

PRESS RELEASE

Federal Court proceedings No. N1204: Australian Competition and Consumer Commission ("ACCC") v Pest Free Australia Pty Limited ("Pest Free")

DISCONTINUANCE OF PROCEEDINGS BY ACCC

1. On the 14th October 2004 the ACCC formally discontinued the balance of proceeding, which it commenced against Pest Free on 14th November 2002 in respect to Pest Free's domestic and commercial devices
2. In those proceedings the ACCC formulated its case on numerous occasions ultimately relying upon a **Seventh** Amended Statement of Claim dated 9th February 2004

ABANDONMENT AND STAY OF PROCEEDINGS

3. On 15th July, 2004 the Court noted that the ACCC **abandoned** its claims for relief against Pest Free for **alleged** misleading and deceptive conduct
4. Thereupon, the Court ordered that the proceedings be stayed so far as they concerned all claims other than claims for a **limited number** of alleged contraventions of section 53 (c) of the *Trade Practices Act*. By virtue of the discontinuance by the ACCC of the balance of the proceedings, these remaining claims were not pressed.

COST ORDERS AGAINST THE ACCC

5. Orders for costs were made against the ACCC **in favour of Pest Free** on the 23rd October 2003, 5th November 2003, 7th November 2003, 6th February 2004 and 15th July 2004. These orders included an order that the **ACCC pay** Pest Free's costs from the commencement of the proceedings in 2002 until 14th October 2003

UNDERTAKINGS BY PEST FREE

6. Pest Free has offered to refrain from making certain claims about the effect of its devices in relation to matters such as their effect on breeding cycles and their causing death by dehydration and/or starvation.

PRAISE FOR PEST FREE DEVICES

7. Professor Danthanarayana an **Emeritus Professor of Zoology** at the University of New England, who has **42 years experience** as a Zoologist, an Ecologist and Entomologist and an Applied Entomologist, has said in relation to the Pest Free devices "**the value of the Pest Free deterrent to rats seems quite clear**" and "**the Pest Free units, when functioning, provide a deterrent to the feeding or visiting behavior of rats or both**".
8. **Professor Danthanarayana has been recognized as an expert by the United Nations (FAO, UNDP) and Australian and Foreign Governments or Organisations (eg. USA, USSR, Germany, Switzerland, The United Kingdom, Sri Lanka and Indonesia.**
9. **Hundreds of satisfied customers** whose homes, factories, warehouses or other commercial premises have been infested by rats, mice and/or cockroaches have **testified to the benefits** of using Pest Free Domestic and/or Commercial Devices to rid their premises of such pests.

Authorised by Ray Connell
President
Pest Free Australia Pty. Ltd.
November 2004