

8 April 2002

ACCC  
233 Adelaide Terrace  
PERTH WA 6000

ACCC

- 8 APR 2002

PERTH



VAL MORGAN CINETICKET PTY LTD  
ABN 81 093 521 978

Level 1, 61 Buckingham Drive, Wangara WA  
PO Box 1519, Wangara WA 6947, Australia  
Phone: 08 9409 6666 Fax: 08 9409 6777  
e-mail: sales@adverticket.com.au

To Whom It May Concern:

**RE: FORM G – EXCLUSIVE DEALING NOTIFICATION**

We hereby attach 6 Exclusive Dealing Notification Submissions for Greater Union Organisation Pty Ltd.

Details are as follows;

**NSW**

- Video Ezy Warilla

**WA**

- McDonald's Innaloo

**SA**

- Video Ezy SA
- The Coffee Club
- Chicken Treat
- Woolshed on Hindley

Yours sincerely

A handwritten signature in black ink, appearing to be 'KS' or similar initials, written in a cursive style.

---

KALINA SYMONS  
Marketing Co-ordinator  
Enc.

ATT: KALINA

08 94096777

FORM G

Regulation 9

[Front of Form]

COMMONWEALTH OF AUSTRALIA

Trade Practices Act 1974 - Sub-section 93(1)

EXCLUSIVE DEALING NOTIFICATION

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with sub-section 93(1) of the Trade Practices Act 1974, of particulars of conduct or of proposed conduct of a kind referred to in sub-section 47(2), (3), (4), (5), (6) or (7), or paragraph 47(8) (a), (b) or (c) or (9) (a), (b), (c) or (d), of that Act in which the person giving notice engages or proposes to engage.

(PLEASE READ DIRECTIONS AND NOTICES ON BACK OF FORM)

- 1. (a) Name of person giving notice  
TENCOVE PTY LTD T/AS VIDEO EZY WALIWA  
(See Direction 2 on the back of this Form)
- (b) Short description of business carried on by that person  
VIDEO RENTAL
- (c) Address in Australia for service of documents on that person  
Shop 3 WALIWA GLOBE SIC WALIWA
- 2. (a) Description of the goods or services in relation to the supply or acquisition of which this notice relates  
VHS & DVD
- (b) Description of the conduct or proposed conduct  
A holder of a cinema ticket issued by The Greater Union Organisation Pty Limited, which ticket features an advertisement by [notifier] may on presenting that ticket acquire the goods/services referred to above at a discount. Advertisements are placed on cinema tickets pursuant to an agreement between [notifier] and Val Morgan Cineticket Pty Limited. (Copy of the relevant advertisement is attached).  
(See Direction 4 on the back of this Form)
- 3. (a) Class or classes of persons to which the conduct relates  
Purchasers of cinema tickets issued by The Greater Union Organisation Pty Limited which have [notifier]'s advertisement on the reverse.
- (b) Number of those persons-  
(i) At present time  
N/A  
(ii) Estimated within the next year  
N/A
- (c) Where number of persons stated in item 3 (b) (i) is less than 50, their names and addresses  
N/A
- 4. Name and address of person authorised by the person giving this notice to provide additional information in relation to this notice

Dated 19/3/02, 2001

Signed by/on behalf of the applicant giving notice

(Signature)

BRAD MAY

(Full Name)

DIRECTOR

(Description)

FORM G

Regulation 9

[Front of Form]

COMMONWEALTH OF AUSTRALIA

Trade Practices Act 1974 - Sub-section 93(1)

EXCLUSIVE DEALING NOTIFICATION

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with sub-section 93(1) of the Trade Practices Act 1974, of particulars of conduct or of proposed conduct of a kind referred to in sub-section 47(2), (3), (4), (5), (6) or (7), or paragraph 47 (8) (a), (b) or (c) or (9) (a), (b), (c) or (d), of that Act in which the person giving notice engages or proposes to engage.

(PLEASE READ DIRECTIONS AND NOTICES ON BACK OF FORM)

- 1. (a) Name of person giving notice M<sup>c</sup> DONALDS (INNALCO)  
(See Direction 2 on the back of this Form)
- (b) Short description of business carried on by that person TAKEAWAY/RESTAURANT
- (c) Address in Australia for service of documents on that person LEVEL 2/216 STIRLING HIGHWAY, CLIFTON HILL, WA, 6010
- 2. (a) Description of the goods or services in relation to the supply or acquisition of which this notice relates FOOD OFFER
- (b) Description of the conduct or proposed conduct  
A holder of a cinema ticket issued by The Greater Union Organisation Pty Limited, which ticket features an advertisement by [notifier] may on presenting that ticket acquire the goods/services referred to above at a discount. Advertisements are placed on cinema tickets pursuant to an agreement between [notifier] and Val Morgan Cineticket Pty Limited. (Copy of the relevant advertisement is attached).  
(See Direction 4 on the back of this Form)
- 3. (a) Class or classes of persons to which the conduct relates  
Purchasers of cinema tickets issued by The Greater Union Organisation Pty Limited which have [notifier]'s advertisement on the reverse.
- (b) Number of those persons-  
(i) At present time N/A  
(ii) Estimated within the next year N/A
- (c) Where number of persons stated in item 3 (b) (i) is less than 50, their names and addresses N/A
- 4. Name and address of person authorised by the person giving this notice to provide additional information in relation to this notice

Dated 20/3/2002

Signed by/on behalf of the applicant giving notice

[Signature]  
(Signature)

Tania Hazler  
(Full Name)

[Initials]  
(Description)

ACCC  
- 8 APR 2002  
PERTH

# Third-Line Forcing Notification

## Supporting Submission

This submission relates to the attached Form G (Exclusive Dealing Notification) given by the person named in that form (the **Notifier**) in relation to the goods or services described in that form (the **Products**).

### 1 Notified conduct

Val Morgan Cineticket Pty Limited (VMC) is the supplier of ticket rolls to cinemas operated by The Greater Union Organisation Pty Limited (GUO).

The Notifier has entered into an agreement with VMC pursuant to which the Notifier's advertisements will be printed on the reverse of the cinema ticket rolls supplied to GUO. The advertisements relate to a promotion pursuant to which a person presenting a cinema ticket which has the Notifier's advertisement on the reverse will be entitled to acquire the Products from the Notifier at a discount (the **Promotion**). The discount will not be available to customers of the Notifier who do not present the advertisement.

It is submitted that the Promotion which is the subject of this notification and submission is not conduct of a kind in respect of which the Australian Competition and Consumer Commission (the Commission) would normally seek to enforce the third-line forcing provisions of the *Trade Practices Act 1974* for the following reasons:

- it is a routine advertising promotion with no impact on competition;
- it presents a real saving to customers;
- it does not significantly limit consumer choice; and
- the Promotion does not result in any public detriment.

### 2 Routine promotion with no impact on competition

A priority of the Commission in assessing a third-line forcing notification is to prevent anti-competitive conduct.<sup>1</sup>

The Promotion is a routine advertising promotion. In that way, it is ordinary competitive market behaviour with no anti-competitive effect.

The agreement between VMC and the Notifier does not restrict the Notifier from entering into advertising or promotional arrangements with any third party and is consistent with competitive market conduct for which immunity from court action has been obtained under the notification process.<sup>2</sup>

### 3 Real saving to customers

The Commission has stated that, where conduct results in consumers being able to buy the package of products A and B at a real saving on the total price of the products bought

<sup>1</sup> Australian Competition and Consumer Commission, *Guide to authorisation and notification for third line forcing conduct*, February 1998 at page 17.

<sup>2</sup> The Commission has allowed notification immunity with respect to a number of discount offerings. It has also allowed immunity with respect to a two for one cinema ticket offering (ACCC file C2001/552).

separately in competitive markets, the conduct has positive benefits in terms of competition and consumer welfare and would not be opposed by the Commission.<sup>3</sup>

In this case, the Promotion does not force the consumer to buy two products as a package. Rather, customers who choose to purchase GUO cinema tickets will be entitled to acquire the Products at a discount, representing a public benefit and a real saving to consumers.

**4 No significant restriction on consumer choice**

The Promotion does not in any significant way limit the genuine choice of consumers to purchase the Products without also purchasing GUO cinema tickets. Indeed, a GUO cinema-goer is unlikely to be aware of the Promotion at the time of purchase of the cinema ticket.

The Commission has stated that it is likely to be concerned when purchasers of product A are forced by the supplier to also purchase product B from another supplier, thereby denying some customers the opportunity to choose, on the normal commercial basis of product quality and price, whether or not to purchase product B.<sup>4</sup>

The Promotion does not significantly limit a consumer's choice in this way. The consumer is free to purchase the Products at the normal commercially competitive price, irrespective of whether he or she chooses to purchase GUO cinema tickets.

The offer is not misleading in any way.

**5 No public detriment**

The impact of the Promotion is to provide consumers with an improved choice in price for a limited period. The Promotion would otherwise not appear to present any public detriment.

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<sup>3</sup> Australian Competition and Consumer Commission, *Guide to authorisation and notification for third line forcing conduct*, February 1998 at page 17.

<sup>4</sup> *Ibid*

# FORM G

Regulation 9

[Front of Form]

## COMMONWEALTH OF AUSTRALIA

Trade Practices Act 1974 - Sub-section 93(1)

### EXCLUSIVE DEALING NOTIFICATION

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with sub-section 93(1) of the Trade Practices Act 1974, of particulars of conduct or of proposed conduct of a kind referred to in sub-section 47(2), (3), (4), (5), (6) or (7), or paragraph 47 (B) (a), (b) or (c) or (9) (a), (b), (c) or (d), of that Act in which the person giving notice engages or proposes to engage.

(PLEASE READ DIRECTIONS AND NOTICES ON BACK OF FORM)

1. (a) Name of person giving notice VIDEO EZY SA  
(See Direction 2 on the back of this Form)
- (b) Short description of business carried on by that person  
VIDEO/DVD/CD/DANCE HIRE
- (c) Address in Australia for service of documents on that person  
P.O. BOX 346, GREENACRES, SA, 5086
2. (a) Description of the goods or services in relation to the supply or acquisition of which this notice relates  
HIRE ONE VIDEO GET 1 FREE
- (b) Description of the conduct or proposed conduct  
A holder of a cinema ticket issued by The Greater Union Organisation Pty Limited, which ticket features an advertisement by [notifier] may on presenting that ticket acquire the goods/services referred to above at a discount. Advertisements are placed on cinema tickets pursuant to an agreement between [notifier] and Val Morgan Cineticket Pty Limited. (Copy of the relevant advertisement is attached).  
(See Direction 4 on the back of this Form)
3. (a) Class or classes of persons to which the conduct relates  
Purchasers of cinema tickets issued by The Greater Union Organisation Pty Limited which have [notifier]'s advertisement on the reverse.
- (b) Number of those persons-  
(i) At present time  
N/A  
(ii) Estimated within the next year  
N/A
- (c) Where number of persons stated in item 3 (b) (i) is less than 50, their names and addresses  
N/A
4. Name and address of person authorised by the person giving this notice to provide additional information in relation to this notice

Dated 14/3/2002 \* Signed by/on behalf of the applicant giving notice

[Signature]  
(Signature)  
ANTHONY SUTO  
(Full Name)  
STATE MANAGER  
(Description)

ACCC

- 8 APR 2002

PERTH

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# Third-Line Forcing Notification

## Supporting Submission

This submission relates to the attached Form G (Exclusive Dealing Notification) given by the person named in that form (the **Notifier**) in relation to the goods or services described in that form (the **Products**).

### 1 Notified conduct

Val Morgan Cineticket Pty Limited (**VMC**) is the supplier of ticket rolls to cinemas operated by The Greater Union Organisation Pty Limited (**GUO**).

The Notifier has entered into an agreement with VMC pursuant to which the Notifier's advertisements will be printed on the reverse of the cinema ticket rolls supplied to GUO. The advertisements relate to a promotion pursuant to which a person presenting a cinema ticket which has the Notifier's advertisement on the reverse will be entitled to acquire the Products from the Notifier at a discount (the **Promotion**). The discount will not be available to customers of the Notifier who do not present the advertisement.

It is submitted that the Promotion which is the subject of this notification and submission is not conduct of a kind in respect of which the Australian Competition and Consumer Commission (the Commission) would normally seek to enforce the third-line forcing provisions of the *Trade Practices Act 1974* for the following reasons:

- it is a routine advertising promotion with no impact on competition;
- it presents a real saving to customers;
- it does not significantly limit consumer choice; and
- the Promotion does not result in any public detriment.

### 2 Routine promotion with no impact on competition

A priority of the Commission in assessing a third-line forcing notification is to prevent anti-competitive conduct.<sup>1</sup>

The Promotion is a routine advertising promotion. In that way, it is ordinary competitive market behaviour with no anti-competitive effect.

The agreement between VMC and the Notifier does not restrict the Notifier from entering into advertising or promotional arrangements with any third party and is consistent with competitive market conduct for which immunity from court action has been obtained under the notification process.<sup>2</sup>

### 3 Real saving to customers

The Commission has stated that, where conduct results in consumers being able to buy the package of products A and B at a real saving on the total price of the products bought

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<sup>1</sup> Australian Competition and Consumer Commission, *Guide to authorisation and notification for third line forcing conduct*, February 1998 at page 17.

<sup>2</sup> The Commission has allowed notification immunity with respect to a number of discount offerings. It has also allowed immunity with respect to a two for one cinema ticket offering (ACCC file C2001/552).

**ACCC**

- 8 APR 2002

**PERTH**

separately in competitive markets, the conduct has positive benefits in terms of competition and consumer welfare and would not be opposed by the Commission.<sup>3</sup>

In this case, the Promotion does not force the consumer to buy two products as a package. Rather, customers who choose to purchase GUO cinema tickets will be entitled to acquire the Products at a discount, representing a public benefit and a real saving to consumers.

**4 No significant restriction on consumer choice**

The Promotion does not in any significant way limit the genuine choice of consumers to purchase the Products without also purchasing GUO cinema tickets. Indeed, a GUO cinema-goer is unlikely to be aware of the Promotion at the time of purchase of the cinema ticket.

The Commission has stated that it is likely to be concerned when purchasers of product A are forced by the supplier to also purchase product B from another supplier, thereby denying some customers the opportunity to choose, on the normal commercial basis of product quality and price, whether or not to purchase product B.<sup>4</sup>

The Promotion does not significantly limit a consumer's choice in this way. The consumer is free to purchase the Products at the normal commercially competitive price, irrespective of whether he or she chooses to purchase GUO cinema tickets.

The offer is not misleading in any way.

**5 No public detriment**

The impact of the Promotion is to provide consumers with an improved choice in price for a limited period. The Promotion would otherwise not appear to present any public detriment.

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<sup>3</sup> Australian Competition and Consumer Commission, *Guide to authorisation and notification for third line forcing conduct*, February 1998 at page 17.

<sup>4</sup> *Ibid*



**VIDEO EZY** Hire 1 new release movie  
**GET 1 FREE\***

Present this coupon at any Video Ezy Store in SA

\*Up to equal value. Not valid with any other offer or redeemable for cash. Normal membership and hiring conditions apply. Valid until 31. 7. 2002.



© Community & Volunteering Directorate 08 9409 0600

**ACCC**

- 8 APR 2002

**PERTH**

To EUMMA.  
FROM coffee club

FORM G

Regulation 9

[Front of Form]

COMMONWEALTH OF AUSTRALIA

Trade Practices Act 1974 - Sub-section 93(1)

EXCLUSIVE DEALING NOTIFICATION

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with sub-section 93(1) of the Trade Practices Act 1974, of particulars of conduct or of proposed conduct of a kind referred to in sub-section 47(2), (3), (4), (5), (6) or (7), or paragraph 47 (8) (a), (b) or (c) or (9) (a), (b), (c) or (d), of that Act in which the person giving notice engages or proposes to engage.

(PLEASE READ DIRECTIONS AND NOTICES ON BACK OF FORM)

1. (a) Name of person giving notice: THE COFFEE CLUB, MARION  
(See Direction 2 on the back of this Form)
- (b) Short description of business carried on by that person: CAFE
- (c) Address in Australia for service of documents on that person: WESTFIELD SHOPPING CENTRE, MARION, DIAGONAL RD, OAKLANDS PARK SA.
2. (a) Description of the goods or services in relation to the supply or acquisition of which this notice relates: COFFEE OFFER
- (b) Description of the conduct or proposed conduct: A holder of a cinema ticket issued by The Greater Union Organisation Pty Limited, which ticket features an advertisement by [notifier] may on presenting that ticket acquire the goods/services referred to above at a discount. Advertisements are placed on cinema tickets pursuant to an agreement between [notifier] and Val Morgan Cinasticket Pty Limited. (Copy of the relevant advertisement is attached).  
(See Direction 4 on the back of this Form)
3. (a) Class or classes of persons to which the conduct relates: Purchasers of cinema tickets issued by The Greater Union Organisation Pty Limited which have [notifier]'s advertisement on the reverse.
- (b) Number of those persons-  
(i) At present time: N/A  
(ii) Estimated within the next year: N/A
- (c) Where number of persons stated in Item 3 (b) (i) is less than 50, their names and addresses: N/A
4. Name and address of person authorised by the person giving this notice to provide additional information in relation to this notice

Dated: 21/2/02 2001 Signed by/on behalf of the applicant giving notice

[Signature]  
Karin Kurlman  
(Full Name)  
A/RECON  
(Description)

ACCC  
- 8 APR 2002  
PERTH

# Third-Line Forcing Notification

## Supporting Submission

This submission relates to the attached Form G (Exclusive Dealing Notification) given by the person named in that form (the **Notifier**) in relation to the goods or services described in that form (the **Products**).

### 1 Notified conduct

Val Morgan Cineticket Pty Limited (VMC) is the supplier of ticket rolls to cinemas operated by The Greater Union Organisation Pty Limited (GUO).

The Notifier has entered into an agreement with VMC pursuant to which the Notifier's advertisements will be printed on the reverse of the cinema ticket rolls supplied to GUO. The advertisements relate to a promotion pursuant to which a person presenting a cinema ticket which has the Notifier's advertisement on the reverse will be entitled to acquire the Products from the Notifier at a discount (the **Promotion**). The discount will not be available to customers of the Notifier who do not present the advertisement.

It is submitted that the Promotion which is the subject of this notification and submission is not conduct of a kind in respect of which the Australian Competition and Consumer Commission (the Commission) would normally seek to enforce the third-line forcing provisions of the *Trade Practices Act 1974* for the following reasons:

- it is a routine advertising promotion with no impact on competition;
- it presents a real saving to customers;
- it does not significantly limit consumer choice; and
- the Promotion does not result in any public detriment.

### 2 Routine promotion with no impact on competition

A priority of the Commission in assessing a third-line forcing notification is to prevent anti-competitive conduct.<sup>1</sup>

The Promotion is a routine advertising promotion. In that way, it is ordinary competitive market behaviour with no anti-competitive effect.

The agreement between VMC and the Notifier does not restrict the Notifier from entering into advertising or promotional arrangements with any third party and is consistent with competitive market conduct for which immunity from court action has been obtained under the notification process.<sup>2</sup>

### 3 Real saving to customers

The Commission has stated that, where conduct results in consumers being able to buy the package of products A and B at a real saving on the total price of the products bought

<sup>1</sup> Australian Competition and Consumer Commission, *Guide to authorisation and notification for third line forcing conduct*, February 1998 at page 17.

<sup>2</sup> The Commission has allowed notification immunity with respect to a number of discount offerings. It has also allowed immunity with respect to a two for one cinema ticket offering (ACCC file C2001/552).

separately in competitive markets, the conduct has positive benefits in terms of competition and consumer welfare and would not be opposed by the Commission.<sup>3</sup>

In this case, the Promotion does not force the consumer to buy two products as a package. Rather, customers who choose to purchase GUO cinema tickets will be entitled to acquire the Products at a discount, representing a public benefit and a real saving to consumers.

**4 No significant restriction on consumer choice**

The Promotion does not in any significant way limit the genuine choice of consumers to purchase the Products without also purchasing GUO cinema tickets. Indeed, a GUO cinema-goer is unlikely to be aware of the Promotion at the time of purchase of the cinema ticket.

The Commission has stated that it is likely to be concerned when purchasers of product A are forced by the supplier to also purchase product B from another supplier, thereby denying some customers the opportunity to choose, on the normal commercial basis of product quality and price, whether or not to purchase product B.<sup>4</sup>

The Promotion does not significantly limit a consumer's choice in this way. The consumer is free to purchase the Products at the normal commercially competitive price, irrespective of whether he or she chooses to purchase GUO cinema tickets.

The offer is not misleading in any way.

**5 No public detriment**

The impact of the Promotion is to provide consumers with an improved choice in price for a limited period. The Promotion would otherwise not appear to present any public detriment.

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<sup>3</sup> Australian Competition and Consumer Commission, *Guide to authorisation and notification for third line forcing conduct*, February 1998 at page 17.

<sup>4</sup> *Ibid*

**Buy One  
Get One**



**Only valid for 30/9/2002 at The Coffee Club at Westfield Marion located down the escalators from Greater Union Cinemas.**

\*Offer not to be used in conjunction with VIP or any other special offers. Excludes liqueur coffees.



Advertising: 0124 349200; 08 9429 1355

**ACCC**

- 8 APR 2002

**PERTH**

FORM G

Regulation 9

[Front of Form]

COMMONWEALTH OF AUSTRALIA

Trade Practices Act 1974 - Sub-section 93(1)

EXCLUSIVE DEALING NOTIFICATION

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with sub-section 93(1) of the Trade Practices Act 1974, of particulars of conduct or of proposed conduct of a kind referred to in sub-section 47(2), (3), (4), (5), (6) or (7), or paragraph 47 (8) (a), (b) or (c) or (9) (a), (b), (c) or (d), of that Act in which the person giving notice engages or proposes to engage.

(PLEASE READ DIRECTIONS AND NOTICES ON BACK OF FORM)

- 1. (a) Name of person giving notice CHICKEN TREAT
(b) Short description of business carried on by that person FOOD OUTLET
(c) Address in Australia for service of documents on that person UNIT 118, 119 UNILEX ROAD, UNILEX, SA, 5061
2. (a) Description of the goods or services in relation to the supply or acquisition of which this notice relates CHICKEN OFFER
(b) Description of the conduct or proposed conduct A holder of a cinema ticket issued by The Greater Union Organisation Pty Limited, which ticket features an advertisement by [notifier] may on presenting that ticket acquire the goods/services referred to above at a discount.
3. (a) Class or classes of persons to which the conduct relates Purchasers of cinema tickets issued by The Greater Union Organisation Pty Limited which have [notifier]'s advertisement on the reverse.
(b) Number of those persons- (i) At present time N/A (ii) Estimated within the next year N/A
(c) Where number of persons stated in item 3 (b) (i) is less than 50, their names and addresses N/A
4. Name and address of person authorised by the person giving this notice to provide additional information in relation to this notice

Dated 15/2/2002 2001

Signed by/on behalf of the applicant giving notice

[Handwritten Signature]

(Signature)

TODD TRIBLER

(Full Name)

Advertising Manager

(Description)

# Third-Line Forcing Notification

## Supporting Submission

This submission relates to the attached Form G (Exclusive Dealing Notification) given by the person named in that form (the **Notifier**) in relation to the goods or services described in that form (the **Products**).

### 1 Notified conduct

Val Morgan Cineticket Pty Limited (**VMC**) is the supplier of ticket rolls to cinemas operated by The Greater Union Organisation Pty Limited (**GUO**).

The Notifier has entered into an agreement with VMC pursuant to which the Notifier's advertisements will be printed on the reverse of the cinema ticket rolls supplied to GUO. The advertisements relate to a promotion pursuant to which a person presenting a cinema ticket which has the Notifier's advertisement on the reverse will be entitled to acquire the Products from the Notifier at a discount (the **Promotion**). The discount will not be available to customers of the Notifier who do not present the advertisement.

It is submitted that the Promotion which is the subject of this notification and submission is not conduct of a kind in respect of which the Australian Competition and Consumer Commission (the Commission) would normally seek to enforce the third-line forcing provisions of the *Trade Practices Act 1974* for the following reasons:

- it is a routine advertising promotion with no impact on competition;
- it presents a real saving to customers;
- it does not significantly limit consumer choice; and
- the Promotion does not result in any public detriment.

### 2 Routine promotion with no impact on competition

A priority of the Commission in assessing a third-line forcing notification is to prevent anti-competitive conduct.<sup>1</sup>

The Promotion is a routine advertising promotion. In that way, it is ordinary competitive market behaviour with no anti-competitive effect.

The agreement between VMC and the Notifier does not restrict the Notifier from entering into advertising or promotional arrangements with any third party and is consistent with competitive market conduct for which immunity from court action has been obtained under the notification process.<sup>2</sup>

### 3 Real saving to customers

The Commission has stated that, where conduct results in consumers being able to buy the package of products A and B at a real saving on the total price of the products bought

<sup>1</sup> Australian Competition and Consumer Commission, *Guide to authorisation and notification for third line forcing conduct*, February 1998 at page 17.

<sup>2</sup> The Commission has allowed notification immunity with respect to a number of discount offerings. It has also allowed immunity with respect to a two for one cinema ticket offering (ACCC file C2001/552).

separately in competitive markets, the conduct has positive benefits in terms of competition and consumer welfare and would not be opposed by the Commission.<sup>3</sup>

In this case, the Promotion does not force the consumer to buy two products as a package. Rather, customers who choose to purchase GUO cinema tickets will be entitled to acquire the Products at a discount, representing a public benefit and a real saving to consumers.

**4 No significant restriction on consumer choice**

The Promotion does not in any significant way limit the genuine choice of consumers to purchase the Products without also purchasing GUO cinema tickets. Indeed, a GUO cinema-goer is unlikely to be aware of the Promotion at the time of purchase of the cinema ticket.

The Commission has stated that it is likely to be concerned when purchasers of product A are forced by the supplier to also purchase product B from another supplier, thereby denying some customers the opportunity to choose, on the normal commercial basis of product quality and price, whether or not to purchase product B.<sup>4</sup>

The Promotion does not significantly limit a consumer's choice in this way. The consumer is free to purchase the Products at the normal commercially competitive price, irrespective of whether he or she chooses to purchase GUO cinema tickets.

The offer is not misleading in any way.

**5 No public detriment**

The impact of the Promotion is to provide consumers with an improved choice in price for a limited period. The Promotion would otherwise not appear to present any public detriment.

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<sup>3</sup> Australian Competition and Consumer Commission, *Guide to authorisation and notification for third line forcing conduct*, February 1998 at page 17.

<sup>4</sup> *Ibid*



**BUY ONE GET ONE FREE!**

Buy one Quarter chicken & Chips and receive another free.

Hand in coupon to redeem offer at:

**Chicken Treat Arndale**  
**Westfield Arndale**  
**Shopping Centre**  
**Kilkenny**  
**Ph: 8445 9718**

Limit one coupon per person per day. Not to be used in conjunction with any other offer or promotion. Valid at Arndale Store only. Offer valid until 14.9.2002.

© 2002 Chicken Treat Arndale

For more information contact 08 8445 9718

**ACCC**  
 - 8 APR 2002  
**PERTH**

FORM G

Regulation 9

[Front of Form]

COMMONWEALTH OF AUSTRALIA

Trade Practices Act 1974 - Sub-section 93(1)

EXCLUSIVE DEALING NOTIFICATION

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with sub-section 93(1) of the Trade Practices Act 1974, of particulars of conduct or of proposed conduct of a kind referred to in sub-section 47(2), (3), (4), (5), (6) or (7), or paragraph 47 (8) (a), (b) or (c) or (9) (a), (b), (c) or (d), of that Act in which the person giving notice engages or proposes to engage.

(PLEASE READ DIRECTIONS AND NOTICES ON BACK OF FORM)

- 1. (a) Name of person giving notice: Notified on Nuclex
(b) Short description of business carried on by that person: Notified on Nuclex
(c) Address in Australia for service of documents on that person: 29 Nuclex Street, Adelaide, SA, 5000
2. (a) Description of the goods or services in relation to the supply or acquisition of which this notice relates
(b) Description of the conduct or proposed conduct: A holder of a cinema ticket issued by The Greater Union Organisation Pty Limited, which ticket features an advertisement by [notifier] may on presenting that ticket acquire the goods/services referred to above at a discount.
3. (a) Class or classes of persons to which the conduct relates: Purchasers of cinema tickets issued by The Greater Union Organisation Pty Limited which have [notifier]'s advertisement on the reverse.
(b) Number of those persons- (i) At present time: N/A (ii) Estimated within the next year: N/A
(c) Where number of persons stated in item 3 (b) (i) is less than 50, their names and addresses: N/A
4. Name and address of person authorised by the person giving this notice to provide additional information in relation to this notice

Dated....., 2001

Signed by/on behalf of the applicant giving notice

[Handwritten Signature]

(Signature)

Todd Downs

(Full Name)

MANAGER/DIRECTOR

(Description)

ACCC

- 8 APR 2002

PERTH

# Third-Line Forcing Notification

## Supporting Submission

This submission relates to the attached Form G (Exclusive Dealing Notification) given by the person named in that form (the **Notifier**) in relation to the goods or services described in that form (the **Products**).

### 1 Notified conduct

Val Morgan Cineticket Pty Limited (VMC) is the supplier of ticket rolls to cinemas operated by The Greater Union Organisation Pty Limited (GUO).

The Notifier has entered into an agreement with VMC pursuant to which the Notifier's advertisements will be printed on the reverse of the cinema ticket rolls supplied to GUO. The advertisements relate to a promotion pursuant to which a person presenting a cinema ticket which has the Notifier's advertisement on the reverse will be entitled to acquire the Products from the Notifier at a discount (the **Promotion**). The discount will not be available to customers of the Notifier who do not present the advertisement.

It is submitted that the Promotion which is the subject of this notification and submission is not conduct of a kind in respect of which the Australian Competition and Consumer Commission (the Commission) would normally seek to enforce the third-line forcing provisions of the *Trade Practices Act 1974* for the following reasons:

- it is a routine advertising promotion with no impact on competition;
- it presents a real saving to customers;
- it does not significantly limit consumer choice; and
- the Promotion does not result in any public detriment.

### 2 Routine promotion with no impact on competition

A priority of the Commission in assessing a third-line forcing notification is to prevent anti-competitive conduct.<sup>1</sup>

The Promotion is a routine advertising promotion. In that way, it is ordinary competitive market behaviour with no anti-competitive effect.

The agreement between VMC and the Notifier does not restrict the Notifier from entering into advertising or promotional arrangements with any third party and is consistent with competitive market conduct for which immunity from court action has been obtained under the notification process.<sup>2</sup>

### 3 Real saving to customers

The Commission has stated that, where conduct results in consumers being able to buy the package of products A and B at a real saving on the total price of the products bought

<sup>1</sup> Australian Competition and Consumer Commission, *Guide to authorisation and notification for third line forcing conduct*, February 1998 at page 17.

<sup>2</sup> The Commission has allowed notification immunity with respect to a number of discount offerings. It has also allowed immunity with respect to a two for one cinema ticket offering (ACCC file C2001/552).

separately in competitive markets, the conduct has positive benefits in terms of competition and consumer welfare and would not be opposed by the Commission.<sup>3</sup>

In this case, the Promotion does not force the consumer to buy two products as a package. Rather, customers who choose to purchase GUO cinema tickets will be entitled to acquire the Products at a discount, representing a public benefit and a real saving to consumers.

**4 No significant restriction on consumer choice**

The Promotion does not in any significant way limit the genuine choice of consumers to purchase the Products without also purchasing GUO cinema tickets. Indeed, a GUO cinema-goer is unlikely to be aware of the Promotion at the time of purchase of the cinema ticket.

The Commission has stated that it is likely to be concerned when purchasers of product A are forced by the supplier to also purchase product B from another supplier, thereby denying some customers the opportunity to choose, on the normal commercial basis of product quality and price, whether or not to purchase product B.<sup>4</sup>

The Promotion does not significantly limit a consumer's choice in this way. The consumer is free to purchase the Products at the normal commercially competitive price, irrespective of whether he or she chooses to purchase GUO cinema tickets.

The offer is not misleading in any way.

**5 No public detriment**

The impact of the Promotion is to provide consumers with an improved choice in price for a limited period. The Promotion would otherwise not appear to present any public detriment.

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<sup>3</sup> Australian Competition and Consumer Commission, *Guide to authorisation and notification for third line forcing conduct*, February 1998 at page 17.

<sup>4</sup> *Ibid*


**2 FOR 1 BEER, WINE OR CAPPUCCINO<sup>SM</sup>**

**WOOLSHED**  
*The Country Pub in the City*  
*On Hindley*

\* Hotel \* Pokies \* Nightclub

**94 Hindley St, Adelaide**  
*(1min walk from cinemas)*  
**Ph: 8231 3023**

**Australian Themed Hotel**



\*Purchase any tap beer, wine or cappuccino and receive another one free up to equal value. Not valid with any other offer. One coupon per person per day. Restricted to 18yrs & over. ID required. Valid until 30.9.2002.  
 Advertiser: The Morgan Chestnut 65 5405 6618

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