



Australian  
Competition &  
Consumer  
Commission

Our Ref: C2005/1970  
Contact Officer: Tim Scott  
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3 April 2006

Mr Andrew Christopher  
Partner  
Baker & McKenzie  
Level 27, AMP Centre  
50 Bridge Street  
SYDNEY NSW 1223

Dear Mr Christopher

**Nestlé Australia Ltd Notification N31488: Draft notice to revoke**

I refer to the notification that Nestlé Australia Ltd (Nestlé Australia) lodged with the Australian Competition & Consumer Commission (ACCC) on 2 December 2005 in relation to proposed conduct, whereby Nestlé Australia would not continue to supply its branded and unbranded products to ALDI Stores (ALDI) unless ALDI complied with certain conditions affecting its marketing and in-store presentation of imported NESCAFÉ brand instant coffee products (the conduct).

***Draft notice to revoke the notification***

The ACCC has today issued a draft notice to revoke the notification (draft notice to revoke) under *section 93 (3)* of the Act. A copy of the draft notice to revoke is enclosed.

Interested parties may request, on or before 18 April 2006, that the ACCC call a conference in relation to the draft notice to revoke. If the ACCC receives a request to call a conference in relation to the draft notice to revoke, the conference will occur within 30 days of 18 April 2006. After the conference, the ACCC must take account of all matters raised at the conference and decided whether or not to issue a final notice to revoke the notification under *section 93 (3)* of the Act (final notice to revoke). In addition, further submissions relating to the notification and the draft notice to revoke are requested by 18 April 2006.



This letter will be placed on the ACCC's 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, consisting of a large, stylized loop followed by a horizontal line that tapers off to the right.

Scott Gregson  
General Manager  
Adjudication Branch

Encl.