



**Australian
Competition &
Consumer
Commission**

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Our Ref: N92734
Your Ref: MK-001264B
Contact Officer: Kristy Randall
Contact Phone: 02 6243 1061

22 December 2006

Ms Madelaine Kloucek
Coca-Cola South Pacific Pty Ltd
Level 7, 71 Circular Quay East
SYDNEY NSW 2000

Dear Ms Kloucek

Re: Third line forcing notification lodged by Coca-Cola South Pacific Pty Ltd - N92734

I refer to the above third line forcing notifications lodged with the Australian Competition and Consumer Commission (the ACCC) by Coca-Cola South Pacific Pty Ltd (Coca-Cola) on 15 December 2006. The notification has been placed on the ACCC's public register.

Coca-Cola has described the conduct as follows:

- (i) the offering by Travel.com.au Limited (the Travel Company) to provide a \$30.00 discount voucher, redeemable against flights and holidays booked within 12 months of the registration date, to the first 5000 consumers who register at www.travel.com.au ('the website') between 6 January 2007 and 8 March 2007 on the condition that the consumer:
 - (A) provides, when registering, the first four numbers of the bar code from a 'Coca-Cola' promotional label from a specially marked 1.25 litre, 1.5 litre or 2 litre PET bottle or specially marked 18, 24 or 30 can multi pack of 'Coca-Cola', 'Diet Coke' or 'Coca-Cola Zero' 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 discounted flights and holidays pursuant to the offer; and



- (iii) the refusal by the Travel Company to provide a \$30 discount on flights and holidays for the reason that the consumer has not produced the promotional label or insert referred to in (i) above.

Legal immunity conferred by the notification will commence on 29 December 2006. On the basis of the information that you have provided, it is not intended that further action be taken in this matter at this stage.

As discussed, notification has the effect of affording immunity to the person notifying the conduct. The *Trade Practices Act 1974* (the TPA) does not appear to enable a person to notify on others' behalf. On the basis of the information contained in your submission of 15 December 2006, Travel.com.au Limited is actually engaging in the conduct that may constitute third line forcing. You advised that Travel.com.au Limited is aware of this and intend to notify.

As with any notification, please note that the ACCC may act to remove the immunity afforded by this notification at a later stage if it is satisfied that the likely benefit to the public from the conduct will not outweigh the likely detriment to the public from the conduct.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Kristy Randall on 02 6243 1061.

Yours sincerely

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

Scott Gregson
General Manager
Adjudication branch