



**Australian
Competition &
Consumer
Commission**

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21 October 2005

Mr Tony O'Malley
Partner
Mallesons Stephen Jaques
Level 60, Governor Phillip Tower
1 Farrer Place
SYDNEY NSW 2000

Dear Mr O'Malley

**Re: Third line forcing notifications N31475, N31476, N31477, N31478
lodged by four Lion Nathan's subsidiaries**

I refer to the above third line forcing notifications lodged with the Australian Competition and Consumer Commission (the ACCC) by The South Australian Brewing Company Pty Limited (SAB), The Swan Brewery Company Pty Limited (Swan), Castlemaine Perkins Pty Limited (Castlemaine) and Tooheys Pty Limited (Tooheys) on 14 October 2005. The notifications have been placed on the ACCC's public register.

The Applicants have described the conduct as follows:

Each of the four Lion Nathan's subsidiaries – SAB, Swan, Castlemaine and Tooheys - proposes to offer to provide a rebate to Coles Myer Liquor Group (Coles Myer) for specified beer products on the condition that Coles Myer sells the specified beer product in conjunction with specified spirits or ready to drink products from Diageo Australia Limited.

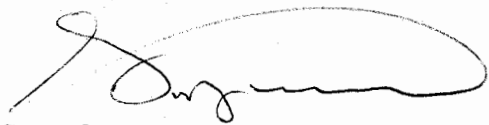
Legal immunity conferred by the notifications will commence on 28 October 2005. On the basis of the information that you have provided, it is not intended that further action be taken in this matter at this stage.

As with any notification, please note that the ACCC may act to remove the immunity afforded by these notifications 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 Isabelle Arnaud on 02 6243 1049.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Scott Gregson', with a large, sweeping flourish at the end.

Scott Gregson
General Manager
Adjudication branch