

15 November 2002

Mr Tim Grimade

ACCC

Canberra ACT 2600

FILE No:

DOC:

MARS/PRISM:

Dear Sir,

Please find attached the notification
on behalf of Enmap Australia Pty Limited, our client.
Thank you for your consideration.

Best regards,
Colbert Brothers
Ranball Jayber

FILE No:
DOC:
MARS/PRISM:

Form G

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.

1. (a) Name of person giving notice

Emap Australia Pty Limited (ACN 079 430 023) ("Emap") which is a proprietary company which specializes in the publishing of magazines.

(b) Short description of business carried on by that person

Magazine publisher.

(c) Address in Australia for service of documents on that person

C/- Jamie Nettleton
COUDERT BROTHERS
Solicitors and International Attorneys
Level 8, Gateway
1 Macquarie Place
Sydney NSW 2000 Australia

2. (a) Description of the goods or services in relation to the supply or acquisition of which this notice relates

Emap publishes FHM magazine ("FHM"). Liquorland (Australia) Pty Limited trading as Vintage Cellars ("Vintage") retails alcohol beverages. The promotion relates to Holsten beer for which McWilliams Wines Pty Limited ("McWilliams") is the exclusive distributor in Australia

(b) Description of the conduct or proposed conduct

Emap proposes to enter into arrangements with Vintage and McWilliams under which Emap proposes to include two coupons in the January 2003 issue of FHM.

One coupon entitles a consumer to receive a Holsten beer at no charge from Vintage when the consumer presents the coupon for such promotion.

The other coupon entitles a consumer to a 15% discount off of a 6-pack of Holsten beer purchased at Vintage when the consumer presents the coupon for such promotion.

The redemption of the coupons is subject to some minor conditions.

The proposed conduct

Emap proposes to include a coupon in FHM which entitles a consumer to a Holsten beer at no charge from Vintage when the consumer presents the coupon for such promotion; Emap proposes to include a coupon in FHM which entitles a consumer to a 15% discount off of a 6-pack of Holsten beer purchased at Vintage when the consumer presents the coupon for such promotion.

The proposed conduct will be of benefit to the public as it will:

- promote competition amongst magazine publishers;
- promote competition amongst distributors of beer; and
- promote competition amongst retail operators involved in retailing alcohol beverages.

The proposed conduct will not lessen competition in the retail industry as:

- the Australian retail industry, particularly in connection with the supply of alcoholic beverages, is very competitive;
- it is not unusual practice for publishers to engage in promotions involving discounts or special offers from time to time;
- it is not unusual practice for retail outlets to engage in promotions involving discounts or special offers on products or services from time to time;
- the proposed conduct is for a limited duration and the number of consumers who are potentially affected by the proposed conduct is negligible as consumers may obtain other added benefits/extras offered by other retail outlets and operators throughout Australia;
- consumers may still read FHM without regard to the coupons; and
- consumers may still purchase products from Vintage at the usual price(s) without presenting an FHM coupon.

Emap believes that the benefits from the proposed conduct will outweigh any possible detriment that may arise from the conduct.

3. (a) Class or classes of persons to which the conduct relates

The public generally, though limited to persons aged 18 and older. The offer is not valid in the Northern Territory.

(b) Number of those persons:

Not applicable.

(i) At present time

Not applicable.

(ii) Estimated within the next year

Not applicable.

(c) Where number of persons stated in item 3 (b) (i) is less than 50, their names and addresses

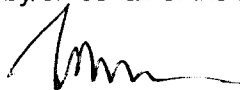
Not applicable.

4. Names and address of person authorised by the person giving this notice to provide additional information in relation to this notice

Jamie Nettleton
COUDERT BROTHERS
Solicitors and International Attorneys
Level 8, Gateway
1 Macquarie Place
Sydney NSW 2000 Australia

Dated:  November 2002

Signed by/on behalf of the applicant giving notice



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Jamie Nettleton
Solicitor

DIRECTIONS

1. If there is insufficient space on this form for the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the person giving the notice.
2. If the notice is given by or on behalf of a corporation, the name of the corporation is to be inserted in item 1(a), not the name of the person signing the notice, and the notice is to be signed by a person authorised by the corporation to do so.
3. In item 1(b), describe that part of the business of the person giving the notice in the course of which the conduct is engaged in.
4. If particulars of a condition or of a reason of the type referred to in sub-section 47(2), (3), (4), (5), (6), (7), (8) or (9) of the *Trade Practices Act 1974* have been reduced in whole or in part to writing, a copy of the writing is to be provided with the notice.
5. In item 3(a), describe the nature of the business carried on by the persons referred to in that item.
6. In item 3(b) (ii), state an estimate of the highest number of persons with whom the person giving the notice is likely to deal in the course of engaging in the conduct at any time during the next year.

NOTICE

If this notification is in respect of conduct of a kind referred to in sub-section 47(6) or (7) or paragraph 47(8)(c) or 9(d) of the *Trade Practices Act 1974* ("the Act"), it comes into force at the end of the period prescribed for the purposes of subsection 93(7a) of the Act ("the prescribed period") unless the Commission gives a notice under sub-section 93A(2) of the Act within the prescribed period, or this notification is withdrawn.

The prescribed period is 21 days (if this notification is given on or before 30 June 1996) or 14 days (if this notification is given after 30 June 1996), starting on the day when this notification is given.

If the Commission gives notice under sub-section 93A(2) of the Act within the prescribed period, this notification will not come into force unless the Commission, after completing the procedures in section 93A of the Act, decides not to give a notice under subsection 93(3a) of the Act. The notification comes into force when that decision is made.

If this notification is in respect of conduct of a kind referred to in subsection 47(2), (3), (4) or (5), or paragraph 47(8)(a) or (b) or 9(a), (b) or (c), of the Act, it comes into force when it is given.