



COMMERCE COMMISSION

Please refer to:

12727
1275055_1

15 November 2011

Tiffany Brown
220 Marua Road
Ellerslie
Auckland
1051

By post & email: tiffany@getbrown.co.nz

Dear Ms Brown

Commerce Commission Investigation: Alleged Misleading Representations

I am writing in response to your letter dated 30 September 2011. Thank you for taking the time to express your concerns to us.

Dr Elizabeth Baird

You expressed concern about the Commission's choice of expert, Dr Elizabeth Baird. The Commission has considered the issues canvassed in your letter and does not have concerns about Dr Baird's independence or expertise. Further, the Commission is aware that Dr Baird's advice to the Commission was peer reviewed by other senior practising dermatologists Amanda Oakley, Dr Matthew Strack, Dr Kevin McKerrow and Dr Sonya Havill. At this time, the Commission does not intend to seek advice from another expert in relation to the issues addressed in our letter of 19 August 2011.

Specific Comments on Benefits and Risks

We have carefully considered the matters you raised and also asked our expert (Dr Elizabeth Baird) to review the matters set out in your letter. We do not consider that the information you provided alters the advice we sent out to sunbed operators in our letter of 19 August 2011. That letter continues to set out our current position on these issues.

It is not the Commerce Commission's role to advise individual businesses on how they should meet their obligation to comply with the requirements of the Fair Trading Act 1986. If you continue to have any concerns about the risks of statements you are making in the course of your business, you may wish to seek appropriate legal or scientific advice.

Commission Process

The Commission considers that the investigation process was fair to the parties involved. Get Brown Tanning and the other sunbed operators identified in the complaint were given an

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opportunity to respond to the allegations and provide evidence to support claims made. Get Brown Tanning responded on 22 June 2011. The Commission considered these responses before deciding that sending compliance advice letters to the industry was the most appropriate enforcement action. There is no requirement for the Commission to inform parties about its decisions in relation to enforcement action before that action is taken and the Commission did not represent that it would do so.

Yours sincerely



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