



**Australian
Competition &
Consumer
Commission**

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Contact Officer: Tim Scott
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9 December 2005

Mr Dave Poddar
Mallesons Stephen Jaques
Level 60 Governor Phillip Tower
1 Farrer Place
Sydney NSW 2000

Dear Mr Poddar

Exclusive Dealing Notification lodged by Nestlé Australia Ltd.

The Australian Competition & Consumer Commission ("the ACCC") has received the exclusive dealing notification lodged by you on Friday, 2 December 2005, on behalf of Nestlé Australia Ltd ("Nestlé"). As you would be aware, immunity took effect in relation to the proposed conduct from the time of lodgment.

You have claimed confidentiality for some documents and information provided with the notification. As a person authorised to exclude documents from the public register for and on behalf of the ACCC, I advise that your request has been granted for all documents except the page headed 'Aldi catalogue'. I note that Ms Kate Newman of Mallesons advised that Nestlé has subsequently agreed for this page to be placed on the public register.

The ACCC has invited submissions from potential interested parties about Nestlé's notification of exclusive dealing, and expects to receive responses by c.o.b. Friday, 16 December 2005. The parties invited to make submissions are Aldi Stores, the Australian Consumers' Association, the Australian Retailers Association and the Australian Food & Grocery Council.

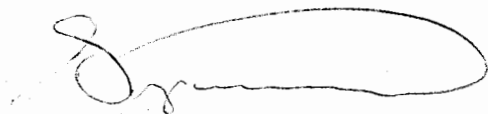
The ACCC will forward to you copies of any non-confidential submissions it receives.



A copy of this letter will be placed on the public register.

If you wish to discuss any aspect of this matter, please do not hesitate to contact Tim Scott on 02 6243 1221.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Scott Gregson', written in a cursive style.

**Scott Gregson
General Manager
Adjudication Branch**