



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2006/1981
Contact Officer: Nadia Cooke
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23 May 2007

Mr Nigel Rooney
PO Box 12029
George Street
Brisbane QLD 4003

Dear Mr Rooney

**Exclusive dealing notifications lodged by Seal-A-Fridge Pty Ltd and others
- draft notices in respect of notifications N50197, N50198, N50199 and N92676**

As you are aware, the Australian Competition and Consumer Commission (ACCC) has been conducting a review of the exclusive dealing notifications lodged by the Seal-A-Fridge franchisors on 6 October 2006 and 25 October 2006.

For the reasons set out in the attached document, the ACCC gives notice under section 93A of the *Trade Practices Act 1974* that it is proposing to revoke third line forcing notifications N50197, N50198, N50199 and N92676.

As it does not have before it any evidence to suggest a purpose, effect or likely effect of the conduct notified in notification N50196 is to substantially lessen competition in a relevant market, the ACCC does not propose to take any further action at this time in respect of this notification.

Once the ACCC issues a draft notice to revoke a notification, the notifying party or any interested party who may be dissatisfied with the ACCC's draft notice may request that the ACCC convene a conference in relation to the draft notice. Such a conference provides the opportunity for interested parties to make oral submissions in relation to the draft notice. Conferences are conducted informally, without the participation of legal or other professional advisers.

If you wish the ACCC to hold a conference in relation to these draft notices, you must notify the ACCC in writing by **Friday 8 June 2007**. Please note that the Trade Practices Act does not allow the ACCC to extend this deadline.



You are also invited to make a written submission in response to the ACCC's draft notices. Written submissions should be lodged by **Friday 15 June 2007** at the following address:

The General Manager
Adjudication Branch
Australian Competition & Consumer Commission
PO Box 1199
DICKSON ACT 2602

Submissions can also be lodged by e-mail to adjudication@acc.gov.au or by facsimile on (02) 6243 1211.

Persons lodging a submission with the ACCC may request that information included in the submission be excluded from the public register in certain circumstances. Submissions which are excluded from the public register may still be taken into account by the ACCC when conducting its assessment of a notification. Guidelines for seeking exclusion from the public register are attached for your information.

The ACCC will consider any submissions it receives, including any oral submissions made should a conference in relation to the draft notices be called, in deciding whether or not to issue final notices revoking the third line forcing notifications lodged by the Seal-A-Fridge franchisors.

This letter has been placed on the ACCC's public register and website. If you wish to discuss any aspect of this matter, please contact Nadia Cooke on (03) 9290 1478 or via email at Nadia.Cooke@acc.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Scott Gregson', with a long horizontal flourish extending to the right.

Scott Gregson
General Manager
Adjudication Branch