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GENERAL NOTICE

NOTICE 252 OF 2008**DEPARTMENT OF TRADE AND INDUSTRY****CONSUMER AFFAIRS (UNFAIR BUSINESS PRACTICES) ACT 71, OF
1988**

I, Mandisi Mphahla, Minister of Trade and Industry, do hereby, in terms of section 11(2) of the Consumer Affairs (Unfair Business Practices) Act 1988 (Act No. 71 of 1988), publish an arrangement dated 21 August 2007 entered into between the Consumer Affairs Committee and the Kirby Company and Kirby International .



**MANDISI MPAHLWA, MP
MINISTER OF TRADE AND INDUSTRY**

DATE: 21-12-2007

UNDERTAKING

**In terms of Section 9 of the Consumer Affairs Act, Act No. 71 of 1988
("Act")**

given by

THE KIRBY COMPANY

**An unincorporated division of the Scott Fetzer Company of CLEVELAND, OHIO,
USA, represented by ROBERT SHUMAY, Vice-President of the Customer and
Public Relations, Aftermarket Products and Distribution Department
(Hereinafter referred to as "Kirby Company")**

AND

KIRBY INTERNATIONAL

**An organization of independent contractors of the Kirby Company
Represented by Steve Dunn, Vice President of Administrative Operations
(Hereinafter referred to as "Kirby International")**

1. The Kirby Company and Kirby International are aware that the Consumer Affairs Committee (Committee), on grounds of an investigation in terms of section 4(1)(c) of the Consumer Affairs (Unfair Business Practices) Act 71 of 1988 (Act), is prima facie of the opinion that the business practice as applied by the Kirby Company and Kirby International, whereby, the supply of spare parts, accessories and or consumables for Kirby vacuum cleaning units are withheld from its South African Distributors, is an unfair business practice as defined in the Act, in that, this practice unduly and unfairly impacts on consumers of Kirby products that intend securing relevant spare parts, accessories and or consumables.
2. The Kirby Company and Kirby International are, and at all relevant times have been, committed to providing the highest level of quality and service to consumers, and do not believe they have caused any harm to any consumer as a result of any of the business practices referred to above.

3. The Kirby Company and Kirby International however, hereby undertake to continue to ensure that the supply of spare parts, accessories and or consumables for Kirby vacuum cleaning units is not withheld from any South African Distributor, as this may prejudice consumers. However, whenever the Kirby Company or Kirby International has initiated a process for the termination of a particular distributorship agreement, the Kirby Company or Kirby International may elect not to supply spare parts, accessories and or consumables for Kirby vacuum cleaning units to that particular South African Distributor, provided that the Kirby Company or Kirby International inform all consumers of that particular distributor, whose names and addresses have been provided to the Kirby Company by that particular distributor, of alternate suppliers of spare parts, accessories and or consumables for Kirby vacuum cleaning units
4. The Kirby Company and Kirby International furthermore understand that if it is the opinion of the Committee that this Undertaking has been contravened then the Committee may conduct an investigation in terms of Section 8(1) (a) of the Act.

SIGNED at ^{Claremont, Cape Town} Leeds, UK on this 27th day of October 2007
AS WITNESSES

1. [Signature]

2. [Signature]

[Signature]
R SHUMAY on behalf of
THE KIRBY COMPANY

[Signature]
S DUNN on behalf of
KIRBY INTERNATIONAL