



7 November 2014

Mr David Walsh
Museum of Old and New Art
655 Main Road
Berriedale
TASMANIA 7011

RECEIVED
11 NOV 2014

BY:

cc: Mr. Christoph Büchel

Dear Mr Walsh

**F Hoffmann La Roche AG, Roche Diagnostics Australia Pty Ltd & Roche Products Pty Ltd
Christoph Büchel - Southdale Shopping Centre Exhibition at MONA**

We refer to the above matter and write on behalf of our parent company, F Hoffmann - La Roche AG; our Australian diagnostics division, Roche Diagnostics Australia Pty Limited; and ourselves, the Australian pharmaceuticals division, Roche Products Pty Limited (together "Roche"). As you may be aware, Roche is one of the world's largest providers of medicines and pharmaceutical products and diagnostics, and health services.

Roche has concerns with public perception and general misinterpretation of Roche's involvement in a recent exhibition at the Museum of Old and New Art in Berriedale, Hobart (MONA) by Swiss artist Christoph Büchel entitled "Southdale Shopping Centre" ("Southdale"). While the Southdale exhibition was intended as a "faux" shopping mall, Roche's registered trade marks were included as part of the "free DNA testing display" without Roche's permission. In addition to this, the tone of the display - offering free testing to people who wished to ascertain whether they are of Aboriginal descent - has been considered culturally offensive by some members of the Australian community.

While Roche understands that the display was intended to be false (and no such DNA testing services are actually available), Roche is concerned that the use of the company's logo may lead members of the public to draw incorrect conclusion that Roche was in some way associated or connected with providing such services or the exhibition itself.

As a result of the exhibition, Roche has received disturbing comments, enquiries and even blood samples mailed directly from members of the public. Obviously members of the public have been confused as to the nature of the display, and have taken the words of the display literally.

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While Roche understands that the display has now been removed, Roche considers that MONA's conduct in allowing this display to be exhibited as part of the Southdale exhibition constitutes:

- (a) the making of misleading or deceptive representations to, or conduct which is likely to mislead or deceive, consumers to the effect that:
 - (i) services of the kind referred to in the display are actually offered by Roche in conjunction with MONA;
 - (ii) Roche in some manner is associated or connected with, or sponsors, or approves of, the display, and
- (b) damaging to Roche's goodwill and reputation.

Roche requires MONA and Mr. Büchel not to repeat the conduct identified above, or any similar conduct. If MONA or Mr. Büchel seeks to re-introduce the display, or any similar display, or engage in any conduct which seeks to use Roche's trade marks without its permission, Roche will take immediate action for relief.

To ensure that this matter has been appropriately understood and our requirements addressed, Roche requests that MONA respond to this letter within 14 days of receipt.

Yours faithfully
Roche Products Pty Limited

A handwritten signature in black ink, appearing to read "O. Eckelmann", written over a horizontal line.

Mr Oliver Eckelmann
Director