

Atkin, Hew

From: Kate Haddock [haddock@bhf.com.au]
Sent: Tuesday, 6 November 2007 5:54 PM
To: Atkin, Hew
Cc: Adjudication
Subject: NOTIFICATION N 93103 BY NESTLE AUSTRALIA LIMITED

Attachments: Annexure C 6 November 2007.doc



Annexure C 6
November 2007.doc.

Dear Mr Atkin

I refer to our telephone conversation on 10 October 2007.

I attach an amended Annexure C to our client's Notification, reflecting (in the final two rows) the additional requirements that franchisees acquire a particular point of sale system and software. We are instructed that there is no required supplier for these products. The products are required to be the same for all franchisees primarily because of the efficiencies this creates for training and reporting, as well as for integrity of store appearance.

As discussed, in our view these additional products are within the terms of the original notification, and I would be grateful if this amended annexure could be placed on the register. However, if you have any queries or require further information, please do not hesitate to contact me.

Regards

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28/11/07.

| Product/Service | Is there a specific approved supplier? | Can franchisees obtain from another supplier if quality is sufficient? | Is there a documented quality standard? | Discount of List Price | Free In Store Delivery \$ | Payment Terms | Brand Names |
|--|---|---|---|--|--|---------------------|---|
| Emma & Tom's Life Juices – Straight OJ, Green Power, Kamarama, Extreme C, Racical Action, Go Girl | G & K Fine Foods Pty Ltd Jessica White 03 9702 4166 | Not currently available from other suppliers. Stores could obtain from other distributors if it were. | N/A | None | \$100 minimum delivery or 48 bottle minimum | 7 days from invoice | Emma & Tom's |
| English Breakfast/Earl Grey/Chai Rocks/Pure Ginger Grass & Lemon/Pure Peppermint/Pure Camomile/Love Tea/Green and Jazzy/Gold Blend Coffee/Decaffeinated Blend Coffee/Syrups-Vanilla, Caramel, Irish Cream, Hazelnut, Macadamia, Cinnamon/Chai Tea Spice/Cappuccino Chocolate | Di Bella Coffee Mina Ali 07 3252 5858 | Not currently available from other suppliers. Stores could obtain from other distributors if it were. | N/A | Chocolate Powder 5.50 ↓ 4.00 Sugar 16.00 ↓ 5.00 Syrups 12.00 ↓ 1.90 Tea 14.90 ↓ 8.00 (1 st \$ is wholesale 2 nd \$ is Antica) | Less than 5kg Coffee or no coffee – 7.50 Delivery charge | 28 days | Teadrop Teas Da Vinci Syrups Di Bella Coffee Di Bella Chocolate Powder |
| Fiat Top Sugar Cone / Natural Waffle Cone / Mini Flat Top Sugar Cones | Altimate Foods Pty Ltd Michael Rizzo 03 9357 0148 | Not currently available from other suppliers. Stores could obtain from other distributors if it were. | N/A | Negotiated best price | \$500 minimum order - \$30 delivery charge metro Melbourne | 14 days | Altimate |
| Panna Water / San Pelligrino – Mineral Water, Limonatta, Rossa, Chinotto, Arancita | No | . | N/A | Wholesale price | \$100 minimum delivery - \$10.50 delivery charge | 30 days | Panna San Pelligrino |
| Bonsoy | Soulfresh Sonia Dyster 03 9416 7168 | Not currently available from other suppliers. Stores could obtain from other distributors if it were. | N/A | Buy 10 get 1 free | No delivery charges for metropolitan area | 7 days from invoice | Bonsoy |
| Procal Full Cream Milk / Procal Lite | Procal Dairies Pty Ltd 03 9689 2499 | Not currently available from other suppliers. Stores could obtain from other distributors if it were. | N/A | Negotiated best price | 1 crate minimum delivery | 7 days from invoice | Procal |