



CONTINENTAL KOSHER BUTCHERS PTY LTD

ACN 005 946 298 ABN 33 461 424 389



Under the Supervision of Melbourne Kashrut

FILE No
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FAX HEADER

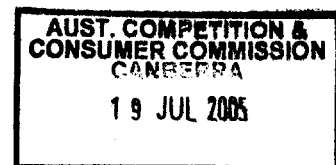
DATE: 19/7/05

TO: Bronwyn Davis

FROM: Stephen Lewis

PAGES (including header): 4

MESSAGE: Please confirm receipt of this by email - ckb@bigpond.net.au or fax (03) 9509 9099.





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Bronwyn Davis
Adjudication Branch
ACCC
P.O. Box 1199
DICKSON ACT 2602

Dear Madam,

**RE: EXCLUSIVE DEALING NOTIFICATION LODGED BY NSW
KASHRUT AUTHORITY INC. (N91747)**

Continental Kosher Butchers (CKB) is the kosher butcher under the Kosher supervision of Kosher Australia Pty. Ltd.

CKB provides to the Kosher consumers a wide variety of cuts of meat in smallgoods. We have our own processing plant in Moorabbin Victoria, where the meat which has been slaughtered in accordance with Jewish Law is delivered and then in accordance with strict compliance with Jewish Law the meat is "koshered" under the supervision of trained religious supervisors.

We have our own retail outlet in Glenferrie Road, Malvern Victoria and in addition we sell pre-packaged meat and smallgoods to certain Coles, Woolworths/Safeway and Franklins Supermarkets in Melbourne and Sydney.

Our meat and smallgoods are also sold in Perth, Adelaide, Queensland, Auckland, Wellington, Tahiti, Hong Kong, Noumea and Singapore.

For many years we have sold meat to private customers in Sydney, who have chosen to order their meat supplies from ourselves as opposed to their local butcher. From the orders generated from these private sales together with the volume of sales to the supermarkets in Sydney, we can state that our meat is widely accepted by the Sydney Jewish Community. Indeed Rabbi Moshe Gutnick, the Rabbinic Administrator of the NSWKA and Rabbi Selwyn Franklin, the immediate past President of the NSWKA have personally advised that they purchased CKB meat from the Sydney supermarkets for their own personal use.

We are also providing Kosher meat to "Beaches", a restaurant in Bondi which is under the supervision of the NSWKA. The supply of meat to "Beaches" has been carried on with the express consent and approval of the NSWKA for at least two years.

We also provide meat to Mandelbaum House in Sydney, which is an establishment under the supervision of the NSWKA.



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Previously, we have provided meat to Front Page, a Caterer under the supervision of the NSWKA.

From time to time we have supplied meat to "Eilat at Hadassah", the Butcher shop which is under the supervision of the NSWKA. Also from time to time one of the Shochets who slaughters meat for Kosher Australia Pty. Ltd. has been sent to Sydney to assist in their slaughtering of meat. I believe that our Shochet has been accepted willingly by the NSWKA as a person possessing the appropriate standard of skill and knowledge.

The proposed meat policy of NSWKA will adversely affect CKB's business as it proposes to prevent our customers in Sydney from purchasing our meat. We consider the proposal to be unfair and anti competitive.

Rabbis Gutnick and Franklin have suggested to CKB that it could still provide meat to the NSWKA Licensees provided that the following process was followed. A Shochet employed by the NSWKA would be required to travel to Melbourne to slaughter the meat in Melbourne and then the meat would then be processed in our factory completely separate from the meat which we process under the supervision of Kosher Australia. This meat would then be dispatched to Sydney.

Such a proposal would in our opinion would have many disadvantages over the current system of CKB providing meat directly to the NSWKA Licensees. The proposed meat policy will in our opinion attract additional costs. The NSWKA has advised that it will cover the travel costs of Shochet between Melbourne and Sydney return. However, there will be other additional costs within my factory in order to comply with the NSWKA's instructions to keep the meat killed under the supervision of Kosher Australia as separate from that killed under the supervision of the NSWKA. These costs, we are told by the NSWKA will have to be passed on to the Licensee which orders our meat. In other words, the Licensee which presently is permitted to purchase our meat and which is under the supervision of Kosher Australia, will incur an additional charge under the proposed meat policy.

CKB have also advised Rabbis Gutnick and Franklin that the "separation" of meat required under the proposed policy will place an additional burden on CKB and in many respects will require a duplication of the services which we currently undertake. This will result in additional costs being incurred which in our opinion would be unnecessary as CKB meat is already accepted in the Sydney kosher market.

CKB believes that the standards imposed by Kosher Australia are of the highest levels according to Jewish Law. Its meat has to date been approved by the NSWKA as acceptable to be purchased by some of its Licensees and to be sold by its butcher. The



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proposed policy will be detrimental to CKB's business, in that it will restrict CKB's ability to freely trade in Sydney and it will place unfair and unreasonable restrictions on the NSWKA's Licensees who will have to incur further charges as a result of the proposed meat policy.

CKB requests the ACCC to remove the immunity afforded by the Notification.

Should you wish to discuss this matter further, please do not hesitate to contact Stephen Lewis on (03) 9553 0300 or 0411 125 620.

Yours faithfully,

Stephen Lewis