by small business.

The court did not affirm a breach of s. 46 based on the earlier High Court Boral judgment.

The court increased the total penalties payable by Warner, Universal and company senior executives to more than $2 million.

The Commission, while successful in establishing a breach of the Trade Practices Act at trial, appealed the pecuniary penalty awarded by Justice Hill (totalling more than $1 million) as being inadequate given the circumstances of the case.

The Full Court held that penalties need to be set to adequately reflect the need for deterrence and ordered the following penalties:

- Warner and Universal—$1 million each
- Paul Dickson (formerly PolyGram Group Managing Director of Music Operations)—decreased from $50 000 to $45 000
- Craig Handley (formerly PolyGram General Manager of Sales)—$45 000
- Gary Smerdon (Director of Warner, formerly Finance and Business Affairs Director)—$45 000
- Greg Maksimovic (Warner NSW State Manager)—$45 000.

Injunctions have been made to prevent Warner and Universal from engaging in exclusive dealing to substantially lessen competition in the Australian market for recorded music.

The court ordered that the companies pay half of the Commission's appeal costs and 50 per cent of their trial costs.

Fair trading (Part V)

Danoz Direct Pty Ltd

Alleged misleading or deceptive conduct (s. 52), misrepresentations about the performance characteristics of goods (s. 53(c)), misrepresentations about the price of goods (s. 53(e))

On 22 August 2003 the Federal Court, Brisbane, declared that Danoz Direct Pty Ltd misled or deceived consumers in its promotion of the Abtronic Fitness System, an electronic muscle stimulation device.

The Abtronic was heavily promoted by Danoz Direct on television during four-minute advertorials on Network Ten's *Good Morning Australia* and *Bright Ideas* programs. Late night infomercials, which ran for about half an hour, were also broadcast on Network Ten, the Seven Network and their affiliate stations throughout Australia. Danoz Direct also promoted the Abtronic on its website and in its product catalogues.

- Following action by the Commission, Danoz Direct admitted that some claims contained in its Abtronic advertising were misleading or deceptive and in breach of the Trade Practices Act, including that:
- the Abtronic had a fat and cellulite blaster setting that could work on fat and not on a person's muscles
- the Abtronic could flatten a person's stomach once and for all
- 10 minutes use of the Abtronic was the equivalent of up to 600 sit-ups.

Justice Dowsett of the Federal Court also declared that other claims made by Danoz Direct in its advertising of the Abtronic were misleading or deceptive in breach of the Act, including that the Abtronic:

- was a brilliant training and toning tool
- firms, tones and tightens your upper abs, lower abs and love handles, with no sweat
- could provide a vigorous workout for the abdominal region, the love handles, arms, buttocks and thighs
- would tone and firm muscles
- can work out and tone different muscle groups.

In doing so, Justice Dowsett found that Danoz Direct did not have reasonable grounds for making these claims.

The court has also declared that Danoz Direct made a false representation when it claimed that the Abtronic normally sold for $220 when in fact the Abtronic had always been sold for $165.

As a result of the Commission's action, Danoz Direct provided the following court undertaking:

- that it would withdraw the Abtronic from sale
- that it would not sell the Abtronic in the future
- that all existing stock of the Abtronic would be destroyed
- that it would not in the future sell a similar EMS device.

On 28 August 2003 Justice Dowsett ordered that public announcements be broadcast by Danoz Direct during Network Ten's *Good Morning Australia* and *Bright Ideas* programs for a period of two weeks. Danoz Direct was also ordered to broadcast announcements during late night hours for two weeks on the Seven Network and Network Ten. The court also ordered that a consumer notice appear in *The Australian*, on Danoz Direct's website and in its product catalogue.

In his judgment Justice Dowsett noted that the purpose of the corrective advertising in this case is to inform consumers of the misleading nature of Danoz Direct's conduct so they will not continue to expect benefits from the use of the Abtronic and may seek refunds where it can be shown that it was bought as a result of Danoz Direct's misleading claims.

Justice Dowsett also ordered that Danoz Direct implement a trade practices compliance program.

Former Danoz Direct employees, Mr Michael Quinn and Mr Aaron Schereck, were found by the court to be knowingly concerned in the conduct of Danoz Direct. Mr Quinn appeared as the presenter of Danoz Direct's Abtronic advertorials on *Good Morning Australia* and *Bright Ideas* and Mr Schereck was Danoz Direct's Executive Producer.

The Federal Court's judgment may assist consumers who bought an Abtronic to take independent legal action regarding the misleading or deceptive claims made by Danoz Direct.

4WD Systems Pty Ltd and 4WD Systems Australia Pty Ltd

Alleged misleading or deceptive conduct (s. 52); misleading representations (s. 53(eb))

On 14 August 2003 the Federal Court, Adelaide, found that a 4WD franchisor had misled franchisees and contravened the Franchising Code of Conduct.

Justice Selway handed down his decision on a Commission-initiated action against the franchisor 4WD Systems Pty Ltd and 4WD Systems Australia Pty Ltd and the companies' directors.

Justice Selway declared that 4WD Systems Pty Ltd had breached s. 52 of the Trade Practices Act in that it had misled:

- a franchisee about the time it would take to supply goods
- a different franchisee about the time it would take to supply goods, and about the quality of those goods
- another franchisee about the quality of goods.

He also declared the company had breached s. 53(eb) by making a false representation about the place of origin of a four-wheel drive differential lock.

He found also that the company had contravened the Franchising Code of Conduct as it had not provided mandatory disclosure documents to a prospective franchisee.

Justice Selway further declared that a related company, 4WD Systems Australia Pty Ltd, had misled a franchisee about the time it would take to supply goods.

Justice Selway issued injunctions against both companies restraining them for three years from entering into franchising agreements without giving prospective franchisees detailed information about the quality of the goods that will be supplied and the time of delivery.

A director of the companies, Mr Raleigh Julian Hoberg, who was found to be involved in the breaches, was ordered to disclose the proceedings against the companies to any prospective franchisee during the next three years. Another director, Mr Thomas Hewitson, was also found to be involved, but the court exercised its discretion not to make orders against him.

The court found that it was not satisfied that the conduct constituted unconscionable conduct under s. 51AC of the Act. A Commission application for refund of the franchise fees to franchisees was refused.

Mr Richard Chen— www.sydneyoperahouse.org

Alleged misleading or deceptive conduct (s. 52), false or misleading representations (ss. 53(c), 53(d))

On 18 August 2003 the Federal Court, Sydney, declared that Mr Richard Chen misled and deceived consumers by operating websites that imitated the Sydney Opera House official website and offered tickets for events at the Opera House without approval.

The decision follows Commission action in conjunction with overseas authorities.

Mr Chen operated the website, www.sydneyopera.org, which claimed to be the official booking site for the Sydney Opera House. It was affiliated with other sites including www.witestar.com, www.worldsboxoffice.com and www.scholarscircle.com. All claimed to be booking sites for various entertainment venues worldwide.

The Commission alleged that several consumers from the United Kingdom and Europe tried to buy tickets through the imitation sites. Although their credit cards were charged, they were either overcharged or did not receive the tickets.

The Commission's case involved complicated technological issues, compounded by the fact that the operator and websites were based overseas. Mr Chen, a New York resident, operated the site from US-based servers. He did not respond to the Commission's proceedings.

Justice Sackville said in his judgment that:

> ... given the pattern of misleading and deceptive conduct revealed in the evidence, there can be no assurance that the respondent will not use the sites or create other websites to convey misleading information to Australian consumers (and consumers elsewhere) about the availability and sale of tickets to Sydney Opera House events.

The matter involved valuable cooperation from the Commission's counterpart agencies around the world, particularly the US FTC, through the International Consumer Protection and Enforcement Network (ICPEN), to which government, consumer protection and consumer law enforcement agencies from more than 30 countries belong.

Mr Sitesh Bhojani, ACCC Commissioner currently holding the ICPEN presidency, said that ICPEN welcomed the Federal Court's recognition of the growing problems of consumer fraud across borders, particularly over the internet, and the integral role of the court in targeting remedies to discourage or prevent such activities.

Mr Bhojani said that ICPEN is increasingly concerned to take action to protect consuners around the globe from internet scams. Thi: action brought by the Commission is a very impotant example. This type of conduct adversely afects legitimate businesses and tourism in Australia.

National Chemical Pty Ltd

Alleged misleading or deceptive conduct (s 52), false or misleading representations concerning the place of origin of goods (s. 53(eb)), misleacing the public as to the nature, the manufacturing process and characteristics of goods (s. 55)

On 18 August 2003 the Commission instituted civil proceedings in the Federal Court, Melbourne, against National Chemical Pty Ltd alleging misleacing and deceptive conduct in relation to country of origin labelling of eucalyptus oil supplied by the company.

The alleged misleading and deceptive conduct occurred in relation to the labelling of 200 ml bottles of Superior brand eucalyptus oil as a 'Product of Australia' when the eucalyptus oil was imported from China. It is alleged the eucalyptus oil was also promoted as a product of Australia in the magazines *Australian Good Taste* and *Australian Parents* and the newspaper, *Fight Back For Australia*.

The Commission is seeking declarations, injunctions, publication of an apology, an order to label superior brand eucalyptus oil with its country of origin, institution by the company of a trade practices corporate compliance program and costs.

A directions hearing was set down for 24 September 2003 before Justice Weinberg.

Sharp Corporation of Australia Pty Ltd

Alleged misleading or deceptive conduct (s. 52), false representations about goods and services (s. 53(a))

On 3 July 2003 the Commission accepted court enforceable undertakings from Sharp Corporation of Australia Pty Ltd after acknowledging that it may have contravened the Trade Practices Act by overstating the oven capacity of its microwave ovens.

Sharp has agreed to a number of remedial actions including stopping the claims, relabelling microwave ovens, and offering misled consumers who bought ovens a solution to any problems the capacity claims may have caused.

Earlier this year the Commission raised concerns with Sharp about the advertised oven capacity of one model of its microwave oven range. As a result Sharp remeasured its entire range and discovered that the claims about oven capacity of many models were wrong. For example, Sharp claimed its Sensor Cook R480F model had an oven capacity of 40 litres, whereas the true capacity was closer to 36 litres.

Sharp has agreed to:

- stop making false representations about oven capacity
- relabel existing stock in retail outlets
- publish corrective notices
- offer redress to consumers affected by the conduct
- publish a brochure dealing with oven capacity claims
- implement a trade practices compliance program
- institute a complaints handling system.

Sony PlayStation

Alleged misleading or deceptive conduct (s. 52), false or misleading representations (ss. 53(c), (f))

On 30 July 2003 Sony was successful in its appeal against an earlier Federal Court decision. Consumers will suffer a loss of choice and may pay more for their games following the decision by the Full Federal Court that Sony PlayStation owners could not have their games consoles 'chipped'.

The Full Court interpreted the new anti-circumvention provisions of the *Copyright Act 1968* to outlaw the sale of the modification chips which overcome region coding restrictions.

The Full Federal Court judgment confirms that region coding exists to prevent or inhibit copyright infringement and therefore that the sale of modification chips breaches the Copyright Act.

The region coding enables Sony to produce and distribute PlayStation games in three mutually exclusive regions. It effectively prevents games produced in one region from being played on a console manufactured for a different region. These regional restrictions can be overcome by the installation of a 'mod chip' which allows consumers to use PlayStation games from all regions, irrespective of the region for which the console and game was produced.

Chipping has allowed consumers to modify their PlayStation console to play imported and backup copies of games. Although the Commission supports Sony's right to crack down on the sale of pirated copies of PlayStation games, this decision now means Australian consumers will be unable to enjoy games legitimately bought overseas, as well as legitimate backup copies.

The Commission believes region coding is detrimental to consumers as it severely limits their choice and, in some cases, access to competitively priced goods. It is disappointing that technology which can overcome these unfair restrictions will not be generally available for consumers' use.

The government recently legislated to ease the restrictions on parallel imports of computer software. Yesterday's decision may have the unintended consequence of eroding this advance for consumers.

The proceedings were taken by Sony against an individual involved in chipping PlayStation consoles and selling unauthorised copies of PlayStation games. The Commission was granted leave of the court to be heard as a friend of the court (*amicus curiae*). The Commission again appeared as *amicus curiae* in the appeal.

Telstra $0 mobile phone advertising

Alleged misleading and deceptive conduct (s. 52), false or misleading representations (ss. 53(c) and 53(g))

On 19 August 2003 the Commission instituted proceedings in the Federal Court, Sydney, to address concerns that telecommunications companies are using prominent $0 symbols for mobile phone handsets in advertisements for mobile phone packages in a way which could mislead consumers.

The Commission is concerned about the use of $0 when the product or service is allegedly not genuinely being provided for free or at no cost to the consumer.

The Commission has alleged that representations made in recent Telstra advertisements were misleading as customers who signed up to Telstra's $0 'phone option' do not receive call credits that are available to other customers on Telstra's monthly member plans, and as customers must commit to a longer term minimum contract term, which involves higher early termination charges.

The Commission also alleges misleading and deceptive conduct regarding the use of statements that mobile phone handsets are available for '$0 upfront' on Telstra's monthly member plans, where the cost of the phone over the minimum contract period of

18 to 24 months is paid not as part of, but in addition to, Telstra's monthly member plan requirements.

The Commission is seeking declarations, injunctions, corrective notices and costs. A directions hearing was set for 9 September at the Federal Court, Sydney.

Top Snack Foods Pty Ltd

Alleged misleading or deceptive conduct (s. 52), false or misleading representations about the profitability or risk or any material aspect of any business activity (s. 59)

On 31 July 2003 the Commission handed cheques totalling $352 000 to five franchisees on whose behalf it began representative action seven years ago.

The money concluded a long-running matter which began in 1996 when the franchisees first approached the Commission about Top Snack Foods Pty Limited.

The Commission took a representative action on behalf of the five franchisees in the Federal Court in 1997. In June 1999, after a two-week hearing, Justice Tamberlin found that Top Snack Foods Pty Ltd had engaged in misleading and deceptive conduct.

He also found that Mr George Manera, a director and manager, of Top Snack Foods, and Mr Nick Kritharas, general manager, were knowingly concerned in breaches of the Act.

Justice Tamberlin said at the time that it was an important consideration that these proceedings were initiated by the Commission not simply for the benefit of private interests but in vindication of the public interest.

The action began before the introduction of the Franchising Code of Conduct in 1998.

The Commission, to enforce the judgment and gain access to funds to distribute to the franchisees, placed the companies Top Snack Foods Pty Limited and Nick Kritharas Holdings Pty Limited into liquidation and the principals of those companies, Mr Kritharas and Mr Manera into bankruptcy.

The only assets found during the liquidation process were two Sydney properties contained in the KN Trust with Nick Kritharas Holdings Pty Limited as the trustee. The trust and its assets had been transferred to a new trustee, Gatsios Holdings Pty Limited.

In trying to recover the damages awarded to the franchisees, the Commission on behalf of Nick Kritharas Holdings Pty Limited (in liquidation), brought an action in the Supreme Court of New South Wales. The Supreme Court found that the trust deed of the KN Trust indemnified the (former) trustee except in the case of fraud and that as the Federal Court had made a specific finding that there was no case of fraud, the right of indemnity of Nick Kritharas Holdings Pty Limited (in liq) extended to the damages awarded in the Federal Court. The new trustee, Gatsios Pty Limited appealed to the NSW Court of Appeal on the grounds that the Supreme Court erred in its construction of the trust deed.

In a unanimous decision the Court of Appeal rejected the appeal by Gatsios Pty Limited. Gatsios then applied to the High Court for special leave to appeal the decision of the Court of Appeal. In November 2002 the High Court refused the application.

The liquidator of Nick Kritharas Holdings Pty Limited (in liq) auctioned the properties in the trust and is now able to make a distribution of 86.566 cents in the dollar to the five franchisees and other creditors.

Commission Chairman, Mr Graeme Samuel said that the Commission's focus on small business issues is particularly evident in the franchising industry, where it now actively administers and enforces the Franchising Code of Conduct through its powers under the Act.

Product safety (Part V)

Bonnet Imports Pty Ltd

Alleged contravention of product safety standards (s. 65C)

On 19 August 2003 the Commission accepted court enforceable undertakings from Bonnet Imports Pty Ltd to stop supplying frog ornaments containing candles with lead wicks.

Lead-wick candles which contain a level of lead greater than 0.06 per cent by weight are subject to a permanent ban. Bonnet has contacted stores it supplied to recall the product.

The banned candles were found in a Darwin gift store in a recent product safety survey conducted by the Commission, but were supplied Australia-wide. The banned candles are easily identified by checking the wick to see if it has a silvery or dark lead centre.

The Commission was very concerned that candles with lead wicks were still in stores despite two temporary bans since 1999 and a permanent ban coming into effect on September 2002.

The ban aims to protect consumers from the effects of exposure to lead. Public health experts have confirmed that lead emission from any source can pose an unacceptable public health risk and can result in increased blood lead levels in unborn babies and young children. Bonnet acted swiftly after being contacted by the Commission to ensure that the banned goods were immediately removed from sale and has undertaken to:

- refrain from supplying or offering to supply frog ornaments with candles with lead wicks subject to the permanent ban
- provide retailers with a letter prepared by the Commission and a warning sign to be placed in the stores where the candles were sold and provide a refund if consumers return the candles
- ensure that a senior officer attends a trade practices awareness program and educate staff members about the permanent ban.

The enforcement of product safety standards and bans is a priority for the Commission in the interest of consumer safety.

Bonnet Imports Pty Ltd is an importer of men's gifts, porcelain figurines and glassware and is based in Caringbah, NSW. It does not normally import candles.

Western Tools Distributors Pty Ltd

Alleged contravention of product safety standards (s. 65C)

On 28 August 2003 the Commission accepted court enforceable undertakings from Western Tools Distributors Pty Ltd for the supply of trolley jacks which did not comply with the mandatory consumer product safety standard for hydraulic trolley jacks.

The labelling on the packaging of hydraulic trolley jacks supplied by Western Tools Distributors Pty Ltd in August 2002 and the jack itself indicated that it had a nominated capacity of 1.4 tonnes and 1400 kgs respectively. But instructions supplied with the jack indicated that its capacity was two tonnes. The jacks also did not meet the requirements to supply safe usage instructions and seven specific warnings.

Western Tools Distributors Pty Ltd has undertaken to offer consumers with the non-compliant jack either:

- amended instructions which comply with the standard
- a replacement of the jack with a new jack that complies with the standard

or

- a refund of the purchase price of the jack for returned jacks.

Western Tools Distributors Pty Ltd also advertised a voluntary recall in WA and NSW.