

Formal Warning

Section 41 of the *Spam Act 2003*

TO: IGEA Life Sciences Pty Limited
ACN 125 930 878

OF: C/- Whitehawk Advisors
Level 11, 65 York Street
Sydney NSW 2001

Attention: Mr Alex Sisiolas and Mr Geoffrey Jowett

I, Vince Humphries, delegate of the Australian Communications and Media Authority (the ACMA), being satisfied that IGEA Life Sciences Pty Limited ACN 125 930 878 (IGEA Life Sciences) has contravened subsection 16(1) of the *Spam Act 2003* (Spam Act):

HEREBY issue IGEA Life Sciences a formal warning under section 41 of the Spam Act for seven contraventions of subsection 16(1) of the Spam Act, being a civil penalty provision.

ACMA Investigation

On 8 January 2014, the ACMA commenced an investigation into IGEA Life Sciences for alleged contraventions of subsection 16(1) of the Spam Act as a result of complaints received by the ACMA from consumers who received commercial electronic messages from IGEA Life Sciences.

Obligations imposed under subsections 16(1)

Subsection 16(1) of the Spam Act provides that:

1. a person must not send, or cause to be sent, a commercial electronic message that:
 - a. has an Australian link; and
 - b. is not a designated commercial electronic message.

'Commercial electronic message' is defined in section 6 of the Spam Act.

'Australian link' is defined in section 7 of the Spam Act.

'Designated commercial electronic message' is defined in Schedule 1 to the Spam Act.

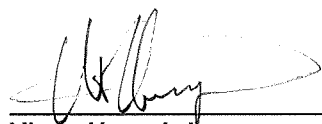
If a commercial electronic message falls within the definition of 'designated commercial electronic message' section 16(1) of the Spam Act does not apply.

Details of the contraventions

As a result of its investigation into this matter, and taking into account complaints made to the ACMA and information provided by IGEA Life Sciences, the ACMA has determined that between 17 July 2013 and 11 October 2013:

- a. IGEA Life Sciences sent, or caused to be sent seven electronic messages, with an Australian link;
- b. the electronic messages were for the purpose of offering to supply IGEA Life Sciences' products and/or services. As such, the relevant messages were each a 'commercial electronic message' within the meaning of the Spam Act;
- c. the relevant messages were not designated commercial electronic messages; and
- d. the messages were sent without the consent of the relevant electronic account-holders as required by subsection 16(1) of the Spam Act.

Dated this 30th day of June 2014



Vince Humphries

Delegate of the Australian Communications and Media Authority