

30 June 2006

The General Manager
Adjudications Branch
Australian Competition & Consumer Commission
Level 7 Angel Place
123 Pitt Street
SYDNEY

FILE No:
DOC:
MARS/PRISM:



By Hand

**Coca-Cola "Superman Returns" promotion
Notification under Section 93 of the Trade Practices Act 1974**

I enclose:

1. Form G Exclusive Dealing Notification; and
2. Cheque for the concessional filing fee of \$1,000.

I note that this Notification is closely related to a notification lodged on 25 May 2006 by Coca-Cola South Pacific Pty Ltd.

~~Birch, Carroll & Coyle Limited ("Birch Carroll & Coyle") requests that the Commission keep the details of this notification confidential until Coca-Cola and Birch, Carroll & Coyle launch the promotion the subject of this notification.~~ C. M 4.7.06

Birch, Carroll & Coyle wishes to promote the sale of tickets to the movie "Superman Returns" at its cinemas by offering to provide an entry ticket to the movie for \$5, on condition that the customer also produces 3 Superman Returns promotional labels from "Coca-Cola", "Diet Coke", "Coca-Cola Zero", "Fanta", "Fanta Zero", "Sprite", "Sprite Zero" or "Lift" beverages ("the Coca-Cola products"), or 1 Superman Returns promotional insert from a multipack of any of the Coca-Cola products. The offer would be promoted and facilitated by Coca-Cola South Pacific Pty Ltd.

There are clear benefits to the public in this promotion, as it will enable cinema customers to acquire tickets to "Superman Returns" at a substantial discount off the normal price. On the other hand, we submit that there will be no detriment to the public from the proposed conduct: There is no obligation on the purchaser of the Coca-Cola products to use the vouchers or otherwise pay to see the "Superman Returns" movie, at a Birch, Carroll & Coyle cinema or any other cinema; Coca-Cola South Pacific Pty Ltd will ensure that the details of the promotion, and the links with Birch, Carroll & Coyle Cinemas, are clearly disclosed on the labels of the Coca-Cola products and on point-of-sale material; Birch, Carroll & Coyle will prominently display details of the promotion at its cinemas; the promotional vouchers will only relate to one movie; and the vouchers will only be redeemable over a short period - between 29 June 2006 and the earlier of 3 August 2006 or the end of the film season of "Superman Returns" in Australia.

If you have any queries about this notification or the proposed conduct, please contact me on (02) 9373 6622.

Yours faithfully

**Lara Andreassen
Legal Counsel
Birch, Carroll & Coyle Limited**

The Greater Union Organisation Pty Limited ABN 99 000 024 439

49 Market Street Sydney NSW 2000 Australia GPO Box 1609 Sydney NSW 2001 Australia T 61 2 9373 6600 W greaterunion.com.au

F General Manager 61 2 9373 6546 Programming 61 2 9267 5277 Cinema Operations 61 2 9373 6531 Marketing 61 2 9373 6529 Accounts 61 2 9373 6542

Birch Carroll & Coyle Limited Incorporating Roadshow (QLD) Pty Ltd ABN 40 009 659 643

418 Adelaide Street Brisbane QLD 4000 Australia GPO Box 2254 Brisbane QLD 4001 Australia T 61 7 3335 0222 F 61 7 3832 2197 W birch.com.au

N31643



Form G
Regulation 9

COMMONWEALTH OF AUSTRALIA
Trade Practices Act 1974 — Subsection 93 (1)
EXCLUSIVE DEALING: NOTIFICATION

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with subsection 93(1) of the Trade Practices Act 1974 of particulars of conduct or of proposed conduct of a kind referred to in subsection 47 (2), (3), (4), (5), (6) or (7), or paragraph 47 (8) (a), (b) or (c) or (9) (a), (b), (c) or (d), of that Act in which the person giving notice engages or proposes to engage.

1. (a) **Name of person giving notice:**

Birch, Carroll & Coyle Limited ABN 40 009 659 643 ("Birch, Carroll & Coyle")

(b) **Short description of business carried on by that person:**

Birch, Carroll & Coyle owns and/or operates a chain of cinemas with locations in States and Territories of Australia.

(c) **Address in Australia for service of documents on that person:**

49 Market Street
Sydney NSW 2000
Attention: Legal Counsel - AHL

2. (a) **Description of the goods or services in relation to the supply or acquisition of which this notice relates:**

The supply of cinema tickets to the film "Superman Returns"

(b) **Description of the conduct or proposed conduct:**

The proposed conduct is:

- (i) the offering by Birch, Carroll & Coyle to provide a ticket to the new Superman film "Superman Returns", between 29 June 2006 and the earlier of 3 August 2006 and the end of the Australian film season of "Superman Returns", for \$5 on the condition that the customer produces, when paying for the ticket, 3 "Superman Returns" promotional labels from "Coca-Cola", "Diet Coke", "Coca-Cola Zero", "Fanta", "Fanta Zero", "Sprite", "Sprite Zero" or "Lift" beverage bottles OR the "Superman Returns" insert from one pack of either 18, 24 or 30 cans of "Coca-Cola", "Diet Coke", "Coca-Cola Zero", "Fanta", "Fanta Zero", "Sprite", "Sprite Zero" or "Lift" beverages purchased from retailers of those products, and hence purchased indirectly from The Coca-Cola Company's authorised bottler in Australia, Coca-Cola Amatil Limited (the offer being promoted and facilitated by The Coca-Cola Company's subsidiary Coca-Cola South Pacific Pty Ltd);

- (ii) the supply of such tickets pursuant to such offers; and
- (iii) the refusal by Birch, Carroll & Coyle to provide a ticket to "Superman Returns" for \$5 for the reason that the customer has not produced the promotional labels or insert referred to in 2(b)(i) above.

3. (a) Class or classes of persons to which the conduct relates:

Birch, Carroll & Coyle, all customers and potential customers of Birch, Carroll & Coyle who wish to purchase "Superman Returns" cinema tickets from Birch, Carroll & Coyle, Coca-Cola South Pacific Pty Ltd, Coca-Cola Amatil Limited, and all customers and potential customers who wish to purchase "Coca-Cola", "Diet Coke", "Coca-Cola Zero", "Fanta", "Fanta Zero", "Sprite", "Sprite Zero" or "Lift" beverages from any retail outlet stocking any of those beverages.

(b) **Number of those persons:**

(i) **At present time:** All potential customers of Birch, Carroll & Coyle between the date of this Notification and the earlier of 3 August 2006 and the end of the Australian film season of "Superman Returns".

(ii) **Estimated within the next year:** As for 3(b)(i).

(c) Where number of persons stated in item 3 (b) (i) is less than 50, their names and addresses:

Not applicable

4. Name and address of person authorized by the person giving this notice to provide additional information in relation to this notice:

Lara Andreasen
Legal Counsel
Birch, Carroll & Coyle Limited
49 Market Street
Sydney NSW 2000
Telephone: 02 9373 6622
Facsimile: 02 9373 6626
Email: lara_andreasen@ahl.com.au

Dated 30 June 2006

Signed on behalf of the person giving this notice



.....
(Signature)

Lara Andreasen

(Full Name)

Legal Counsel, Birch, Carroll & Coyle Ltd

(Description)

DIRECTIONS

1. If there is insufficient space on this form for the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the person giving notice.
2. If the notice is given by or on behalf of a corporation, the name of the corporation is to be inserted in item 1 (a), not the name of the person signing the notice, and the notice is to be signed by a person authorized by the corporation to do so.
3. In item 1 (b), describe that part of the business of the person giving the notice in the course of which the conduct is engaged in.
4. If particulars of a condition or of a reason of the type referred to in subsection 47(2), (3), (4), (5), (6), (7), (8) or (9) of the *Trade Practices Act 1974* have been reduced in whole or in part to writing, a copy of the writing is to be provided with the notice.
5. In item 3 (a), describe the nature of the business carried on by the persons referred to in that item.
6. In item 3 (b) (ii), state an estimate of the highest number of persons with whom the person giving the notice is likely to deal in the course of engaging in the conduct at any time during the next year.

NOTICE

If this notification is in respect of conduct of a kind referred to in subsection 47 (6) or (7), or paragraph 47 (8) (c) or (9) (d), of the *Trade Practices Act 1974*, ("the Act"), it comes into force at the end of the period prescribed for the purposes of subsection 93 (7A) of the Act ("the prescribed period") unless the Commission gives a notice under subsection 93A (2) of the Act within the prescribed period, or this notification is withdrawn.

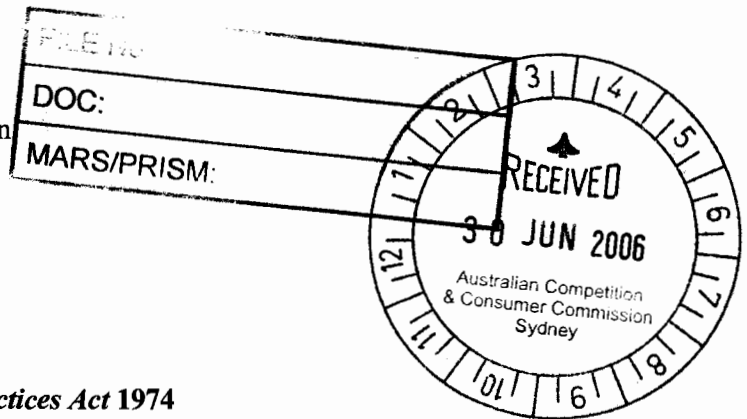
The prescribed period is 21 days (if this notification is given on or before 30 June 1996) or 14 days (if this notification is given after 30 June 1996), starting on the day when this notification is given.

If the Commission gives a notice under subsection 93A (2) of the Act within the prescribed period, this notification will not come into force unless the Commission, after completing the procedures in section 93A of the Act, decides not to give a notice under subsection 93 (3A) of the Act. The notification comes into force when that decision is made.

If this notification is in respect of conduct of a kind referred to in subsection 47 (2), (3), (4) or (5), or paragraph 47 (8) (a) or (b) or (9) (a), (b) or (c), of the Act, it comes into force when it is given.

30 June 2006

The General Manager
Adjudications Branch
Australian Competition & Consumer Commission
Level 7 Angel Place
123 Pitt Street
SYDNEY



By Hand

**Coca-Cola "Superman Returns" promotion
Notification under Section 93 of the Trade Practices Act 1974**

I enclose:

1. Form G Exclusive Dealing Notification; and
2. Cheque for the concessional filing fee of \$200.

I note that this Notification is closely related to a notification lodged on 25 May 2006 by Coca-Cola South Pacific Pty Ltd.

~~The Greater Union Organisation Pty Limited ("GUO") requests that the Commission keep the details of this notification confidential until Coca-Cola and GUO launch the promotion the subject of this notification.~~ CM
4.7.06

GUO wishes to promote the sale of tickets to the movie "Superman Returns" at its cinemas by offering to provide an entry ticket to the movie for \$5, on condition that the customer also produces 3 Superman Returns promotional labels from "Coca-Cola", "Diet Coke", "Coca-Cola Zero", "Fanta", "Fanta Zero", "Sprite", "Sprite Zero" or "Lift" beverages ("the Coca-Cola products"), or 1 Superman Returns promotional insert from a multipack of any of the Coca-Cola products. The offer would be promoted and facilitated by Coca-Cola South Pacific Pty Ltd.

There are clear benefits to the public in this promotion, as it will enable cinema customers to acquire tickets to "Superman Returns" at a substantial discount off the normal price. On the other hand, we submit that there will be no detriment to the public from the proposed conduct: There is no obligation on the purchaser of the Coca-Cola products to use the vouchers or otherwise pay to see the "Superman Returns" movie, at a Greater Union cinema or any other cinema; Coca-Cola South Pacific Pty Ltd will ensure that the details of the promotion, and the links with GUO Cinemas, are clearly disclosed on the labels of the Coca-Cola products and on point-of-sale material; GUO will prominently display details of the promotion at its cinemas; the promotional vouchers will only relate to one movie; and the vouchers will only be redeemable over a short period - between 29 June 2006 and the earlier of 3 August 2006 or the end of the film season of "Superman Returns" in Australia.

If you have any queries about this notification or the proposed conduct, please contact me on (02) 9373 6622.

Yours faithfully

**Lara Andreasen
Legal Counsel
The Greater Union Organisation Pty Limited**

The Greater Union Organisation Pty Limited ABN 99 000 024 439

49 Market Street Sydney NSW 2000 Australia GPO Box 1609 Sydney NSW 2001 Australia T 61 2 9373 6600 W greaterunion.com.au

F General Manager 61 2 9373 6546 Programming 61 2 9267 5277 Cinema Operations 61 2 9373 6531 Marketing 61 2 9373 6529 Accounts 61 2 9373 6542

Birch Carroll & Coyle Limited Incorporating Roadshow (QLD) Pty Ltd ABN 40 009 659 643

418 Adelaide Street Brisbane QLD 4000 Australia GPO Box 2254 Brisbane QLD 4001 Australia T 61 7 3335 0222 F 61 7 3832 2197 W birch.com.au

N31644



Form G
Regulation 9

COMMONWEALTH OF AUSTRALIA
Trade Practices Act 1974 — Subsection 93 (1)

EXCLUSIVE DEALING: NOTIFICATION

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with subsection 93(1) of the Trade Practices Act 1974 of particulars of conduct or of proposed conduct of a kind referred to in subsection 47 (2), (3), (4), (5), (6) or (7), or paragraph 47 (8) (a), (b) or (c) or (9) (a), (b), (c) or (d), of that Act in which the person giving notice engages or proposes to engage.

1. (a) Name of person giving notice:

The Greater Union Organisation Pty Limited ABN 99 000 024 439 ("GUO")

(b) Short description of business carried on by that person:

GUO owns and/or operates a chain of cinemas with locations in States and Territories of Australia.

(c) Address in Australia for service of documents on that person:

49 Market Street
Sydney NSW 2000
Attention: Legal Counsel - AHL

2. (a) Description of the goods or services in relation to the supply or acquisition of which this notice relates:

The supply of cinema tickets to the film "Superman Returns"

(b) Description of the conduct or proposed conduct:

The proposed conduct is:

- (i) the offering by GUO to provide a ticket to the new Superman film "Superman Returns", between 29 June 2006 and the earlier of 3 August 2006 and the end of the Australian film season of "Superman Returns", for \$5 on the condition that the customer produces, when paying for the ticket, 3 "Superman Returns" promotional labels from "Coca-Cola", "Diet Coke", "Coca-Cola Zero", "Fanta", "Fanta Zero", "Sprite", "Sprite Zero" or "Lift" beverage bottles OR the "Superman Returns" insert from one pack of either 18, 24 or 30 cans of "Coca-Cola", "Diet Coke", "Coca-Cola Zero", "Fanta", "Fanta Zero", "Sprite", "Sprite Zero" or "Lift" beverages purchased from retailers of those products, and hence purchased indirectly from The Coca-Cola Company's authorised bottler in Australia, Coca-Cola Amatil Limited (the offer being promoted and facilitated by The Coca-Cola Company's subsidiary Coca-Cola South Pacific Pty Ltd);
- (ii) the supply of such tickets pursuant to such offers; and

(iii) the refusal by GUO to provide a ticket to "Superman Returns" for \$5 for the reason that the customer has not produced the promotional labels or insert referred to in 2(b)(i) above.

3. (a) Class or classes of persons to which the conduct relates:

GUO, all customers and potential customers of GUO who wish to purchase "Superman Returns" cinema tickets from GUO, Coca-Cola South Pacific Pty Ltd, Coca-Cola Amatil Limited, and all customers and potential customers who wish to purchase "Coca-Cola", "Diet Coke", "Coca-Cola Zero", "Fanta", "Fanta Zero", "Sprite", "Sprite Zero" or "Lift" beverages from any retail outlet stocking any of those beverages.

(b) **Number of those persons:**

(i) **At present time:** All potential customers of GUO between the date of this Notification and the earlier of 3 August 2006 and the end of the Australian film season of "Superman Returns".

(ii) **Estimated within the next year:** As for 3(b)(i).

(c) Where number of persons stated in item 3 (b) (i) is less than 50, their names and addresses:

Not applicable

4. Name and address of person authorized by the person giving this notice to provide additional information in relation to this notice:

Lara Andreasen
Legal Counsel
The Greater Union Organisation Pty Limited
49 Market Street
Sydney NSW 2000
Telephone: 02 9373 6622
Facsimile: 02 9373 6626
Email: lara_andreasen@ahl.com.au

Dated 30 June 2006

Signed on behalf of the person giving this notice



.....
(Signature)

Lara Andreasen.....

(Full Name)

Legal Counsel, The Greater Union Organisation Pty Limited

(Description)

DIRECTIONS

1. If there is insufficient space on this form for the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the person giving notice.
2. If the notice is given by or on behalf of a corporation, the name of the corporation is to be inserted in item 1 (a), not the name of the person signing the notice, and the notice is to be signed by a person authorized by the corporation to do so.
3. In item 1 (b), describe that part of the business of the person giving the notice in the course of which the conduct is engaged in.
4. If particulars of a condition or of a reason of the type referred to in subsection 47(2), (3), (4), (5), (6), (7), (8) or (9) of the Trade Practices Act 1974 have been reduced in whole or in part to writing, a copy of the writing is to be provided with the notice.
5. In item 3 (a), describe the nature of the business carried on by the persons referred to in that item.
6. In item 3 (b) (ii), state an estimate of the highest number of persons with whom the person giving the notice is likely to deal in the course of engaging in the conduct at any time during the next year.

NOTICE

If this notification is in respect of conduct of a kind referred to in subsection 47 (6) or (7), or paragraph 47 (8) (c) or (9) (d), of the *Trade Practices Act 1974*, ("the Act"), it comes into force at the end of the period prescribed for the purposes of subsection 93 (7A) of the Act ("the prescribed period") unless the Commission gives a notice under subsection 93A (2) of the Act within the prescribed period, or this notification is withdrawn.

The prescribed period is 21 days (if this notification is given on or before 30 June 1996) or 14 days (if this notification is given after 30 June 1996), starting on the day when this notification is given.

If the Commission gives a notice under subsection 93A (2) of the Act within the prescribed period, this notification will not come into force unless the Commission, after completing the procedures in section 93A of the Act, decides not to give a notice under subsection 93 (3A) of the Act. The notification comes into force when that decision is made.

If this notification is in respect of conduct of a kind referred to in subsection 47 (2), (3), (4) or (5), or paragraph 47 (8) (a) or (b) or (9) (a), (b) or (c), of the Act, it comes into force when it is given.