



**Australian
Competition &
Consumer
Commission**

Our Ref: C2005/509
Contact Officer: Sarah McCarthy
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26 April 2005

Mr Lucas Robertson
Lawyer
Kmart Australia Ltd
PO Box 350
GLEN IRIS VIC 3146

Dear Mr Robertson

Re: Exclusive Dealing Notification No. N40850 lodged by Kmart Australia Ltd

I refer to the above notification lodged with the Australian Competition and Consumer Commission (ACCC) on 19 April 2005.

You have described the conduct as offering vouchers that entitle purchasers of a McDonalds Happy Meal to receive a free story book and a series of \$5 discount vouchers on DVD titles sold at Kmart Australia Ltd.

Legal immunity provided by the notification will commence on 3 May 2005.

On the basis of the information that you have provided, it is not intended that further action be taken in this matter at this stage.

As with any notification, please note that the ACCC may act to remove the immunity afforded by this notification at a later stage if it is satisfied that the likely benefit to the public from the conduct will not outweigh the likely detriment to the public from the conduct.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Sarah McCarthy on (02) 6243 1235.

Yours sincerely

Scott Gregson
A/g General Manager
Adjudication Branch

