



**Australian  
Competition &  
Consumer  
Commission**

Our Ref: C2005/1970  
Contact Officer: Tim Scott  
Contact Phone: 02 6243 1221

PO Box 1199  
Dickson ACT 2602  
470 Northbourne Ave  
Dickson ACT 2602  
ph (02) 6243 1111  
fax (02) 6243 1199  
www.accc.gov.au

3 April 2006

Nestlé Australia Ltd  
c/o Mr Dave Poddar  
Partner  
Mallesons Stephen Jaques  
Level 60  
Governor Phillip Tower  
1 Farrer Place  
SYDNEY NSW 2000

CC: Kate Newman, Jacki Cremer

Dear Mr Poddar

**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.

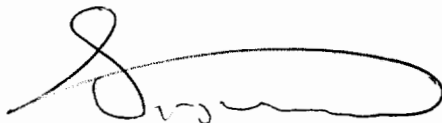
Nestlé Australia or any interested party may request, on or before 18 April 2006, that the ACCC call a conference in relation to the draft notice to revoke. If the ACCC receives a request to call a conference in relation to the draft notice to revoke, the conference will occur within 30 days of 18 April 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, appearing to read 'Scott Gregson', with a large, stylized initial 'S'.

Scott Gregson  
General Manager  
Adjudication Branch

---

Encl.