

## “ARNOTT’S SHAPES XBOX” PROMOTION

### TERMS AND CONDITIONS

1. Information on how to enter and the prize(s) form part of these Terms and Conditions. Participation in this promotion is deemed acceptance of these Terms and Conditions.
2. Entry is only open to Australian and New Zealand residents aged 18 years or over.
3. Employees (and their immediate families) of the Promoter and agencies associated with this promotion are ineligible to enter. Immediate family means any of the following: spouse, ex-spouse, de-facto spouse, child or step-child (whether natural or by adoption), parent, step-parent, grandparent, step-grandparent, uncle, aunt, niece, nephew, brother, sister, step-brother, step-sister or 1<sup>st</sup> cousin.
4. Entries into the promotion open at 12:01am AEDST on 20/12/2021 and close at 11:59pm AEDST on 27/03/2022 (“**Promotional Period**”).
5. This promotion is divided into three (3) components, the instant win component (“**Instant Win Component**”) the daily draw component (“**Daily Draw Component**”) and the bonus Woolworths component (“**Bonus Woolworth’s Component**”).
6. To be eligible to enter both the Instant Win Component and the Daily Draw Component, individuals must purchase a specially marked box of Shapes (“**Eligible Product**”) from any retailer or supermarket in Australia or New Zealand that stocks Eligible Products. Each Eligible Product will contain a unique code inside the box (“**Unique Code**”). To enter the Bonus Woolworth’s Component, individuals must purchase an Eligible Products from any Woolworth’s supermarket in Australia. For clarity, the Bonus Woolworth’s Component is open to Australian residents only.

#### **Instant Win Component**

7. To enter, individuals must visit [www.ShapesWin.com](http://www.ShapesWin.com), follow the prompts to the competition entry page and input the requested details including full name, valid email address, contact phone number, the store in which they made their Eligible Purchase, and the Unique Code when promoted and submit the fully completed online entry form.
8. Each entrant will be notified instantly online whether or not they are an instant winner. Once verified, instant winners will be sent an email on how to claim their prize along with any redemption instructions.
9. Instant win prizes available to be won during the Promotional Period across both Australia and New Zealand are as per the below (each an “**Instant Prize**”).
  - 30 x Xbox Wireless Controllers valued at AUD\$89.95
  - 30,000xx Xbox Game Pass Ultimate (1month) valued at \$15.95;
  - 21,000 x Xbox Game Pass Ultimate (3months) valued at \$47.95;
  - 597 x AUD\$25 Xbox Gift Cards;
  - 597 x AUD\$50 Xbox Gift Cards; and
  - 299 x AUD\$100 Xbox Gift Cards.

10. In the event of any ACT winners of an Instant Prize, their names will be published online at [www.ShapesWin.com](http://www.ShapesWin.com) on 15/04/2022.
11. Any ancillary costs associated with redeeming and instant win prize is not included. Any unused balance of a gift card, subscription or game pass will not be awarded as cash. Redemption of a gift card, subscription or game pass is subject to any terms and conditions of the issuer including those specified on the gift card, subscription, or game pass.

### **Daily Draw Component**

12. Australian residents that submit an entry into the Instant Win Component between 12:00am AEST on 20/12/2021 and 11:59pm AEDST on 13/02/2022 will automatically be awarded an entry into the relevant daily draw for the Daily Draw Component. For clarity, if an Australian resident submits an entry into the promotion on or after 14/02/2022 they will not be eligible for the Daily Draw Component, however they will still be eligible for the Instant Win Component of the promotion.
13. New Zealand residents that submit an entry into the Instant Win Component between 12:00am AEST on 31/01/2022 and 11:59pm AEDST on 27/03/2022 will automatically be awarded an entry into the relevant daily draw for the Daily Draw Component. For clarity, if a New Zealand resident submits an entry into the promotion on or before 30/01/2022 they will not be eligible for the Daily Draw Component, however they will still be eligible for the Instant Win Component of the promotion.
14. There will be a total of one hundred and twelve (112) daily draws conducted for this promotion (each a “**Daily Draw**”). There will be fifty-six (56) Daily Draws conducted for Australian residents and fifty-six (56) Daily Draws conducted for New Zealand Residents.

#### **15. Australian Residents**

Entries into each Daily Draw will open at 12am and close at 11.59pm each day based on Victoria Australia local time between 20/12/2021 and 13/02/2022. Each Daily Draw will take place on the business day after entries close for that Daily Draw, with the first Daily Draw for Australian residents taking place on 21/12/2021 and the last Daily Draw taking place on 14/02/2022.

#### **New Zealand Residents**

16. Entries into each Daily Draw will open at 12am and close at 11.59pm each day based on **Victoria Australia** local time between 31/01/2022 and 27/03/2022. Each Daily Draw will take place on the business day after entries close for that Daily Draw, with the first Daily Draw for Australian residents taking place on 01/02/2022 and the last Daily Draw taking place on 28/03/2022.
17. Each Daily Draw will take place at 11:00am AEST at 389/44 Lakeview Drive Scoresby VIC 3179. **Entries in each Daily Draw will NOT be entered into any subsequent Daily Draw(s).** The Promoter may draw additional reserve entries and record them in order in case an invalid entry or ineligible entrant is drawn.
18. Winners will be notified in writing by email within two (2) business days of the relevant Daily Draw. In the event of any ACT or SA winners of a Daily Draw their names will be published online at [www.ShapesWin.com](http://www.ShapesWin.com) on 01/03/2022.

19. The first valid entry drawn in each Daily Draw will each win Microsoft Xbox Series S console 512GB valued at AUD\$499 plus a Forza Horizon 5 Game (digital download) valued at AUD\$99.95

#### **Bonus Woolworth's Component (Australia Only)**

20. Australian residents that submit an entry into the Instant Win Component between 12:00am AEDST on 20/12/2021 and 11:59pm AEDST on 13/02/2022 will automatically be awarded an entry into the Bonus Woolworth's Component. For clarity, if an Australian resident submits an entry into the promotion on or after 14/02/2022 they will not be eligible for the Bonus Woolworth's Component, however they will still be eligible for the Instant Win Component of the promotion.
21. The draw for the Bonus Woolworth's Component will take place at 11:00am AEDST at 389/44 Lakeview Drive Scoresby VIC 3179 on 14/02/2022. The Promoter may draw additional reserve entries and record them in order in case an invalid entry or ineligible entrant is drawn.
22. Winners will be notified in writing by email within two (2) business days of the draw. In the event of any ACT or SA winners, their names will be published online at [www.ShapesWin.com](http://www.ShapesWin.com) on 01/03/2022.
23. The first fifteen (15) valid entries drawn in the Bonus Woolworths Component will each win Microsoft Xbox Series S console 512GB valued at AUD\$499.

#### **General**

24. Multiple entries permitted, subject to the following: (a) only one entry permitted per specified purchase requirement; (b) each entry must be submitted separately and in accordance with entry requirements; (c) only one (1) Unique Code per entry is permitted; (d) the same Unique Code cannot be used more than once; (e) unrecognised codes will be deemed invalid; and (f) a maximum of one (1) entry is permitted per person per day.
25. Entrants must retain a copy of their purchase receipt(s) and Unique Codes for all entries as proof of purchase. Failure to produce the proof of purchase for all entries when requested may, in the absolute discretion of the Promoter, result in invalidation of ALL of an entrant's entries and forfeiture of any right to a prize. Purchase receipt(s) must clearly specify the store of purchase and that the purchase was made during the Promotional Period but prior to entry.
26. The Promoter reserves the right, at any time, to verify the validity of entries and entrants (including an entrant's identity, age and place of residence) and reserves the right, in its sole discretion, to disqualify any individual who the Promoter has reason to believe has breached any of these Terms and Conditions, tampered with the entry process or engaged in any unlawful or other improper misconduct calculated to jeopardise fair and proper conduct of the promotion. Errors and omissions may be accepted at the Promoter's discretion. Failure by the Promoter to enforce any of its rights at any stage does not constitute a waiver of those rights. The Promoter's legal rights to recover damages or other compensation from such an offender are reserved.
27. Incomplete or indecipherable entries will be deemed invalid.
28. If there is a dispute as to the identity of an entrant, the Promoter reserves the right, in its sole discretion, to determine the identity of the entrant.

29. The Promoter's decision is final and no correspondence will be entered into.
30. Subject to the unclaimed prize draw clause, if for any reason a winner does not take a prize at or by the time stipulated by the Promoter, then the prize will be forfeited.
31. If any prize is unavailable, the Promoter, in its discretion, reserves the right to substitute the prize with a prize to the equal value and/or specification, subject to any written directions from a regulatory authority.
32. Total prize pool value is AUD\$1,637,390.90. Prizes are not transferable or exchangeable and cannot be taken as cash.
33. A draw for any unclaimed Daily Draw prizes, Bonus Woolworth's Component prizes or Instant Prizes that are won but remain unclaimed will take place on 29/06/2022 at the same time and place as the original draw, subject to any directions from a regulatory authority. Winners, if any, will be notified in writing within two (2) business days of the draw. In the event of any ACT winners or SA Winners of prizes valued at over \$250, their names will be published online at [www.ShapesWin.com](http://www.ShapesWin.com) on 13/07/2022.
34. Entrants consent to the Promoter using their name, likeness, image and/or voice in the event they are a winner (including photograph, film and/or recording of the same) in any media for an unlimited period without remuneration for the purpose of promoting this promotion (including any outcome), and promoting any products manufactured, distributed and/or supplied by the Promoter.
35. If this promotion is interfered with in any way or is not capable of being conducted as reasonably anticipated due to any reason beyond the reasonable control of the Promoter, including but not limited to technical difficulties, unauthorised intervention or fraud, the Promoter reserves the right, in its sole discretion, to the fullest extent permitted by law: (a) to disqualify any entrant; or (b) subject to any written directions from a regulatory authority, to modify, suspend, terminate or cancel the promotion, as appropriate.
36. Any cost associated with accessing the promotional website is the entrant's responsibility and is dependent on the Internet service provider used. The use of any automated entry software or any other mechanical or electronic means that allows an entrant to automatically enter repeatedly is prohibited and will render all entries submitted by that entrant invalid.
37. Printing and other quality control errors will not invalidate an otherwise valid prize claim. Unless otherwise due to fraud or ineligibility under these Terms and Conditions, all prize claims in excess of the advertised prize pool will be honoured. Any instant win prizes that are won but remain unclaimed will be awarded in the unclaimed prize draw. Instant win game materials void if stolen, forged, mutilated or tampered with in any way. There will be a total of 9,406,953 Unique Codes printed for this promotion.
38. Nothing in these Terms and Conditions limits, excludes or modifies or purports to limit, exclude or modify the statutory consumer guarantees as provided under the Competition and Consumer Act, as well as any other implied warranties under the ASIC Act or similar consumer protection laws in the States and Territories of Australia or any statutory consumer guarantees as provided under consumer protection laws in New Zealand ("**Non-Excludable Guarantees**"). Except for any liability that cannot by law be

excluded, including the Non-Excludable Guarantees, the Promoter (including its respective officers, employees and agents) excludes all liability (including negligence), for any personal injury; or any loss or damage (including loss of opportunity); whether direct, indirect, special or consequential, arising in any way out of the promotion.

39. Except for any liability that cannot by law be excluded, including the Non-Excludable Guarantees, the Promoter (including its respective officers, employees and agents) is not responsible for and excludes all liability (including negligence), for any personal injury; or any loss or damage (including loss of opportunity); whether direct, indirect, special or consequential, arising in any way out of: (a) any technical difficulties or equipment malfunction (whether or not under the Promoter's control); (b) any theft, unauthorised access or third party interference; (c) any entry or prize claim that is late, lost, altered, damaged or misdirected (whether or not after their receipt by the Promoter) due to any reason beyond the reasonable control of the Promoter; (d) any variation in prize value to that stated in these Terms and Conditions; (e) any tax liability incurred by a winner or entrant; or (f) use of a prize.
40. The Promoter collects personal information ("**PI**") in order to conduct the promotion and may, for this purpose, disclose such PI to third parties, including but not limited to agents, contractors, service providers, prize suppliers and, as required, to Australian regulatory authorities. Entry is conditional on providing this PI. The Promoter will also use and handle PI as set out in its Privacy Policy, which can be viewed at [www.arnotts.com/privacy-policy](http://www.arnotts.com/privacy-policy). In addition to any use that may be outlined in the Promoter's Privacy Policy, the Promoter may, for an indefinite period, unless otherwise advised, use the PI for promotional, marketing, publicity, research and profiling purposes, including sending electronic messages or telephoning the entrant, where the entrant has expressly given consent. The Privacy Policy also contains information about how entrants may opt out, access, update or correct their PI, how entrants may complain about a breach of the Australian Privacy Principles or any other applicable law and how those complaints will be dealt with. All entries become the property of the Promoter. Entrants PI may be held and processed overseas by the Promoter's related companies and service providers. The Promoter has service providers and/or related companies that are based in various countries, including; Australia, New Zealand, Japan, Hong Kong, Malaysia, Indonesia, Singapore, Taiwan, India, the United Kingdom and United States. When the Promoter transfers PI to others or outside Australia or New Zealand, they will comply with applicable privacy laws and will take steps to ensure it is treated in the same way that the Promoter would treat it.
41. The laws of Australia apply to this promotion to the exclusion of any other law. Entrants submit to the exclusive jurisdiction of the courts of Australia.
42. The Promoter is Arnott's Biscuits Limited (ABN 44 008 435 729) of 24 George Street, North Strathfield NSW 2137 (in Australia) and Arnott's New Zealand Limited (Company No. 208653) of Level 1, 61-73 Davis Crescent Newmarket, Auckland, 1023, New Zealand (in New Zealand)

**NSW Permit No. TP/01190. ACT Permit No. TP21/01165. SA Permit No. T21/1057**