

Melbourne 11 April 2018

Thermomix in Australia Announces Proactive Actions Following Settlement of ACCC Proceedings

Thermomix in Australia announced today proactive actions over and above jointly proposed concessions and penalties agreed with the ACCC to help make amends for misleading conduct.

This includes offering to give a new TM5 model to the 9,443 customers who bought a TM31 appliance during the three-month period in 2014, agreed by the ACCC and Thermomix in Australia as the timeframe when customers were not informed about a potential safety risk.

The TM5 is the latest Thermomix model and sells for \$2,089.

The announcement follows Thermomix in Australia reaching agreement with the ACCC on jointly proposed concessions and penalties in proceedings brought against it by the ACCC, which includes aspects of Thermomix's response to managing complex issues over the past few years. The Court approved those concessions and penalties on 11 April 2018.

Founder and Managing Director of Thermomix in Australia, Grace Mazur, said: "Offering a new TM5 to customers who were misled by us not telling them about a potential safety risk between 7 July and 23 September 2014 is a big undertaking for Thermomix – and goes well beyond the ACCC and Thermomix in Australia proposed and now Court-approved penalty. However, it is the right thing to do.

"It is clear we should have done better in how we managed complex issues over the past few years. As a fast growing local company, aspects of what happened then were not good enough.

"We regret this very much, are sorry, and apologise to those who were affected," Mrs Mazur said. "We have learnt a lot, have evolved as a company in the years since then, and would never make these mistakes again."

Mrs Mazur said Thermomix in Australia and the ACCC had jointly proposed a penalty of \$4.608 million and some compliance and education training, which the company had already commenced.

"At our own initiative, we want to do much more than the ACCC and Thermomix in Australia proposed and now Court-approved penalty fine, and the compliance and education training. We are committed to doing the right thing and to putting this matter to rest."

Mrs Mazur said customers who bought a TM31 during the three-month period in 2014 agreed by the ACCC and Thermomix in Australia as the timeframe when customers were misled when they were not informed about a potential safety risk, will be offered a free TM5.

"We will be contacting those customers directly. Any customer with questions relating to this offer can view all the details on our special website, www.thermomixfacts.com.au."

"This initiative, which is over and above the ACCC and Thermomix in Australia agreed and now Court-approved penalty, demonstrates our desire to do the right thing by our affected customers," Mrs Mazur said.

Thermomix in Australia is also preparing to share learnings from its experiences in how it managed the complex issues and improved compliance.

These learnings will be available in a few weeks via a downloadable guide on the [thermomixfacts.com.au](http://www.thermomixfacts.com.au) website so other fast-growing entrepreneurial companies can benefit from the lessons it learnt, and can ensure they remain compliant.

Continues next page...

THERMOMIX IN AUSTRALIA PTY LTD
Official Distributor of Thermomix®
ABN 88 069 944 930

30 Ledger Road, Balcatta, WA 6021
Phone +61 8 9276 6966 | Fax +61 8 9375 5075
www.thermomix.com.au



“As a family owned company, we deeply value all who support us and who are part of our team.

“Our customers are our number one priority, and by our actions today we are confident this commitment has been clearly demonstrated.

“We acknowledge and thank our staff, our 2,500 consultants, our 400,000 Thermomix owners in Australia and New Zealand and many others for their on-going support of the company.

“We are enormously proud of our wonderful product, and look forward to it continuing to help improve the lives of our customers and their families,” Mrs Mazur said.

Admitted contraventions that Thermomix in Australia has agreed to with the ACCC

The TM31 was the subject of a recall in 2014. The recall involved a replacement green sealing ring and operating instructions for the continued use of the TM31.

Thermomix in Australia has admitted its conduct in the period between July 2014 and 2016 was misleading in three ways. First, for the customers who bought a TM31 in a three-month period in 2014 (7 July to 23 September 2014), the company promoted and sold products to them without telling customers of a potential safety risk until 23 September 2014 which then resulted in the recall.

Second, a media statement issued and published widely in March 2016 about this recall and about the TM31 was misleading.

Third, Thermomix in Australia also misled four customers about their refund rights under the Australian Consumer Law. Further, one of these customers was asked to sign a confidentiality agreement as a condition of her refund in circumstances where she was entitled, as of right, to a refund to under the Australian Consumer Law.

Thermomix in Australia was also late in filing 14 mandatory reports of a serious injury caused by the use, or foreseeable misuse, of a TM31, and required to be filed under the Australian Consumer Law.

...

For more information:

Tabitha Fairbairn
0410 263 041

tabitha.fairbairn@thisismango.com.au

Ben Handberg
0401 859 836

ben.handberg@thisismango.com.au

THERMOMIX IN AUSTRALIA PTY LTD

Official Distributor of Thermomix®

ABN 88 069 944 930

30 Ledger Road, Balcatta, WA 6021

Phone +61 8 9276 6966 | Fax +61 8 9375 5075

www.thermomix.com.au

