Form 17
Rule 8.05(1)(a)

Second Further Amended Statement of Claim

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

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A. PARTIES

A.1. Applicant

1. The Applicant, Baden Green, is a natural person capable of suing.

A.2. Group Members

2. The Applicant brings this proceeding on his own behalf and, pursuant to pt IVA of the *Federal Court of Australia Act 1976* (Cth) (***FCA Act***), on behalf of all persons who:

    (a) have purchased in Australia at least one of the J&J Pacific Oral PE Products (as defined in paragraph 6 below) between 1 January 2011 and the time this proceeding was commenced; and

    (b) are not:

        (i) a person who is a director, an officer, or a member of the key management personnel (as defined in s 9 of the *Corporations Act 2001* (Cth) (***Corporations Act***)) of the Respondent, Johnson & Johnson Pacific Pty Ltd (ACN 001 121 446) (**J&J Pacific**);

        (ii) an officer or employee of, or legal practitioner engaged by, JGA Saddler Pty Ltd in relation to this proceeding; or

        (iii) the Chief Justice, a Justice, or Registrar of the Federal Court of Australia or of the High Court of Australia,

    (together, **Group Members**).

3. As at the commencement of this proceeding, there are more than seven Group Members within the meaning of s 33C of the *FCA Act*.

A.3. Respondent

4. J&J Pacific:

    (a) has at all material times been duly incorporated under the *Corporations Act* and is able to be sued;

(b) was first registered on 16 May 1973; and

(c) is wholly owned by Johnson & Johnson Pty Ltd (ACN 000 023 709).

5. Johnson & Johnson Pty Ltd was and is duly incorporated under the *Corporations Act*.

B. J&J PACIFIC ORAL PE PRODUCTS

B.1. Product Range

6. Each of the products pleaded in paragraphs 7, 11, 15, 19, 23, 27, 31, 35, 39, 43, 47, 51, 55, 59, 63, 67, 71, 75, 80, 84, 88, 92, 96, 100, 104, 108 and 112 below are the **J&J Pacific Oral PE Products**.

Benadryl Mucus Relief Plus Decongestant Oral Liquid

7. From no later than around 21 September 2010 to the present, J&J Pacific has:

(a) produced Benadryl Mucus Relief Plus Decongestant Oral Liquid;

(b) held itself out to consumers as the manufacturer of Benadryl Mucus Relief Plus Decongestant Oral Liquid by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 1.

(B) Further particulars will be provided following evidence and disclosure.

(c) caused or permitted its name, a name by which it carries on business, and/or its brand or mark to be applied to the covering labels and boxes by which Benadryl Mucus Relief Plus Decongestant Oral Liquid is supplied;

(d) caused or permitted another entity (or other entities) in connection with the supply or possible supply or promotion of Benadryl Mucus Relief Plus Decongestant Oral Liquid to hold out J&J Pacific to consumers as the manufacturer of Benadryl Mucus Relief Plus Decongestant Oral Liquid by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 1.

(B) Such other entities include retailers, including pharmacists, selling the product.

(C) Further particulars will be provided following evidence and disclosure.

(e) imported Benadryl Mucus Relief Plus Decongestant Oral Liquid into Australia in the circumstance where:

(i) J&J Pacific did not manufacture Benadryl Mucus Relief Plus Decongestant Oral Liquid at the time of importation; and

(ii) the manufacturer of Benadryl Mucus Relief Plus Decongestant Oral Liquid did not have a place of business in Australia; and/or

(f) caused others to import Benadryl Mucus Relief Plus Decongestant Oral Liquid into Australia on J&J Pacific's behalf in the circumstance that:

(i) J&J Pacific did not manufacture Benadryl Mucus Relief Plus Decongestant Oral Liquid at the time of the importation; and

(ii) the manufacturer of Benadryl Mucus Relief Plus Decongestant Oral Liquid did not have a place of business in Australia.

8. In the premises, on and after 1 January 2011, J&J Pacific was the manufacturer of Benadryl Mucus Relief Plus Decongestant Oral Liquid within the meaning of section 7 of the *Competition and Consumer Act 2010* (Cth), Sch 2, Australian Consumer Law (**ACL**).

9. At all material times, Benadryl Mucus Relief Plus Decongestant Oral Liquid has contained the following active ingredients:

   (a) 20mg/ml guaifenesin; and

   (b) 1mg/ml phenylephrine hydrochloride.

10. At all material times, Benadryl Mucus Relief Plus Decongestant Oral Liquid has contained no other active ingredients than those pleaded in the preceding paragraph.

Benadryl PE Chesty Cough & Nasal Decongestant Oral Liquid

11. From no later than around 16 April 2008 to the present, J&J Pacific has:

   (a) produced Benadryl PE Chesty Cough & Nasal Decongestant Oral Liquid;

   (b) held itself out to consumers as the manufacturer of Benadryl PE Chesty Cough & Nasal Decongestant Oral Liquid by:

      (i) printing its name on the product packaging;

      (ii) marketing the product in its name;

      (iii) marketing the product through its marketing channels; and

      (iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 2.

(B) Further particulars will be provided following evidence and disclosure.

(c) caused or permitted its name, a name by which it carries on business, and/or its brand or mark to be applied to the covering labels and boxes by which Benadryl PE Chesty Cough & Nasal Decongestant Oral Liquid is supplied;

(d) caused or permitted another entity (or other entities) in connection with the supply or possible supply or promotion of Benadryl PE Chesty Cough & Nasal Decongestant Oral Liquid to hold out J&J Pacific to consumers as the manufacturer of Benadryl PE Chesty Cough & Nasal Decongestant Oral Liquid by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 2.

(B) Such other entities include retailers, including pharmacists, selling the product.

(C) Further particulars will be provided following evidence and disclosure.

(e) imported Benadryl PE Chesty Cough & Nasal Decongestant Oral Liquid into Australia in the circumstance where:

(i) J&J Pacific did not manufacture Benadryl PE Chesty Cough & Nasal Decongestant Oral Liquid at the time of importation; and

(ii) the manufacturer of Benadryl PE Chesty Cough & Nasal Decongestant Oral Liquid did not have a place of business in Australia; and/or

(f) caused others to import Benadryl PE Chesty Cough & Nasal Decongestant Oral Liquid into Australia on J&J Pacific's behalf in the circumstance that:

(i) J&J Pacific did not manufacture Benadryl PE Chesty Cough & Nasal Decongestant Oral Liquid at the time of the importation; and

(ii) the manufacturer of Benadryl PE Chesty Cough & Nasal Decongestant Oral Liquid did not have a place of business in Australia.

12. In the premises, on and after 1 January 2011, J&J Pacific was the manufacturer of Benadryl PE Chesty Cough & Nasal Decongestant Oral Liquid within the meaning of section 7 of the ACL.

13. At all material times, Benadryl PE Chesty Cough & Nasal Decongestant Oral Liquid has contained the following active ingredients:

(a) 20mg/ml guaifenesin; and

(b) 1mg/ml phenylephrine hydrochloride.

14. At all material times, Benadryl PE Chesty Cough & Nasal Decongestant Oral Liquid has contained no other active ingredients than those pleaded in the preceding paragraph.

Benadryl PE Dry Cough & Nasal Congestion Oral Liquid

15. From no later than around 4 March 2008 to the present, J&J Pacific has:

(a) produced Benadryl PE Dry Cough & Nasal Congestion Oral Liquid;

(b) held itself out to consumers as the manufacturer of Benadryl PE Dry Cough & Nasal Congestion Oral Liquid by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 3.

(B) Further particulars will be provided following evidence and disclosure.

(c) caused or permitted its name, a name by which it carries on business, and/or its brand or mark to be applied to the covering labels and boxes by which Benadryl PE Dry Cough & Nasal Congestion Oral Liquid is supplied;

(d) caused or permitted another entity (or other entities) in connection with the supply or possible supply or promotion of Benadryl PE Dry Cough & Nasal Congestion Oral Liquid to hold out J&J Pacific to consumers as the manufacturer of Benadryl PE Dry Cough & Nasal Congestion Oral Liquid by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 3.

(B) Such other entities include retailers, including pharmacists, selling the product.

(C) Further particulars will be provided following evidence and disclosure.

(e) imported Benadryl PE Dry Cough & Nasal Congestion Oral Liquid into Australia in the circumstance where:

(i) J&J Pacific did not manufacture Benadryl PE Dry Cough & Nasal Congestion Oral Liquid at the time of importation; and

(ii) the manufacturer of Benadryl PE Dry Cough & Nasal Congestion Oral Liquid did not have a place of business in Australia; and/or

(f) caused others to import Benadryl PE Dry Cough & Nasal Congestion Oral Liquid into Australia on J&J Pacific's behalf in the circumstance that:

(i) J&J Pacific did not manufacture Benadryl PE Dry Cough & Nasal Congestion Oral Liquid at the time of the importation; and

(ii) the manufacturer of Benadryl PE Dry Cough & Nasal Congestion Oral Liquid did not have a place of business in Australia.

16. In the premises, on and after 1 January 2011, J&J Pacific was the manufacturer of Benadryl PE Dry Cough & Nasal Decongestant Oral Liquid within the meaning of section 7 of the ACL.

17. At all material times, Benadryl PE Dry Cough & Nasal Congestion Oral Liquid has contained the following active ingredients:

(a) 2mg/ml dextromethorphan hydrobromide monohydrate; and

(b) 1mg/ml phenylephrine hydrochloride.

18. At all material times, Benadryl PE Dry Cough & Nasal Congestion Oral Liquid has contained no other active ingredients than those pleaded in the preceding paragraph.

Codral Cold & Flu

19. From no later than around 11 May 2016 to the present, J&J Pacific has:

(a) produced Codral Cold & Flu in Australia;

(b) held itself out to consumers as the manufacturer of Codral Cold & Flu by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 4.

(B) Further particulars will be provided following evidence and disclosure.

(c) caused or permitted its name, a name by which it carries on business, and/or its brand or mark to be applied to the covering labels and boxes by which Codral Cold & Flu is supplied;

(d) caused or permitted another entity (or other entities) in connection with the supply or possible supply or promotion of Codral Cold & Flu to hold out J&J Pacific to consumers as the manufacturer of Codral Cold & Flu by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 4.

(B) Such other entities include retailers, including pharmacists, selling the product.

(C) Further particulars will be provided following evidence and disclosure.

(e) imported Codral Cold & Flu into Australia in the circumstance where:

(i) J&J Pacific did not manufacture Codral Cold & Flu at the time of importation; and

(ii) the manufacturer of Codral Cold & Flu did not have a place of business in Australia; and/or

(f) caused others to import Codral Cold & Flu into Australia on J&J Pacific's behalf in the circumstance that:

(i) J&J Pacific did not manufacture Codral Cold & Flu at the time of the importation; and

(ii) the manufacturer of Codral Cold & Flu did not have a place of business in Australia.

20. In the premises, at all material times, J&J Pacific was the manufacturer of Codral Cold & Flu within the meaning of section 7 of the ACL.

21. At all material times, Codral Cold & Flu has contained the following active ingredients:

(a) 500mg paracetamol; and

(b) 5mg phenylephrine hydrochloride.

22. At all material times, Codral Cold & Flu has contained no other active ingredients than those pleaded in the preceding paragraph.

Codral Cold & Flu (Reformulation 2)

23. From no later than around 8 January 2007 to around 28 June 2018, J&J Pacific has:

(a) produced Codral Cold & Flu (Reformulation 2);

(b) held itself out to consumers as the manufacturer of Codral Cold & Flu (Reformulation 2) by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 5.

(B) Further particulars will be provided following evidence and disclosure.

(c) caused or permitted its name, a name by which it carries on business, and/or its brand or mark to be applied to the covering labels and boxes by which Codral Cold & Flu (Reformulation 2) is supplied;

(d) caused or permitted another entity (or other entities) in connection with the supply or possible supply or promotion of Codral Cold & Flu (Reformulation 2) to hold out J&J Pacific to consumers as the manufacturer of Codral Cold & Flu (Reformulation 2) by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 5.

(B) Such other entities include retailers, including pharmacists, selling the product.

(C) Further particulars will be provided following evidence and disclosure.

(e) imported Codral Cold & Flu (Reformulation 2) into Australia in the circumstance where:

(i) J&J Pacific did not manufacture Codral Cold & Flu (Reformulation 2) at the time of importation; and

(ii) the manufacturer of Codral Cold & Flu (Reformulation 2) did not have a place of business in Australia; and/or

(f) caused others to import Codral Cold & Flu (Reformulation 2) into Australia on J&J Pacific's behalf in the circumstance that:

(i) J&J Pacific did not manufacture Codral Cold & Flu (Reformulation 2) at the time of the importation; and

(ii) the manufacturer of Codral Cold & Flu (Reformulation 2) did not have a place of business in Australia.

24. In the premises, on and after 1 January 2011, J&J Pacific was the manufacturer of Codral Cold & Flu (Reformulation 2) within the meaning of section 7 of the ACL.

25. At all material times, Codral Cold & Flu (Reformulation 2) has contained the following active ingredients:

    (a) 500mg paracetamol;

    (b) 9.5mg codeine phosphate; and

    (c) 5mg phenylephrine hydrochloride.

26. At all material times, Codral Cold & Flu (Reformulation 2) has contained no other active ingredients than those pleaded in the preceding paragraph.

Codral Cold & Flu Oral Powder

27. From no later than around 25 March 2011 to the present, J&J Pacific has:

    (a) produced Codral Cold & Flu Oral Powder;

    (b) held itself out to consumers as the manufacturer of Codral Cold & Flu Oral Powder by:

        (i) printing its name on the product packaging;

        (ii) marketing the product in its name;

        (iii) marketing the product through its marketing channels; and

        (iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 6.

(B) Further particulars will be provided following evidence and disclosure.

    (c) caused or permitted its name, a name by which it carries on business, and/or its brand or mark to be applied to the covering labels and boxes by which Codral Cold & Flu Oral Powder is supplied;

(d) caused or permitted another entity (or other entities) in connection with the supply or possible supply or promotion of Codral Cold & Flu Oral Powder to hold out J&J Pacific to consumers as the manufacturer of Codral Cold & Flu Oral Powder by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 6.

(B) Such other entities include retailers, including pharmacists, selling the product.

(C) Further particulars will be provided following evidence and disclosure.

(e) imported Codral Cold & Flu Oral Powder into Australia in the circumstance where:

(i) J&J Pacific did not manufacture Codral Cold & Flu Oral Powder at the time of importation; and

(ii) the manufacturer of Codral Cold & Flu Oral Powder did not have a place of business in Australia; and/or

(f) caused others to import Codral Cold & Flu Oral Powder into Australia on J&J Pacific's behalf in the circumstance that:

(i) J&J Pacific did not manufacture Codral Cold & Flu Oral Powder at the time of the importation; and

(ii) the manufacturer of Codral Cold & Flu Oral Powder did not have a place of business in Australia.

28. In the premises, at all material times, J&J Pacific was the manufacturer of Codral Cold & Flu Oral Powder within the meaning of section 7 of the ACL.

29. At all material times, Codral Cold & Flu Oral Powder has contained the following active ingredients:

    (a) 1000mg paracetamol; and

    (b) 12.2 mg phenylephrine hydrochloride.

30. At all material times, Codral Cold & Flu Oral Powder has contained no other active ingredients than those pleaded in the preceding paragraph.

Codral Cold & Flu + Dry Cough

31. From no later than around 26 April 2017 to the present, J&J Pacific has:

    (a) produced Codral Cold & Flu + Dry Cough in Australia;

    (b) held itself out to consumers as the manufacturer of Codral Cold & Flu + Dry Cough by:

        (i) printing its name on the product packaging;

        (ii) marketing the product in its name;

        (iii) marketing the product through its marketing channels; and

        (iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 7.

(B) Further particulars will be provided following evidence and disclosure.

    (c) caused or permitted its name, a name by which it carries on business, and/or its brand or mark to be applied to the covering labels and boxes by which Codral Cold & Flu + Dry Cough is supplied;

(d) caused or permitted another entity (or other entities) in connection with the supply or possible supply or promotion of Codral Cold & Flu + Dry Cough to hold out J&J Pacific to consumers as the manufacturer of Codral Cold & Flu + Dry Cough by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 7.

(B) Such other entities include retailers, including pharmacists, selling the product.

(C) Further particulars will be provided following evidence and disclosure.

(e) imported Codral Cold & Flu + Dry Cough into Australia in the circumstance where:

(i) J&J Pacific did not manufacture Codral Cold & Flu + Dry Cough at the time of importation; and

(ii) the manufacturer of Codral Cold & Flu + Dry Cough did not have a place of business in Australia; and/or

(f) caused others to import Codral Cold & Flu + Dry Cough into Australia on J&J Pacific's behalf in the circumstance that:

(i) J&J Pacific did not manufacture Codral Cold & Flu + Dry Cough at the time of the importation; and

(ii) the manufacturer of Codral Cold & Flu + Dry Cough did not have a place of business in Australia.

32. In the premises, at all material times, J&J Pacific was the manufacturer of Codral Cold & Flu + Dry Cough within the meaning of section 7 of the ACL.

33. At all material times, Codral Cold & Flu + Dry Cough has contained the following active ingredients:

    (a) 500mg paracetamol;

    (b) 10mg dextromethorphan hydrobromide monohydrate; and

    (c) 5mg phenylephrine hydrochloride.

34. At all material times, Codral Cold & Flu + Dry Cough has contained no other active ingredients than those pleaded in the preceding paragraph.

Codral Cold & Flu + Mucus Cough

35. From no later than around 31 October 2011 to the present, J&J Pacific has:

    (a) produced Codral Cold & Flu + Mucus Cough in Australia;

    (b) held itself out to consumers as the manufacturer of Codral Cold & Flu + Mucus Cough by:

        (i) printing its name on the product packaging;

        (ii) marketing the product in its name;

        (iii) marketing the product through its marketing channels; and

        (iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 8.

(B) Further particulars will be provided following evidence and disclosure.

    (c) caused or permitted its name, a name by which it carries on business, and/or its brand or mark to be applied to the covering labels and boxes by which Codral Cold & Flu + Mucus Cough is supplied;

(d) caused or permitted another entity (or other entities) in connection with the supply or possible supply or promotion of Codral Cold & Flu + Mucus Cough to hold out J&J Pacific to consumers as the manufacturer of Codral Cold & Flu + Mucus Cough by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 8.

(B) Such other entities include retailers, including pharmacists, selling the product.

(C) Further particulars will be provided following evidence and disclosure.

(e) imported Codral Cold & Flu + Mucus Cough into Australia in the circumstance where:

(i) J&J Pacific did not manufacture Codral Cold & Flu + Mucus Cough at the time of importation; and

(ii) the manufacturer of Codral Cold & Flu + Mucus Cough did not have a place of business in Australia; and/or

(f) caused others to import Codral Cold & Flu + Mucus Cough into Australia on J&J Pacific's behalf in the circumstance that:

(i) J&J Pacific did not manufacture Codral Cold & Flu + Mucus Cough at the time of the importation; and

(ii) the manufacturer of Codral Cold & Flu + Mucus Cough did not have a place of business in Australia.

36. In the premises, at all material times, J&J Pacific was the manufacturer of Codral Cold & Flu + Mucus Cough within the meaning of section 7 of the ACL.

37. At all material times, Codral Cold & Flu + Mucus Cough has contained the following active ingredients:

    (a) 500mg paracetamol;

    (b) 100mg guaifenesin; and

    (c) 6.1mg phenylephrine hydrochloride.

38. At all material times, Codral Cold & Flu + Mucus Cough has contained no other active ingredients than those pleaded in the preceding paragraph.

Codral Cold & Flu + Mucus Cough Oral Powder

39. From no later than around 31 October 2011 to the present, J&J Pacific has:

    (a) produced Codral Cold & Flu + Mucus Cough Oral Powder;

    (b) held itself out to consumers as the manufacturer of Codral Cold & Flu + Mucus Cough Oral Powder by:

        (i) printing its name on the product packaging;

        (ii) marketing the product in its name;

        (iii) marketing the product through its marketing channels; and

        (iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 9.

(B) Further particulars will be provided following evidence and disclosure.

    (c) caused or permitted its name, a name by which it carries on business, and/or its brand or mark to be applied to the covering labels and boxes by which Codral Cold & Flu + Mucus Cough Oral Powder is supplied;

(d) caused or permitted another entity (or other entities) in connection with the supply or possible supply or promotion of Codral Cold & Flu + Mucus Cough Oral Powder to hold out J&J Pacific to consumers as the manufacturer of Codral Cold & Flu + Mucus Cough Oral Powder by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 9.

(B) Such other entities include retailers, including pharmacists, selling the product.

(C) Further particulars will be provided following evidence and disclosure.

(e) imported Codral Cold & Flu + Mucus Cough Oral Powder into Australia in the circumstance where:

(i) J&J Pacific did not manufacture Codral Cold & Flu + Mucus Cough Oral Powder at the time of importation; and

(ii) the manufacturer of Codral Cold & Flu + Mucus Cough Oral Powder did not have a place of business in Australia; and/or

(f) caused others to import Codral Cold & Flu + Mucus Cough Oral Powder into Australia on J&J Pacific's behalf in the circumstance that:

(i) J&J Pacific did not manufacture Codral Cold & Flu + Mucus Cough Oral Powder at the time of the importation; and

(ii) the manufacturer of Codral Cold & Flu + Mucus Cough Oral Powder did not have a place of business in Australia.

40. In the premises, at all material times, J&J Pacific was the manufacturer of Codral Cold & Flu + Mucus Cough Oral Powder within the meaning of section 7 of the ACL.

41. At all material times, Codral Cold & Flu + Mucus Cough Oral Powder has contained the following active ingredients:

    (a) 1000mg paracetamol;

    (b) 200mg guaifenesin; and

    (c) 12.2mg phenylephrine hydrochloride.

42. At all material times, Codral Cold & Flu + Mucus Cough Oral Powder has contained no other active ingredients than those pleaded in the preceding paragraph.

Codral Day & Night

43. From no later than around 11 May 2016 to the present, J&J Pacific has:

    (a) produced Codral Day & Night in Australia;

    (b) held itself out to consumers as the manufacturer of Codral Day & Night by:

        (i) printing its name on the product packaging;

        (ii) marketing the product in its name;

        (iii) marketing the product through its marketing channels; and

        (iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 10.

(B) Further particulars will be provided following evidence and disclosure.

    (c) caused or permitted its name, a name by which it carries on business, and/or its brand or mark to be applied to the covering labels and boxes by which Codral Day & Night is supplied;

(d) caused or permitted another entity (or other entities) in connection with the supply or possible supply or promotion of Codral Day & Night to hold out J&J Pacific to consumers as the manufacturer of Codral Day & Night by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 10.

(B) Such other entities include retailers, including pharmacists, selling the product.

(C) Further particulars will be provided following evidence and disclosure.

(e) imported Codral Day & Night into Australia in the circumstance where:

(i) J&J Pacific did not manufacture Codral Day & Night at the time of importation; and

(ii) the manufacturer of Codral Day & Night did not have a place of business in Australia; and/or

(f) caused others to import Codral Day & Night into Australia on J&J Pacific's behalf in the circumstance that:

(i) J&J Pacific did not manufacture Codral Day & Night at the time of the importation; and

(ii) the manufacturer of Codral Day & Night did not have a place of business in Australia.

44. In the premises, at all material times, J&J Pacific was the manufacturer of Codral Day & Night within the meaning of section 7 of the ACL.

45. At all material times, Codral Day & Night has contained the following active ingredients:

(a) in the 'day' dose:

(i) 500mg paracetamol; and

(ii) 5mg phenylephrine hydrochloride; and

(b) in the 'night' dose:

(i) 500mg paracetamol;

(ii) 5mg phenylephrine hydrochloride; and

(iii) 2mg chlorphenamine maleate.

46. At all material times, Codral Day & Night has contained no other active ingredients than those pleaded in the preceding paragraph.

Codral Day & Night New Formula

47. From a date presently unknown to the Applicant, J&J Pacific has:

(a) produced Codral Day & Night New Formula;

(b) held itself out to consumers as the manufacturer of Codral Day & Night New Formula by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 11.

(B) Further particulars will be provided following evidence and disclosure.

(c) caused or permitted its name, a name by which it carries on business, and/or its brand or mark to be applied to the covering labels and boxes by which Codral Day & Night New Formula is supplied;

(d) caused or permitted another entity (or other entities) in connection with the supply or possible supply or promotion of Codral Day & Night New Formula to hold out J&J Pacific to consumers as the manufacturer of Codral Day & Night New Formula by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 11.

(B) Such other entities include retailers, including pharmacists, selling the product.

(C) Further particulars will be provided following evidence and disclosure.

(e) imported Codral Day & Night New Formula into Australia in the circumstance where:

(i) J&J Pacific did not manufacture Codral Day & Night New Formula at the time of importation; and

(ii) the manufacturer of Codral Day & Night New Formula did not have a place of business in Australia; and/or

(f) caused others to import Codral Day & Night New Formula into Australia on J&J Pacific's behalf in the circumstance that:

(i) J&J Pacific did not manufacture Codral Day & Night New Formula at the time of the importation; and

(ii) the manufacturer of Codral Day & Night New Formula did not have a place of business in Australia.

48. In the premises, on and after 1 January 2011, J&J Pacific was the manufacturer of Codral Day & Night New Formula within the meaning of section 7 of the ACL.

49. At all material times, Codral Day & Night New Formula has contained the following active ingredients:

(a) in the 'day' dose:

(i) 500mg paracetamol;

(ii) 9.5mg codeine phosphate; and

(iii) 5mg phenylephrine hydrochloride; and

(b) in the 'night' dose:

(i) 500mg paracetamol;

(ii) 5mg phenylephrine hydrochloride; and

(iii) 2mg chlorphenamine maleate.

50. At all material times, Codral Day & Night New Formula has contained no other active ingredients than those pleaded in the preceding paragraph.

Codral Day & Night + Dry Cough

51. From no later than around 5 October 2005 to the present, J&J Pacific has:

(a) produced Codral Day & Night + Dry Cough in Australia;

(b) held itself out to consumers as the manufacturer of Codral Day & Night + Dry Cough by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 12.

(B) Further particulars will be provided following evidence and disclosure.

(c) caused or permitted its name, a name by which it carries on business, and/or its brand or mark to be applied to the covering labels and boxes by which Codral Day & Night + Dry Cough is supplied;

(d) caused or permitted another entity (or other entities) in connection with the supply or possible supply or promotion of Codral Day & Night + Dry Cough to hold out J&J Pacific to consumers as the manufacturer of Codral Day & Night + Dry Cough by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 12.

(B) Such other entities include retailers, including pharmacists, selling the product.

(C) Further particulars will be provided following evidence and disclosure.

(e) imported Codral Day & Night + Dry Cough into Australia in the circumstance where:

(i) J&J Pacific did not manufacture Codral Day & Night + Dry Cough at the time of importation; and

(ii) the manufacturer of Codral Day & Night + Dry Cough did not have a place of business in Australia; and/or

(f) caused others to import Codral Day & Night + Dry Cough into Australia on J&J Pacific's behalf in the circumstance that:

(i) J&J Pacific did not manufacture Codral Day & Night + Dry Cough at the time of the importation; and

(ii) the manufacturer of Codral Day & Night + Dry Cough did not have a place of business in Australia.

52. In the premises, on and after 1 January 2011, J&J Pacific was the manufacturer of Codral Day & Night + Dry Cough within the meaning of section 7 of the ACL.

53. At all material times, Codral Day & Night + Dry Cough has contained the following active ingredients:

(a) in the 'day' dose:

(i) 500mg paracetamol;

(ii) 10mg dextromethorphan hydrobromide monohydrate; and

(iii) 5mg phenylephrine hydrochloride; and

(b) in the 'night' dose:

(i) 500mg paracetamol;

(ii) 10mg dextromethorphan hydrobromide monohydrate; and

(iii) 2mg chlorphenamine maleate.

54. At all material times, Codral Day & Night + Dry Cough has contained no other active ingredients than those pleaded in the preceding paragraph.

Codral Decongestant

55. From no later than around 1 June 2011 to the present, J&J Pacific has:

(a) produced Codral Decongestant;

(b) held itself out to consumers as the manufacturer of Codral Decongestant by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 13.

(B) Further particulars will be provided following evidence and disclosure.

(c) caused or permitted its name, a name by which it carries on business, and/or its brand or mark to be applied to the covering labels and boxes by which Codral Decongestant is supplied;

(d) caused or permitted another entity (or other entities) in connection with the supply or possible supply or promotion of Codral Decongestant to hold out J&J Pacific to consumers as the manufacturer of Codral Decongestant by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 13.

(B) Such other entities include retailers, including pharmacists, selling the product.

(C) Further particulars will be provided following evidence and disclosure.

(e) imported Codral Decongestant into Australia in the circumstance where:

(i) J&J Pacific did not manufacture Codral Decongestant at the time of importation; and

(ii) the manufacturer of Codral Decongestant did not have a place of business in Australia; and/or

(f) caused others to import Codral Decongestant into Australia on J&J Pacific's behalf in the circumstance that:

(i) J&J Pacific did not manufacture Codral Decongestant at the time of the importation; and

(ii) the manufacturer of Codral Decongestant did not have a place of business in Australia.

56. In the premises, at all material times, J&J Pacific was the manufacturer of Codral Decongestant within the meaning of section 7 of the ACL.

57. At all material times, Codral Decongestant has contained 10mg phenylephrine hydrochloride as an active ingredient.

58. At all material times, Codral Decongestant has contained no other active ingredients than those pleaded in the preceding paragraph.

Codral Dry Cough + Cold Oral Liquid

59. From no later than around 19 August 2020 to the present, J&J Pacific has:

(a) produced Codral Dry Cough + Cold Oral Liquid;

(b) held itself out to consumers as the manufacturer of Codral Dry Cough + Cold Oral Liquid by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 14.

(B) Further particulars will be provided following evidence and disclosure.

(c) caused or permitted its name, a name by which it carries on business, and/or its brand or mark to be applied to the covering labels and boxes by which Codral Dry Cough + Cold Oral Liquid is supplied;

(d) caused or permitted another entity (or other entities) in connection with the supply or possible supply or promotion of Codral Dry Cough + Cold Oral Liquid to hold out J&J Pacific to consumers as the manufacturer of Codral Dry Cough + Cold Oral Liquid by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 14.

(B) Such other entities include retailers, including pharmacists, selling the product.

(C) Further particulars will be provided following evidence and disclosure.

(e) imported Codral Dry Cough + Cold Oral Liquid into Australia in the circumstance where:

(i) J&J Pacific did not manufacture Codral Dry Cough + Cold Oral Liquid at the time of importation; and

(ii) the manufacturer of Codral Dry Cough + Cold Oral Liquid did not have a place of business in Australia; and/or

(f) caused others to import Codral Dry Cough + Cold Oral Liquid into Australia on J&J Pacific's behalf in the circumstance that:

(i) J&J Pacific did not manufacture Codral Dry Cough + Cold Oral Liquid at the time of the importation; and

(ii) the manufacturer of Codral Dry Cough + Cold Oral Liquid did not have a place of business in Australia.

60. In the premises, at all material times, J&J Pacific was the manufacturer of Codral Dry Cough + Cold Oral Liquid within the meaning of section 7 of the ACL.

61. At all material times, Codral Dry Cough + Cold Oral Liquid has contained the following active ingredients:

(a) 2mg/ml dextromethorphan hydrobromide monohydrate; and

(b) 1mg/ml phenylephrine hydrochloride.

62. At all material times, Codral Dry Cough + Cold Oral Liquid has contained no other active ingredients than those pleaded in the preceding paragraph.

Codral Mucus Cough + Cold Oral Liquid

63. From no later than around 10 August 2011 to the present, J&J Pacific has:

(a) produced Codral Mucus Cough + Cold Oral Liquid;

(b) held itself out to consumers as the manufacturer of Codral Mucus Cough + Cold Oral Liquid by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 15.

(B) Further particulars will be provided following evidence and disclosure.

(c) caused or permitted its name, a name by which it carries on business, and/or its brand or mark to be applied to the covering labels and boxes by which Codral Mucus Cough + Cold Oral Liquid is supplied;

(d) caused or permitted another entity (or other entities) in connection with the supply or possible supply or promotion of Codral Mucus Cough + Cold Oral Liquid to hold out J&J Pacific to consumers as the manufacturer of Codral Mucus Cough + Cold Oral Liquid by:

(i) printing its name on the product packaging; and

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 15.

(B) Such other entities include retailers, including pharmacists, selling the product.

(C) Further particulars will be provided following evidence and disclosure.

(e) imported Codral Mucus Cough + Cold Oral Liquid into Australia in the circumstance where:

(i) J&J Pacific did not manufacture Codral Mucus Cough + Cold Oral Liquid at the time of importation; and

(ii) the manufacturer of Codral Mucus Cough + Cold Oral Liquid did not have a place of business in Australia; and/or

(f) caused others to import Codral Mucus Cough + Cold Oral Liquid into Australia on J&J Pacific's behalf in the circumstance that:

(i) J&J Pacific did not manufacture Codral Mucus Cough + Cold Oral Liquid at the time of the importation; and

(ii) the manufacturer of Codral Mucus Cough + Cold Oral Liquid did not have a place of business in Australia.

64. In the premises, at all material times, J&J Pacific was the manufacturer of Codral Mucus Cough + Cold Oral Liquid within the meaning of section 7 of the ACL.

65. At all material times, Codral Mucus Cough + Cold Oral Liquid has contained the following active ingredients:

(a) 20mg/ml guaifenesin; and

(b) 1mg/ml phenylephrine hydrochloride.

66. At all material times, Codral Mucus Cough + Cold Oral Liquid has contained no other active ingredients than those pleaded in the preceding paragraph.

Codral Multi Action

67. From no later than around 8 April 2010 to around 28 June 2018, J&J Pacific has:

(a) produced Codral Multi Action in Australia;

(b) held itself out to consumers as the manufacturer of Codral Multi Action by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 16.

(B) Further particulars will be provided following evidence and disclosure.

(c) caused or permitted its name, a name by which it carries on business, and/or its brand or mark to be applied to the covering labels and boxes by which Codral Multi Action is supplied;

(d) caused or permitted another entity (or other entities) in connection with the supply or possible supply or promotion of Codral Multi Action to hold out J&J Pacific to consumers as the manufacturer of Codral Multi Action by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 16.

(B) Such other entities include retailers, including pharmacists, selling the product.

(C) Further particulars will be provided following evidence and disclosure.

(e) imported Codral Multi Action into Australia in the circumstance where:

(i) J&J Pacific did not manufacture Codral Multi Action at the time of importation; and

(ii) the manufacturer of Codral Multi Action did not have a place of business in Australia; and/or

(f) caused others to import Codral Multi Action into Australia on J&J Pacific's behalf in the circumstance that:

(i) J&J Pacific did not manufacture Codral Multi Action at the time of the importation; and

(ii) the manufacturer of Codral Multi Action did not have a place of business in Australia.

68. In the premises, on and after 1 January 2011, J&J Pacific was the manufacturer of Codral Multi Action within the meaning of section 7 of the ACL.

69. At all material times, Codral Multi Action has contained the following active ingredients:

(a) 500mg paracetamol;

(b) 9.5mg codeine phosphate;

(c) 2mg chlorphenamine maleate; and

(d) 5mg phenylephrine hydrochloride.

70. At all material times, Codral Multi Action has contained no other active ingredients than those pleaded in the preceding paragraph.

Codral Night

71. From no later than around 4 November 2005 to the present, J&J Pacific has:

(a) produced Codral Night in Australia;

(b) held itself out to consumers as the manufacturer of Codral Night by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 17.

(B) Further particulars will be provided following evidence and disclosure.

(c) caused or permitted its name, a name by which it carries on business, and/or its brand or mark to be applied to the covering labels and boxes by which Codral Night is supplied;

(d) caused or permitted another entity (or other entities) in connection with the supply or possible supply or promotion of Codral Night to hold out J&J Pacific to consumers as the manufacturer of Codral Night by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 17.

(B) Such other entities include retailers, including pharmacists, selling the product.

(C) Further particulars will be provided following evidence and disclosure.

(e) imported Codral Night into Australia in the circumstance where:

(i) J&J Pacific did not manufacture Codral Night at the time of importation; and

(ii) the manufacturer of Codral Night did not have a place of business in Australia; and/or

(f) caused others to import Codral Night into Australia on J&J Pacific's behalf in the circumstance that:

(i) J&J Pacific did not manufacture Codral Night at the time of the importation; and

(ii) the manufacturer of Codral Night did not have a place of business in Australia.

72. In the premises, on and after 1 January 2011, J&J Pacific was the manufacturer of Codral Night within the meaning of section 7 of the ACL.

73. At all material times, Codral Night has contained the following active ingredients:

(a) 500mg paracetamol;

(b) 2mg chlorphenamine maleate; and

(c) 5mg phenylephrine hydrochloride.

74. At all material times, Codral Night has contained no other active ingredients than those pleaded in the preceding paragraph.

Codral Plus

75. From no later than around 12 October 2018 to the present, J&J Pacific has:

(a) produced Codral Plus in Australia;

(b) held itself out to consumers as the manufacturer of Codral Plus by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 18.

(B) Further particulars will be provided following evidence and disclosure.

(c) caused or permitted its name, a name by which it carries on business, and/or its brand or mark to be applied to the covering labels and boxes by which Codral Plus is supplied;

(d) caused or permitted another entity (or other entities) in connection with the supply or possible supply or promotion of Codral Plus to hold out J&J Pacific to consumers as the manufacturer of Codral Plus by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 18.

(B) Such other entities include retailers, including pharmacists, selling the product.

(C) Further particulars will be provided following evidence and disclosure.

(e) imported Codral Plus into Australia in the circumstance where:

(i) J&J Pacific did not manufacture Codral Plus at the time of importation; and

(ii) the manufacturer of Codral Plus did not have a place of business in Australia; and/or

(f) caused others to import Codral Plus into Australia on J&J Pacific's behalf in the circumstance that:

(i) J&J Pacific did not manufacture Codral Plus at the time of the importation; and

(ii) the manufacturer of Codral Plus did not have a place of business in Australia.

76. In the premises, at all material times, J&J Pacific was the manufacturer of Codral Plus within the meaning of section 7 of the ACL.

77. At all material times Codral Plus has been comprised of two components, being Codral Relief Cold & Flu + Decongestant and Codral Sore Throat Lozenges Antibacterial + Anaesthetic Lime & Lemon Flavour lozenge.

78. At all material times Codral Plus comprised the bundle of two products being:

(a) Codral Relief Cold & Flu + Decongestant tablet blister pack which has contained the following active ingredients:

(i) 500mg paracetamol;

(ii) 5mg phenylephrine hydrochloride;

(b) Codral Sore Throat Lozenges Antibacterial + Anaesthetic Lime & Lemon Flavour lozenge blister pack which has contained the following active ingredients:

(i) 10mg benzocaine; and

(ii) 1.4mg cetylpyridinium chloride.

79. At all material times, Codral Plus has contained no other active ingredients than those pleaded in the preceding paragraph.

Codral Plus Mucus Cough Liquid + Cold & Flu

80. From no later than around 23 November 2022 to around 20 June 2025, J&J Pacific has:

(a) produced Codral Plus Mucus Cough Liquid + Cold & Flu;

(b) held itself out to consumers as the manufacturer of Codral Plus Mucus Cough Liquid + Cold & Flu by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 19.

(B) Further particulars will be provided following evidence and disclosure.

(c) caused or permitted its name, a name by which it carries on business, and/or its brand or mark to be applied to the covering labels and boxes by which Codral Plus Mucus Cough Liquid + Cold & Flu is supplied;

(d) caused or permitted another entity (or other entities) in connection with the supply or possible supply or promotion of Codral Plus Mucus Cough Liquid + Cold & Flu to hold out J&J Pacific to consumers as the manufacturer of Codral Plus Mucus Cough Liquid + Cold & Flu by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 19.

(B) Such other entities include retailers, including pharmacists, selling the product.

(C) Further particulars will be provided following evidence and disclosure.

(e) imported Codral Plus Mucus Cough Liquid + Cold & Flu into Australia in the circumstance where:

(i) J&J Pacific did not manufacture Codral Plus Mucus Cough Liquid + Cold & Flu at the time of importation; and

(ii) the manufacturer of Codral Plus Mucus Cough Liquid + Cold & Flu did not have a place of business in Australia; and/or

(f) caused others to import Codral Plus Mucus Cough Liquid + Cold & Flu into Australia on J&J Pacific's behalf in the circumstance that:

(i) J&J Pacific did not manufacture Codral Plus Mucus Cough Liquid + Cold & Flu at the time of the importation; and

(ii) the manufacturer of Codral Plus Mucus Cough Liquid + Cold & Flu did not have a place of business in Australia.

81. In the premises, at all material times, J&J Pacific was the manufacturer of Codral Plus Mucus Cough Liquid + Cold & Flu within the meaning of section 7 of the ACL.

82. At all material times, Codral Plus Mucus Cough Liquid + Cold & Flu has been comprised of a bundle of two products being:

(a) Codral Cold & Flu tablet blister pack which has contained the following active ingredients:

(i) 500.0081mg paracetamol;

(ii) 5mg phenylephrine hydrochloride;

(b) Codral Mucus cough oral liquid bottle which has contained the following active ingredient:

(i) 20mg/ml guaifenesin.

83. At all material times, Codral Plus Mucus Cough Liquid + Cold & Flu has contained no other active ingredients than those pleaded in the preceding paragraph.

Codral Relief Cold & Flu + Decongestant

84. From no later than around 28 March 2011 to around 14 June 2022, J&J Pacific has:

(a) produced Codral Relief Cold & Flu + Decongestant in Australia;

(b) held itself out to consumers as the manufacturer of Codral Relief Cold & Flu + Decongestant by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 20.

(B) Further particulars will be provided following evidence and disclosure.

(c) caused or permitted its name, a name by which it carries on business, and/or its brand or mark to be applied to the covering labels and boxes by which Codral Relief Cold & Flu + Decongestant is supplied;

(d) caused or permitted another entity (or other entities) in connection with the supply or possible supply or promotion of Codral Relief Cold & Flu + Decongestant to hold out J&J Pacific to consumers as the manufacturer of Codral Relief Cold & Flu + Decongestant by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 20.

(B) Such other entities include retailers, including pharmacists, selling the product.

(C) Further particulars will be provided following evidence and disclosure.

(e) imported Codral Relief Cold & Flu + Decongestant into Australia in the circumstance:

(i) J&J Pacific did not manufacture Codral Relief Cold & Flu + Decongestant at the time of importation; and

(ii) the manufacturer of Codral Relief Cold & Flu + Decongestant did not have a place of business in Australia; and/or

(f) caused others to import Codral Relief Cold & Flu + Decongestant into Australia on J&J Pacific's behalf in the circumstance that:

(i) J&J Pacific did not manufacture Codral Relief Cold & Flu + Decongestant at the time of the importation; and

(ii) the manufacturer of Codral Relief Cold & Flu + Decongestant did not have a place of business in Australia.

85. In the premises, at all material times, J&J Pacific was the manufacturer of Codral Relief Cold & Flu + Decongestant within the meaning of section 7 of the ACL.

86. At all material times, Codral Relief Cold & Flu + Decongestant has contained the following active ingredients:

(a) 500mg paracetamol; and

(b) 5mg phenylephrine hydrochloride.

87. At all material times, Codral Relief Cold & Flu + Decongestant has contained no other active ingredients than those pleaded in the preceding paragraph.

Sinutab PE Sinus, Allergy & Pain Relief

88. From a date presently unknown to around 28 June 2018, J&J Pacific has:

(a) produced Sinutab PE Sinus, Allergy & Pain Relief in Australia;

(b) held itself out to consumers as the manufacturer of Sinutab PE Sinus, Allergy & Pain Relief by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 21.

(B) Further particulars will be provided following evidence and disclosure.

(c) caused or permitted its name, a name by which it carries on business, and/or its brand or mark to be applied to the covering labels and boxes by which Sinutab PE Sinus, Allergy & Pain Relief is supplied;

(d) caused or permitted another entity (or other entities) in connection with the supply or possible supply or promotion of Sinutab PE Sinus, Allergy & Pain Relief to hold out J&J Pacific to consumers as the manufacturer of Sinutab PE Sinus, Allergy & Pain Relief by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 21.

(B) Such other entities include retailers, including pharmacists, selling the product.

(C) Further particulars will be provided following evidence and disclosure.

(e) imported Sinutab PE Sinus, Allergy & Pain Relief into Australia in the circumstance:

(i) J&J Pacific did not manufacture Sinutab PE Sinus, Allergy & Pain Relief at the time of importation; and

(ii) the manufacturer of Sinutab PE Sinus, Allergy & Pain Relief did not have a place of business in Australia; and/or

(f) caused others to import Sinutab PE Sinus, Allergy & Pain Relief into Australia on J&J Pacific's behalf in the circumstance that:

(i) J&J Pacific did not manufacture Sinutab PE Sinus, Allergy & Pain Relief at the time of the importation; and

(ii) the manufacturer of Sinutab PE Sinus, Allergy & Pain Relief did not have a place of business in Australia.

89. In the premises, on and after 1 January 2011, J&J Pacific was the manufacturer of Sinutab PE Sinus, Allergy & Pain Relief within the meaning of section 7 of the ACL.

90. At all material times, Sinutab PE Sinus, Allergy & Pain Relief has contained the following active ingredients:

(a) 500mg paracetamol;

(b) 5mg phenylephrine hydrochloride; and

(c) 2mg chlorphenamine maleate.

91. At all material times, Sinutab PE Sinus, Allergy & Pain Relief has contained no other active ingredients than that pleaded in the preceding paragraph.

Sudafed PE Nasal Decongestant

92. From no later than around 19 January 2005 to the present, J&J Pacific has:

(a) produced Sudafed PE Nasal Decongestant (Aust R 15775) in Australia;

(b) held itself out to consumers as the manufacturer of Sudafed PE Nasal Decongestant by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 22.

(B) Further particulars will be provided following evidence and disclosure.

(c) caused or permitted its name, a name by which it carries on business, and/or its brand or mark to be applied to the covering labels and boxes by which Sudafed PE Nasal Decongestant is supplied;

(d) caused or permitted another entity (or other entities) in connection with the supply or possible supply or promotion of Sudafed PE Nasal Decongestant to hold out J&J Pacific to consumers as the manufacturer of Sudafed PE Nasal Decongestant by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 22.

(B) Such other entities include retailers, including pharmacists, selling the product.

(C) Further particulars will be provided following evidence and disclosure.

(e) imported Sudafed PE Nasal Decongestant into Australia in the circumstance:

(i) J&J Pacific did not manufacture Sudafed PE Nasal Decongestant at the time of importation; and

(ii) the manufacturer of Sudafed PE Nasal Decongestant did not have a place of business in Australia; and/or

(f) caused others to import Sudafed PE Nasal Decongestant into Australia on J&J Pacific's behalf in the circumstance that:

(i) J&J Pacific did not manufacture Sudafed PE Nasal Decongestant at the time of the importation; and

(ii) the manufacturer of Sudafed PE Nasal Decongestant did not have a place of business in Australia.

93. In the premises, on and after 1 January 2011, J&J Pacific was the manufacturer of Sudafed PE Nasal Decongestant within the meaning of section 7 of the ACL.

94. At all material times, Sudafed PE Nasal Decongestant has contained 10mg phenylephrine hydrochloride as an active ingredient.

95. At all material times, Sudafed PE Nasal Decongestant has contained no other active ingredients than that pleaded in the preceding paragraph.

Sudafed PE Night

96. From no later than around 25 October 2005 to the present, J&J Pacific has:

(a) produced Sudafed PE Night;

(b) held itself out to consumers as the manufacturer of Sudafed PE Night by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 23.

(B) Further particulars will be provided following evidence and disclosure.

(c) caused or permitted its name, a name by which it carries on business, and/or its brand or mark to be applied to the covering labels and boxes by which Sudafed PE Night is supplied;

(d) caused or permitted another entity (or other entities) in connection with the supply or possible supply or promotion of Sudafed PE Night to hold out J&J Pacific to consumers as the manufacturer of Sudafed PE Night by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 23.

(B) Such other entities include retailers, including pharmacists, selling the product.

(C) Further particulars will be provided following evidence and disclosure.

(e) imported Sudafed PE Night into Australia in the circumstance:

(i) J&J Pacific did not manufacture Sudafed PE Night at the time of importation; and

(ii) the manufacturer of Sudafed PE Night did not have a place of business in Australia; and/or

(f) caused others to import Sudafed PE Night into Australia on J&J Pacific's behalf in the circumstance that:

(i) J&J Pacific did not manufacture Sudafed PE Night at the time of the importation; and

(ii) the manufacturer of Sudafed PE Night did not have a place of business in Australia.

97. In the premises, on and after 1 January 2011, J&J Pacific was the manufacturer of Sudafed PE Night within the meaning of section 7 of the ACL.

98. At all material times, Sudafed PE Night has contained the following active ingredients:

(a) 2mg chlorphenamine maleate;

(b) 500mg paracetamol; and

(c) 5mg phenylephrine hydrochloride.

99. At all material times, Sudafed PE Night has contained no other active ingredients than those pleaded in the preceding paragraph.

Sudafed PE Sinus + Allergy & Pain Relief

100. From no later than around 21 June 2005 to the present, J&J Pacific has:

(a) produced Sudafed PE Sinus + Allergy & Pain Relief in Australia;

(b) held itself out to consumers as the manufacturer of Sudafed PE Sinus + Allergy & Pain Relief by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 24.

(B) Further particulars will be provided following evidence and disclosure.

(c) caused or permitted its name, a name by which it carries on business, and/or its brand or mark to be applied to the covering labels and boxes by which Sudafed PE Sinus + Allergy & Pain Relief is supplied;

(d) caused or permitted another entity (or other entities) in connection with the supply or possible supply or promotion of Sudafed PE Sinus + Allergy & Pain Relief to hold out J&J Pacific to consumers as the manufacturer of Sudafed PE Sinus + Allergy & Pain Relief by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 24.

(B) Such other entities include retailers, including pharmacists, selling the product.

(C) Further particulars will be provided following evidence and disclosure.

(e) imported Sudafed PE Sinus + Allergy & Pain Relief into Australia in the circumstance where:

(i) J&J Pacific did not manufacture Sudafed PE Sinus + Allergy & Pain Relief at the time of importation; and

(ii) the manufacturer of Sudafed PE Sinus + Allergy & Pain Relief did not have a place of business in Australia; and/or

(f) caused others to import Sudafed PE Sinus + Allergy & Pain Relief into Australia on J&J Pacific's behalf in the circumstance that:

(i) J&J Pacific did not manufacture Sudafed PE Sinus + Allergy & Pain Relief at the time of the importation; and

(ii) the manufacturer of Sudafed PE Sinus + Allergy & Pain Relief did not have a place of business in Australia.

101. In the premises, on and after 1 January 2011, J&J Pacific was the manufacturer of Sudafed PE Sinus + Allergy & Pain Relief within the meaning of section 7 of the ACL.

102. At all material times, Sudafed PE Sinus + Allergy & Pain Relief has contained the following active ingredients:

(a) 500mg paracetamol;

(b) 5mg phenylephrine hydrochloride; and

(c) 2mg chlorphenamine maleate.

103. At all material times, Sudafed PE Sinus + Allergy & Pain Relief has contained no other active ingredients than those pleaded in the preceding paragraph.

Sudafed PE Sinus + Anti Inflammatory Pain Relief

104. From no later than around 27 August 2009 to the present, J&J Pacific has:

(a) produced Sudafed PE Sinus + Anti Inflammatory Pain Relief in Australia;

(b) held itself out to consumers as the manufacturer of Sudafed PE Sinus + Anti Inflammatory Pain Relief by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 25.

(B) Further particulars will be provided following evidence and disclosure.

(c) caused or permitted its name, a name by which it carries on business, and/or its brand or mark to be applied to the covering labels and boxes by which Sudafed PE Sinus + Anti Inflammatory Pain Relief is supplied;

(d) caused or permitted another entity (or other entities) in connection with the supply or possible supply or promotion of Sudafed PE Sinus + Anti Inflammatory Pain Relief to hold out J&J Pacific to consumers as the manufacturer of Sudafed PE Sinus + Anti Inflammatory Pain Relief by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 25.

(B) Such other entities include retailers, including pharmacists, selling the product.

(C) Further particulars will be provided following evidence and disclosure.

(e) imported Sudafed PE Sinus + Anti Inflammatory Pain Relief into Australia in the circumstance where:

(i) J&J Pacific did not manufacture Sudafed PE Sinus + Anti Inflammatory Pain Relief at the time of importation; and

(ii) the manufacturer of Sudafed PE Sinus + Anti Inflammatory Pain Relief did not have a place of business in Australia; and/or

(f) caused others to import Sudafed PE Sinus + Anti Inflammatory Pain Relief into Australia on J&J Pacific's behalf in the circumstance that:

(i) J&J Pacific did not manufacture Sudafed PE Sinus + Anti Inflammatory Pain Relief at the time of the importation; and

(ii) the manufacturer of Sudafed PE Sinus + Anti Inflammatory Pain Relief did not have a place of business in Australia.

105. In the premises, on and after 1 January 2011, J&J Pacific was the manufacturer of Sudafed PE Sinus + Anti Inflammatory Pain Relief within the meaning of section 7 of the ACL.

106. At all material times, Sudafed PE Sinus + Anti Inflammatory Pain Relief has contained the following active ingredients:

(a) 200mg ibuprofen; and

(b) 5mg phenylephrine hydrochloride.

107. At all material times, Sudafed PE Sinus + Anti Inflammatory Pain Relief has contained no other active ingredients than those pleaded in the preceding paragraph.

Sudafed PE Sinus + Pain Relief

108. From no later than around 21 June 2005 to the present, J&J Pacific has:

(a) produced Sudafed PE Sinus + Pain Relief in Australia;

(b) held itself out to consumers as the manufacturer of Sudafed PE Sinus + Pain Relief by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 26.

(B) Further particulars will be provided following evidence and disclosure.

(c) caused or permitted its name, a name by which it carries on business, and/or its brand or mark to be applied to the covering labels and boxes by which Sudafed PE Sinus + Pain Relief is supplied;

(d) caused or permitted another entity (or other entities) in connection with the supply or possible supply or promotion of Sudafed PE Sinus + Pain Relief to hold out J&J Pacific to consumers as the manufacturer of Sudafed PE Sinus + Pain Relief by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 26.

(B) Such other entities include retailers, including pharmacists, selling the product.

(C) Further particulars will be provided following evidence and disclosure.

(e) imported Sudafed PE Sinus + Pain Relief into Australia in the circumstance where:

(i) J&J Pacific did not manufacture Sudafed PE Sinus + Pain Relief at the time of importation; and

(ii) the manufacturer of Sudafed PE Sinus + Pain Relief did not have a place of business in Australia; and/or

(f) caused others to import Sudafed PE Sinus + Pain Relief into Australia on J&J Pacific's behalf in the circumstance that:

(i) J&J Pacific did not manufacture Sudafed PE Sinus + Pain Relief at the time of the importation; and

(ii) the manufacturer of Sudafed PE Sinus + Pain Relief did not have a place of business in Australia.

109. In the premises, on and after 1 January 2011, J&J Pacific was the manufacturer of Sudafed PE Sinus + Pain Relief within the meaning of section 7 of the ACL.

110. At all material times, Sudafed PE Sinus + Pain Relief has contained the following active ingredients:

(a) 500mg paracetamol; and

(b) 5mg phenylephrine hydrochloride.

111. At all material times, Sudafed PE Sinus + Pain Relief has contained no other active ingredients than those pleaded in the preceding paragraph.

Sudafed PE Sinus + Pain Relief Day & Night

112. From no later than around 3 August 2005 to the present, J&J Pacific has:

(a) produced Sudafed PE Sinus + Pain Relief Day & Night in Australia;

(b) held itself out to consumers as the manufacturer of Sudafed PE Sinus + Pain Relief Day & Night by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 27.

(B) Further particulars will be provided following evidence and disclosure.

(c) caused or permitted its name, a name by which it carries on business, and/or its brand or mark to be applied to the covering labels and boxes by which Sudafed PE Sinus + Pain Relief Day & Night is supplied;

(d) caused or permitted another entity (or other entities) in connection with the supply or possible supply or promotion of Sudafed PE Sinus + Pain Relief Day & Night to hold out J&J Pacific to consumers as the manufacturer of Sudafed PE Sinus + Pain Relief Day & Night by:

(i) printing its name on the product packaging;

(ii) marketing the product in its name;

(iii) marketing the product through its marketing channels; and

(iv) distributing the product through its distribution channels.

Particulars

(A) Particulars are provided in Schedule 27.

(B) Such other entities include retailers, including pharmacists, selling the product.

(C) Further particulars will be provided following evidence and disclosure.

(e) imported Sudafed PE Sinus + Pain Relief Day & Night into Australia in the circumstance where:

(i) J&J Pacific did not manufacture Sudafed PE Sinus + Pain Relief Day & Night at the time of importation; and

(ii) the manufacturer of Sudafed PE Sinus + Pain Relief Day & Night did not have a place of business in Australia; and/or

(f) caused others to import Sudafed PE Sinus + Pain Relief Day & Night into Australia on J&J Pacific's behalf in the circumstance that:

(i) J&J Pacific did not manufacture Sudafed PE Sinus + Pain Relief Day & Night at the time of the importation; and

(ii) the manufacturer of Sudafed PE Sinus + Pain Relief Day & Night did not have a place of business in Australia.

113. In the premises, on and after 1 January 2011, J&J Pacific was the manufacturer of Sudafed PE Sinus + Pain Relief Day & Night within the meaning of section 7 of the ACL.

114. At all material times, Sudafed PE Sinus + Pain Relief Day & Night has contained the following active ingredients:

(a) in the 'day' dose:

(i) 500 mg paracetamol; and

(ii) 5mg phenylephrine hydrochloride; and

(b) in the 'night' dose:

(i) 500 mg paracetamol;

(ii) 5mg phenylephrine hydrochloride; and

(iii) 2mg chlorphenamine maleate.

115. At all material times, Sudafed PE Sinus + Pain Relief Day & Night has contained no other active ingredients than those pleaded in the preceding paragraph.

B.2. Common characteristics of the J&J Pacific Oral PE Products

116. Each of the J&J Pacific Oral PE Products are goods in the nature of cold and flu medicine.

117. Each of the J&J Pacific Oral PE Products are medicines to be administered or taken orally.

118. Each of the J&J Pacific Oral PE Products are medicines to be taken only in accordance with a prescribed dosage, including a maximum dosage (**Prescribed Dosage**).

B.3. J&J Pacific's Packaging, Distribution, and Marketing

119. At all material times since on or around each of the dates pleaded in paragraphs 7, 11, 15, 19, 23, 27, 31, 35, 39, 43, 47, 51, 55, 59, 63, 67, 71, 75, 80, 84, 88, 92, 96, 100, 104, 108 and 112 above for each of the respective J&J Pacific Oral PE Products (**J&J Pacific Product Commencement Dates**), J&J Pacific has marketed them in Australia on the packaging of each of the J&J Pacific Oral PE Products (**J&J Pacific's Packaging Activities**).

120. At all material times from the respective J&J Pacific Product Commencement Dates, through the J&J Pacific Packaging Activities, the packaging of each of:

    (a) Benadryl Mucus Relief Plus Decongestant Oral Liquid has included statements as pleaded in Schedule 1;

    (b) Benadryl PE Chesty Cough & Nasal Decongestant Oral Liquid has included statements as pleaded in Schedule 2;

    (c) Benadryl PE Dry Cough & Nasal Congestion Oral Liquid has included statements as pleaded in Schedule 3;

    (d) Codral Cold & Flu has included statements as pleaded in Schedule 4;

    (e) Codral Cold & Flu (Reformulation 2) has included statements as pleaded in Schedule 5;

    (f) Codral Cold & Flu Oral Powder has included statements as pleaded in Schedule 6;

    (g) Codral Cold & Flu + Dry Cough has included statements as pleaded in Schedule 7;

    (h) Codral Cold & Flu + Mucus Cough has included statements as pleaded in Schedule 8;

(i) Codral Cold & Flu + Mucus Cough Oral Powder has included statements as pleaded in Schedule 9;

(j) Codral Day & Night has included statements as pleaded in Schedule 10;

(k) Codral Day & Night New Formula has included statements as pleaded in Schedule 11;

(l) Codral Day & Night + Dry Cough has included statements as pleaded in Schedule 12;

(m) Codral Decongestant has included statements as pleaded in Schedule 13;

(n) Codral Dry Cough + Cold Oral Liquid has included statements as pleaded in Schedule 14;

(o) Codral Mucus Cough + Cold Oral Liquid has included statements as pleaded in Schedule 15;

(p) Codral Multi Action has included statements as pleaded in Schedule 16;

(q) Codral Night has included statements as pleaded in Schedule 17;

(r) Codral Plus has included statements as pleaded in Schedule 18;

(s) Codral Plus Mucus Cough Liquid + Cold & Flu has included statements as pleaded in Schedule 19;

(t) Codral Relief Cold & Flu + Decongestant has included statements as pleaded in Schedule 20;

(u) Sinutab PE Sinus, Allergy & Pain Relief has included statements as pleaded in Schedule 21;

(v) Sudafed PE Nasal Decongestant has included statements as pleaded in Schedule 22;

(w) Sudafed PE Night has included statements as pleaded in Schedule 23;

(x) Sudafed PE Sinus + Allergy & Pain Relief has included statements as pleaded in Schedule 24;

(y) Sudafed PE Sinus + Anti Inflammatory Pain Relief has included statements as pleaded in Schedule 25;

(z) Sudafed PE Sinus + Pain Relief has included statements as pleaded in Schedule 26; and

(aa) Sudafed PE Sinus + Pain Relief Day & Night has included statements as pleaded in Schedule 27,

(each such packaging being **J&J Pacific Packaging**).

121. In and by the:

(a) J&J Pacific Packaging of each of the J&J Pacific Oral PE Products as pleaded in paragraph 120 above,

J&J Pacific represented to consumers that each of:

(b) Benadryl Mucus Relief Plus Decongestant Oral Liquid;

(c) Benadryl PE Chesty Cough & Nasal Decongestant Oral Liquid;

(d) Benadryl PE Dry Cough & Nasal Congestion Oral Liquid;

(e) Codral Cold & Flu;

(f) Codral Cold & Flu (Reformulation 2);

(g) Codral Cold & Flu Oral Powder;

(h) Codral Cold & Flu + Dry Cough;

(i) Codral Cold & Flu + Mucus Cough;

(j) Codral Cold & Flu + Mucus Cough Oral Powder;

(k) Codral Day & Night;

(l) Codral Day & Night New Formula;

(m) Codral Day & Night + Dry Cough;

(n) Codral Decongestant;

(o) Codral Dry Cough + Cold Oral Liquid;

(p) Codral Mucus Cough + Cold Oral Liquid;

(q) Codral Multi Action;

(r) Codral Night;

(s) Codral Plus;

(t) Codral Plus Mucus Cough Liquid + Cold & Flu;

(u) Codral Relief Cold & Flu + Decongestant;

(v) Sinutab PE Allergy & Pain Relief;

(w) Sudafed PE Nasal Decongestant;

(x) Sudafed PE Night;

(y) Sudafed PE Sinus + Allergy & Pain Relief;

(z) Sudafed PE Sinus + Anti Inflammatory Pain Relief;

(aa) Sudafed PE Sinus + Pain Relief; and

(bb) Sudafed PE Sinus + Pain Relief Day & Night,

respectively provided effective relief from a blocked nose (**Blocked Nose Representations**).

Particulars

(A) "Blocked nose" means swelling in the nasal passages and sinuses.

(B) "Effective relief" means the reasonable expectation that, in a significant proportion of the target population, the pharmacological effect of the drug, when used under adequate directions for use and warnings against unsafe use, will provide clinically significant relief of the type claimed.

(C) The representations are partly express and partly implied, as particularised in Annexure "B".

(D) Further particulars will be provided following evidence and disclosure.

122. At all material times on and from the respective J&J Pacific Product Commencement Dates, J&J Pacific has:

(a) failed to correct or qualify the Blocked Nose Representations;

(b) made and repeated the Blocked Nose Representations in and by the J&J Pacific Packaging; and/or

(c) otherwise maintained the Blocked Nose Representations in and by the J&J Pacific Packaging,

which were thereby continuing representations.

Particulars

(A) Paragraph 121 and the particulars thereto are repeated.

(B) The repetition and maintenance of the Blocked Nose Representations arises from the fact that the Blocked Nose Representations were and are conveyed by the J&J Pacific Packaging at all times from the Product Commencement Date(s) of the respective J&J Pacific Oral PE Product.

123. In and by the:

(a) J&J Pacific Packaging of each of the J&J Pacific Oral PE Products as pleaded in paragraph 120 above,

J&J Pacific represented to consumers that each of:

(b) Benadryl Mucus Relief Plus Decongestant Oral Liquid;

(c) Benadryl PE Chesty Cough & Nasal Decongestant Oral Liquid;

(d) Benadryl PE Dry Cough & Nasal Congestion Oral Liquid;

(e) Codral Cold & Flu;

(f) Codral Cold & Flu (Reformulation 2);

(g) Codral Cold & Flu Oral Powder;

(h) Codral Cold & Flu + Dry Cough;

(i) Codral Cold & Flu + Mucus Cough;

(j) Codral Cold & Flu + Mucus Cough Oral Powder;

(k) Codral Day & Night;

(l) Codral Day & Night New Formula;

(m) Codral Day & Night + Dry Cough;

(n) Codral Decongestant;

(o) Codral Dry Cough + Cold Oral Liquid;

(p) Codral Mucus Cough + Cold Oral Liquid;

(q) Codral Multi Action;

(r) Codral Night;

(s) Codral Plus;

(t) Codral Plus Mucus Cough Liquid + Cold & Flu;

(u) Codral Relief Cold & Flu + Decongestant;

(v) Sinutab PE Allergy & Pain Relief;

(w) Sudafed PE Nasal Decongestant;

(x) Sudafed PE Night;

(y) Sudafed PE Sinus + Allergy & Pain Relief;

(z) Sudafed PE Sinus + Anti Inflammatory Pain Relief;

(aa) Sudafed PE Sinus + Pain Relief; and

(bb) Sudafed PE Sinus + Pain Relief Day & Night,

respectively provided effective relief from a runny nose (**Runny Nose Representations**).

Particulars

(A) "Runny nose" means secretions (including of mucus) in the nasal passages and sinuses, including where accompanied by congestion.

(B) "Effective relief" means the reasonable expectation that, in a significant proportion of the target population, the pharmacological effect of the drug, when used under adequate directions for use and warnings against unsafe use, will provide clinically significant relief of the type claimed.

(C) The representations are partly express and partly implied, as particularised in Annexure "C".

(D) Further particulars will be provided following evidence and disclosure.

124. At all material times, on and from the respective J&J Pacific Product Commencement Dates, J&J Pacific has:

(a) failed to correct or qualify the Runny Nose Representations;

(b) made and repeated the Runny Nose Representations in and by the J&J Pacific Packaging; and/or

(c) otherwise maintained the Runny Nose Representations in and by the J&J Pacific Packaging,

which were thereby continuing representations.

Particulars

(A) Paragraph 123 and the particulars thereto are repeated.

(B) The repetition and maintenance of the Runny Nose Representations arises from the fact that the Runny Nose Representations were and are conveyed by the J&J Pacific Packaging at all times from the Product Commencement Date(s) of the respective J&J Pacific Oral PE Product.

125. In and by the:

(a) J&J Pacific Packaging of each of the J&J Pacific Oral PE Products as pleaded in paragraph 120 above,

J&J Pacific represented to consumers that each of:

(b) Benadryl Mucus Relief Plus Decongestant Oral Liquid;

(c) Benadryl PE Chesty Cough & Nasal Decongestant Oral Liquid;

(d) Benadryl PE Dry Cough & Nasal Congestion Oral Liquid;

(e) Codral Cold & Flu;

(f) Codral Cold & Flu (Reformulation 2);

(g) Codral Cold & Flu Oral Powder;

(h) Codral Cold & Flu + Dry Cough;

(i) Codral Cold & Flu + Mucus Cough;

(j) Codral Cold & Flu + Mucus Cough Oral Powder;

(k) Codral Day & Night;

(l) Codral Day & Night New Formula;

(m) Codral Day & Night + Dry Cough;

(n) Codral Decongestant;

(o) Codral Dry Cough + Cold Oral Liquid;

(p) Codral Mucus Cough + Cold Oral Liquid;

(q) Codral Multi Action;

(r) Codral Night;

(s) Codral Plus;

(t) Codral Plus Mucus Cough Liquid + Cold & Flu;

(u) Codral Relief Cold & Flu + Decongestant;

(v) Sinutab PE Allergy & Pain Relief;

(w) Sudafed PE Nasal Decongestant;

(x) Sudafed PE Night;

(y) Sudafed PE Sinus + Allergy & Pain Relief;

(z) Sudafed PE Sinus + Anti Inflammatory Pain Relief;

(aa) Sudafed PE Sinus + Pain Relief; and

(bb) Sudafed PE Sinus + Pain Relief Day & Night,

respectively provided effective relief from sinus pressure (**Sinus Pressure Representations**).

Particulars

(A) "Sinus pressure" means aching in the face caused by inflammation or swelling in the sinuses and nasal passages, including where accompanied by or caused by mucus or congestion, or a blocked nose.

(B) "Effective relief" means the reasonable expectation that, in a significant proportion of the target population, the pharmacological effect of the drug, when used under adequate directions for use and warnings against unsafe

use, will provide clinically significant relief of the type claimed.

(C) The representations are partly express and partly implied, as particularised in Annexure "D".

(D) Further particulars will be provided following evidence and disclosure.

126. At all material times, on and from the respective J&J Pacific Product Commencement Dates, J&J Pacific has:

(a) failed to correct or qualify the Sinus Pressure Representations;

(b) made and repeated the Sinus Pressure Representations in and by the J&J Pacific Packaging; and/or

(c) otherwise maintained the Sinus Pressure Representations in and by the J&J Pacific Packaging,

which were thereby continuing representations.

Particulars

(A) Paragraph 125 and the particulars thereto are repeated.

(B) The repetition and maintenance of the Sinus Pressure Representations arises from the fact that the Sinus Pressure Representations were and are conveyed by the J&J Pacific Packaging at all times from the Product Commencement Date(s) of the respective J&J Pacific Oral PE Product.

127. The Blocked Nose Representations, the Runny Nose Representations, and/or the Sinus Pressure Representations are together (or in any combination) the **Nasal Decongestant Representations**.

B.4. Consumer Guarantees

128. At all material times, since on or around each of the J&J Pacific Product Commencement Dates for each of the respective J&J Pacific Oral PE Products, each of the J&J Pacific Oral PE Products have been supplied to consumers other than by auction.

Nasal Decongestant Acceptable Quality Guarantee

129. In the premises of:

(a) the matter pleaded in the preceding paragraph;

(b) the nature of each of the J&J Pacific Oral PE Products being a good in the nature of cold and flu medicine (as pleaded in section B.2 above);

(c) the prices of each of the J&J Pacific Oral PE Products;

(d) the J&J Pacific Packaging; and/or

(e) the Nasal Decongestant Representations,

there was a guarantee that the each of the J&J Pacific Oral PE Products supplied on and after 1 January 2011 were of acceptable quality such that, when taken in accordance with the Prescribed Dosage, each would provide effective relief for symptoms of nasal congestion, namely blocked nose, runny nose and/or sinus pressure (**Nasal Decongestant Acceptable Quality Guarantee**).

Particulars

(A) ACL s 54.

(B) "Nasal congestion" means congestion which develops secondary to engorgement of the cavernous venous sinusoids in nasal turbinates, which leads to tissue swelling, reduced internal nasal diameter, and increased resistance to air flow.

Nasal Decongestant Description Guarantee

130. In the premises of:

(a) the matter pleaded in paragraph 128 above;

(b) the J&J Pacific Packaging; and/or

(c) the Nasal Decongestant Representations,

there was a guarantee that each of the J&J Pacific Oral PE Products supplied on and after 1 January 2011 would correspond with the description that, when taken in accordance

with the Prescribed Dosage, each would provide effective relief for symptoms of nasal congestion, namely blocked nose, runny nose and/or sinus pressure (**Nasal Decongestant Description Guarantee**).

Particulars

(A) ACL s 56.

(B) As to the meaning of "nasal congestion", particular (C) to paragraph 129 is repeated.

Nasal Decongestant Express Warranty Guarantee

131. By the:

(a) J&J Pacific Packaging; and/or

(b) Nasal Decongestant Representations,

J&J Pacific made assertions or representations that each of the J&J Pacific Oral PE Products, when taken in accordance with the Prescribed Dosage, would provide effective relief for symptoms of nasal congestion, namely blocked nose, runny nose and/or sinus pressure (**Nasal Decongestant Express Warranty**).

Particulars

(A) As to the meaning of "nasal congestion", particular (C) to paragraph 129 is repeated.

132. The Nasal Decongestant Express Warranty:

(a) related to the quality, performance, and/or characteristics of each of the J&J Pacific Oral PE Products;

(b) was given or made in connection with the supply of each of the J&J Pacific Oral PE Products and/or the promotion by any means of their supply; and

(c) had the natural tendency to induce persons to acquire each of the J&J Pacific Oral PE Products,

and therefore was an express warranty within the meaning of ss 2 and 59 of the ACL.

133. In the premises of the matters pleaded in:

(a) paragraph 128 above;

(b) paragraph 131 above; and

(c) the preceding paragraph,

there was a guarantee on and after 1 January 2011 that J&J Pacific would comply with the Nasal Decongestant Express Warranty (**Nasal Decongestant Express Warranty Guarantee**) (together with the Nasal Decongestant Acceptable Quality Guarantee and the Nasal Decongestant Description Guarantee, **Consumer Guarantees**).

Particulars

(A) ACL s 59.

C. APPLICANT AND GROUP MEMBERS PURCHASE J&J PACIFIC ORAL PE PRODUCTS

134. On various dates since around 2015, the Applicant has purchased various of the J&J Pacific Oral PE Products.

Particulars

(A) The Applicant first purchased Codral Day & Night New Formula in or about December 2015.

(B) Between in or about December 2015 and in or about May 2019, the Applicant purchased approximately 14 to 21 packets of Codral Day & Night New Formula, Codral Day & Night, and Sudafed PE Nasal Decongestant to treat symptoms of nasal congestion, but claims for only 14 purchases.

(C) The Applicant purchased the products in (B) above from the following pharmacies: 'My Chemist Reservoir', a pharmacy located on Edwardes St, Reservoir, 'CoHealth Collingwood', a pharmacy located on Sackville Street, Collingwood, 'The Chemist Warehouse', a large discount chemist located on Smith Street, Collingwood and 'The Chemist Warehouse' located on Swan Street, Richmond.

(D) Further particulars of purchases will be provided following evidence.

135. Since on or around each of the J&J Pacific Product Commencement Dates for each of the respective J&J Pacific Oral PE Products to the time this proceeding was commenced, Group Members have purchased at least one of the J&J Pacific Oral PE Products.

D. INEFFICACY OF PHENYLEPHRINE (AND THE J&J PACIFIC ORAL PE PRODUCTS)

136. The oral consumption of up to 12.2mg of phenylephrine, when taken in accordance with the Prescribed Dosage, has never provided any clinically significant relief for nasal congestion.

Particulars

(A) As to the meaning of "nasal congestion", particular (C) to paragraph 129 is repeated.

(B) "Clinically significant" means a measurable improvement or reduction in symptom(s), including blocked nose, runny nose and/or sinus pressure.

(C) "Clinically significant effect" means an effect that is clinically significant.

137. None of the other active ingredients in the J&J Pacific Oral PE Products has any clinically significant effect in relieving nasal congestion.

Particulars

(A) As to the meaning of "nasal congestion", particular (C) to paragraph 129 is repeated.

(B) As to the meanings of "clinically significant" and "clinically significant effect", the particulars to paragraph 136 are repeated.

138. In the premises, the oral consumption of up to 12.2mg of phenylephrine has never provided any clinically significant relief for nasal congestion (when combined with any amount of paracetamol, chlorphenamine maleate, dextromethorphan hydrobromide monohydrate, guaifenesin, codeine phosphate, or ibuprofen).

Particulars

(A) As to the meaning of "nasal congestion", particular (C) to paragraph 129 is repeated.

(B) As to the meanings of "clinically significant" and "clinically significant effect", the particulars to paragraph 136 are repeated.

139. In the premises, at all material times, none of the J&J Pacific Oral PE Products when taken in accordance with the Prescribed Dosage have had any clinically significant effect in relieving nasal congestion.

Particulars

(A) As to the meaning of "nasal congestion", particular (C) to paragraph 129 is repeated.

(B) As to the meanings of "clinically significant" and "clinically significant effect", the particulars to paragraph 136 are repeated.

E. *ACL* CONTRAVENTIONS

E.1. J&J Pacific's Consumer Guarantee Failures

140. In the premises of the matter pleaded in paragraph 139 above:

(a) Benadryl Mucus Relief Plus Decongestant Oral Liquid;

(b) Benadryl PE Chesty Cough & Nasal Decongestant Oral Liquid;

(c) Benadryl PE Dry Cough & Nasal Congestion Oral Liquid;

(d) Codral Cold & Flu;

(e) Codral Cold & Flu (Reformulation 2);

(f) Codral Cold & Flu Oral Powder;

(g) Codral Cold & Flu + Dry Cough;

(h) Codral Cold & Flu + Mucus Cough;

(i) Codral Cold & Flu + Mucus Cough Oral Powder;

(j) Codral Day & Night;

(k) Codral Day & Night New Formula;

(l) Codral Day & Night + Dry Cough;

(m) Codral Decongestant;

(n) Codral Dry Cough + Cold Oral Liquid;

(o) Codral Mucus Cough + Cold Oral Liquid;

(p) Codral Multi Action;

(q) Codral Night;

(r) Codral Plus;

(s) Codral Plus Mucus Cough Liquid + Cold & Flu;

(t) Codral Relief Cold & Flu + Decongestant;

(u) Sinutab PE Allergy & Pain Relief;

(v) Sudafed PE Nasal Decongestant;

(w) Sudafed PE Night;

(x) Sudafed PE Sinus + Allergy & Pain Relief;

(y) Sudafed PE Sinus + Anti Inflammatory Pain Relief;

(z) Sudafed PE Sinus + Pain Relief; and/or

(aa) Sudafed PE Sinus + Pain Relief Day & Night,

did not (and do not) comply with the Nasal Decongestant Acceptable Quality Guarantee (each failure being a **J&J Pacific Consumer Guarantee Failure**).

141. In the premises of the matter pleaded in paragraph 139 above:

(a) Benadryl Mucus Relief Plus Decongestant Oral Liquid;

(b) Benadryl PE Chesty Cough & Nasal Decongestant Oral Liquid;

(c) Benadryl PE Dry Cough & Nasal Congestion Oral Liquid;

(d) Codral Cold & Flu;

(e) Codral Cold & Flu (Reformulation 2);

(f) Codral Cold & Flu Oral Powder;

(g) Codral Cold & Flu + Dry Cough;

(h) Codral Cold & Flu + Mucus Cough;

(i) Codral Cold & Flu + Mucus Cough Oral Powder;

(j) Codral Day & Night;

(k) Codral Day & Night New Formula;

(l) Codral Day & Night + Dry Cough;

(m) Codral Decongestant;

(n) Codral Dry Cough + Cold Oral Liquid;

(o) Codral Mucus Cough + Cold Oral Liquid;

(p) Codral Multi Action;

(q) Codral Night;

(r) Codral Plus;

(s) Codral Plus Mucus Cough Liquid + Cold & Flu;

(t) Codral Relief Cold & Flu + Decongestant;

(u) Sinutab PE Allergy & Pain Relief;

(v) Sudafed PE Nasal Decongestant;

(w) Sudafed PE Night;

(x) Sudafed PE Sinus + Allergy & Pain Relief;

(y) Sudafed PE Sinus + Anti Inflammatory Pain Relief;

(z) Sudafed PE Sinus + Pain Relief; and/or

(aa) Sudafed PE Sinus + Pain Relief Day & Night,

did not (and do not) comply with the Nasal Decongestant Description Guarantee (each failure being a **J&J Pacific Consumer Guarantee Failure**).

142. In the premises of the matter pleaded in paragraph 139 above:

(a) Benadryl Mucus Relief Plus Decongestant Oral Liquid;

(b) Benadryl PE Chesty Cough & Nasal Decongestant Oral Liquid;

(c) Benadryl PE Dry Cough & Nasal Congestion Oral Liquid;

(d) Codral Cold & Flu;

(e) Codral Cold & Flu (Reformulation 2);

(f) Codral Cold & Flu Oral Powder;

(g) Codral Cold & Flu + Dry Cough;

(h) Codral Cold & Flu + Mucus Cough;

(i) Codral Cold & Flu + Mucus Cough Oral Powder;

(j) Codral Day & Night;

(k) Codral Day & Night New Formula;

(l) Codral Day & Night + Dry Cough;

(m) Codral Decongestant;

(n) Codral Dry Cough + Cold Oral Liquid;

(o) Codral Mucus Cough + Cold Oral Liquid;

(p) Codral Multi Action;

(q) Codral Night;

(r) Codral Plus;

(s) Codral Plus Mucus Cough Liquid + Cold & Flu;

(t) Codral Relief Cold & Flu + Decongestant;

(u) Sinutab PE Allergy & Pain Relief;

(v) Sudafed PE Nasal Decongestant;

(w) Sudafed PE Night;

(x) Sudafed PE Sinus + Allergy & Pain Relief;

(y) Sudafed PE Sinus + Anti Inflammatory Pain Relief;

(z) Sudafed PE Sinus + Pain Relief; and/or

(aa) Sudafed PE Sinus + Pain Relief Day & Night,

did not (and do not) comply with the Nasal Decongestant Express Warranty Guarantee each failure being a **J&J Pacific Consumer Guarantee Failure**).

F. LOSS AND DAMAGE AND DIMINUTION IN VALUE

F.1. J&J Pacific Consumer Guarantee Failures Diminution in Value and Loss and Damage

143. As a result of J&J Pacific Consumer Guarantee Failures, each of the J&J Pacific Oral PE Products was worth less than:

(a) the price paid or payable by the Applicant and Group Members for the particular J&J Pacific Oral PE Product purchased; and

(b) the average retail price of each particular J&J Pacific Oral PE Product purchased at the time of each purchase.

144. In the premises of the matters pleaded in paragraphs 134 and 135 above, the Applicant and Group Members who acquired a J&J Pacific Oral PE Product on or after 1 January 2011 are an affected person within the meaning of s 2 of the ACL in respect of the acquisitions on or after 1 January 2011.

145. In the premises of the matters pleaded in:

(a) paragraphs 8, 12, 16, 20, 24, 28, 32, 36, 40, 44, 48, 52, 56, 60, 64, 68, 72, 76, 81, 85, 89, 93, 97, 101, 105, 109 and/or 113;

(b) paragraph 140, paragraph 141, and/or paragraph 142 above; and

(c) the preceding paragraph,

the Applicant and Group Members are entitled to recover damages from J&J Pacific.

Particulars

(A) ACL s 271.

146. In the premises of the matters pleaded in paragraphs 143 and 145 above, the Applicant and Group Members are entitled to recover as damages the difference between:

(a) the lower value of the particular J&J Pacific Oral PE Product purchased; and

(b) either:

(i) the price paid or payable for the particular J&J Pacific Oral PE Product purchased; or

(ii) the average retail price of each particular J&J Pacific Oral PE Product purchased at the time of each purchase,

whichever is lower.

Particulars

(A) ACL s 272(1)(a).

147. Further and/or alternatively, the Applicant and some or all Group Members have suffered loss and damage by, because of, or resulting from J&J Pacific Consumer Guarantee Failures.

Particulars

(A) The Applicant's loss and damage is the monies paid for Codral Day & Night New Formula, Codral Day & Night, and Sudafed PE Nasal Decongestant which he would not have purchased and/or the difference between monies paid for J&J Oral PE Products and alternative products he would have instead purchased, namely products marketed under the brand names Panadol, Panamax, and Chemist own-brands.

(B) Group Members' loss and damage includes monies paid for J&J Pacific Oral PE Products purchased which they would not have purchased and/or the difference between monies paid for J&J Oral PE Products and alternative products they would have instead purchased.

(C) Further particulars will be provided following evidence and disclosure.

148. In the premises of the matters pleaded in paragraphs 145 and 147 above, the Applicant and some or all Group Members are entitled to recover as damages the loss and damage suffered.

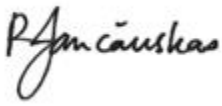
Particulars

(A) ACL s 272(1)(b).

G. RELIEF

149. And the Applicant claims on his own behalf, and on behalf of Group Members, the relief sought in the Originating Application.

Date: 13 April 2026



Signed by Rebecca Jancauskas
Lawyer for the Applicant

This second further amended pleading was prepared by R Jancauskas of JGA Saddler and D Fahey and S Puttick of counsel and settled by William A D Edwards of King's Counsel.

Certificate of lawyer

I, Rebecca Jancauskas, certify to the Court that, in relation to the statement of claim filed on behalf of the Applicant, the factual and legal material available to me at present provides a proper basis for each allegation in the pleading.

Date: 13 April 2026



Signed by Rebecca Jancauskas
Lawyer for the Applicant

Annexure "A" - GLOSSARY AND DEFINED TERMS

ACL	is defined in paragraph 8.
Blocked Nose Representations	is defined in paragraph 121.
Consumer Guarantees	is defined in paragraph 133.
Corporations Act	is defined in paragraph 2(b)(i)
FCA Act	is defined in paragraph 2.
Group Members	is defined in paragraph 2.
J&J Pacific	is defined in paragraph 2(b)(i)
J&J Pacific Oral PE Products	is defined in paragraph 6.
J&J Pacific Packaging	is defined in paragraph 120.
J&J Pacific Product Commencement Dates	is defined in paragraph 119.
J&J Pacific Consumer Guarantee Failure	is defined in paragraphs 140, 141 and 142.
J&J Pacific's Packaging Activities	is defined in paragraph 119.
Nasal Decongestant Acceptable Quality Guarantee	is defined in paragraph 129.
Nasal Decongestant Description Guarantee	is defined in paragraph 130.
Nasal Decongestant Express Warranty	is defined in paragraph 131.
Nasal Decongestant Express Warranty Guarantee	is defined in paragraph 133.
Nasal Decongestant Representations	is defined in paragraph 127.
Runny Nose Representations	is defined in paragraph 123.
Sinus Pressure Representations	is defined in paragraph 125.

Annexure "B"

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

(A) As to the Blocked Nose Representations from the JJP Packaging for the respective J&J Pacific Oral PE Product particularised in Column II, the Applicant relies on the allegations pleaded in the respective schedule to this pleading particularised in Column I and the specific aspects to the JJP Packaging (as pleaded in that schedule):

(i) particularised in Column III as giving rise to the representation to the extent it is express; and

(ii) together with such parts, particularised in Column IV to the extent the representation is implied:

I (i.e., schedule to pleading)	*II (i.e., J&J Pacific Oral PE Product)*	*III (i.e., express)*	*IV (i.e., implied)*
1	*Benadryl Mucus Relief Plus Decongestant Oral Liquid*	*1(b), (c)* *2(b), (c)*	*1(a), (b), (c)* *2(a), (b), (c)* *[Referring to "mucus relief" and "decongestant" in circumstances where that would be taken to refer to mucus in the nose (see Particular (A)), in the context of the express statements and describing the product as a "pharmacy medicine"]*
2	*Benadryl PE Chesty Cough &*	*1(b), (c), (d)*	*1(a), (b), (c), (d)*

	Nasal Decongestant Oral Liquid	*2(b), (c), (d)*	*2(a), (b), (c), (d)* *[Referring to "nasal congestion" (see Particular (A)), in the context of the express statements and describing the product as a "pharmacy medicine"]*
3	*Benadryl PE Dry Cough & Nasal Congestion Oral Liquid*	*1(b), (c), (d)* *2(b), (c), (d)*	*1(a), (b), (c), (d)* *2(a), (b), (c), (d)* *[Referring to "nasal congestion" (see Particular (A)), in the context of the express statements and describing the product as a "pharmacy medicine"]*
4	*Codral Cold & Flu*	*1(b)* *2(b)*	*1(a), (b)* *2(a), (b)* *[Referring to "Cold & Flu", where both a "cold" and "flu" are conditions, a symptom of which can include a blocked nose (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information"]*
5	*Codral Cold & Flu (Reformulation 2)*	*1(b), (c)* *2(b), (c)*	*1 (a), (b), (c)* *2(a), (b), (c)* *[Referring to "Cold & Flu", where both a "cold" and "flu" are conditions, a symptom of which can include a blocked nose (see Particular (A)) in the context of the express statements and describing the product as "Pharmacy Medicine"]*
6	*Codral Cold & Flu Oral Powder*	*1(b)* *2(b)*	*1(a), (b)* *2(a), (b)* *[Referring to "Cold & Flu", where both a "cold" and "flu" are conditions, a symptom of which can include a blocked nose (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information"]*
7	*Codral Cold & Flu + Dry Cough*	*1(b)* *2(b)*	*1(a), (b)* *2(a), (b)* *[Referring to "Cold & Flu", where both a "cold" and "flu" are conditions, a symptom*

			of which can include a blocked nose (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information"]
8	*Codral Cold & Flu + Mucus Cough*	*1(c), (d)* *2(b)*	*1(a), (b), (c), (d)* *2(a), (b)* *[Referring to "Cold & Flu", where both a "cold" and "flu" are conditions, a symptom of which can include a blocked nose (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information"]*
9	*Codral Cold & Flu + Mucus Cough Oral Powder*	*1(b)* *2(b)*	*1(a), (b)* *2(a), (b)* *[Referring to "Cold & Flu", where both a "cold" and "flu" are conditions, a symptom of which can include a blocked nose (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information"]*
10	*Codral Day & Night*	*1(b), (c)* *2(b), (c)*	*1(a), (b), (c)* *2(a), (b), (c)* *[Referring to "Cold & Flu", where both a "cold" and "flu" are conditions, a symptom of which can include a blocked nose (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information" and the product as "Pharmacy Medicine"]*
11	*Codral Day & Night New Formula*	*1(b), (c)* *2(b), (c)*	*1(a), (b), (c)* *2(a), (b), (c)* *[Referring to "Cold & Flu", where both a "cold" and "flu" are conditions, a symptom of which can include a blocked nose (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information" and the product as "Pharmacy Medicine"]*
12	*Codral Day & Night + Dry Cough*	*1(b), (c)* *2(b), (c)*	*1(a), (b), (c)* *2(a), (b), (c)*

			[Referring to "Cold & Flu", where both a "cold" and "flu" are conditions, a symptom of which can include a blocked nose (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information" and the product as "Pharmacy Medicine"]
13	*Codral Decongestant*	*1(c), (e)* *2(b)*	*1(a), (b), (c), (e)* *2(a), (b)* *[Referring to "Decongestant", in circumstances where a blocked nose often occurs with nasal congestion, (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information"]*
14	*Codral Dry Cough + Cold Oral Liquid*	*1(a),(d)* *2(a),(d)*	*1(a), (b),(c), (d)* *2(a), (b),(c), (d)* *[Referring to "Cold" and "Nose", where a "cold" is a condition, a symptom of which can include a blocked nose (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information"]*
15	*Codral Mucus Cough + Cold Oral Liquid*	*1(b), (c), (e)* *2(b), (c), (e)*	*1(a),(b), (c), (d), (e)* *2(a), (b), (c), (d), (e)* *[Referring to "Cold" and "Nose", where a "cold" is a condition, a symptom of which can include a blocked nose (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information"]*
16	*Codral Multi Action*	*1(b), (c), (d)* *2(c), (d)*	*1(a), (b), (c), (d)* *2 (a), (b), (c), (d)* *[Referring to "Flu" and "cold & flu", where both a "cold" and "flu" are conditions, a symptom of which can include a blocked nose (see Particular (A)) in the context of the express statements and describing the product as "Pharmacy Medicine"]*
17	*Codral Night*	*1(b), (c)*	*1(a), (b), (c)*

		2(b), (c)	*2(a), (b), (c)* *[Referring to "Cold & Flu", where both a "cold" and "flu" are conditions, a symptom of which can include a blocked nose (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information" and the product as "Pharmacy Medicine"]*
18	*Codral Plus*	*1(c), (d)* *2(c), (d)*	*1(a), (b), (c), (d)* *2(a), (b), (c), (d)* *[Referring to "Cold & Flu" and "Cold & Flu + Decongestant", where both a "cold" and "flu" are conditions, a symptom of which can include a blocked nose (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information"]*
19	*Codral Plus Mucus Cough Liquid + Cold & Flu*	*1(b), (c)* *2(b), (c)*	*1(a), (b), (c)* *2(a), (b), (c)* *[Referring to "Cold & Flu", where both a "cold" and "flu" are conditions, a symptom of which can include a blocked nose (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information"]*
20	*Codral Relief Cold & Flu + Decongestant*	*1(c), (d)* *2(c), (d)*	*1(a), (b), (c), (d)* *2(a), (b), (c), (d)* *[Referring to "Cold & Flu + Decongestant", where both a "cold" and "flu" are conditions, a symptom of which can include a blocked nose (see Particular (A)) in the context of the express statements]*
21	*Sinutab PE Sinus, Allergy & Pain Relief*	*1(c), (d)*	*1(b), (c), (d)* *[Referring to "Sinus" in circumstances where that would be taken to refer to symptoms including a blocked nose, (see Particular (A) in the context of the express statements and describing the product as "Pharmacy Medicine"]*
22	*Sudafed PE Nasal Decongestant*	*1(a), (b), (c)*	*1(a), (b), (c)*

		2(a), (b)	*2(a), (b)* *[Referring to it as a "nasal decongestant" in circumstances where a blocked nose is a symptom of nasal congestion, (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information" and the product as "Pharmacy Medicine"]*
23	*Sudafed PE Night*	*1(a), (b), (c)*	*1(a), (b), (c)* *[Referring to "nasal & sinus congestion" in circumstances where that would be taken to refer to symptoms including a blocked nose, (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information" and the product as "Pharmacy Medicine"]*
24	*Sudafed PE Sinus + Allergy & Pain Relief*	*1(b), (c)* *2(b), (c)*	*1(a), (b), (c)* *2(a), (b), (c)* *[Referring to "sinus" in circumstances where that would be taken to refer to symptoms including a blocked nose, (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information" and the product as "Pharmacy Medicine"]*
25	*Sudafed PE Sinus + Anti Inflammatory Pain Relief*	*1(b), (c)*	*1(a), (b), (c)* *[Referring to "Sinus" in circumstances where that would be taken to refer to symptoms including a blocked nose, (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information" and the product as "Pharmacy Medicine"]*
26	*Sudafed PE Sinus + Pain Relief*	*1(b)* *2(b)*	*1 (a), (b)* *2 (a), (b)* *[Referring to "sinus" and "blocked or runny nose" in circumstances where that would be taken to refer to symptoms including a blocked nose, (see Particular (A) in the context of the express statements and describing the product's uses as "medicine information"]*

27	*Sudafed PE Sinus + Pain Relief Day & Night*	*1(b), (c)* *2(b)*	*1(a), (b), (c)* *2(a), (b)* *[Referring to "Sinus" and "cold and flu symptoms" in circumstances where that would be taken to refer to symptoms including a blocked nose, (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information" and the product as "Pharmacy Medicine"]*

Annexure "C"

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

(A) As to the Runny Nose Representations from the JJP Packaging for the respective J&J Pacific Oral PE Product particularised in Column II, the Applicant relies on the allegations pleaded in the respective schedule to this pleading particularised in Column I and the specific aspects to the JJP Packaging (as pleaded in that schedule):

(i) particularised in Column III as giving rise to the representation to the extent it is express; and

(ii) together with such parts, particularised in Column IV to the extent the representation is implied:

I (i.e., schedule to pleading)	*II (i.e., J&J Pacific Oral PE Product)*	*III (i.e., express)*	*IV (i.e., implied)*
1	*Benadryl Mucus Relief Plus Decongestant Oral Liquid*	*1(b), (c)* *2(b), (c)*	*1(a), (b), (c)* *2(a), (b), (c)* *[Referring to "mucus relief" and "decongestant" in circumstances where that would be taken to refer to mucus in the nose (see Particular (A)), in the context of the express statements and describing the product as a "pharmacy medicine"]*
2	*Benadryl PE Chesty Cough & Nasal*	*1(b), (c), (d)*	*1(a), (b), (c), (d)* *2(a), (b), (c) (d)*

	Decongestant Oral Liquid	*2(b), (c), (d)*	*[Referring to "nasal congestion" (see Particular (A)), in the context of the express statements and describing the product as a "pharmacy medicine"]*
3	*Benadryl PE Dry Cough & Nasal Congestion Oral Liquid*	*1(b), (c), (d)* *2(b), (c), (d)*	*1(a), (b), (c), (d)* *2(a), (b), (c), (d)* *[Referring to "nasal congestion" (see Particular ((A)), in the context of the express statements and describing the product as a "pharmacy medicine"]*
4	*Codral Cold & Flu*	*1(b)* *2(b)*	*1(a), (b)* *2(a), (b)* *[Referring to "Cold & Flu", where both a "cold" and "flu" are conditions, a symptom of which can include a runny nose (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information"]*
5	*Codral Cold & Flu (Reformulation 2)*	*1(b), (c)* *2(b), (c)*	*1(a), (b), (c)* *2(a), (b), (c)* *[Referring to "Cold & Flu", where both a "cold" and "flu" are conditions, a symptom of which can include a runny nose (see Particular (A)) in the context of the express statements and describing the product as "Pharmacy Medicine"]*
6	*Codral Cold & Flu Oral Powder*	*1(b)* *2(b)*	*1(a), (b)* *2(a), (b)* *[Referring to "Cold & Flu", where both a "cold" and "flu" are conditions, a symptom of which can include a runny nose (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information"]*
7	*Codral Cold & Flu + Dry Cough*	*1(b)* *2(b)*	*1(a), (b)* *2(a), (b)* *[Referring to "Cold & Flu", where both a "cold" and "flu" are conditions, a symptom of which can include a runny nose (see*

			Particular (A)) in the context of the express statements and describing the product's uses as "medicine information"]
8	*Codral Cold & Flu + Mucus Cough*	*1 (c), (d)* *2(b)*	*1(a), (b), (c), (d)* *2(a), (b)* *[Referring to "Cold & Flu", where both a "cold" and "flu" are conditions, a symptom of which can include a runny nose (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information"]*
9	*Codral Cold & Flu + Mucus Cough Oral Powder*	*1(b)* *2(b)*	*1(a), (b)* *2(a), (b)* *[Referring to "Cold & Flu", where both a "cold" and "flu" are conditions, a symptom of which can include a runny nose (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information"]*
10	*Codral Day & Night*	*1(b), (c)* *2(b), (c)*	*1(a), (b), (c)* *2(a), (b), (c)* *[Referring to "Cold & Flu", where both a "cold" and "flu" are conditions, a symptom of which can include a runny nose (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information" and the product as "Pharmacy Medicine"]*
11	*Codral Day & Night New Formula*	*1(b), (c)* *2(b), (c)*	*1(a), (b), (c)* *2(a), (b), (c)* *[Referring to "Cold & Flu", where both a "cold" and "flu" are conditions, a symptom of which can include a blocked nose (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information" and the product as "Pharmacy Medicine"]*
12	*Codral Day & Night + Dry Cough*	*1(b), (c)* *2(b), (c)*	*1(a), (b), (c)* *2(a), (b), (c)*

			[Referring to "Cold & Flu", where both a "cold" and "flu" are conditions, a symptom of which can include a runny nose (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information" and the product as "Pharmacy Medicine"]
13	*Codral Decongestant*	*1(a), (d), (e)* *2(b)*	*1(a), (b), (c),(d), (e)* *2(a), (b)* *[Referring to "Decongestant", in circumstances where a runny nose often occurs with nasal congestion, (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information"]*
14	*Codral Dry Cough + Cold Oral Liquid*	*1(a),(d)* *2(a),(d)*	*1(a), (b),(c), (d)* *2(a), (b),(c), (d)* *[Referring to "Cold" and "Nose", where a "cold" is a condition, a symptom of which can include a runny nose (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information"]*
15	*Codral Mucus Cough + Cold Oral Liquid*	*1(b), (c), (e)* *2(b), (c), (e)*	*1(a), (b), (c), (d), (e)* *2(a), (b), (c), (d), (e)* *[Referring to "Cold" and "Nose", where a "cold" is a condition, a symptom of which can include a runny nose (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information"]*
16	*Codral Multi action*	*1(b), (c), (d)* *2(c), (d)*	*1(a), (b), (c), (d)* *2(b), (c), (d)* *[Referring to "Flu" and "Cold & Flu", where both a "cold" and "flu" are conditions, a symptom of which can include a runny nose (see Particular (A)) in the context of the express statements and describing the product as "Pharmacy Medicine"]*
17	*Codral Night*	*1(b), (c)*	*1(a), (b), (c)*

		2(b), (c)	*2(a), (b), (c)* *[Referring to "Cold & Flu", where both a "cold" and "flu" are conditions, a symptom of which can include a runny nose (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information" and the product as "Pharmacy Medicine"]*
18	*Codral Plus*	*1(c), (d)* *2(c), (d)*	*1(b), (c), (d)* *2(b), (c), (d)* *[Referring to "Cold & Flu + Decongestant" and "Cold & Flu", where both a "cold" and "flu" are conditions, a symptom of which can include a runny nose (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information"]*
19	*Codral Plus Mucus Cough Liquid + Cold & Flu*	*1(b), (c)* *2(b), (c)*	*1(a), (b), (c)* *2(a), (b), (c)* *[Referring to "Cold & Flu", where both a "cold" and "flu" are conditions, a symptom of which can include a runny nose (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information"]*
20	*Codral Relief Cold & Flu + Decongestant*	*1(c), (d)* *2(c), (d)*	*1(b), (c), (d)* *2(b), (c), (d)* *[Referring to "Cold & Flu + Decongestant", where both a "cold" and "flu" are conditions, a symptom of which can include a runny nose (see Particular (A)) in the context of the express statements"]*
21	*Sinutab PE Sinus, Allergy & Pain Relief*	*1(c), (d)*	*1(b), (c), (d)* *[Referring to "sinus" in circumstances where that would be taken to refer to symptoms including a runny nose, (see Particular (A)) in the context of the express statements and describing the product as "Pharmacy Medicine"]*
22	*Sudafed PE Nasal Decongestant*	*1(b), (c)*	*1(a), (b), (c)*

		2(b)	*2(a), (b)* *[Referring to it as a "nasal decongestant" in circumstances where a runny nose often occurs with nasal congestion, (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information" and the product as "Pharmacy Medicine"]*
23	*Sudafed PE Night*	*1(a), (b), (c)*	*1(a), (b), (c)* *[Referring to "nasal & sinus congestion" in circumstances where that would be taken to refer to symptoms including a runny nose, (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information" and the product as "Pharmacy Medicine"]*
24	*Sudafed PE Sinus + Allergy & Pain Relief*	*1(b), (c)* *2(b), (c)*	*1(a), (b), (c)* *2(a), (b), (c)* *[Referring to "sinus" in circumstances where that would be taken to refer to symptoms including a runny nose, (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information" and the product as "Pharmacy Medicine"]*
25	*Sudafed PE Sinus + Anti Inflammatory Pain Relief*	*1(b), (c)*	*1(a), (b), (c)* *[Referring to "Sinus" in circumstances where that would be taken to refer to symptoms including a runny nose, (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information" and the product as "Pharmacy Medicine"]*
26	*Sudafed PE Sinus + Pain Relief*	*1(b)* *2(b)*	*1(a), (b)* *2(a), (b)* *[Referring to "sinus" and "blocked or runny nose" in circumstances where that would be taken to refer to symptoms including a runny nose, (see Particular (A) in the context of the express statements and describing the product's uses as "medicine information"]*

27	*Sudafed PE Sinus + Pain Relief Day & Night*	*1(b), (c)* *2(b)*	*1(a), (b), (c)* *2(a), (b)* *[Referring to "Sinus" and "cold and flu symptoms" in circumstances where that would be taken to refer to symptoms including a runny nose, (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information" and the product as "Pharmacy Medicine"]*

Annexure "D"

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

(A) As to the Sinus Pressure Representations from the JJP Packaging for the respective J&J Pacific Oral PE Product particularised in Column II, the Applicant relies on the allegations pleaded in the respective schedule to this pleading particularised in Column I and the specific aspects to the JJP Packaging (as pleaded in that schedule):

(i) particularised in Column III as giving rise to the representation to the extent it is express; and

(ii) together with such parts, particularised in Column IV to the extent the representation is implied:

I *(i.e., schedule to pleading)*	*II* *(i.e., J&J Pacific Oral PE Product)*	*III* *(i.e., express)*	*IV* *(i.e., implied)*
1	*Benadryl Mucus Relief Plus Decongestant Oral Liquid*	*1(b), (c)* *2(b), (c)*	*1(a), (b), (c)* *2(a), (b), (c)* *[Referring to "mucus relief" and "decongestant" in circumstances where that would be taken to refer to mucus in the nose or sinuses (see Particular (A)), in the context of the express statements and*

			describing the product as a "pharmacy medicine"]
2	*Benadryl PE Chesty Cough & Nasal Decongestant Oral Liquid*	*1(b), (c), (d)* *2(b), (c), (d)*	*1(a), (b), (c), (d)* *2(a), (b), (c) (d)* *[Referring to "nasal congestion" (see Particular (A)), in the context of the express statements and describing the product as a "pharmacy medicine"]*
3	*Benadryl PE Dry Cough & Nasal Congestion Oral Liquid*	*1(b), (c), (d)* *2(b), (c), (d)*	*1(a), (b), (c), (d)* *2(a), (b), (c), (d)* *[Referring to "nasal congestion" (see Particular (A)), in the context of the express statements and describing the product as a "pharmacy medicine"]*
4	*Codral Cold & Flu*	*1(b)* *2(b)*	*1(a), (b)* *2(a), (b)* *[Referring to "Cold & Flu", where both a "cold" and "flu" are conditions, a symptom of which can include sinus pressure (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information"]*
5	*Codral Cold & Flu (Reformulation 2)*	*1(b), (c)* *2(b), (c)*	*1(a), (b), (c)* *2(a), (b), (c)* *[Referring to "Cold & Flu", where both a "cold" and "flu" are conditions, a symptom of which can include sinus pressure (see Particular (A)) in the context of the express statements and describing the product as "Pharmacy Medicine"]*
6	*Codral Cold & Flu Oral Powder*	*1(b)* *2(b)*	*1(a), (b)* *2(a), (b)*

			[Referring to "Cold & Flu", where both a "cold" and "flu" are conditions, a symptom of which can include sinus pressure (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information"]
7	*Codral Cold & Flu + Dry Cough*	*1(b)* *2(b)*	*1(a), (b)* *2(a), (b)* *[Referring to "Cold & Flu", where both a "cold" and "flu" are conditions, a symptom of which can include sinus pressure (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information"]*
8	*Codral Cold & Flu + Mucus Cough*	*1 (c), (d)* *2(b)*	*1(a), (b), (c), (d)* *2(a), (b)* *[Referring to "Cold & Flu", where both a "cold" and "flu" are conditions, a symptom of which can include sinus pressure (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information"]*
9	*Codral Cold & Flu + Mucus Cough Oral Powder*	*1(b)* *2(b)*	*1(a), (b)* *2(a), (b)* *[Referring to "Cold & Flu", where both a "cold" and "flu" are conditions, a symptom of which can include sinus pressure (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information"]*
10	*Codral Day & Night*	*1(b), (c)* *2(b), (c)*	*1(a), (b), (c)* *2(a), (b), (c)* *[Referring to "Cold & Flu", where both a "cold" and "flu" are conditions, a symptom of which can include sinus pressure (see Particular (A)) in the context of the express*

			statements and describing the product's uses as "medicine information" and the product as "Pharmacy Medicine"]
11	*Codral Day & Night New Formula*	*1(b), (c)* *2(b), (c)*	*1(a), (b), (c)* *2(a), (b), (c)* *[Referring to "Cold & Flu", where both a "cold" and "flu" are conditions, a symptom of which can include a blocked nose (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information" and the product as "Pharmacy Medicine"]*
12	*Codral Day & Night + Dry Cough*	*1(b), (c)* *2(b), (c)*	*1(a), (b), (c)* *2(a), (b), (c)* *[Referring to "Cold & Flu", where both a "cold" and "flu" are conditions, a symptom of which can include sinus pressure (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information" and the product as "Pharmacy Medicine"]*
13	*Codral Decongestant*	*1 (b), (c), (e)* *2(a), (b)*	*1(a), (b), (c), (e)* *2(a), (b)* *[Referring to "Decongestant", in circumstances where sinus pressure often occurs with nasal congestion (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information"]*
14	*Codral Dry Cough + Cold Oral Liquid*	*1(a),(d)* *2(a),(d)*	*1(a), (b),(c), (d)* *2(a), (b),(c), (d)* *[Referring to "Cold" and "Nose", where a "cold" is a condition, a symptom of which can include sinus pressure (see Particular (A)) in the context of the express statements*

			and describing the product's uses as "medicine information"]
15	*Codral Mucus Cough + Cold Oral Liquid*	*1(c),(e)* *2(c),(e)*	*1(a),(b), (c), (d), (e)* *2(a), (b), (c), (d), (e)* *[Referring to "Cold" and "Nose", where a "cold" is a condition, a symptom of which can include sinus pressure (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information"]*
16	*Codral Multi Action*	*1(b), (c), (d)* *2(c), (d)*	*1(a), (b), (c), (d)* *2(b), (c), (d)* *[Referring to "Flu" and "cold & flu", where both a "cold" and "flu" are conditions, a symptom of which can include sinus pressure (see Particular (A)) in the context of the express statements and describing the product as "Pharmacy Medicine"]*
17	*Codral Night*	*1(b), (c)* *2(b), (c)*	*1(a), (b), (c)* *2(a), (b), (c)* *[Referring to "Cold & Flu", where both a "cold" and "flu" are conditions, a symptom of which can include sinus pressure (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information" and the product as "Pharmacy Medicine"]*
18	*Codral Plus*	*1(c), (d)* *2(c), (d)*	*1(b), (c), (d)* *2(b), (c), (d)* *[Referring to "Cold & Flu + Decongestant" and "Cold & Flu", where both a "cold" and "flu" are conditions, a symptom of which can include sinus pressure (see Particular (A)) in the context of the express*

			statements and describing the product's uses as "medicine information"]
19	*Codral Plus Mucus Cough Liquid + Cold & Flu*	*1(b), (c)* *2(b), (c)*	*1(a), (b), (c)* *2(a), (b), (c)* *[Referring to "Cold & Flu", where both a "cold" and "flu" are conditions, a symptom of which can include sinus pressure (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information"]*
20	*Codral Relief Cold & Flu + Decongestant*	*1(c), (d)* *2(c), (d)*	*1(b), (c), (d)* *2(b), (c), (d)* *[Referring to "Cold & Flu + Decongestant", where both a "cold" and "flu" are conditions, a symptom of which can include sinus pressure (see Particular (A)) in the context of the express statements"]*
21	*Sinutab PE Sinus, Allergy & Pain Relief*	*1(c), (d)*	*1(b), (c), (d)* *[Referring to "Sinus" in circumstances where that would be taken to refer to symptoms including sinus pressure, (see Particular (A)) in the context of the express statements and describing the product as "Pharmacy Medicine"]*
22	*Sudafed PE Nasal Decongestant*	*1(b), (c)* *2(b)*	*1(a), (b), (c)* *2(a), (b)* *[Referring to it as a "nasal decongestant" in circumstances where sinus pressure can be caused or accompanied by nasal congestion, (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine*

			information" and the product as "Pharmacy Medicine"]
23	*Sudafed PE Night*	*1(a), (b), (c)*	*1(a), (b), (c)* *[Referring to "nasal & sinus congestion" in circumstances where that would be taken to refer to symptoms including sinus pressure (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information" and the product as "Pharmacy Medicine"]*
24	*Sudafed PE Sinus + Allergy & Pain Relief*	*1(a), (b), (c)* *2(a), (b), (c)*	*1(a), (b), (c)* *2(a), (b), (c)* *[Referring to "Sinus ... pain relief" in circumstances where that would be taken to refer to symptoms including sinus pressure (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information" and the product as "Pharmacy Medicine"]*
25	*Sudafed PE Sinus + Anti Inflammatory Pain Relief*	*1(b), (c)*	*1(a), (b), (c)* *[Referring to "Sinus ... pain relief" in circumstances where that would be taken to refer to symptoms including sinus pressure, (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information" and the product as "Pharmacy Medicine"]*
26	*Sudafed PE Sinus + Pain Relief*	*1(b)* *2(b)*	*1(a), (b)* *2(a), (b)* *[Referring to "Sinus + Pain Relief" and "blocked or runny nose" and/or "cold or flu symptoms" in circumstances where that would be taken to refer to symptoms including sinus pressure, (see Particular (A) in the context of the express statements and describing the product's uses as "medicine information"]*

27	*Sudafed PE Sinus + Pain Relief Day & Night*	*1(a), (c)* *2(a), (b)*	*1(a), (b), (c)* *2(a), (b)* *[Referring to "Sinus […] Night Relief" in circumstances where that would be taken to refer to symptoms including sinus pressure, (see Particular (A)) in the context of the express statements and describing the product's uses as "medicine information" and the product as "Pharmacy Medicine"]*

Schedule 1 (Benadryl Mucus Relief Plus Decongestant Oral Liquid)

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

1. Since at least around 14 October 2015, the packaging of Benadryl Mucus Relief Plus Decongestant Oral Liquid has included the following statement(s):

   (a) "mucus relief plus decongestant" in large and prominent text;

   (b) "clears blocked or runny nose"; and

   (c) "Pharmacy Medicine".

Particulars

(A)



(B) This is the earliest version of the packaging presently known to the Applicant. The Applicant says that the packaging substantively did not change between 21 September 2010 and 14 October 2015, and infers this because the wording on the front of the packaging did not substantively change between 14 October 2015 and 14 March 2018 (see 2 below).

(C) The Applicant infers that the reverse of the packaging contained the statement in (b) because all other Benadryl products contained "Medicine Information" including as to "Uses", and this product did too, as at 13 October 2024 (see 2 below). Further, as the formulation had not changed, it may be inferred the description of use did not change.

(D) Further particulars will be provided following evidence and disclosure.

2. Since at least around 14 March 2018, the packaging of Benadryl Mucus Relief Plus Decongestant Oral Liquid has included the following statement(s):

(a) "mucus relief plus decongestant" in large and prominent text;

(b) "clears blocked or runny nose"; and

(c) "Pharmacy Medicine".

Particulars

(A)



(B) This is the latest version of the packaging presently known to the Applicant.

(C) Further particulars will be provided following evidence and disclosure.

Schedule 2 (Benadryl PE Chesty Cough & Nasal Decongestant Oral Liquid)

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

1. Since at least around 31 August 2015, the packaging of Benadryl PE Chesty Cough & Nasal Decongestant Oral Liquid has included the following statement(s):

   (a) "chesty cough & nasal congestion" in large and prominent text;

   (b) "clears blocked or runny nose";

   (c) "Medicine Information: … Uses: to clear blocked or runny nose"; and

   (d) "Pharmacy Medicine".

Particulars

(A)



(B) This is the earliest version of the packaging presently known to the Applicant. The Applicant says that the packaging did not substantively change between 16 April 2008 and 31 August 2015, and infers this because the wording on the front of the packaging did not substantively change between 31 August 2015 and 13 October 2024 (see 2 below).

(C) The Applicant infers that the reverse of the packaging contained the statement in (b) because all other Benadryl products contained "Medicine Information" including as to "Uses", and this product did too, as at 13 October 2024 (see 2 below). Further, as the formulation had not changed, it may be inferred the description of use did not change.

(D) Further particulars will be provided following evidence and disclosure.

2. Since at least around 13 October 2024, the packaging of Benadryl PE Chesty Cough & Nasal Decongestant Oral Liquid has included the following statement(s):

(a) "chesty cough & nasal congestion" in large and prominent text;

(b) "clears blocked or runny nose";

(c) "Medicine Information: … Uses: to clear blocked or runny nose"; and

(d) "Pharmacy Medicine".

Particulars

(A)



Benadryl® PE

Chesty Cough & Nasal Congestion Non Drowsy

Medicine Information

Active ingredient (each 5mL)

Guaifenesin	100mg
Phenylephrine hydrochloride	5mg

Uses

✔ Provides relief from chesty coughs, by helping to clear phlegm from your chest more easily
✔ To clear blocked or runny nose

Warnings

Do not use
✘ for children under 6 years ✘ if you are hypersensitive to any of the ingredients ✘ if you are taking antidepressants ✘ if cap seal is broken or missing

Ask your doctor before use
? for children 6 years and over ? if you have any medical condition or are taking any other medicines ? if you have high blood pressure ? if you have heart problems ? if you are pregnant or breastfeeding ? if you have a chronic cough or excessive mucus secretions

Caution
If symptoms persist, worsen, or if new symptoms appear, stop use and see your doctor. • In the event of an overdose seek medical attention immediately. • Phenylephrine may cause sleeplessness in some people

Contains
Benzoates, saccharin, sorbitol (21g/60mL). Sorbitol may have a laxative effect or cause diarrhoea.

Directions for use

Adults and Children OVER 6 years:

Age	How much	How often
6-12 years	5mL	1 dose every 4 hours as necessary. No more than 6 doses in 24 hrs.
Over 12 years	10mL	

Does NOT contain sugar and colour. Suitable for diabetics.

Tighten cap after use to engage child resistant closure.
Store below 30°C. Expiry on base.

Johnson & Johnson Pacific
AUSTRALIA . NEW ZEALAND
45 Jones Street, Ultimo NSW 2007,
AUSTRALIA and Auckland,
NEW ZEALAND

Made in Australia
® Registered Trademark

Consumer Care Centre
Australia: 1800 029 979
New Zealand: 0800 446 147
Overseas Customers: +61 2 8260 8366
Or visit our website:
www.benadryl.com.au,
www.benadryl.co.nz

(B) This is the latest version of the packaging presently known to the Applicant.

(C) Further particulars will be provided following evidence and disclosure.

Schedule 3 (Benadryl PE Dry Cough & Nasal Congestion Oral Liquid)

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

1. Since at least around 9 November 2015, the packaging of Benadryl PE Dry Cough & Nasal Congestion Cough Liquid has included the following statement(s):

   (a) "dry cough & nasal congestion" in large and prominent text;

   (b) "clears blocked or runny nose";

   (c) "Medicine Information: … Uses: … to clear blocked or runny nose"; and

   (d) "Pharmacy Medicine".

Particulars

(A)



(B) This is the earliest version of the packaging presently known to the Applicant. The Applicant says that the packaging did not substantively change between 4 March 2008 and 9 November 2015, and infers this because the wording on the front of the packaging did not substantively change between 9 November 2015 and 13 October 2024 (see 2 below).

(C) The Applicant infers that the reverse of the packaging contained the statement in (b) because all other Benadryl products contained "Medicine Information" including as to "Uses", and this product did too, as at 13 October 2024 (see 2 below). Further, as the formulation had not changed, it may be inferred the description of use did not change.

(D) Further particulars will be provided following evidence and disclosure.

2. Since at least around 13 October 2024 the packaging of Benadryl PE Dry Cough & Nasal Congestion Cough Liquid has included the following statement(s):

(a) "nasal congestion" in large and prominent text;

(b) "clears blocked or runny nose";

(c) "Medicine Information: … Uses: … to clear blocked or runny nose"; and

(d) "Pharmacy Medicine".

Particulars

(A)



Benadryl® PE

Dry Cough & Nasal Congestion Non Drowsy

Medicine Information

Active ingredient

Each 5mL contains:
Dextromethorphan hydrobromide monohydrate 10mg
Phenylephrine hydrochloride 5mg

Uses

✔ to provide fast relief from dry irritating coughs
✔ to clear blocked or runny nose

Warnings

Do not use
✘ for children under 6 years ✘ if you are hypersensitive to any of the ingredients ✘ if you are taking antidepressants ✘ if cap seal is broken or missing.

Ask your doctor before use
? for children 6 years and over ? if you have any medical condition or are taking any other medicines or drink alcohol ? if you have high blood pressure ? if you have heart problems ? if you are pregnant or breastfeeding ? if you have a chronic cough or excessive mucus secretions.

Caution
• If coughing persists, worsens, or if new symptoms appear see your doctor • this medication may cause drowsiness, if affected do not drive a vehicle or operate machinery • phenylephrine may cause sleeplessness in some people • sorbitol may have a laxative effect or cause diarrhoea • in the event of overdose seek medical attention immediately.

Contains
Benzoates, saccharin, sorbitol (26.25g/60mL)

Directions for use

For adults and children OVER 6 years: Take 1 dose every 4 hours as necessary. No more than 6 doses in 24 hours.

Age 6 to 12 years	5mL
Over 12 years	10mL

Tighten cap after use to engage child resistant closure.

Other Information

Suitable for diabetics • does not contain sugar or colour • store below 30°C • expiry on base.

Johnson & Johnson Pacific
AUSTRALIA . NEW ZEALAND
45 Jones Street, Ultimo NSW 2007, AUSTRALIA and Auckland, NEW ZEALAND

Made in Australia
® Registered Trademark

Consumer Care Centre
Australia: 1800 029 979
New Zealand: 0800 446 147
Overseas Customers: +61 2 8260 8366
Or visit our website:
www.benadryl.com.au,
www.benadryl.co.nz

(B) This is the latest version of the packaging presently known to the Applicant.

(C) Further particulars will be provided following evidence and disclosure.

Schedule 4 (Codral Cold & Flu)

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

1. Since at least around 21 January 2022, the packaging of Codral Cold & Flu has included the following statement(s):

   (a) "Cold & Flu" in large and prominent text; and

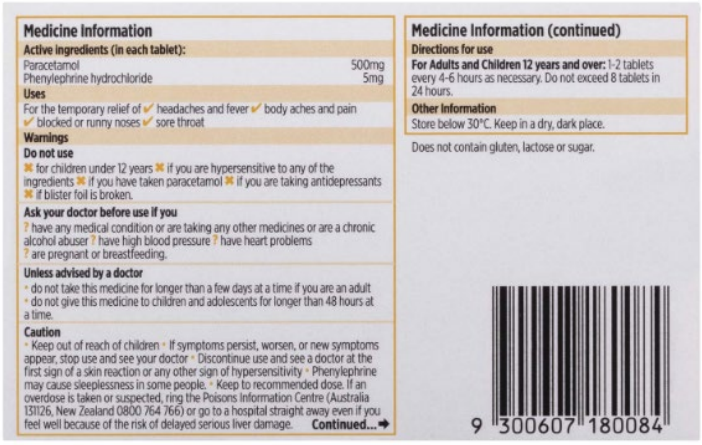
   (b) "Medicine Information: … Uses: for the temporary relief of … blocked or runny noses".

Particulars

(A)







Medicine Information

Active ingredients (in each tablet):

Paracetamol	500mg
Phenylephrine hydrochloride	5mg

Uses

For the temporary relief of ✔ headaches and fever ✔ body aches and pain ✔ blocked or runny noses ✔ sore throat

Warnings

Do not use

✖ for children under 12 years ✖ if you are hypersensitive to any of the ingredients ✖ if you have taken paracetamol ✖ if you are taking antidepressants ✖ if blister foil is broken.

Ask your doctor before use if you

? have any medical condition or are taking any other medicines or are a chronic alcohol abuser ? have high blood pressure ? have heart problems ? are pregnant or breastfeeding.

Unless advised by a doctor

- do not take this medicine for longer than a few days at a time if you are an adult
- do not give this medicine to children and adolescents for longer than 48 hours at a time.

Caution

- Keep out of reach of children - If symptoms persist, worsen, or new symptoms appear, stop use and see your doctor - Discontinue use and see a doctor at the first sign of a skin reaction or any other sign of hypersensitivity - Phenylephrine may cause sleeplessness in some people. - Keep to recommended dose. If an overdose is taken or suspected, ring the Poisons Information Centre (Australia 131126, New Zealand 0800 764 766) or go to a hospital straight away even if you feel well because of the risk of delayed serious liver damage. **Continued...➔**

Medicine Information (continued)

Directions for use

For Adults and Children 12 years and over: 1-2 tablets every 4-6 hours as necessary. Do not exceed 8 tablets in 24 hours.

Other Information

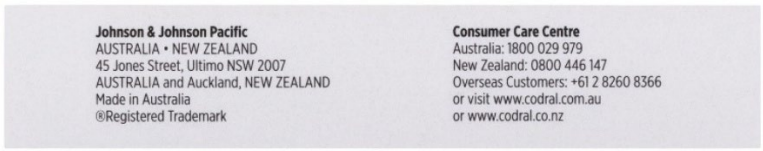
Store below 30°C. Keep in a dry, dark place.

Does not contain gluten, lactose or sugar.

9 300607 180084











(B) This is the earliest version of the packaging presently known to the Applicant. The Applicant says that the packaging substantively did not change between 11 May 2016 and 21 January 2022, and infers this because the wording on the front of the packaging did not substantively change between 21 January 2022 and 20 October 2024 (see 2 below).

(C) In particular, the Applicant infers that the reverse of the packaging at all times contained the statement in (b) because all other J&J Oral PE Products available at earlier times contained "Medicine Information" sections as to "Uses" on the reverse of the packaging (see Schedules 1-3 for Benadryl products, and Schedules 22 to 27 for Sudafed products), and this product did too, as at 13 October 2024 (see 2 below). Further, as the formulation had not changed, it may be inferred the description of use did not change.

(C) Further particulars will be provided following evidence and disclosure.

2. Since at least around 20 October 2024, the packaging of Codral Cold & Flu has included the following statement(s):

(a) "Cold & Flu" in large and prominent text; and

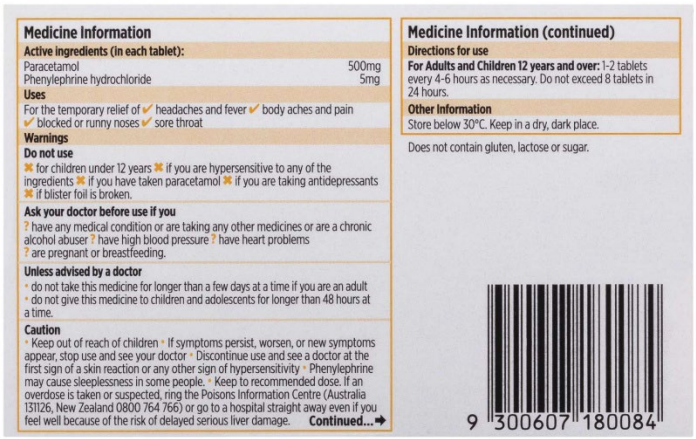
(b) "Medicine Information: Uses: for the temporary relief of … blocked or runny noses".

Particulars

(A)







Medicine Information

Active ingredients (in each tablet):

Paracetamol	500mg
Phenylephrine hydrochloride	5mg

Uses

For the temporary relief of ✔ headaches and fever ✔ body aches and pain ✔ blocked or runny noses ✔ sore throat

Warnings

Do not use

✖ for children under 12 years ✖ if you are hypersensitive to any of the ingredients ✖ if you have taken paracetamol ✖ if you are taking antidepressants ✖ if blister foil is broken.

Ask your doctor before use if you

? have any medical condition or are taking any other medicines or are a chronic alcohol abuser ? have high blood pressure ? have heart problems ? are pregnant or breastfeeding.

Unless advised by a doctor

• do not take this medicine for longer than a few days at a time if you are an adult • do not give this medicine to children and adolescents for longer than 48 hours at a time.

Caution

• Keep out of reach of children • If symptoms persist, worsen, or new symptoms appear, stop use and see your doctor • Discontinue use and see a doctor at the first sign of a skin reaction or any other sign of hypersensitivity • Phenylephrine may cause sleeplessness in some people. • Keep to recommended dose. If an overdose is taken or suspected, ring the Poisons Information Centre (Australia 131126, New Zealand 0800 764 766) or go to a hospital straight away even if you feel well because of the risk of delayed serious liver damage. **Continued...➔**

Medicine Information (continued)

Directions for use

For Adults and Children 12 years and over: 1-2 tablets every 4-6 hours as necessary. Do not exceed 8 tablets in 24 hours.

Other Information

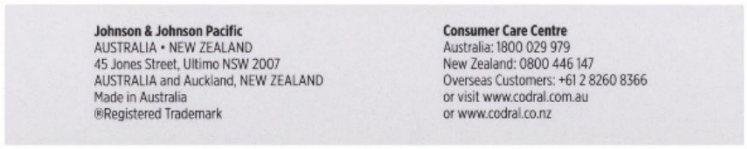
Store below 30°C. Keep in a dry, dark place.

Does not contain gluten, lactose or sugar.

9 300607 180084











(B) This is the latest version of the packaging presently known to the Applicant.

(C) Further particulars will be provided following evidence and disclosure.

Schedule 5 (Codral Cold & Flu (Reformulation 2))

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

1. Since at least around 3 September 2011 the packaging of Codral Cold & Flu (Reformulation 2) has included the following statement(s):

   (a) "Codral Cold & Flu" in large and prominent text; and

   (b) "Pharmacy Medicine";

   (c) "Use this Codral for … blocked/runny noses".

Particulars

(A)



(B) This is the earliest version of the packaging presently known to the Applicant. The Applicant says that the packaging substantively did not change between 17 May 2015 and 28 June 2018, and infers this because the wording on the front of the packaging, did not substantively change between 17 May 2015 and 28 June 2018.

(C) The Applicant infers that the reverse of the packaging contained the statement in (c) because the front of the packaging contains the statement at (a). Further, the Applicant infers this from the fact that the 17 June 2017 packaging (2 below) contained such a statement, and the product composition had not changed.

(D) Further particulars will be provided following evidence and disclosure.

2. Since at least around 17 June 2017 the packaging of Codral Cold & Flu (Reformulation 2) has included the following statement(s):

(a) "Codral Cold & Flu" in large and prominent text; and

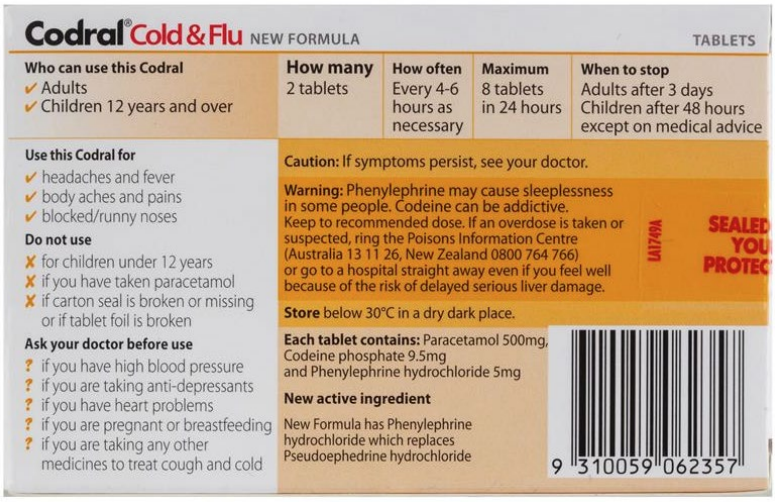
(b) "Pharmacy Medicine"; and

(c) "Use this Codral for … blocked/runny noses".

Particulars

(A)







(B) This is the latest version of the packaging presently known to the Applicant. The Applicant says that the packaging substantively did not change between 17 June 2017 and 28 June 2018, and infers this because the wording on the front of the packaging, did not substantively change between 17 June 2017 and 28 June 2018.

(C) Further particulars will be provided following evidence and disclosure.

Schedule 6 (Codral Cold & Flu Oral Powder)

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

1. Since at least around 29 January 2022, the packaging of Codral Cold & Flu Oral Powder has included the following statement(s):

   (a) "Cold & Flu" in large and prominent text; and

   (b) "Medicine Information: … Uses: for the temporary relief of … blocked or runny noses".

Particulars

(A)





Medicine Information

Active ingredients (in each sachet):

Paracetamol	1000mg
Phenylephrine hydrochloride	12.2mg

Uses

For the temporary relief of ✔ headaches and fever ✔ body aches and pain ✔ blocked or runny nose ✔ sore throat

Warnings

Do not use

✖ for children under 12 years ✖ if you are hypersensitive to any of the ingredients ✖ if you have taken paracetamol ✖ if you are taking antidepressants ✖ if blister foil is broken.

Ask your doctor before use if you

? have high blood pressure ? have heart problems ? are pregnant or breastfeeding ? have any medical condition or are taking any other medicines or are a chronic alcohol abuser.

Unless advised by a doctor

• do not take this medicine for longer than a few days at a time if you are an adult • do not give this medicine to children and adolescents for longer than 48 hours at a time.

Caution

• Keep out of reach of children • If symptoms persist, worsen, or new symptoms appear, stop use and see your doctor • Discontinue use and see a doctor at the first sign of a skin reaction or any other sign of hypersensitivity • Phenylephrine may cause sleeplessness in some people • Phenylketonurics are warned that this product contains aspartame (phenylalanine) • Keep to recommended dose.
If an overdose is taken or suspected, ring the Poisons Information Centre (Australia 131126, New Zealand 0800 764 766) or go to a hospital straight away even if you feel well because of the risk of delayed serious liver damage.

Contains: Aspartame, Sugars (Sucrose), Phenylalanine and 117.75mg Sodium per sachet.

Directions for use

For Adults and Children 12 years and over: For oral use only. Dissolve contents of one sachet in hot (not boiling) water. Stir until dissolved and drink.

How often: One sachet every 4-6 hours as necessary. Do not exceed 4 sachets in 24 hours.

Other Information

Store below 25°C.

9 300607 180091

Does not contain gluten or lactose.

(B) This is the earliest version of the packaging presently known to the Applicant. The Applicant says that the packaging substantively did not change between 25 March 2011 and 21 January 2022, and infers this because the wording on the front of the packaging did not substantively change between 21 January 2022 and 12 December 2024 (see 2 below).

(C) In particular, the Applicant infers that the reverse of the packaging at all times contained the statement in (b) because all other J&J Oral PE Products available at

earlier times contained "Medicine Information" sections as to "Uses" on the reverse of the packaging (see Schedules 1-3 for Benadryl products, and Schedules 22 to 27 for Sudafed products), and this product did too, as at 12 December 2024 (see 2 below). Further, as the formulation had not changed, it may be inferred the description of use did not change.

(D) Further particulars will be provided following evidence and disclosure.

2. Since at least around 12 December 2024, the packaging of Codral Cold & Flu Oral Powder has included the following statement(s):

(a) "Cold & Flu" in large and prominent text; and

(b) "Medicine Information: … Uses: for the temporary relief of … blocked or runny noses".

Particulars

(A)





Medicine Information

Active ingredients (in each sachet):

Paracetamol	1000mg
Phenylephrine hydrochloride	12.2mg

Uses

For the temporary relief of ✔ headaches and fever ✔ body aches and pain ✔ blocked or runny nose ✔ sore throat

Warnings

Do not use

✖ for children under 12 years ✖ if you are hypersensitive to any of the ingredients ✖ if you have taken paracetamol ✖ if you are taking antidepressants ✖ if blister foil is broken.

Ask your doctor before use if you

? have high blood pressure ? have heart problems ? are pregnant or breastfeeding ? have any medical condition or are taking any other medicines or are a chronic alcohol abuser.

Unless advised by a doctor

• do not take this medicine for longer than a few days at a time if you are an adult • do not give this medicine to children and adolescents for longer than 48 hours at a time.

Caution

• Keep out of reach of children • If symptoms persist, worsen, or new symptoms appear, stop use and see your doctor • Discontinue use and see a doctor at the first sign of a skin reaction or any other sign of hypersensitivity • Phenylephrine may cause sleeplessness in some people • Phenylketonurics are warned that this product contains aspartame (phenylalanine) • Keep to recommended dose.
If an overdose is taken or suspected, ring the Poisons Information Centre (Australia 131126, New Zealand 0800 764 766) or go to a hospital straight away even if you feel well because of the risk of delayed serious liver damage.

Contains: Aspartame, Sugars (Sucrose), Phenylalanine and 117.75mg Sodium per sachet.

Directions for use

For Adults and Children 12 years and over: For oral use only. Dissolve contents of one sachet in hot (not boiling) water. Stir until dissolved and drink.

How often: One sachet every 4-6 hours as necessary. Do not exceed 4 sachets in 24 hours.

Other Information

Store below 25°C.

Does not contain gluten or lactose.

9 300607 180091

(B) This is the latest version of the packaging presently known to the Applicant.

(C) Further particulars will be provided following evidence and disclosure.

Schedule 7 (Codral Cold & Flu + Dry Cough)

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

1. Since at least around 21 January 2022, the packaging of Codral Cold & Flu + Dry Cough has included the following statement(s):

   (a) "Cold & Flu" in large and prominent text; and

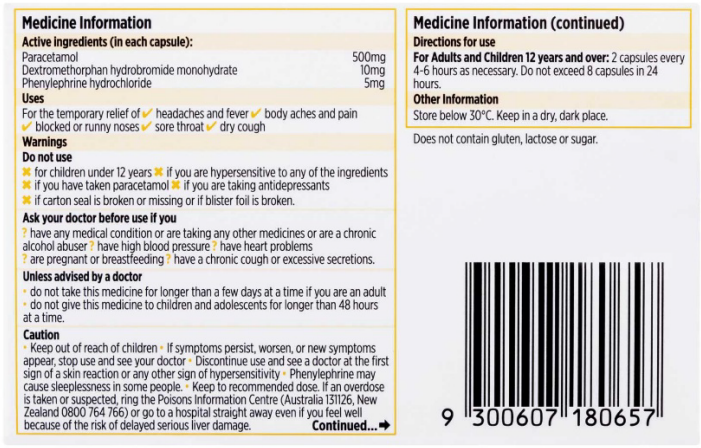
   (b) "Medicine Information: Uses: for the temporary relief of … blocked or runny noses".

Particulars

(A)







Medicine Information

Active ingredients (in each capsule):

Paracetamol	500mg
Dextromethorphan hydrobromide monohydrate	10mg
Phenylephrine hydrochloride	5mg

Uses

For the temporary relief of ✔ headaches and fever ✔ body aches and pain ✔ blocked or runny noses ✔ sore throat ✔ dry cough

Warnings

Do not use

✖ for children under 12 years ✖ if you are hypersensitive to any of the ingredients ✖ if you have taken paracetamol ✖ if you are taking antidepressants ✖ if carton seal is broken or missing or if blister foil is broken.

Ask your doctor before use if you

? have any medical condition or are taking any other medicines or are a chronic alcohol abuser ? have high blood pressure ? have heart problems ? are pregnant or breastfeeding ? have a chronic cough or excessive secretions.

Unless advised by a doctor

• do not take this medicine for longer than a few days at a time if you are an adult • do not give this medicine to children and adolescents for longer than 48 hours at a time.

Caution

• Keep out of reach of children • If symptoms persist, worsen, or new symptoms appear, stop use and see your doctor • Discontinue use and see a doctor at the first sign of a skin reaction or any other sign of hypersensitivity • Phenylephrine may cause sleeplessness in some people. • Keep to recommended dose. If an overdose is taken or suspected, ring the Poisons Information Centre (Australia 131126, New Zealand 0800 764 766) or go to a hospital straight away even if you feel well because of the risk of delayed serious liver damage. **Continued...➔**

Medicine Information (continued)

Directions for use

For Adults and Children 12 years and over: 2 capsules every 4-6 hours as necessary. Do not exceed 8 capsules in 24 hours.

Other Information

Store below 30°C. Keep in a dry, dark place.

Does not contain gluten, lactose or sugar.

9 300607 180657





(B) This is the earliest version of the packaging presently known to the Applicant. The Applicant says that the packaging substantively did not change between 26 April 2017 and 21 January 2022, and infers this because the wording on the front of the packaging did not substantively change between 21 January 2022 and 20 October 2024 (see 2 below).

(C) In particular, the Applicant infers that the reverse of the packaging at all times contained the statement in (b) because all other J&J Oral PE Products available at earlier times contained "Medicine Information" sections as to "Uses" on the reverse of the packaging (see Schedules 1-3 for Benadryl products, and Schedules 22 to 27 for Sudafed products), and this product did too, as at 20 October 2024 (see 2 below). Further, as the formulation had not changed, it may be inferred the description of use did not change.

(C) Further particulars will be provided following evidence and disclosure.

2. Since at least around 20 October 2024, the packaging of Codral Cold & Flu + Dry Cough has included the following statement(s):

(a) "Codral Cold & Flu" in large and prominent text; and

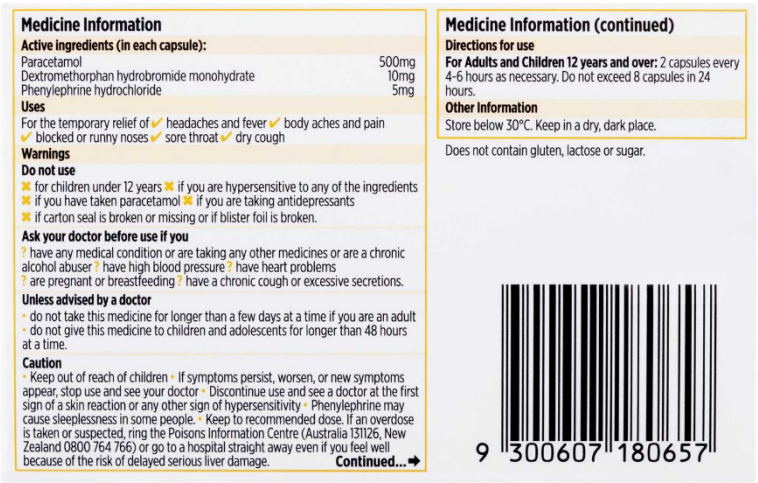
(b) "Medicine Information: … Uses: for the temporary relief of … blocked or runny noses".

Particulars

(A)













(B) This is the latest version of the packaging presently known to the Applicant.

(C) Further particulars will be provided following evidence and disclosure.

Schedule 8 (Codral Cold & Flu + Mucus Cough)

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

1. Since at least around 30 June 2014, the packaging of Codral Cold & Flu + Mucus Cough (also described from time to time as "Codral Relief" with "Cold & Flu" and/or "Mucus Cough") has included the following statement(s):

   (a) "Relief";

   (b) "Cold & Flu";

   (c) "6 Signs Cold & Flu … blocked & runny nose"; and

   (d) "Medicine Information: … Uses: for the temporary relief of … blocked or runny noses".

Particulars

(A)



(B) This is the earliest version of the packaging presently known to the Applicant. The Applicant says that the packaging substantively did not change between 31 October 2011 and 30 June 2014, given the shortness of time between those two dates.

(C) In particular, the Applicant infers that the reverse of the packaging at all times contained the statement in (b) because all other J&J Oral PE Products available at earlier times contained "Medicine Information" sections as to "Uses" on the reverse of the packaging (see Schedules 1-3 for Benadryl products, and Schedules 22 to 27 for Sudafed products), and this product did too, as at 20 October 2024 (see 2 below). Further, as the formulation had not changed, it may be inferred the description of use did not change.

(D) Further particulars will be provided following evidence and disclosure.

2. Since at least around 20 October 2024, the packaging of Codral Cold & Flu + Mucus Cough has included the following statement(s):

(a) "Cold & Flu"; and

(b) "Medicine Information: … Uses: for the temporary relief of … blocked or runny nose".

Particulars

(A)





Medicine Information

Active ingredients (in each capsule):

Paracetamol	500mg
Guaifenesin	100mg
Phenylephrine hydrochloride	6.1mg

Uses

For the temporary relief of ✔ headaches ✔ blocked or runny nose ✔ fever ✔ body aches and pain ✔ sore throat ✔ chesty cough

Warnings

Do not use

✖ for children under 12 years ✖ if you are hypersensitive to any of the ingredients ✖ if you have taken paracetamol ✖ if you are taking antidepressants ✖ if carton seal is broken or missing or if capsule foil is broken.

Ask your doctor before use if you

? have high blood pressure ? have heart problems ? are pregnant or breastfeeding ? have any medical condition or are taking any other medicines or are a chronic alcohol abuser.

Unless advised by a doctor

• do not take this medicine for longer than a few days at a time if you are an adult • do not give this medicine to children and adolescents for longer than 48 hours at a time.

Caution

• Keep out of reach of children • If symptoms persist, worsen, or new symptoms appear, stop use and see your doctor • Discontinue use and see a doctor at the first sign of a skin reaction or any other sign of hypersensitivity • Phenylephrine may cause sleeplessness in some people **Continued...➔**

Medicine Information (continued)

• Keep to recommended dose. If an overdose is taken or suspected, ring the Poisons Information Centre (Australia 131126, New Zealand 0800 764 766) or go to a hospital straight away even if you feel well because of the risk of delayed serious liver damage.

Directions for use

For Adults and Children 12 years and over: 2 capsules every 4-6 hours as necessary. Do not exceed 8 capsules in 24 hours.

Other Information

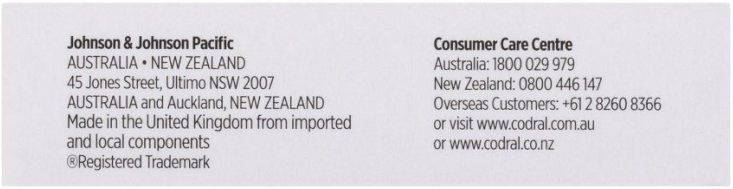
Store below 25°C.

Does not contain gluten, lactose or sugar.

9 300607 180145











(B) This is the latest version of the packaging presently known to the Applicant.

(C) Further particulars will be provided following evidence and disclosure.

Schedule 9 (Codral Cold & Flu + Mucus Cough Oral Powder)

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

1. Since at least around 21 January 2022, the packaging of Codral Cold & Flu + Mucus Cough Oral Powder has included the following statement(s):

   (a) "Cold & Flu"; and

   (b) "Medicine Information: … Uses: for the temporary relief of … blocked or runny nose".

Particulars

(A)





Medicine Information

Active ingredients (in each sachet):

Paracetamol	1000mg
Guaifenesin	200mg
Phenylephrine hydrochloride	12.2mg

Uses

For the temporary relief of ✔ headaches ✔ blocked or runny nose ✔ fever ✔ body aches and pain ✔ sore throat ✔ chesty cough

Warnings

Do not use

✖ for children under 12 years ✖ if you are hypersensitive to any of the ingredients ✖ if you have taken other products containing paracetamol ✖ if you are taking antidepressants ✖ sachet seal is broken or damaged.

Ask your doctor before use if you

? have high blood pressure ? have heart problems ? are pregnant or breastfeeding ? have any medical condition or are taking any other medicines or are a chronic alcohol abuser.

Unless advised by a doctor

• do not take this medicine for longer than a few days at a time if you are an adult • do not give this medicine to children and adolescents for longer than 48 hours at a time.

Caution

• Keep out of reach of children • If symptoms persist, worsen, or new symptoms appear, stop use and see your doctor • Discontinue use and see a doctor at the first sign of a skin reaction or any other sign of hypersensitivity • Phenylephrine may cause sleeplessness in some people • Phenylketonurics are warned that this product contains aspartame (phenylalanine) • Keep to recommended dose.
If an overdose is taken or suspected, ring the Poisons Information Centre (Australia 131126, New Zealand 0800 764 766) or go to a hospital straight away even if you feel well because of the risk of delayed serious liver damage.

Contains: Aspartame, Sugars (Sucrose), Phenylalanine and 117mg Sodium per sachet.

Directions for use

For Adults and Children 12 years and over: For oral use only. Dissolve contents of one sachet in hot (not boiling) water. Stir until dissolved and drtink.

How often: One sachet every 4-6 hours as necessary. Do not exceed 4 sachets in 24 hours.

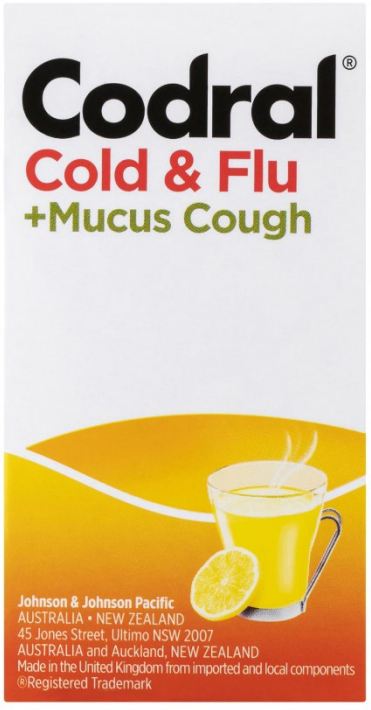
Other Information

Store below 25°C.

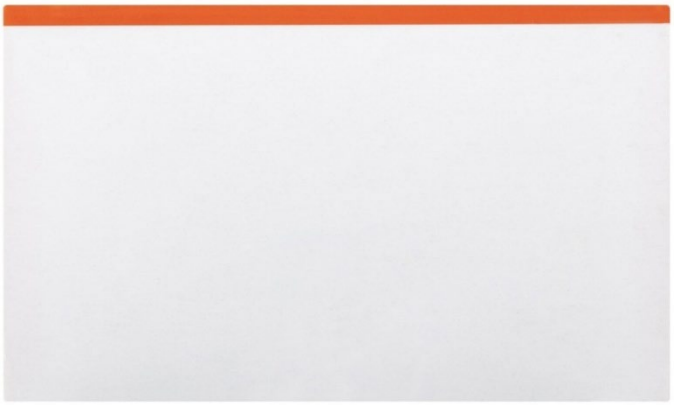
9 300607 180114

Does not contain gluten or lactose.


Codral®
Cold & Flu
+Mucus Cough
Consumer Care Centre
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New Zealand: 0800 446 147
Overseas Customers: +61 2 8260 8366
or visit www.codral.com.au
or www.codral.co.nz


Codral®
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+Mucus Cough
Johnson & Johnson Pacific
AUSTRALIA • NEW ZEALAND
45 Jones Street, Ultimo NSW 2007
AUSTRALIA and Auckland, NEW ZEALAND
Made in the United Kingdom from imported and local components
®Registered Trademark







(B) This is the earliest version of the packaging presently known to the Applicant. The Applicant says that the packaging as at 21 October 2011 and June 2014 was similar in content to the packaging for the Codral Cold &

Flu + Mucus Cough product (Schedule 8 above, 1, Particular (A)-(B))

(C) In particular, the Applicant infers that the reverse of the packaging at all times contained the statement in (b) because all other J&J Oral PE Products available at earlier times contained "Medicine Information" sections as to "Uses" on the reverse of the packaging (see Schedules 1-3 for Benadryl products, and Schedules 22 to 27 for Sudafed products), and this product did too, as at 13 November 2024 (see 2 below). Further, as the formulation had not changed, it may be inferred the description of use did not change.

(D) Further particulars will be provided following evidence and disclosure.

2. Since at least around 13 November 2024, the packaging of Codral Cold & Flu + Mucus Cough Oral Powder has included the following statement(s):

(a) "Cold & Flu"; and

(b) "Medicine Information: … Uses: for the temporary relief of … blocked or runny nose".

Particulars

(A)





Medicine Information

Active ingredients (in each sachet):

Paracetamol	1000mg
Guaifenesin	200mg
Phenylephrine hydrochloride	12.2mg

Uses

For the temporary relief of ✔ headaches ✔ blocked or runny nose ✔ fever ✔ body aches and pain ✔ sore throat ✔ chesty cough

Warnings

Do not use

✖ for children under 12 years ✖ if you are hypersensitive to any of the ingredients ✖ if you have taken other products containing paracetamol ✖ if you are taking antidepressants ✖ sachet seal is broken or damaged.

Ask your doctor before use if you

? have high blood pressure ? have heart problems ? are pregnant or breastfeeding ? have any medical condition or are taking any other medicines or are a chronic alcohol abuser.

Unless advised by a doctor

• do not take this medicine for longer than a few days at a time if you are an adult • do not give this medicine to children and adolescents for longer than 48 hours at a time.

Caution

• Keep out of reach of children • If symptoms persist, worsen, or new symptoms appear, stop use and see your doctor • Discontinue use and see a doctor at the first sign of a skin reaction or any other sign of hypersensitivity • Phenylephrine may cause sleeplessness in some people • Phenylketonurics are warned that this product contains aspartame (phenylalanine) • Keep to recommended dose.
If an overdose is taken or suspected, ring the Poisons Information Centre (Australia 131126, New Zealand 0800 764 766) or go to a hospital straight away even if you feel well because of the risk of delayed serious liver damage.

Contains: Aspartame, Sugars (Sucrose), Phenylalanine and 117mg Sodium per sachet.

Directions for use

For Adults and Children 12 years and over: For oral use only. Dissolve contents of one sachet in hot (not boiling) water. Stir until dissolved and drtink.

How often: One sachet every 4-6 hours as necessary. Do not exceed 4 sachets in 24 hours.

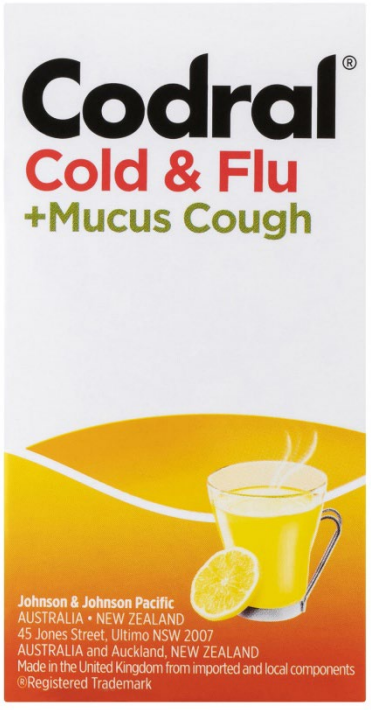
Other Information

Store below 25°C.

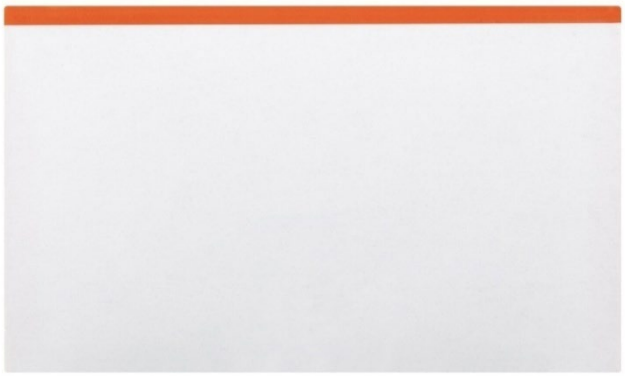
Does not contain gluten or lactose.

9 300607 180114


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(B) This is the latest version of the packaging presently known to the Applicant.

(C) Further particulars will be provided following evidence and disclosure.

Schedule 10 (Codral Day & Night)

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

1. Since at least around 20 January 2022, the packaging of Codral Day & Night has included the following statement(s):

   (a) "Cold & Flu";

   (b) "Medicine Information: … Uses: for the temporary relief of … blocked or runny noses"; and

   (c) "Pharmacy Medicine".

Particulars

(A)





Medicine Information

Active ingredients (in each tablet):

Day:		Night:	
Paracetamol	500mg	Paracetamol	500mg
Phenylephrine hydrochloride	5mg	Phenylephrine hydrochloride	5mg
		Chlorphenamine maleate	2mg

Uses

For the temporary relief of ✔ headaches and fever ✔ body aches and pain ✔ blocked or runny noses ✔ sore throat
✔ non drowsy day tablets ✔ night tablets allow rest

Warnings

Do not use

✖ for children under 12 years ✖ if you are hypersensitive to any of the ingredients ✖ if you have taken paracetamol ✖ if you are taking antidepressants ✖ if you have taken antihistamines ✖ if blister foil is broken.

Ask your doctor before use if you

? have any medical condition or are taking any other medicines or are a chronic alcohol abuser ? have high blood pressure ? have heart problems ? are pregnant or breastfeeding.

Unless advised by a doctor

- do not take this medicine for longer than a few days at a time if you are an adult
- do not give this medicine to children and adolescents for longer than 48 hours at a time.

Caution

- Keep out of reach of children - If symptoms persist, worsen, or new symptoms appear, stop use and see your doctor

Continued...➔

Medicine Information (continued)

- Discontinue use and see a doctor at the first sign of a skin reaction or any other sign of hypersensitivity
- Phenylephrine may cause sleeplessness in some people - Night tablets may cause drowsiness. If drowsy, do not drive a vehicle or operate machinery. Avoid alcohol - Keep to recommended dose.

If an overdose is taken or suspected, ring the Poisons Information Centre (Australia 13126, New Zealand 0800 764 766) or go to a hospital straight away even if you feel well because of the risk of delayed serious liver damage.

Directions for use

For Adults and Children

12 years and over: 2 red (day) tablets every 4-6 hours and 2 orange (night) tablets at night time as necessary. Do not exceed 6 day tablets and 2 night tablets in 24 hours.

Other Information

Store below 30°C. Keep in a dry, dark place.

Does not contain gluten, lactose or sugar.







(B) This is the earliest version of the packaging presently known to the Applicant. The Applicant says that the packaging substantively did not change between 11 May 2016 and 21 January 2022, and infers this because the wording on the front of the packaging did not substantively change between 21 January 2022 and 20 October 2024 (see 2 below).

(C) In particular, the Applicant infers that the reverse of the packaging at all times contained the statement in (b) because all other J&J Oral PE Products available at earlier times contained "Medicine Information" sections as to "Uses" on the reverse of the packaging (see Schedules 1-3 for Benadryl products, and Schedules 22 to 27 for Sudafed products), and this product did too, as at 13 November 2024 (see 2 below). Further, as the formulation had not changed, it may be inferred the description of use did not change.

(D) Further particulars will be provided following evidence and disclosure.

2. Since at least around 13 November 2024, the packaging of Codral Day & Night has included the following statement(s):

(a) "Cold & Flu";

(b) "Medicine Information: … Uses: for the temporary relief of … blocked or runny noses"; and

(c) "Pharmacy Medicine".

Particulars

(A)





Medicine Information

Active ingredients (in each tablet):

Day:		Night:	
Paracetamol	500mg	Paracetamol	500mg
Phenylephrine hydrochloride	5mg	Phenylephrine hydrochloride	5mg
		Chlorphenamine maleate	2mg

Uses

For the temporary relief of ✔ headaches and fever ✔ body aches and pain ✔ blocked or runny noses ✔ sore throat
✔ non drowsy day tablets ✔ night tablets allow rest

Warnings

Do not use

✖ for children under 12 years ✖ if you are hypersensitive to any of the ingredients ✖ if you have taken paracetamol ✖ if you are taking antidepressants ✖ if you have taken antihistamines ✖ if blister foil is broken.

Ask your doctor before use if you

? have any medical condition or are taking any other medicines or are a chronic alcohol abuser ? have high blood pressure ? have heart problems ? are pregnant or breastfeeding.

Unless advised by a doctor

- do not take this medicine for longer than a few days at a time if you are an adult
- do not give this medicine to children and adolescents for longer than 48 hours at a time.

Caution

- Keep out of reach of children - If symptoms persist, worsen, or new symptoms appear, stop use and see your doctor

Continued...➔

Medicine Information (continued)

- Discontinue use and see a doctor at the first sign of a skin reaction or any other sign of hypersensitivity - Phenylephrine may cause sleeplessness in some people - Night tablets may cause drowsiness. If drowsy, do not drive a vehicle or operate machinery. Avoid alcohol - Keep to recommended dose.
If an overdose is taken or suspected, ring the Poisons Information Centre (Australia 131126, New Zealand 0800 764 766) or go to a hospital straight away even if you feel well because of the risk of delayed serious liver damage.

Directions for use

For Adults and Children
12 years and over: 2 red (day) tablets every 4-6 hours and 2 orange (night) tablets at night time as necessary. Do not exceed 6 day tablets and 2 night tablets in 24 hours.

Other Information

Store below 30°C. Keep in a dry, dark place.

Does not contain gluten, lactose or sugar.







(B) This is the latest version of the packaging presently known to the Applicant.

(C) Further particulars will be provided following evidence and disclosure.

Schedule 11 (Codral Day & Night New Formula)

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

1. Since at least around 9 December 2016 the packaging of Codral Day & Night New Formula has included the following statement(s):

   (a) "Cold & Flu";

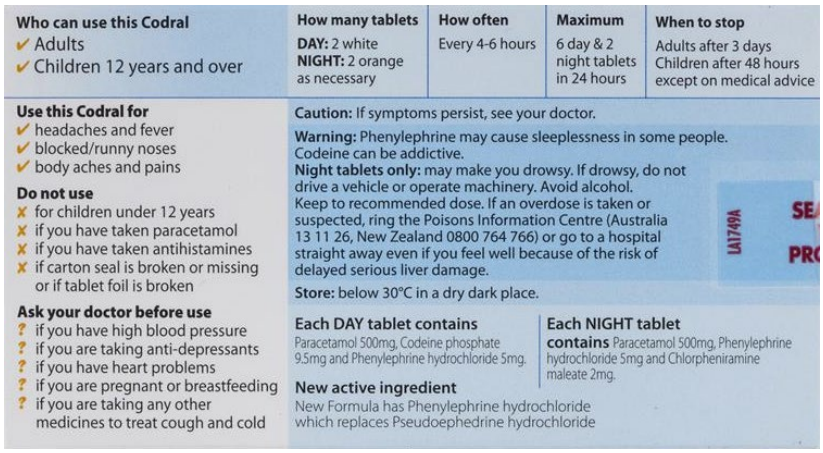
   (b) "Medicine Information: … Uses: for the temporary relief of: … blocked or runny noses"; and

   (c) "Pharmacy Medicine".

Particulars

(A)







(B) This is the earliest version of the packaging presently known to the Applicant.

(C) Further particulars will be provided following evidence and disclosure.

2. Since at least around 25 December 2017, the packaging of Codral Day & Night New Formula has included:

(a) "Cold & Flu";

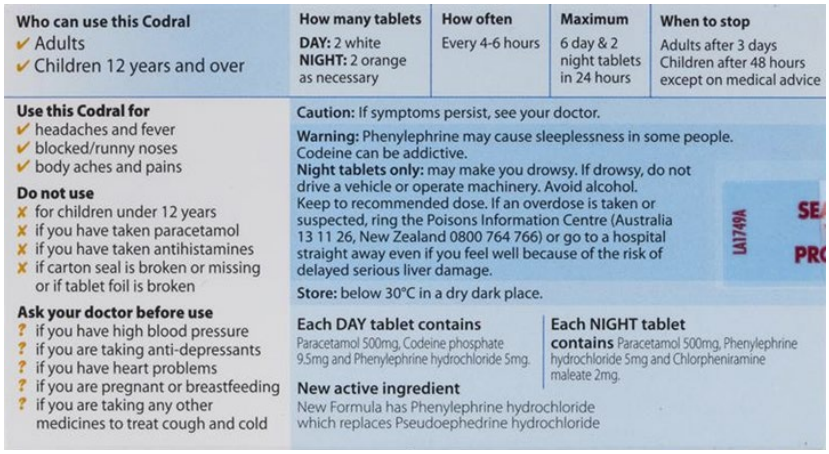
(b) "Medicine Information: … Uses: for the temporary relief of: … blocked or runny noses"; and

(c) "Pharmacy Medicine".

Particulars

(A)







(B) This is the latest version of the packaging presently known to the Applicant.

(C) Further particulars will be provided following evidence and disclosure.

Schedule 12 (Codral Day & Night + Dry Cough)

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

1. Since at least around 21 January 2022, the packaging of Codral Day & Night + Dry Cough has included the following statement(s):

   (a) "Cold & Flu";

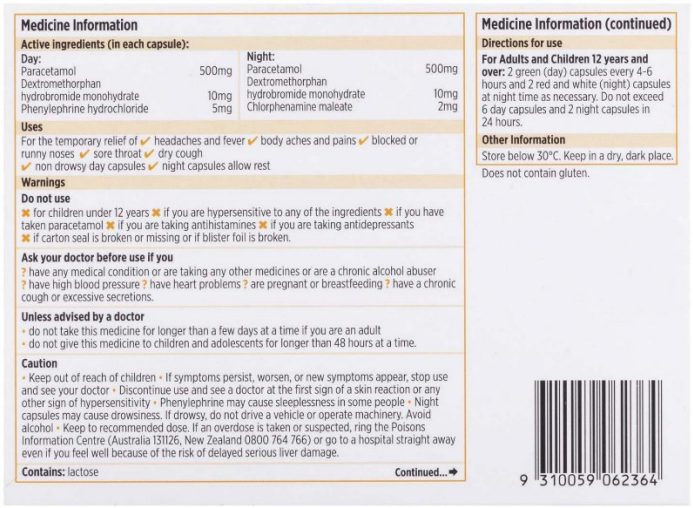
   (b) "Medicine Information: … Uses: for the temporary relief of … blocked or runny noses"; and

   (c) "Pharmacy Medicine".

Particulars

(A)





Medicine Information

Active ingredients (in each capsule):

Day:		Night:	
Paracetamol	500mg	Paracetamol	500mg
Dextromethorphan hydrobromide monohydrate	10mg	Dextromethorphan hydrobromide monohydrate	10mg
Phenylephrine hydrochloride	5mg	Chlorphenamine maleate	2mg

Uses

For the temporary relief of ✔ headaches and fever ✔ body aches and pains ✔ blocked or runny noses ✔ sore throat ✔ dry cough ✔ non drowsy day capsules ✔ night capsules allow rest

Warnings

Do not use

✖ for children under 12 years ✖ if you are hypersensitive to any of the ingredients ✖ if you have taken paracetamol ✖ if you are taking antihistamines ✖ if you are taking antidepressants ✖ if carton seal is broken or missing or if blister foil is broken.

Ask your doctor before use if you

? have any medical condition or are taking any other medicines or are a chronic alcohol abuser ? have high blood pressure ? have heart problems ? are pregnant or breastfeeding ? have a chronic cough or excessive secretions.

Unless advised by a doctor

- do not take this medicine for longer than a few days at a time if you are an adult
- do not give this medicine to children and adolescents for longer than 48 hours at a time.

Caution

- Keep out of reach of children - If symptoms persist, worsen, or new symptoms appear, stop use and see your doctor - Discontinue use and see a doctor at the first sign of a skin reaction or any other sign of hypersensitivity - Phenylephrine may cause sleeplessness in some people - Night capsules may cause drowsiness. If drowsy, do not drive a vehicle or operate machinery. Avoid alcohol - Keep to recommended dose. If an overdose is taken or suspected, ring the Poisons Information Centre (Australia 131126, New Zealand 0800 764 766) or go to a hospital straight away even if you feel well because of the risk of delayed serious liver damage.

Contains: lactose

Continued...➔

Medicine Information (continued)

Directions for use

For Adults and Children 12 years and over: 2 green (day) capsules every 4-6 hours and 2 red and white (night) capsules at night time as necessary. Do not exceed 6 day capsules and 2 night capsules in 24 hours.

Other Information

Store below 30°C. Keep in a dry, dark place.

Does not contain gluten.

9 310059 062364









(B) This is the earliest version of the packaging presently known to the Applicant. The Applicant says that the packaging substantively did not change between 11 May 2016 and 21 January 2022, and infers this because the wording on the front of the packaging did not substantively change between 21 January 2022 and 12 December 2024 (see 2 below).

(C) In particular, the Applicant infers that the reverse of the packaging at all times contained the statement in (b) because all other J&J Oral PE Products available at earlier times contained "Medicine Information" sections as to "Uses" on the reverse of the packaging (see Schedules 1-3 for Benadryl products, and Schedules 22 to 27 for Sudafed products), and this product did too, as at 12 December 2024 (see 2 below). Further, as the formulation had not changed, it may be inferred the description of use did not change.

(D) Further particulars will be provided following evidence and disclosure.

2. Since at least around 12 December 2024, the packaging of Codral Day & Night + Dry Cough has included the following statement(s):

(a) "Cold & Flu";

(b) "Medicine Information: … Uses: for the temporary relief of … blocked or runny noses"; and

(c) "Pharmacy Medicine".

Particulars

(A)





Medicine Information

Active ingredients (in each capsule):

Day:		Night:	
Paracetamol	500mg	Paracetamol	500mg
Dextromethorphan hydrobromide monohydrate	10mg	Dextromethorphan hydrobromide monohydrate	10mg
Phenylephrine hydrochloride	5mg	Chlorphenamine maleate	2mg

Uses

For the temporary relief of ✔ headaches and fever ✔ body aches and pains ✔ blocked or runny noses ✔ sore throat ✔ dry cough ✔ non drowsy day capsules ✔ night capsules allow rest

Warnings

Do not use

✖ for children under 12 years ✖ if you are hypersensitive to any of the ingredients ✖ if you have taken paracetamol ✖ if you are taking antihistamines ✖ if you are taking antidepressants ✖ if carton seal is broken or missing or if blister foil is broken.

Ask your doctor before use if you

? have any medical condition or are taking any other medicines or are a chronic alcohol abuser ? have high blood pressure ? have heart problems ? are pregnant or breastfeeding ? have a chronic cough or excessive secretions.

Unless advised by a doctor

- do not take this medicine for longer than a few days at a time if you are an adult
- do not give this medicine to children and adolescents for longer than 48 hours at a time.

Caution

- Keep out of reach of children - If symptoms persist, worsen, or new symptoms appear, stop use and see your doctor - Discontinue use and see a doctor at the first sign of a skin reaction or any other sign of hypersensitivity - Phenylephrine may cause sleeplessness in some people - Night capsules may cause drowsiness. If drowsy, do not drive a vehicle or operate machinery. Avoid alcohol - Keep to recommended dose. If an overdose is taken or suspected, ring the Poisons Information Centre (Australia 131126, New Zealand 0800 764 766) or go to a hospital straight away even if you feel well because of the risk of delayed serious liver damage.

Contains: lactose

Continued...

Medicine Information (continued)

Directions for use

For Adults and Children 12 years and over: 2 green (day) capsules every 4-6 hours and 2 red and white (night) capsules at night time as necessary. Do not exceed 6 day capsules and 2 night capsules in 24 hours.

Other Information

Store below 30°C. Keep in a dry, dark place.

Does not contain gluten.

9 310059 062364

Codral® Day & Night +Dry Cough

18 DAY CAPSULES
6 NIGHT CAPSULES

Codral® Day & Night +Dry Cough

18 DAY CAPSULES
6 NIGHT CAPSULES

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or www.codral.co.nz





(B) This is the latest version of the packaging presently known to the Applicant.

(C) Further particulars will be provided following evidence and disclosure.

Schedule 13 (Codral Decongestant)

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

1. Since at least around 30 June 2014, the packaging of Codral Decongestant (also described from time to time as "Codral Relief [with] Decongestant") has included the following statement(s):

   (a) "Relief" in large and prominent text;

   (b) "Decongestant" in large and prominent text;

   (c) "blocked nose" in large and prominent text;

   (d) "runny nose" in large and prominent text; and

   (e) "Medicine Information … Uses: for the temporary relief of blocked or runny nose".

Particulars

(A)



(B) This is the earliest version of the packaging presently known to the Applicant. The Applicant says that the packaging substantively did not change between 1 June 2011 and 30 June 2014, and infers this because of the shortness of time between these two dates.

(C) In particular, the Applicant infers that the reverse of the packaging at all times contained the statement in (e) because all other J&J Oral PE Products available at earlier times contained "Medicine Information" sections as to "Uses" on the reverse of the packaging (see Schedules 1-3 for Benadryl products, and Schedules 22 to 27 for Sudafed products), and this product did too, as at 25 March 2023 (see 2 below). Further, as the formulation had not changed, it may be inferred the description of use did not change.

(C) Further particulars will be provided following evidence and disclosure.

2. Since at least around 25 March 2023, the packaging of Codral Decongestant has included the following statement(s):

(a) "Decongestant" in large and prominent text; and

(b) "Medicine Information … Uses: for the temporary relief of blocked or runny nose".

Particulars

(A)



(B) This is the latest version of the packaging presently known to the Applicant.

(C) Further particulars will be provided following evidence and disclosure.

Schedule 14 (Codral Dry Cough + Cold Oral Liquid)

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

1. Since at least around 21 January 2022, the packaging of Codral Dry Cough + Cold Oral Liquid has included the following statement(s):

   (a) "clears blocked or runny nose";

   (b) "Dry Cough + Cold;

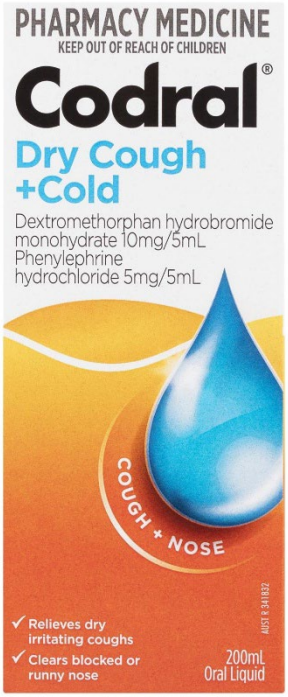
   (c) "Cough + Nose"; and

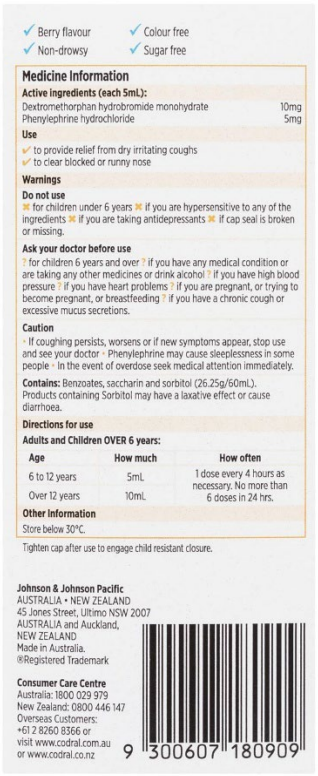
   (d) "Medicine Information … Use: to clear blocked or runny nose".

Particulars

(A)


PHARMACY MEDICINE
KEEP OUT OF REACH OF CHILDREN
Codral
Dry Cough
+Cold
Dextromethorphan hydrobromide monohydrate 10mg/5mL
Phenylephrine hydrochloride 5mg/5mL
COUGH + NOSE
✓ Relieves dry irritating coughs
✓ Clears blocked or runny nose
200mL
Oral Liquid


PHARMACY MEDICINE
KEEP OUT OF REACH OF CHILDREN
Codral
Dry Cough
+Cold
Dextromethorphan hydrobromide monohydrate 10mg/5mL
Phenylephrine hydrochloride 5mg/5mL
COUGH + NOSE
✓ Relieves dry irritating coughs
✓ Clears blocked or runny nose
200mL
Oral Liquid



✓ Berry flavour ✓ Colour free
✓ Non-drowsy ✓ Sugar free

Medicine Information

Active ingredients (each 5mL):

Dextromethorphan hydrobromide monohydrate	10mg
Phenylephrine hydrochloride	5mg

Use

✓ to provide relief from dry irritating coughs
✓ to clear blocked or runny nose

Warnings

Do not use

✖ for children under 6 years ✖ if you are hypersensitive to any of the ingredients ✖ if you are taking antidepressants ✖ if cap seal is broken or missing.

Ask your doctor before use

? for children 6 years and over ? if you have any medical condition or are taking any other medicines or drink alcohol ? if you have high blood pressure ? if you have heart problems ? if you are pregnant, or trying to become pregnant, or breastfeeding ? if you have a chronic cough or excessive mucus secretions.

Caution

• If coughing persists, worsens or if new symptoms appear, stop use and see your doctor • Phenylephrine may cause sleeplessness in some people • In the event of overdose seek medical attention immediately.

Contains: Benzoates, saccharin and sorbitol (26.25g/60mL). Products containing Sorbitol may have a laxative effect or cause diarrhoea.

Directions for use

Adults and Children OVER 6 years:

Age	How much	How often
6 to 12 years	5mL	1 dose every 4 hours as necessary. No more than 6 doses in 24 hrs.
Over 12 years	10mL	

Other Information

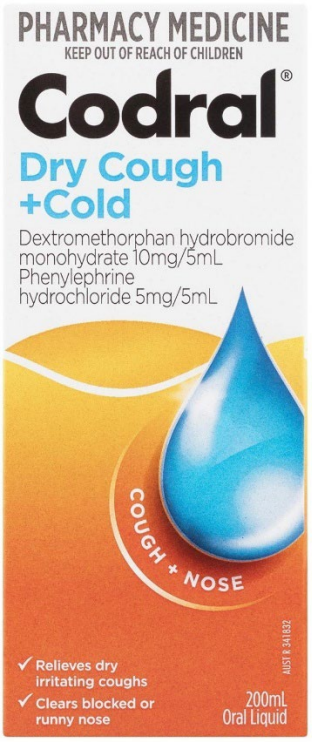
Store below 30°C.

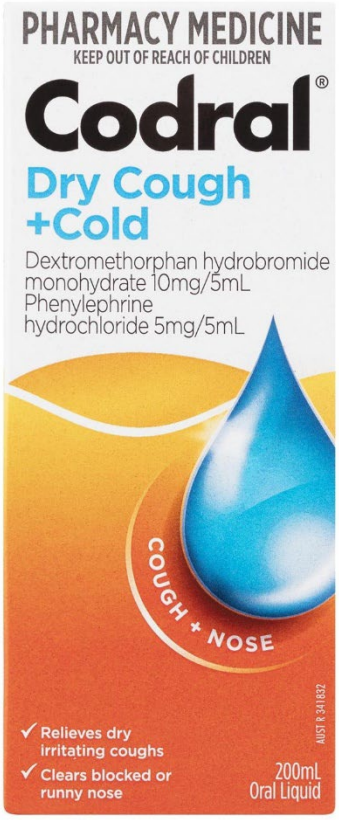
Tighten cap after use to engage child resistant closure.

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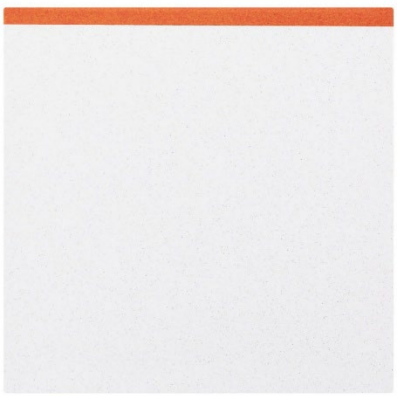
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visit www.codral.com.au
or www.codral.co.nz

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PHARMACY MEDICINE
KEEP OUT OF REACH OF CHILDREN
Codral®
Dry Cough
+Cold
Dextromethorphan hydrobromide monohydrate 10mg/5mL
Phenylephrine hydrochloride 5mg/5mL
COUGH + NOSE
AUST R 341832
✓ Relieves dry irritating coughs
✓ Clears blocked or runny nose
200mL
Oral Liquid


Codral®
Dry Cough
+Cold





(B) This is the earliest version of the packaging presently known to the Applicant. The Applicant says that the packaging substantively did not change between 19 August 2020 and 21 January 2022, because of the shortness of time between those two dates.

(C) In particular, the Applicant infers that the reverse of the packaging at all times contained the statement in (b) because all other J&J Oral PE Products available at earlier times contained "Medicine Information" sections as to "Uses" on the reverse of the packaging (see Schedules 1-3 for Benadryl products, and Schedules 22 to 27 for Sudafed products), and this product did too, as at 13 October 2024 (see 2 below). Further, as the formulation had not changed, it may be inferred the description of use did not change.

(D) Further particulars will be provided following evidence and disclosure.

2. Since at least around 12 December 2024, the packaging of Codral Dry Cough + Cold has included the following statement(s):

(a) "clears blocked or runny nose";

(b) "Dry Cough + Cold";

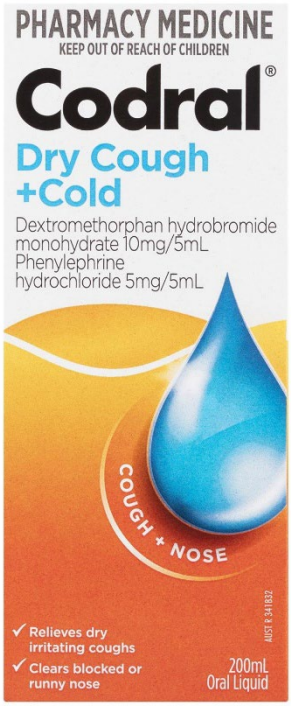
(c) "Cough + Nose"; and

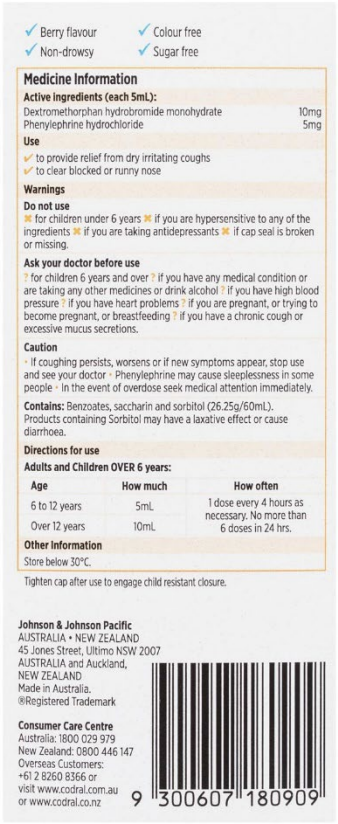
(d) “Medicine Information: … Use: to clear blocked or runny nose”.

Particulars

(A)







✓ Berry flavour ✓ Colour free
✓ Non-drowsy ✓ Sugar free

Medicine Information

Active ingredients (each 5mL):

Dextromethorphan hydrobromide monohydrate	10mg
Phenylephrine hydrochloride	5mg

Use

✓ to provide relief from dry irritating coughs
✓ to clear blocked or runny nose

Warnings

Do not use

✖ for children under 6 years ✖ if you are hypersensitive to any of the ingredients ✖ if you are taking antidepressants ✖ if cap seal is broken or missing.

Ask your doctor before use

? for children 6 years and over ? if you have any medical condition or are taking any other medicines or drink alcohol ? if you have high blood pressure ? if you have heart problems ? if you are pregnant, or trying to become pregnant, or breastfeeding ? if you have a chronic cough or excessive mucus secretions.

Caution

• If coughing persists, worsens or if new symptoms appear, stop use and see your doctor • Phenylephrine may cause sleeplessness in some people • In the event of overdose seek medical attention immediately.

Contains: Benzoates, saccharin and sorbitol (26.25g/60mL). Products containing Sorbitol may have a laxative effect or cause diarrhoea.

Directions for use

Adults and Children OVER 6 years:

Age	How much	How often
6 to 12 years	5mL	1 dose every 4 hours as necessary. No more than 6 doses in 24 hrs.
Over 12 years	10mL	

Other Information

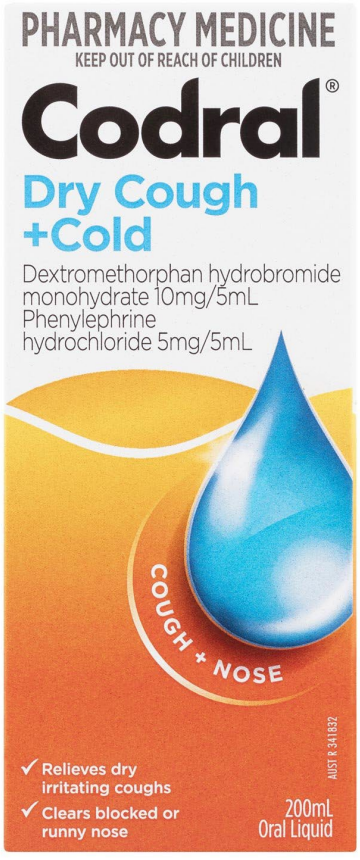
Store below 30°C.

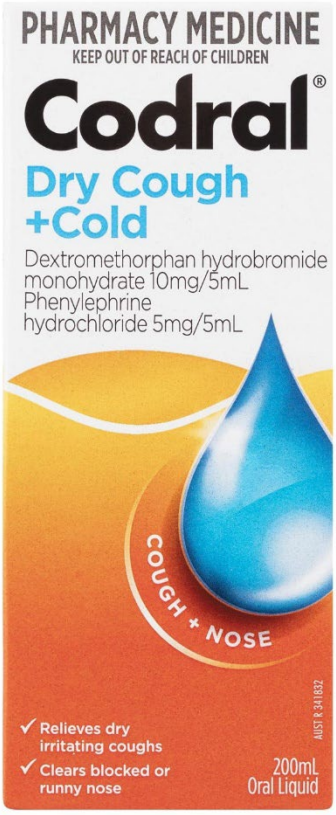
Tighten cap after use to engage child resistant closure.

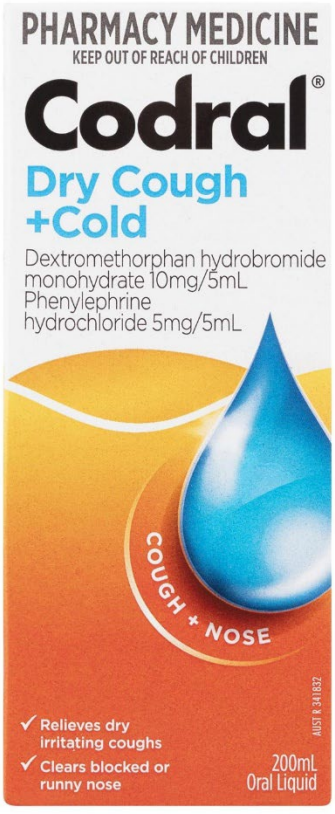
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Overseas Customers:
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visit www.codral.com.au
or www.codral.co.nz

9 300607 180909

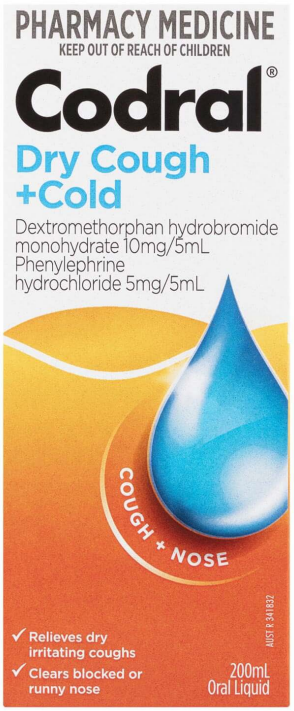


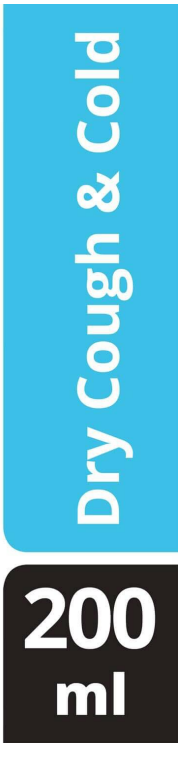

PHARMACY MEDICINE
KEEP OUT OF REACH OF CHILDREN
Codral®
Dry Cough +Cold
Dextromethorphan hydrobromide monohydrate 10mg/5mL
Phenylephrine hydrochloride 5mg/5mL
COUGH + NOSE
AUST R 341832
✓ Relieves dry irritating coughs
✓ Clears blocked or runny nose
200mL
Oral Liquid


PHARMACY MEDICINE
KEEP OUT OF REACH OF CHILDREN
Codral®
Dry Cough +Cold
Dextromethorphan hydrobromide monohydrate 10mg/5mL
Phenylephrine hydrochloride 5mg/5mL
COUGH + NOSE
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✓ Relieves dry irritating coughs
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200mL
Oral Liquid


Codral®
Dry Cough
+Cold




PHARMACY MEDICINE
KEEP OUT OF REACH OF CHILDREN
Codral®
Dry Cough
+Cold
Dextromethorphan hydrobromide monohydrate 10mg/5mL
Phenylephrine hydrochloride 5mg/5mL
COUGH + NOSE
✓ Relieves dry irritating coughs
✓ Clears blocked or runny nose
200mL
Oral Liquid
AUST R 341832


Dry Cough & Cold
200
ml

(B) This is the latest version of the packaging presently known to the Applicant.

(C) Further particulars will be provided following evidence and disclosure.

Schedule 15 (Codral Mucus Cough + Cold Oral Liquid)

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

1. Since at least around 21 January 2022, the packaging of Codral Mucus Cough + Cold Oral Liquid has included the following statement(s):

   (a) "Mucus Cough + Cold";

   (b) "helps to expel mucus more easily";

   (c) "clears blocked or runny nose";

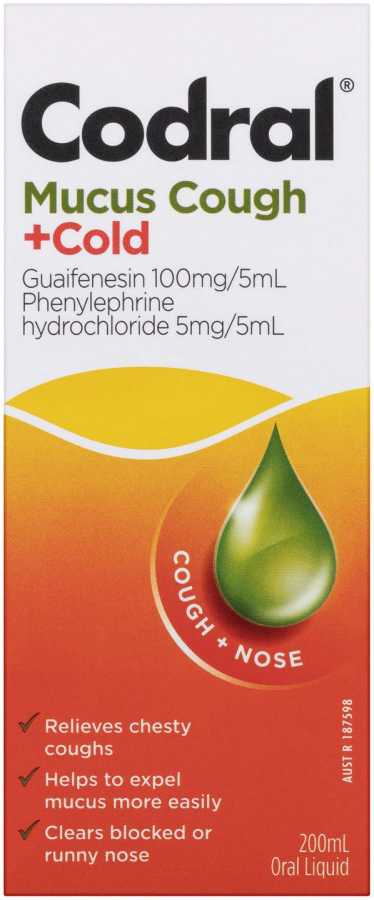
   (d) "Cough + Nose"; and

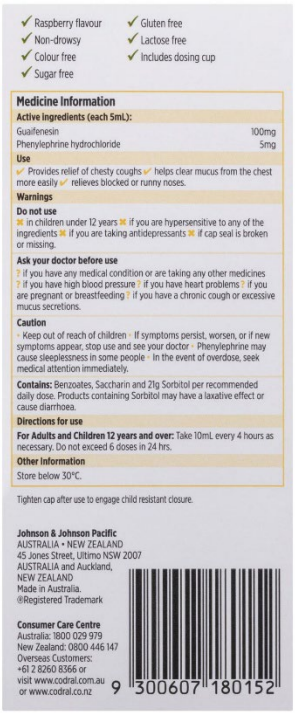
   (e) "Medicine Information … Uses: … relieves blocked or runny noses".

Particulars

(A)


Codral
Mucus Cough
+Cold
Guaifenesin 100mg/5mL
Phenylephrine
hydrochloride 5mg/5mL
COUGH + NOSE
Relieves chesty coughs
Helps to expel mucus more easily
Clears blocked or runny nose
200mL
Oral Liquid
AUST R 187598


Codral
Mucus Cough
+Cold
Guaifenesin 100mg/5mL
Phenylephrine
hydrochloride 5mg/5mL
COUGH + NOSE
Relieves chesty coughs
Helps to expel mucus more easily
Clears blocked or runny nose
200mL
Oral Liquid
AUST R 187598



✓ Raspberry flavour
✓ Non-drowsy
✓ Colour free
✓ Sugar free
✓ Gluten free
✓ Lactose free
✓ Includes dosing cup

Medicine Information

Active Ingredients (each 5mL):

Guaifenesin	100mg
Phenylephrine hydrochloride	5mg

Use

✓ Provides relief of chesty coughs ✓ helps clear mucus from the chest more easily ✓ relieves blocked or runny noses.

Warnings

Do not use

✖ in children under 12 years ✖ if you are hypersensitive to any of the ingredients ✖ if you are taking antidepressants ✖ if cap seal is broken or missing.

Ask your doctor before use

? if you have any medical condition or are taking any other medicines ? if you have high blood pressure ? if you have heart problems ? if you are pregnant or breastfeeding ? if you have a chronic cough or excessive mucus secretions.

Caution

• Keep out of reach of children • If symptoms persist, worsen, or if new symptoms appear, stop use and see your doctor • Phenylephrine may cause sleeplessness in some people • In the event of overdose, seek medical attention immediately.

Contains: Benzoates, Saccharin and 21g Sorbitol per recommended daily dose. Products containing Sorbitol may have a laxative effect or cause diarrhoea.

Directions for use

For Adults and Children 12 years and over: Take 10mL every 4 hours as necessary. Do not exceed 6 doses in 24 hrs.

Other Information

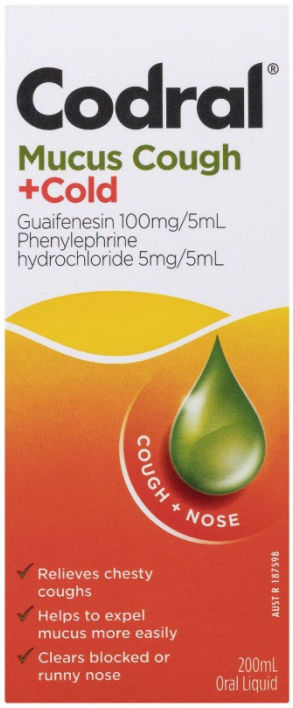
Store below 30°C.

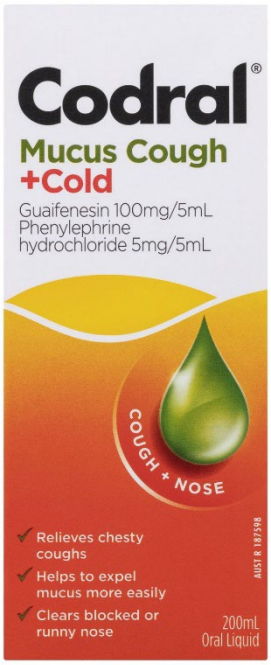
Tighten cap after use to engage child resistant closure.

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New Zealand: 0800 446 147
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visit www.codral.com.au
or www.codral.co.nz

9 300607 180152




Codral®
Mucus Cough
+Cold
Guaifenesin 100mg/5mL
Phenylephrine
hydrochloride 5mg/5mL
COUGH + NOSE
Relieves chesty coughs
Helps to expel mucus more easily
Clears blocked or runny nose
AUST R 187598
200mL
Oral Liquid


Codral®
Mucus Cough
+Cold





(B) This is the earliest version of the packaging presently known to the Applicant. The Applicant says that the packaging substantively did not change between 10 August 2011 and 21 January 2022, and infers this because the wording on the front of the packaging did not substantively change between 21 January 2022 and 13 November 2024 (see 2 below).

(C) Further particulars will be provided following evidence and disclosure.

2. Since at least around 13 November 2024, the packaging of Codral Mucus Cough + Cold has included statement(s) that it is and/or it otherwise:

(a) "Mucus Cough + Cold";

(b) "helps to expel mucus more easily";

(c) "clears blocked or runny nose";

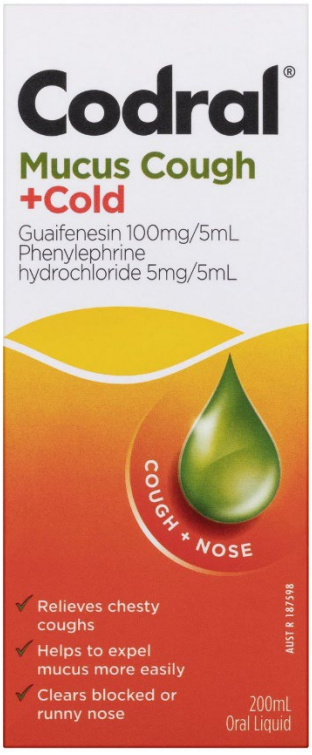
(d) "Cough + Nose"; and

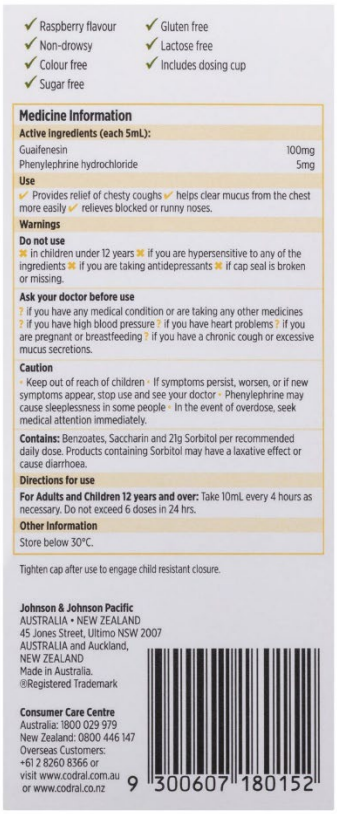
(e) "Medicine Information: … Uses: relieves blocked or runny noses".

Particulars

(A)


Codral
Mucus Cough
+Cold
Guaifenesin 100mg/5mL
Phenylephrine
hydrochloride 5mg/5mL
COUGH + NOSE
Relieves chesty coughs
Helps to expel mucus more easily
Clears blocked or runny nose
200mL
Oral Liquid
AUST R 187598


Codral
Mucus Cough
+Cold
Guaifenesin 100mg/5mL
Phenylephrine
hydrochloride 5mg/5mL
COUGH + NOSE
Relieves chesty coughs
Helps to expel mucus more easily
Clears blocked or runny nose
200mL
Oral Liquid
AUST R 187598



✓ Raspberry flavour
✓ Non-drowsy
✓ Colour free
✓ Sugar free
✓ Gluten free
✓ Lactose free
✓ Includes dosing cup

Medicine Information

Active ingredients (each 5mL):

Guaifenesin	100mg
Phenylephrine hydrochloride	5mg

Use

✓ Provides relief of chesty coughs ✓ helps clear mucus from the chest more easily ✓ relieves blocked or runny noses.

Warnings

Do not use

✖ in children under 12 years ✖ if you are hypersensitive to any of the ingredients ✖ if you are taking antidepressants ✖ if cap seal is broken or missing.

Ask your doctor before use

? if you have any medical condition or are taking any other medicines ? if you have high blood pressure ? if you have heart problems ? if you are pregnant or breastfeeding ? if you have a chronic cough or excessive mucus secretions.

Caution

• Keep out of reach of children • If symptoms persist, worsen, or if new symptoms appear, stop use and see your doctor • Phenylephrine may cause sleeplessness in some people • In the event of overdose, seek medical attention immediately.

Contains: Benzoates, Saccharin and 21g Sorbitol per recommended daily dose. Products containing Sorbitol may have a laxative effect or cause diarrhoea.

Directions for use

For Adults and Children 12 years and over: Take 10mL every 4 hours as necessary. Do not exceed 6 doses in 24 hrs.

Other Information

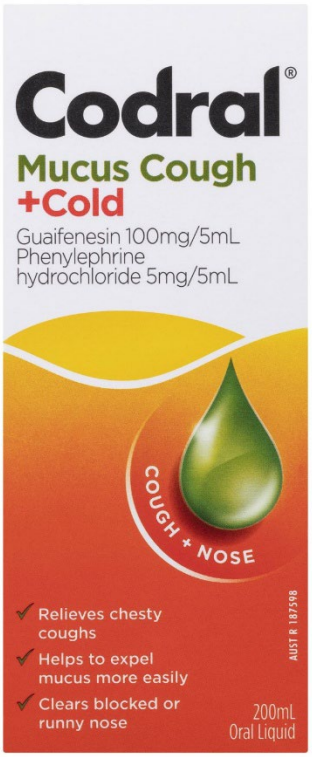
Store below 30°C.

Tighten cap after use to engage child resistant closure.

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Overseas Customers:
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visit www.codral.com.au
or www.codral.co.nz

9 300607 180152




Codral®
Mucus Cough
+Cold
Guaifenesin 100mg/5mL
Phenylephrine
hydrochloride 5mg/5mL
COUGH + NOSE
Relieves chesty coughs
Helps to expel mucus more easily
Clears blocked or runny nose
AUST R 187598
200mL
Oral Liquid


Codral®
Mucus Cough
+Cold





(B) This is the latest version of the packaging presently known to the Applicant.

(C) Further particulars will be provided following evidence and disclosure.

Schedule 16 (Codral Multi Action)

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

1. Since at least around 8 April 2010, the packaging of Codral Multi Action has included the following statement(s):

   (a) "Codral 4 Flu" in large and prominent text;

   (b) "Allows rest by relieving:… blocked & runny nose";

   (c) "Pharmacy Medicine"; and

   (d) "Use this Codral for … blocked/runny nose".

Particulars

(A)



(B) This is the earliest version of the packaging presently known to the Applicant. The Applicant says that the packaging substantively did not change between 8 April 2010 and 30 June 2014, and infers this because the wording on the front of the packaging did not substantively change between 8 April 2010 and 30 June 2014.

(C) Further particulars will be provided following evidence and disclosure.

2. Since at least around 30 June 2014, the packaging of Codral Multi Action has included the following statement(s):

(a) "Codral Multi Action" in large and prominent text;

(b) "Fast relief from 7 symptoms of cold & flu";

(c) "Pharmacy Medicine"; and

(d) "Use this Codral for … blocked/runny nose".

Particulars

(A)



(B) This is the latest version of the packaging presently known to the Applicant. The Applicant says that the packaging substantively did not change between 30 June 2014 and 28 June 2018, and infers this because the wording on the front of the packaging did not substantively change between 30 June 2014 and 28 June 2018.

(C) The Applicant infers that the reverse of the packaging contained the statement in (d) because the front of the packaging contains the statement at (b). Further, the Applicant infers this from the fact that the 8 April 2010 packaging (1 above) contained such a statement, and the product composition had not changed.

(D) Further particulars will be provided following evidence and disclosure.

Schedule 17 (Codral Night)

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

1. Since at least around 21 January 2022, the packaging of Codral Night has included the following statement(s):

   (a) "Cold & Flu";

   (b) "Medicine Information: … Uses: for the temporary relief of … blocked or runny nose"; and

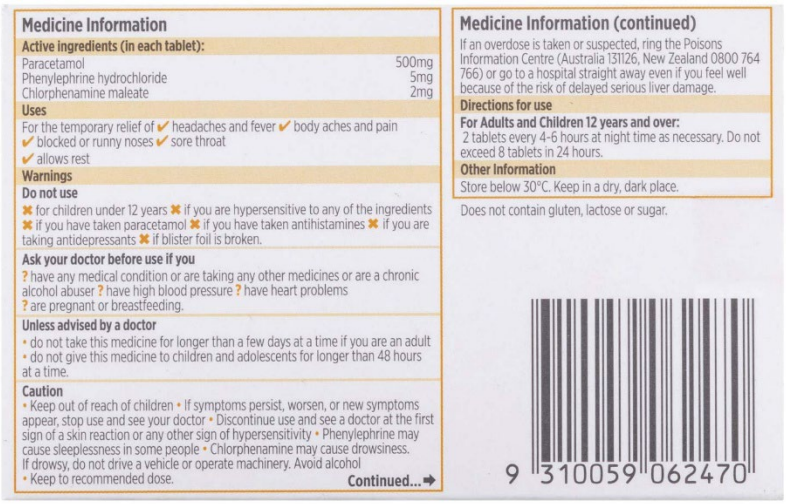
   (c) "Pharmacy Medicine".

Particulars

(A)







Medicine Information

Active ingredients (in each tablet):

Paracetamol	500mg
Phenylephrine hydrochloride	5mg
Chlorphenamine maleate	2mg

Uses

For the temporary relief of ✔ headaches and fever ✔ body aches and pain ✔ blocked or runny noses ✔ sore throat ✔ allows rest

Warnings

Do not use

✖ for children under 12 years ✖ if you are hypersensitive to any of the ingredients ✖ if you have taken paracetamol ✖ if you have taken antihistamines ✖ if you are taking antidepressants ✖ if blister foil is broken.

Ask your doctor before use if you

? have any medical condition or are taking any other medicines or are a chronic alcohol abuser ? have high blood pressure ? have heart problems ? are pregnant or breastfeeding.

Unless advised by a doctor

• do not take this medicine for longer than a few days at a time if you are an adult • do not give this medicine to children and adolescents for longer than 48 hours at a time.

Caution

• Keep out of reach of children • If symptoms persist, worsen, or new symptoms appear, stop use and see your doctor • Discontinue use and see a doctor at the first sign of a skin reaction or any other sign of hypersensitivity • Phenylephrine may cause sleeplessness in some people • Chlorphenamine may cause drowsiness. If drowsy, do not drive a vehicle or operate machinery. Avoid alcohol • Keep to recommended dose.

Continued...➔

Medicine Information (continued)

If an overdose is taken or suspected, ring the Poisons Information Centre (Australia 131126, New Zealand 0800 764 766) or go to a hospital straight away even if you feel well because of the risk of delayed serious liver damage.

Directions for use

For Adults and Children 12 years and over:
2 tablets every 4-6 hours at night time as necessary. Do not exceed 8 tablets in 24 hours.

Other Information

Store below 30°C. Keep in a dry, dark place.

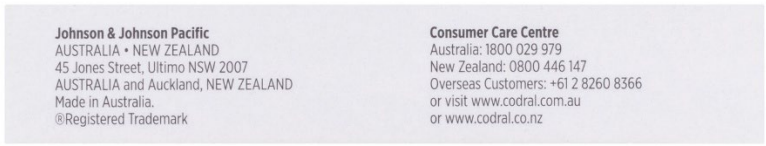
Does not contain gluten, lactose or sugar.

9 310059 062470













(B) This is the earliest version of the packaging presently known to the Applicant. The Applicant says that the packaging substantively did not change between 4 November 2005 and 21 January 2022, and infers this because the wording on the front of the packaging did not substantively change between 21 January 2022 and 20 October 2024 (see 2 below).

(C) In particular, the Applicant infers that the reverse of the packaging at all times contained the statement in (c) because all other J&J Oral PE Products available at earlier times contained "Medicine Information" sections as to "Uses" on the reverse of the packaging (see Schedules 1-3 for Benadryl products, and Schedules 22 to 27 for Sudafed products), and this product did too, as at 13 October 2024 (see 2 below). Further, as the formulation had not changed, it may be inferred the description of use did not change.

(C) Further particulars will be provided following evidence and disclosure.

2. Since at least around 20 October 2024, the packaging of Codral Night has included the following statement(s):

(a) "Cold & Flu";

(b) "Uses: for the temporary relief of … blocked or runny nose"; and

(c) "Pharmacy Medicine".

Particulars

(A)





Medicine Information

Active ingredients (in each tablet):

Paracetamol	500mg
Phenylephrine hydrochloride	5mg
Chlorphenamine maleate	2mg

Uses

For the temporary relief of ✔ headaches and fever ✔ body aches and pain ✔ blocked or runny noses ✔ sore throat ✔ allows rest

Warnings

Do not use

✖ for children under 12 years ✖ if you are hypersensitive to any of the ingredients ✖ if you have taken paracetamol ✖ if you have taken antihistamines ✖ if you are taking antidepressants ✖ if blister foil is broken.

Ask your doctor before use if you

? have any medical condition or are taking any other medicines or are a chronic alcohol abuser ? have high blood pressure ? have heart problems ? are pregnant or breastfeeding.

Unless advised by a doctor

• do not take this medicine for longer than a few days at a time if you are an adult • do not give this medicine to children and adolescents for longer than 48 hours at a time.

Caution

• Keep out of reach of children • If symptoms persist, worsen, or new symptoms appear, stop use and see your doctor • Discontinue use and see a doctor at the first sign of a skin reaction or any other sign of hypersensitivity • Phenylephrine may cause sleeplessness in some people • Chlorphenamine may cause drowsiness. If drowsy, do not drive a vehicle or operate machinery. Avoid alcohol • Keep to recommended dose.

Continued...➔

Medicine Information (continued)

If an overdose is taken or suspected, ring the Poisons Information Centre (Australia 131126, New Zealand 0800 764 766) or go to a hospital straight away even if you feel well because of the risk of delayed serious liver damage.

Directions for use

For Adults and Children 12 years and over:
2 tablets every 4-6 hours at night time as necessary. Do not exceed 8 tablets in 24 hours.

Other Information

Store below 30°C. Keep in a dry, dark place.

Does not contain gluten, lactose or sugar.

9 310059 062470

Codral® Night

24 TABLETS

B 821033
EXP 03/23

Codral® Night

24 TABLETS

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or www.codral.co.nz





(B) This is the latest version of the packaging presently known to the Applicant.

(C) Further particulars will be provided following evidence and disclosure.

Schedule 18 (Codral Plus)

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

1. Since at least around 12 October 2018, the packaging of Codral Plus has included the following statement(s):

   (a) "Codral Plus" in large and prominent text;

   (b) "Cold & Flu + Decongestant";

   (c) "blocked or runny nose" and

   (d) "Medicine information … Uses … for the temporary relief of … blocked or runny noses".

Particulars

(A)



(B) This is the earliest version of the packaging presently known to the Applicant. The Applicant says that the packaging substantively did not change between 12 October 2018 and 25 March 2023 , and infers this because the wording on the front of the packaging did not substantively change between 12 October 2018 and 25 March 2023.

(C) The Applicant infers that the reverse of the packaging contained the statement in (d) because the front of the packaging contains the statement at (c). Further, the Applicant infers this from the fact that the 25 March 2023 packaging (2 below) contained such a statement, and the product composition had not changed.

(D) Further particulars will be provided following evidence and disclosure.

2. Since at least around 25 March 2023, the packaging of Codral Plus has included the following statement(s):

(a) "Codral Plus" in large and prominent text;

(b) "Cold & Flu";

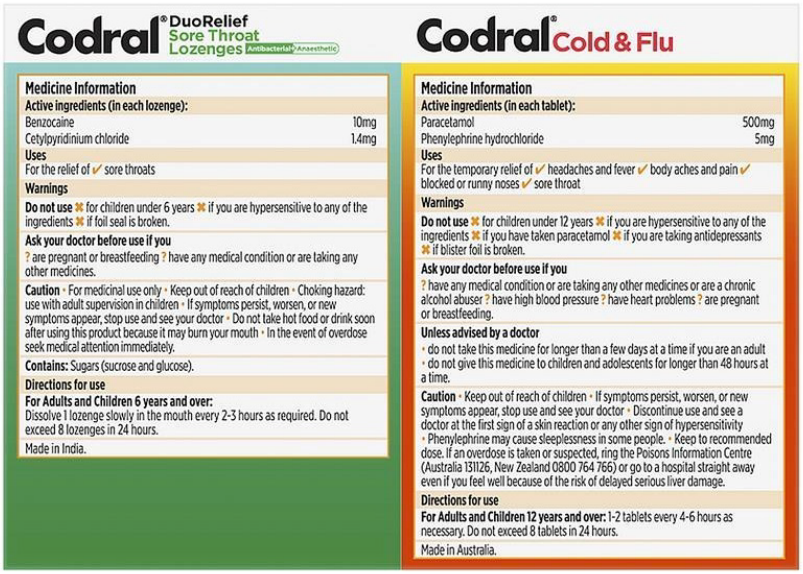
(c) "blocked or runny nose" and

(d) "Medicine information … Uses … for the temporary relief of … blocked or runny noses".

Particulars

(A)


Codral® PLUS
DUO RELIEF SORE THROAT LOZENGES
+
COLD & FLU
Benzocaine 10mg
Cetylpyridinium chloride 1.4mg
Paracetamol 500mg
Phenylephrine hydrochloride 5mg
AUST L 310338
• NUMBING RAPID PAIN RELIEF
• ANTIBACTERIAL
• ANAESTHETIC
LIME & LEMON FLAVOURED
16
• BLOCKED OR RUNNY NOSE
• HEADACHES & FEVER
• BODY ACHES & PAIN
16 TABLETS


Codral® DuoRelief Sore Throat Lozenges Antibacterial + Anaesthetic
Medicine Information
Active ingredients (in each lozenge):
Benzocaine 10mg
Cetylpyridinium chloride 1.4mg
Uses
For the relief of ✓ sore throats
Warnings
Do not use ✖ for children under 6 years ✖ if you are hypersensitive to any of the ingredients ✖ if foil seal is broken.
Ask your doctor before use if you
? are pregnant or breastfeeding ? have any medical condition or are taking any other medicines.
Caution • For medicinal use only • Keep out of reach of children • Choking hazard: use with adult supervision in children • If symptoms persist, worsen, or new symptoms appear, stop use and see your doctor • Do not take hot food or drink soon after using this product because it may burn your mouth • In the event of overdose seek medical attention immediately.
Contains: Sugars (sucrose and glucose).
Directions for use
For Adults and Children 6 years and over:
Dissolve 1 lozenge slowly in the mouth every 2-3 hours as required. Do not exceed 8 lozenges in 24 hours.
Made in India.
Codral® Cold & Flu
Medicine Information
Active ingredients (in each tablet):
Paracetamol 500mg
Phenylephrine hydrochloride 5mg
Uses
For the temporary relief of ✓ headaches and fever ✓ body aches and pain ✓ blocked or runny noses ✓ sore throat
Warnings
Do not use ✖ for children under 12 years ✖ if you are hypersensitive to any of the ingredients ✖ if you have taken paracetamol ✖ if you are taking antidepressants ✖ if blister foil is broken.
Ask your doctor before use if you
? have any medical condition or are taking any other medicines or are a chronic alcohol abuser ? have high blood pressure ? have heart problems ? are pregnant or breastfeeding.
Unless advised by a doctor
• do not take this medicine for longer than a few days at a time if you are an adult • do not give this medicine to children and adolescents for longer than 48 hours at a time.
Caution • Keep out of reach of children • If symptoms persist, worsen, or new symptoms appear, stop use and see your doctor • Discontinue use and see a doctor at the first sign of a skin reaction or any other sign of hypersensitivity • Phenylephrine may cause sleeplessness in some people. • Keep to recommended dose. If an overdose is taken or suspected, ring the Poisons Information Centre (Australia 131126, New Zealand 0800 764 766) or go to a hospital straight away even if you feel well because of the risk of delayed serious liver damage.
Directions for use
For Adults and Children 12 years and over: 1-2 tablets every 4-6 hours as necessary. Do not exceed 8 tablets in 24 hours.
Made in Australia.


Codral® DuoRelief Sore Throat Lozenges Antibacterial + Anaesthetic
Codral® Cold & Flu
Consumer Care Centre
Australia 1800 029 979 New Zealand 0800 446 147
Overseas Customers: +61 2 8260 8366
or visit www.codral.com.au or
www.codral.co.nz
Johnson & Johnson Pacific
AUSTRALIA • NEW ZEALAND
45 Jones Street, Ultimo NSW 2007
AUSTRALIA and Auckland,
NEW ZEALAND.
®Registered trademark.
Store below 25°C.
9 300607 880182





(B) This is the latest version of the packaging presently known to the Applicant.

(C) Further particulars will be provided following evidence and disclosure.

Schedule 19 (Codral Plus Mucus Cough Liquid + Cold & Flu)

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

1. Since at least around 19 October 2023, the packaging of Codral Plus Mucus Cough + Cold has included the following statement(s):

   (a) "Cold & Flu" in large and prominent text;

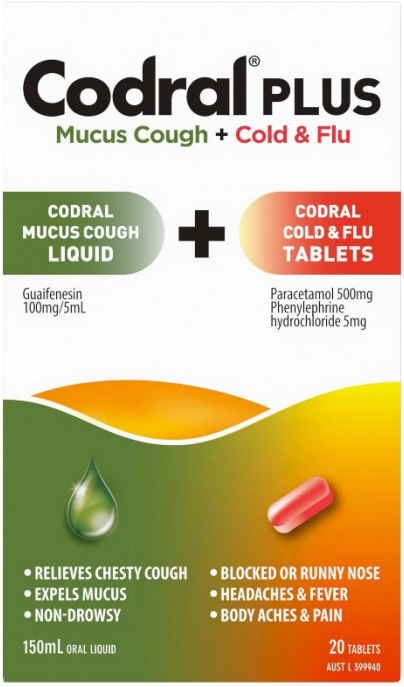
   (b) "blocked or runny nose"; and

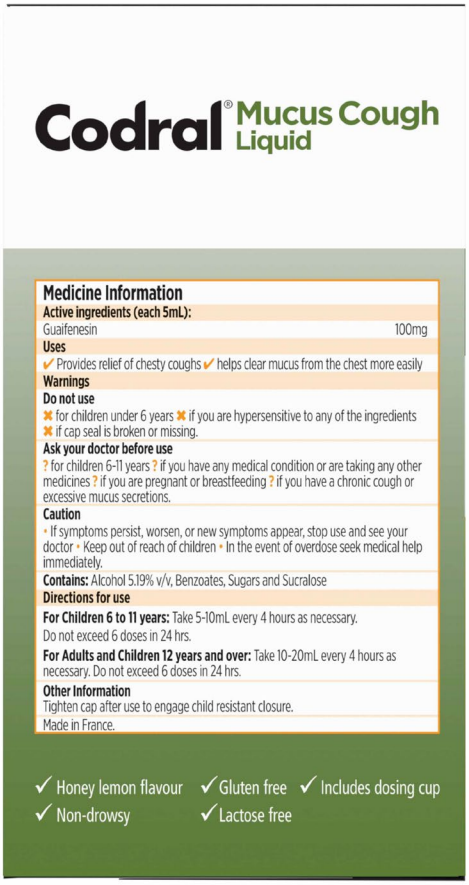
   (c) "Medicine Information: … Uses: for the temporary relief of … blocked or runny noses".

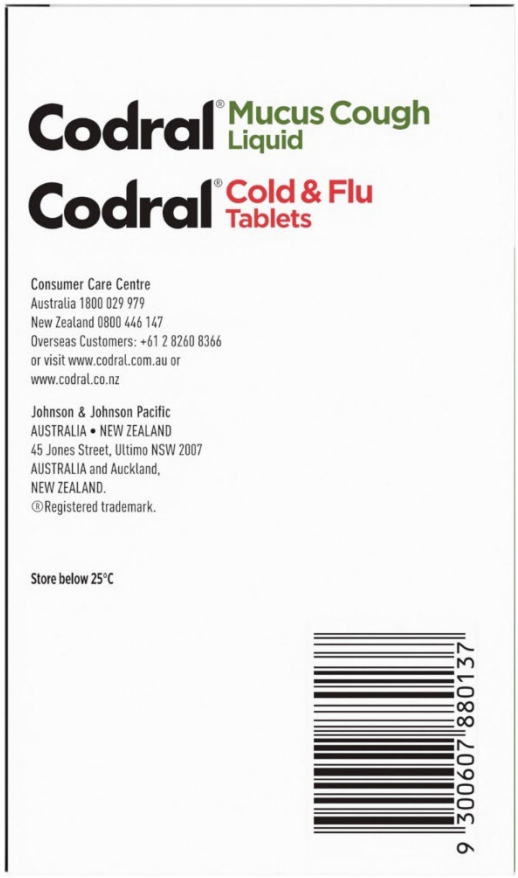
Particulars

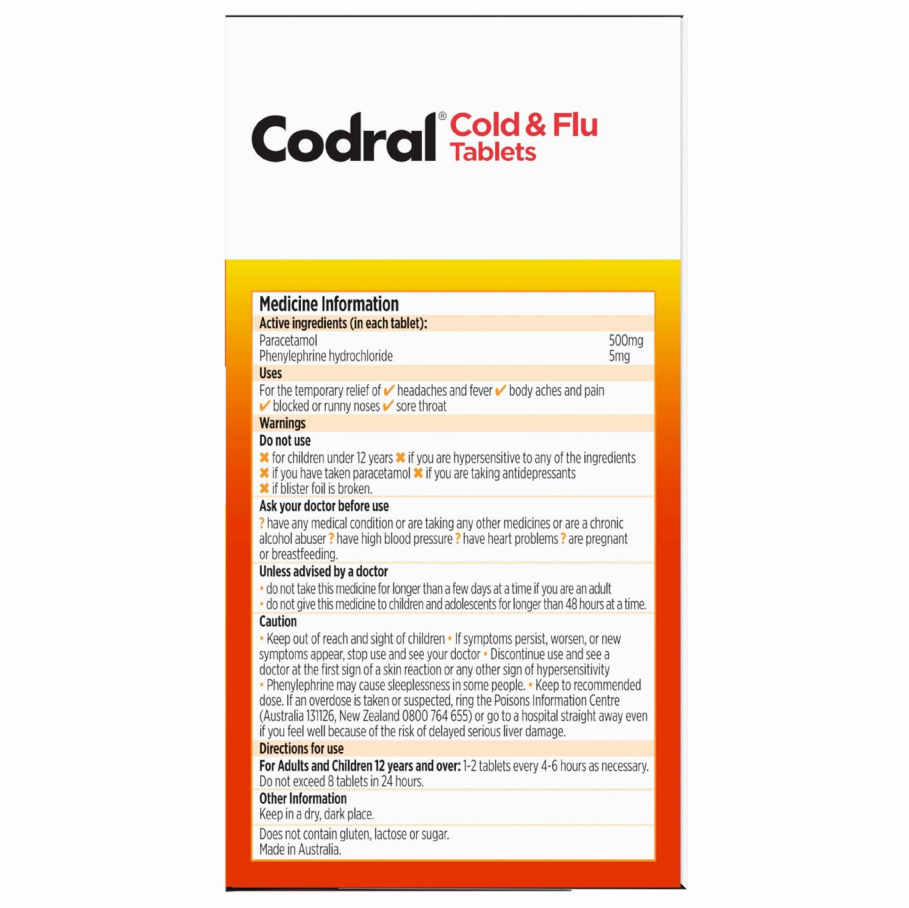
(A)


Codral PLUS
Mucus Cough + Cold & Flu
CODRAL MUCUS COUGH LIQUID
+
CODRAL COLD & FLU TABLETS
Guaifenesin 100mg/5mL
Paracetamol 500mg Phenylephrine hydrochloride 5mg
• RELIEVES CHESTY COUGH
• EXPELS MUCUS
• NON-DROWSY
• BLOCKED OR RUNNY NOSE
• HEADACHES & FEVER
• BODY ACHES & PAIN
150mL ORAL LIQUID
20 TABLETS


Codral PLUS
Mucus Cough + Cold & Flu
CODRAL MUCUS COUGH LIQUID
+
CODRAL COLD & FLU TABLETS
Guaifenesin 100mg/5mL
Paracetamol 500mg Phenylephrine hydrochloride 5mg
• RELIEVES CHESTY COUGH
• EXPELS MUCUS
• NON-DROWSY
• BLOCKED OR RUNNY NOSE
• HEADACHES & FEVER
• BODY ACHES & PAIN
150mL ORAL LIQUID
20 TABLETS


Codral® Mucus Cough Liquid
Medicine Information
Active ingredients (each 5mL):
Guaifenesin 100mg
Uses
✔ Provides relief of chesty coughs ✔ helps clear mucus from the chest more easily
Warnings
Do not use
✖ for children under 6 years ✖ if you are hypersensitive to any of the ingredients ✖ if cap seal is broken or missing.
Ask your doctor before use
? for children 6-11 years ? if you have any medical condition or are taking any other medicines ? if you are pregnant or breastfeeding ? if you have a chronic cough or excessive mucus secretions.
Caution
• If symptoms persist, worsen, or new symptoms appear, stop use and see your doctor • Keep out of reach of children • In the event of overdose seek medical help immediately.
Contains: Alcohol 5.19% v/v, Benzoates, Sugars and Sucralose
Directions for use
For Children 6 to 11 years: Take 5-10mL every 4 hours as necessary.
Do not exceed 6 doses in 24 hrs.
For Adults and Children 12 years and over: Take 10-20mL every 4 hours as necessary. Do not exceed 6 doses in 24 hrs.
Other Information
Tighten cap after use to engage child resistant closure.
Made in France.
✓ Honey lemon flavour ✓ Gluten free ✓ Includes dosing cup
✓ Non-drowsy ✓ Lactose free


Codral® Mucus Cough Liquid
Codral® Cold & Flu Tablets
Consumer Care Centre
Australia 1800 029 979
New Zealand 0800 446 147
Overseas Customers: +61 2 8260 8366
or visit www.codral.com.au or
www.codral.co.nz
Johnson & Johnson Pacific
AUSTRALIA • NEW ZEALAND
45 Jones Street, Ultimo NSW 2007
AUSTRALIA and Auckland,
NEW ZEALAND.
®Registered trademark.
Store below 25°C
9 300607 880137



(B) This is the earliest version of the packaging presently known to the Applicant. The Applicant says that the packaging substantively did not change between 23 November 2022 and 19 October 2023, because of the shortness of time between those two dates.

(C) Further particulars will be provided following evidence and disclosure.

2. Since at least around 20 October 2024, the packaging of Codral Plus Mucus Cough + Cold & Flu has included statement(s) that it is and/or it otherwise:

(a) "Cold & Flu" in large and prominent text;

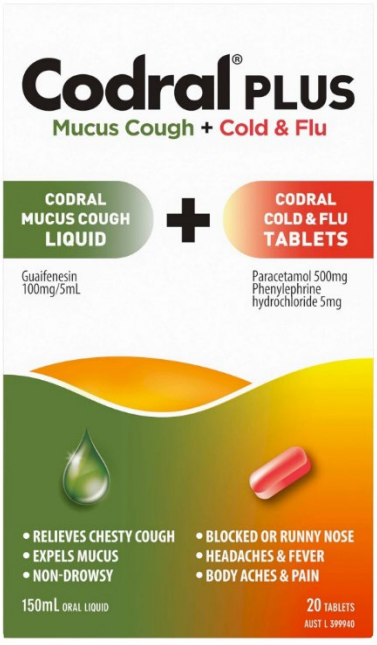
(b) "blocked or runny nose"; and

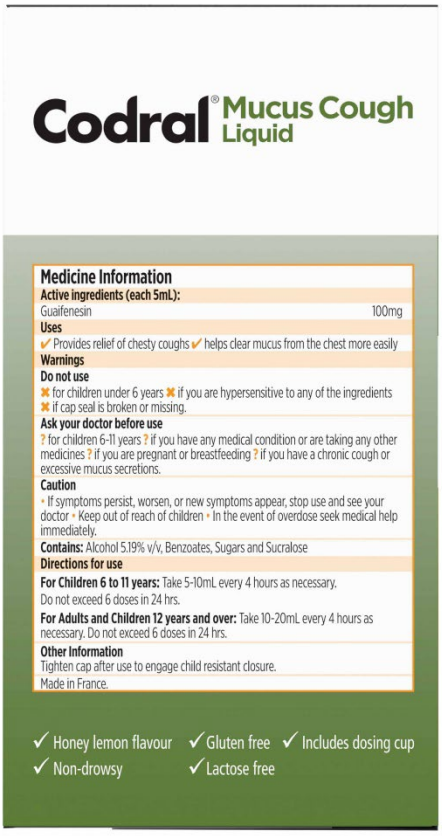
(c) "Medicine Information … Uses: for the temporary relief of … blocked or runny noses".

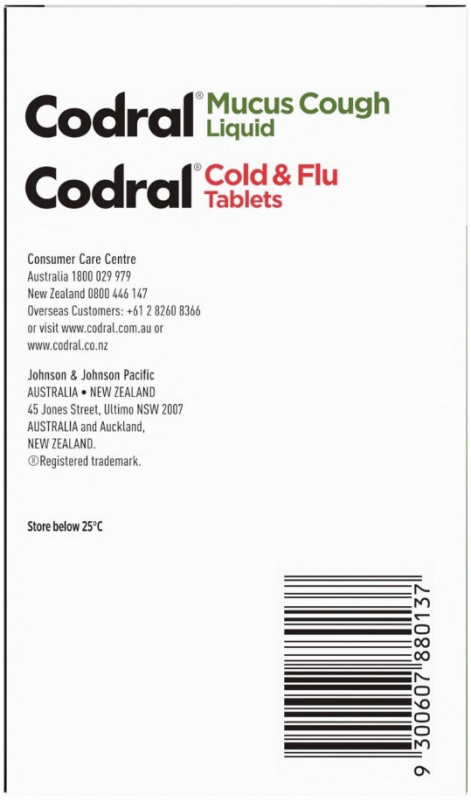
Particulars

(A)


Codral PLUS
Mucus Cough + Cold & Flu
CODRAL MUCUS COUGH LIQUID
+
CODRAL COLD & FLU TABLETS
Guaifenesin 100mg/5mL
Paracetamol 500mg
Phenylephrine hydrochloride 5mg
• RELIEVES CHESTY COUGH
• EXPELS MUCUS
• NON-DROWSY
• BLOCKED OR RUNNY NOSE
• HEADACHES & FEVER
• BODY ACHES & PAIN
150mL ORAL LIQUID
20 TABLETS
AUST L 399940


Codral PLUS
Mucus Cough + Cold & Flu
CODRAL MUCUS COUGH LIQUID
+
CODRAL COLD & FLU TABLETS
Guaifenesin 100mg/5mL
Paracetamol 500mg
Phenylephrine hydrochloride 5mg
• RELIEVES CHESTY COUGH
• EXPELS MUCUS
• NON-DROWSY
• BLOCKED OR RUNNY NOSE
• HEADACHES & FEVER
• BODY ACHES & PAIN
150mL ORAL LIQUID
20 TABLETS
AUST L 399940


Codral® Mucus Cough Liquid
Medicine Information
Active ingredients (each 5mL):
Guaifenesin 100mg
Uses
✔ Provides relief of chesty coughs ✔ helps clear mucus from the chest more easily
Warnings
Do not use
✖ for children under 6 years ✖ if you are hypersensitive to any of the ingredients ✖ if cap seal is broken or missing.
Ask your doctor before use
? for children 6-11 years ? if you have any medical condition or are taking any other medicines ? if you are pregnant or breastfeeding ? if you have a chronic cough or excessive mucus secretions.
Caution
• If symptoms persist, worsen, or new symptoms appear, stop use and see your doctor • Keep out of reach of children • In the event of overdose seek medical help immediately.
Contains: Alcohol 5.19% v/v, Benzoates, Sugars and Sucralose
Directions for use
For Children 6 to 11 years: Take 5-10mL every 4 hours as necessary.
Do not exceed 6 doses in 24 hrs.
For Adults and Children 12 years and over: Take 10-20mL every 4 hours as necessary. Do not exceed 6 doses in 24 hrs.
Other Information
Tighten cap after use to engage child resistant closure.
Made in France.
✓ Honey lemon flavour
✓ Gluten free
✓ Includes dosing cup
✓ Non-drowsy
✓ Lactose free


Codral® Mucus Cough Liquid
Codral® Cold & Flu Tablets
Consumer Care Centre
Australia 1800 029 979
New Zealand 0800 446 147
Overseas Customers: +61 2 8260 8366
or visit www.codral.com.au or
www.codral.co.nz
Johnson & Johnson Pacific
AUSTRALIA • NEW ZEALAND
45 Jones Street, Ultimo NSW 2007
AUSTRALIA and Auckland,
NEW ZEALAND.
®Registered trademark.
Store below 25°C
9 300607 880137



(B) This is the latest version of the packaging presently known to the Applicant.

(C) Further particulars will be provided following evidence and disclosure.

Schedule 20 (Codral Relief Cold & Flu + Decongestant)

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

1. Since at least around 28 March 2011, the packaging of Coral Relief Cold & Flu + Decongestant has included the following statement(s):

   (a) "Codral Relief" in large and prominent text;

   (b) "Cold & Flu + Decongestant";

   (c) "Use this Codral for … blocked or runny nose"; and

   (d) "blocked or runny nose".

Particulars

(A)



(B) This is the earliest version of the packaging presently known to the Applicant. The Applicant says that the packaging substantively did not change between 28 March 2011 and 30 June 2014, and infers this because the wording on the front of the packaging did not substantively change between 28 March 2011 and 30 June 2014.

(C) Further particulars will be provided following evidence and disclosure.

2. Since at least around 30 June 2014, the packaging of Coral Relief Cold & Flu + Decongestant has included the following statement(s):

(a) "Codral Relief" in large and prominent text;

(b) "Cold & Flu + Decongestant";

(c) "Use this Codral for … blocked or runny nose"; and

(d) "blocked or runny nose".

Particulars

(A)



(B) This is the latest version of the packaging presently known to the Applicant. The Applicant says that the packaging substantively did not change between 30 June 2014 and 14 June 2022, and infers this because the wording on the front of the packaging did not substantively change between 30 June 2014 and 14 June 2022.

(C) The Applicant infers that the reverse of the packaging contained the statement in (c) because the front of the packaging contains the statement at (d). Further, the Applicant infers this from the fact that the 28 March 2011 packaging (1 above) contained such a statement, and the product composition had not changed.

(D) Further particulars will be provided following evidence and disclosure.

Schedule 21 (Sinutab PE Sinus, Allergy & Pain Relief)

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

1. Since at least around 25 October 2005, the packaging of Sinutab PE Sinus, Allergy & Pain Relief has included the following statement(s):

   (a) "Sinutab PE" in large and prominent text;

   (b) "Sinus, Allergy & Pain Relief";

   (c) "Use this Sinutab PE for… blocked or runny noses"; and

   (d) "Pharmacy Medicine".

Particulars

(A)



(B) This is the only version of the packaging presently known to the Applicant. The Applicant says that the packaging substantively did not change between 25 October 2005 and 28 June 2018, and infers this because the wording on the front of the packaging did not substantively change between 25 October 2005 and 28 June 2018.

(C) Further particulars will be provided following evidence and disclosure.

Schedule 22 (Sudafed PE Nasal Decongestant)

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

1. Since at least around 24 February 2008, the packaging of Sudafed PE Nasal Decongestant has included the following statement(s):

   (a) "nasal decongestant";

   (b) "Medicine Information … Uses: "blocked or runny noses"; and

   (c) "Pharmacy Medicine".

Particulars

(A)



(B) This is the earliest version of the packaging presently known to the Applicant. The Applicant says that the packaging did substantively not change between 21 June 2025 and 24 February 2008.

(C) The Applicant infers that the reverse of the packaging contained the statement in (b) because the front of the packaging contains the statement (c), and all other products with that statement contain "Medicine Information", and all Sudafed products contain such information. Further, the Applicant infers this from the fact that the 11 December 2024 packaging (2 below) contained such a statement, and the product composition had not changed.

(D) Further particulars will be provided following evidence and disclosure.

2. Since at least around 11 December 2024, the packaging of Sudafed PE Nasal Decongestant has included the following statement(s):

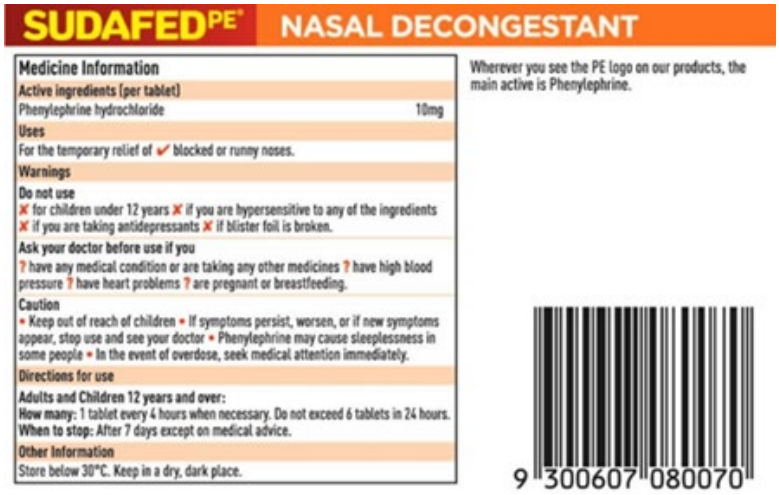
(a) "nasal decongestant"; and

(b) "Medicine Information: … Uses: for the temporary relief of blocked or runny noses".

Particulars

(A)





(B) This is the latest version of the packaging presently known to the Applicant.

(C) Further particulars will be provided following evidence and disclosure.

Schedule 23 (Sudafed PE Night)

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

1. Since at least around 19 February 2017, the packaging of Sudafed PE Night has included the following statement(s):

   (a) "nasal & sinus congestion";

   (b) "Medicine Information … Uses: "blocked or runny noses"; and

   (c) "Pharmacy Medicine".

Particulars

(A)



(B) This is the only version of the packaging presently known to the Applicant. The Applicant infers that the reverse of the packaging contained the statement in (b) because the front of the packaging contains the statement (c), and all

other products with that statement contain "Medicine Information" , including Sudafed PE Nasal Decongestant (Schedule 22 above), which was on the market at the same time, and all Sudafed products contain such information.

(C) Further particulars will be provided following evidence and disclosure.

Schedule 24 (Sudafed PE Sinus + Allergy & Pain Relief)

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

1. Since at least around 24 February 2008, the packaging of Sudafed PE Sinus + Allergy & Pain Relief has included the following statement(s):

   (a) "Sinus + allergy & pain relief";

   (b) "Medicine Information … Uses: "blocked or runny noses"; and

   (c) "Pharmacy Medicine".

Particulars

(A)



(B) This is the earliest version of the packaging presently known to the Applicant. The Applicant says that the

packaging did substantively not change between 21 June 2005 and 24 February 2008, because its wording on the front of the packaging did not substantively change between February 2008 and December 2024 (see 2 below).

(C) The Applicant infers that the reverse of the packaging contained the statement in (b) because the front of the packaging contains the statement (c), and all other products with that statement contain "Medicine Information", including Sudafed PE Nasal Decongestant (Schedule 22 above), which was on the market at the same time, and all Sudafed products contain such information.

(D) Further particulars will be provided following evidence and disclosure.

2. Since at least around 14 December 2024, the packaging of Sudafed PE Sinus + Allergy & Pain Relief has included the following statement(s):

(a) "Sinus + Allergy & Pain Relief" in large and prominent text;

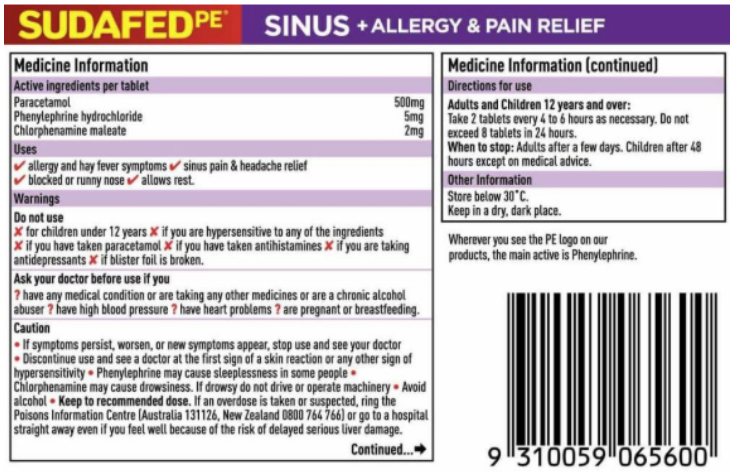
(b) "Medicine Information: … Uses… sinus pain & headache relief … blocked or runny nose; and

(c) "Pharmacy Medicine".

Particulars

(A)





SUDAFED PE SINUS + ALLERGY & PAIN RELIEF

Medicine Information

Active ingredients per tablet

Paracetamol	500mg
Phenylephrine hydrochloride	5mg
Chlorphenamine maleate	2mg

Uses

✔ allergy and hay fever symptoms ✔ sinus pain & headache relief
✔ blocked or runny nose ✔ allows rest.

Warnings

Do not use

✘ for children under 12 years ✘ if you are hypersensitive to any of the ingredients ✘ if you have taken paracetamol ✘ if you have taken antihistamines ✘ if you are taking antidepressants ✘ if blister foil is broken.

Ask your doctor before use if you

? have any medical condition or are taking any other medicines or are a chronic alcohol abuser ? have high blood pressure ? have heart problems ? are pregnant or breastfeeding.

Caution

• If symptoms persist, worsen, or new symptoms appear, stop use and see your doctor • Discontinue use and see a doctor at the first sign of a skin reaction or any other sign of hypersensitivity • Phenylephrine may cause sleeplessness in some people • Chlorphenamine may cause drowsiness. If drowsy do not drive or operate machinery • Avoid alcohol • **Keep to recommended dose.** If an overdose is taken or suspected, ring the Poisons Information Centre (Australia 131126, New Zealand 0800 764 766) or go to a hospital straight away even if you feel well because of the risk of delayed serious liver damage.

Continued...➔

Medicine Information (continued)

Directions for use

Adults and Children 12 years and over:
Take 2 tablets every 4 to 6 hours as necessary. Do not exceed 8 tablets in 24 hours.
When to stop: Adults after a few days. Children after 48 hours except on medical advice.

Other Information

Store below 30˚C.
Keep in a dry, dark place.

Wherever you see the PE logo on our products, the main active is Phenylephrine.

9 310059 065600

(B) This is the latest version of the packaging presently known to the Applicant.

(C) Further particulars will be provided following evidence and disclosure.

Schedule 25 (Sudafed PE Sinus + Anti Inflammatory Pain Relief)

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

1. Since at least around 14 December 2024, the packaging of Sudafed PE Sinus + Anti Inflammatory Pain Relief has included the following statement(s):

   (a) "Sinus + Anti Inflammatory Pain Relief" in large and prominent text;

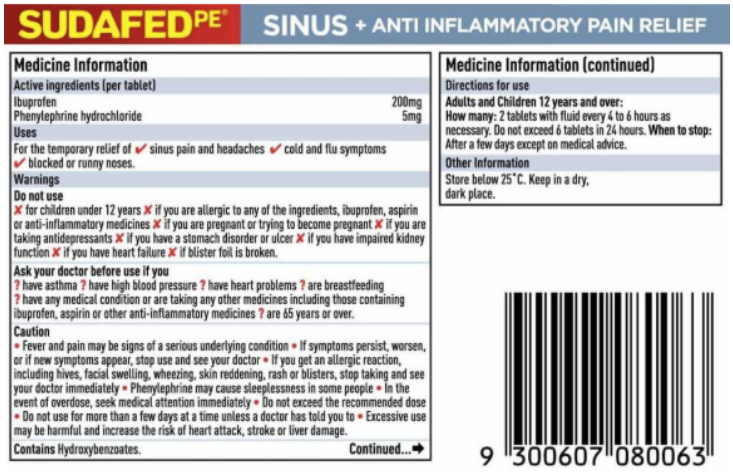
   (b) "Medicine Information … Uses: cold and flu symptoms – blocked or runny noses"; and

   (c) "Pharmacy Medicine".

Particulars

(A)





(B) This is the only version of the packaging presently known to the Applicant. The Applicant says that the packaging did substantively not change between 27 August 2009 and 14 December 2024, because for the similar product Sudafed PE Sinus + Allergy & Pain Relief (Schedule 24 above), the wording on the front of the packaging did not substantively change between February 2008 and December 2024.

(C) Further particulars will be provided following evidence and disclosure.

Schedule 26 (Sudafed PE Sinus + Pain Relief)

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

1. Since at least around 25 March 2012, the packaging of Sudafed PE Sinus + Pain Relief has included the following statement(s):

   (a) "Sinus + Pain Relief" in large and prominent text; and

   (b) "Medicine Information: … Uses: blocked or runny nose".

Particulars

(A)



(B) This is the earliest version of the packaging presently known to the Applicant. The Applicant says that the packaging did substantively not change between 21 June 2005 and 25 March 2012, because for the similar product Sudafed PE Sinus + Allergy & Pain Relief (Schedule 24

above), the wording on the front of the packaging did not substantively change between February 2008 and December 2024.

(C) The Applicant infers that the reverse of the packaging contained the statement in (b) because all other Sudafed products contain "Medicine Information" including as to "Uses" (including at about this time, Sudafed PE Sinus Allergy + Pain Relief, being a very similar product with the same active ingredients (see Schedule 24)), and this product did too, as at 11 December 2024 (see 2 below).

(D) Further particulars will be provided following evidence and disclosure.

2. Since at least around 11 December 2024, the packaging of Sudafed PE Sinus + Pain Relief has included the following statement(s):

(a) Sinus + Pain Relief" in large and prominent text; and

(b) "Medicine Information: … Uses: sinus pain relief … blocked or runny nose".

Particulars

(A)





(B) This is the latest version of the packaging presently known to the Applicant.

(C) Further particulars will be provided following evidence and disclosure.

Schedule 27 (Sudafed PE Sinus + Pain Relief Day & Night)

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

1. Since at least around 25 March 2012, the packaging of Sudafed PE Sinus + Pain Relief Day & Night has included the following statement(s):

   (a) "Sinus Day + Night Relief" in large and prominent text;

   (b) "Medicine Information … Uses: cold and flu symptoms – blocked or runny noses"; and

   (c) "Pharmacy Medicine".

Particulars

(A)



(B) This is the earliest version of the packaging presently known to the Applicant. The Applicant says that the packaging did substantively not change between 3 August 2005 and 25 March 2012, because for the similar product Sudafed PE Sinus + Allergy & Pain Relief (Schedule 24

above), the wording on the front of the packaging did not substantively change between February 2008 and December 2024.

(C) The Applicant infers that the reverse of the packaging contained the statement in (b) because all other Sudafed products contain "Medicine Information" including as to "Uses" (including at about this time, Sudafed PE Sinus Allergy + Pain Relief, being a very similar product with the same active ingredients (see Schedule 24)), and this product did too, as at 11 December 2024 (see 2 below).

(D) Further particulars will be provided following evidence and disclosure.

2. Since at least around 11 December 2024, the packaging of Sudafed PE Sinus & Pain Relief Day & Night has included the following statement(s):

(a) "Sinus + Pain Relief" in large and prominent text; and

(b) "Medicine Information: … Uses: 24 hour sinus pain & Headache relief - blocked or runny nose".

Particulars

(A)





SUDAFED PE

SINUS + PAIN RELIEF DAY & NIGHT

Medicine Information

Active ingredients

Each day tablet contains:

Paracetamol	500mg
Phenylephrine hydrochloride	5mg

Each night tablet contains:

Paracetamol	500mg
Phenylephrine hydrochloride	5mg
Chlorphenamine maleate	2mg

Uses

✔ 24 hour sinus pain & headache relief ✔ blocked or runny nose ✔ non drowsy day tablets ✔ night tablets allow rest and also relieves itchy, watery eyes and sneezing.

Warnings

Do not use

✘ for children under 12 years ✘ if you are hypersensitive to any of the ingredients ✘ if you have taken paracetamol ✘ if you have taken antihistamines ✘ if you are taking antidepressants ✘ if blister foil is broken.

Ask your doctor before use if you

? have any medical condition or are taking any other medicines or are a chronic alcohol abuser ? have high blood pressure ? have heart problems ? are pregnant or breastfeeding.

Continued...➔

Medicine Information (continued)

Caution

• If symptoms persist, worsen, or new symptoms appear, stop use and see your doctor. • Discontinue use and see a doctor at the first sign of a skin reaction or any other sign of hypersensitivity • Phenylephrine may cause sleeplessness in some people • Chlorphenamine may cause drowsiness. If drowsy, do not drive a vehicle or operate machinery • Avoid alcohol • **Keep to recommended dose.** If an overdose is taken or suspected, ring the Poisons Information Centre (Australia 131126, New Zealand 0800 764 766) or go to a hospital straight away even if you feel well because of the risk of delayed serious liver damage.

Directions for use

Adults and Children 12 years and over: Take 2 day (red) tablets every 4 to 6 hours as necessary. Take 2 night (orange) tablets at bedtime. Do not exceed 6 day and 2 night tablets in 24 hours.
When to stop: Adults after a few days. Children after 48 hours except on medical advice.

Other Information

Store below 30°C. Keep in a dry, dark place.

Wherever you see the PE logo on our products, the main active is Phenylephrine.

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(B) This is the latest version of the packaging presently known to the Applicant.

(C) Further particulars will be provided following evidence and disclosure.

NOTICE OF FILING

Details of Filing

Document Lodged:	Statement of Claim - Form 17 - Rule 8.06(1)(a)
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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.