Form 19
Rule 9.32

Second Further Amended Originating Application starting a representative proceeding under Part IVA of the Federal Court of Australia Act 1976

No. VID1395 of 2024

Federal Court of Australia

District Registry: Victoria

Division: General

Baden Green

Applicant

Johnson & Johnson Pacific Pty Ltd (ACN 001 121 446)

Respondent

To the Respondent

The Applicant applies for the relief set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

You must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

Time and date for hearing:

Place:

The Court ordered that the time for serving this application be abridged to.

Date:

Signed by an officer acting with the authority
of the District Registrar

Filed on behalf of (name & role of party) Baden Green, Applicant
Prepared by (name of person/lawyer) Rebecca Jancauskas, Lawyer for the Applicant
Law firm (if applicable) JGA Saddler
Tel 07 3522 8811 Fax
Email rebecca.jancauskas@jgasaddler.com.au
Address for service (include state and postcode) Level 1, 307 Queen Street, Brisbane QLD 4000

Details of claim

On the grounds stated in the accompanying Second Further Amended Statement of Claim, the Applicant claims the following on his own behalf, and on behalf of the Group Members:

1. A declarations that the Respondent:

   (a) failed to comply with the consumer guarantees in ss 54, 56 and/or 59 of the Australian Consumer Law being sch 2 of the *Competition and Consumer Act 2010* (Cth) as applicable and/or its cognates as applicable pursuant to legislation in the states and territories of Australia (collectively, ***ACL***) by engaging in the conduct which is alleged in the Second Further Amended Statement of Claim.

2. Damages pursuant to ss 271 and 272 of the *ACL*.

3. An order pursuant to sub-s 33Z(1)(e), (f), and/or (g) of the *Federal Court of Australia Act 1976* (Cth) (***FCA Act***) making an award in aggregate amount so as to give effect to the relief claimed on behalf of Group Members.

4. Interest pursuant to s 51A of the *FCA Act*.

5. Costs.

6. Interest on costs.

7. Such further order as this Honourable Court deems fit or the nature of the case requires.

Questions common to claims of Group Members

1. At any time, did the oral consumption of up to 12.2mg of phenylephrine hydrochloride provide any clinically significant relief for nasal congestion?

2. At any time, did the oral consumption of up to 12.2mg of phenylephrine hydrochloride provide any clinically significant relief for nasal congestion when combined with any amount of paracetamol, chlorphenamine maleate, dextromethorphan hydrobromide monohydrate, guaifenesin, ibuprofen or codeine phosphate?

3. In respect of the J&J Pacific Oral PE Products, was J&J Pacific, on and after 1 January 2011, the manufacturer within the meaning of section 7 of the *ACL*?

4. Did J&J Pacific make:

(a) the Blocked Nose Representations (as defined)?

(b) the Runny Nose Representations (as defined)?

(c) Sinus Pressure Representations (as defined)?

5. Did J&J Pacific engage in J&J Pacific's Packaging Activities (as defined)?

6. Was/is there the Nasal Decongestant Acceptable Quality Guarantee (as defined)?

7. Was/is there the Nasal Decongestant Description Guarantee (as defined)?

8. Was/is there the Nasal Decongestant Express Warranty Guarantee (as defined)?

9. Did/do the respective J&J Pacific Oral PE Products comply with the Nasal Decongestant Acceptable Quality Guarantee?

10. Did/do the respective J&J Pacific Oral PE Products comply with the Nasal Decongestant Description Guarantee?

11. Did/do the respective J&J Pacific Oral PE Products comply with the Express Warranty Guarantee?

12. Are the Applicant and Group Members entitled to recover ~~as~~ damages from J&J Pacific and if so, what is the measure of such damages?

Representative action

The Applicant sues as a representative party under Part IVA of the *FCA Act*.
The group members to whom this proceeding relates are the Group Members as defined in paragraph 2 of the Second Further Amended Statement of Claim.

Applicant's address

The Applicant's address for service is:
Place: JGA Saddler, Level 1, 307 Queen Street, Brisbane QLD 4000
Email: rebecca.jancauskas@jgasaddler.com.au
The Applicant's address is care of JGA Saddler, Level 1, 307 Queen Street, Brisbane QLD 4000

Service on the Respondent

It is intended to serve this application on all Respondents.

Date: 13 April 2026

Signed by Rebecca Jancauskas
Lawyer for the Applicant

NOTICE OF FILING AND HEARING

Filing and Hearing Details

Document Lodged**:**	Originating Application Starting a Representative Proceeding under Part IVA Federal Court of Australia Act 1976 - Form 19 - Rule 9.32
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File Number:	VID1395/2024
File Title:	BADEN GREEN v JOHNSON AND JOHNSON PACIFIC PTY LTD (ACN 001 121 446)
Registry:	VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	To Be Advised
Time and date for hearing:	To Be Advised
Place:	To Be Advised



Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.