



Australian  
Competition &  
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Commission

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# NEWS RELEASE

## **A.C.C.C. ALLEGES FALSE, MISLEADING AND DECEPTIVE CONDUCT IN PROMOTION OF SOLARIUM USE**

The Australian Competition and Consumer Commission has instituted legal proceedings in the Federal Court, Melbourne, against Tropical Sun Industries Pty Ltd, Body Bronze International Pty Ltd and the Australian Tanning Association (ATA) for alleged false, misleading and deceptive conduct in contravention of the *Trade Practices Act 1974*\*

The ACCC alleges the parties engaged in the contravening conduct by misrepresenting the risks associated with solarium use.

The ACCC has also commenced proceedings against Mr Scott Meneilly, who was formerly President of the ATA and Chief Executive Officer of Body Bronze. The ACCC alleges Mr Meneilly was knowingly concerned in and/or party to, the alleged contraventions by the ATA and Body Bronze.

The ACCC is seeking:

- declarations that Tropical Sun, Body Bronze and the ATA contravened the Act and that Mr Meneilly was knowingly concerned in the alleged contraventions by Body Bronze and the ATA
- findings of fact
- injunctions restraining the parties from engaging in similar offending conduct in the future
- orders requiring each of Tropical Sun, Body Bronze and the ATA to implement a trade practices compliance program and Mr Meneilly to attend trade practices training
- orders that Tropical Sun, Body Bronze and the ATA publish notices informing their clients and solarium users of the outcome of the proceedings, and
- an order that the parties pay the ACCC's costs of the proceeding.

The matter has been filed in the Federal Court's Fast Track List and is listed for a scheduling conference in Melbourne on 24 July 2008.

NR 163/08  
12 June 2008

### **BACKGROUND**

\*The provisions of the *Trade Practices Act 1974* in respect of which the offending conduct is alleged to have been engaged in by some or all of the parties are:

- section 52, which prohibits conduct that is misleading or deceptive, or is likely to mislead or deceive
- section 53(aa), which prohibits the making of a false representation that services are of a particular standard, quality, value or grade
- section 53(c), which prohibits the making of a representation that goods or services have performance characteristics, uses or benefits they do not have, and
- section 55A, which prohibits conduct liable to mislead the public as to the nature, the characteristics and the suitability for their purpose of services.