

MALLESONS STEPHEN JAQUES

FILE No:

DOC:

MARS/PRISM:

Mr Scott Gregson
General Manager
Adjudication Branch
Australian Competition and
Consumer Commission
PO Box 1199
DICKSON ACT 2602

27 November 2006

Dear Mr Gregson

Form 3G Exclusive Dealing Notifications for Lion Nathan promotion

We act for Lion Nathan Australia Pty Limited (ABN 1300 859 6370). Our client proposes to make a promotional offer with Alpha, a magazine publication owned by News Limited.

The January edition of Alpha will contain a voucher which can be used to redeem a free bottle of Hahn Super Dry from BWS liquor stores. To redeem the Hahn Super Dry, all that will be required is an original copy of the voucher. It is not necessary for the bearer of the voucher to show that he or she had purchased a copy of Alpha.

While our client and ourselves think there is a legitimate view that the short-term promotional offer does not constitute third line forcing, our client has nevertheless instructed us to submit a Form G Exclusive Dealing Notification under section 93(1) of the Trade Practices Act 1974 in respect of the promotional offer. The conduct described in the Exclusive Dealing Notification includes the promotional offer and other conduct similar to the promotional offer that Lion Nathan may wish to engage in with the proprietors of Alpha or other media proprietors from time to time up to 31 January 2008.

To the extent the conduct described involves third line forcing, we submit that the conduct does not and is not likely to result in a detriment to the public. On the contrary, we submit that the use of vouchers in the manner described is a feature of competitive markets. It also serves to expand, rather than restrict, the supply of beer products at effectively reduced average prices. Accordingly, the conduct described would likely be of benefit to the public.

We enclose a cheque for \$100 as payment of the statutory fees.

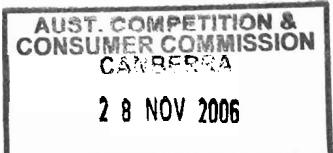
Should you require any additional information please do not hesitate to contact us.

Yours sincerely



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FORM G

Regulation 9

COMMONWEALTH OF AUSTRALIA
Trade Practices Act 1974 - Sub-section 93(1)
EXCLUSIVE DEALING
NOTIFICATION

N92718

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with sub-section 93(1) of the *Trade Practices Act 1974*, of particulars of conduct or of proposed conduct of a kind referred to in sub-section 47(6) of that Act in which the person giving notice engaged or proposes to engage.

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

Lion Nathan Australia Pty Limited (ABN 1300 859 6370)

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

Lion Nathan is a supplier of beer and other alcohol beverage products in Australia.

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

C/- Scott Bouvier
Partner
Mallesons Stephen Jaques
Level 60, Governor Phillip Tower
1 Farrer Place
Sydney NSW 2000

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

This notification relates to the supply of beer and other alcohol products, including a product branded as Hahn Super Dry.

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

The supply of beer and other alcohol products as part of a promotion in which:

- (a) magazines and other publications are supplied with a voucher that is printed on the magazine or publication, or otherwise attached or supplied with the magazine or publication; and
- (b) the bearer of that voucher may use the voucher to acquire beer and other alcohol products from liquor outlets nominated by Lion Nathan for free, at a discount, allowance, rebate or credit, or at a particular price.

The promotion may take place any time up to 31 January 2008.

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

The proprietor of Alpha magazine (being News Corporation) and suppliers of magazines and other publications.

(b) **Number of those persons**

(i) **At present time**

The proprietor of Alpha magazine (being News Corporation)

(ii) **Estimated within the next year**

Less than 50

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

The proprietor of Alpha magazine (being News Corporation) and the proprietors of other magazines or publications including ACP Magazines, Australian Geographic, Emap Australia, FPC Magazines, Lovatts Publications, Northern & Shell Pacific, Pacific Magazines, Reader's Digest, and Time Inc.

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

Scott Bouvier
Partner
Mallesons Stephen Jaques
Level 60, Governor Phillip Tower
1 Farrer Place
Sydney NSW 2000

Dated 27 November 2006

Signed on behalf of the person giving this notice



Scott Bouvier
Partner