

ACCC conferences

6th Asian and Oceanic Antimonopoly conference — 15-16 November

The ACCC hosted the 6th Asian and Oceanic Antimonopoly Conference on 15 and 16 November 1999 at Old Parliament House in Canberra.

This event has traditionally attracted a wide range of high ranking officials from competition agencies throughout the Asian and Oceanic region and is an important forum for ongoing discussion on domestic and international competition policy and law in order to foster greater harmony, cooperation and networking between competition agencies and regulators.

Previous conferences have been hosted by other government agencies in the Asian and Oceanic region including the 4th in New Zealand in 1991 and the 5th in Japan in 1994. This year's attracted around 60 invited delegates from 20 countries.

As well as reports from agencies on developments in competition policy development and enforcement practices, conference session topics included:

- ◆ methods of improving harmonisation of competition law and cooperation;
 - ◆ the relationship between economic development and competition policy;
 - ◆ the application of competition law to State enterprises or actions;
 - ◆ new enforcement strategies; and
 - ◆ the future of the Asian and Oceanic Forum.
- ◆ corporate restructuring and competition policy;
 - ◆ strategies for ensuring compliance with competition law;

More information about this conference can be obtained from Jacqueline Pearce on telephone (02) 6243 1113 or e-mail at jacqueline.pearce@accc.gov.au

Incentive Regulation and Overseas Developments — 18-19 November

Following the Antimonopoly Conference the ACCC co-hosted the Incentive Regulation and Overseas Developments conference on 18 and 19 November at the Holiday Inn, Coogee Beach in Sydney.

The focus was on regulatory issues in the telecommunications, energy and transport sectors, aiming at a wide audience, with government, industry, legal, academic, consumer and all other interested parties encouraged to attend.

Speakers included industry and regulatory experts from the US, UK and Australia.

First day sessions included:

- ◆ developments in best practice regulation;
- ◆ the changing face of US regulation — deregulation, incentive regulation and re-regulation;
- ◆ incentive regulation in the UK — the price caps approach; and
- ◆ incentive regulation in Australia — a hybrid approach.

Second day sessions were in four streams:

- ◆ gas — promoting competition in gas supply: upstream reform;
- ◆ telecommunications — unbundling the local loop;
- ◆ electricity — benchmarking and regulation; and
- ◆ airports — the experience of price caps in airport regulation.

More information about this conference can be obtained from John Rothwell on telephone (02) 6243 1136 or e-mail at john.rothwell@accc.gov.au

Advertising medical services conference

On 14 October 1999 the ACCC and the NSW Health Care Complaints Commission hosted a conference *Advertising medical services — in whose interests?*

Recent changes to various laws have created an environment that allows health and medical practitioners a greater degree of freedom to advertise. However, the transition has created some problems and raised some issues. The conference was designed to address these issues, including:

- ◆ whether there any special characteristics about advertising in the health sector;
- ◆ whether the changes in law mean 'anything goes' and is it being a 'free for all';
- ◆ what restrictions apply or should apply to the advertising or promotion of health and medical services; and
- ◆ the roles of the Commonwealth Trade Practices Act, the State and Territory Fair Trading Acts, and the New South Wales Health Care Complaints Act in the advertising or promotion of health or medical services.

The conference was aimed at medical and health sector professionals, their advertisers, marketers and legal advisers.

Papers presented will be available on the ACCC's website shortly.

A consultative draft guide to the Trade Practices Act for the promotion of medical and health services was released and is available from the website.

Comments on the draft guide are invited by 17 December 1999, and

should be addressed to:
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Health product claims misleading

A pyramid selling scheme disguised under a health-product promotion highlights the ACCC's increasing work in the health and medical services sector.

In an ACCC Federal Court action the court found that Giraffe World had made misleading representations about how its health product — a negative ion mat — worked and the health benefits it produced, and had also contravened the referral selling and pyramid selling provisions of the Trade Practices Act.

The case is a warning to promoters of health products to be careful when making claims about what health benefits the product will deliver and the method of marketing such products.

The judge, in his summary, said that Giraffe World had:

... sought to portray the case as a battleground between conventional and alternative health care systems, and between the approaches of modern Western science and medicine on one hand and an older Oriental approach to human health and wellbeing on the other.

... GW represented that there was scientific support for the proposition that the Mat, by means of negative ions, produced and would produce benefits for human health. There is not. GW should be restrained from making such representations.

However, Giraffe World did not lead any medical or other expert evidence to support the claims of users that their health had improved.

The court found that Mr Jack Misuma, a director of Giraffe World and other companies which were beneficiaries of large sums of money paid by Giraffe World, and Mr Robin Hahn, president of Giraffe World, had contravened both the referral selling and pyramid selling provisions of the Act, and that it seemed clear that Mr Misuma made a sizeable amount of money from the scheme.

A cross-claim by Giraffe World against the ACCC for defamation was dismissed.

The ACCC is pursuing the matter to obtain compensation/refunds for former clients.