



**Australian
Competition &
Consumer
Commission**

GPO Box 3131
Canberra ACT 2601

23 Marcus Clarke Street
Canberra ACT 2601

tel: (02) 6243 1111
fax: (02) 6243 1199

www.accc.gov.au

Our Ref: N93250
Contact Officer: Shane Chisholm
Contact Number: (02) 6243 1252

3 January 2008

Kate Haddock
Partner
Banki Haddock Fiora
Level 10, 179 Elizabeth St
SYDNEY NSW 2000

Dear Ms Haddock,

Notification of exclusive dealing N93250 – Nestle Australia Limited

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 21 December 2007. The notification has been placed on the ACCC's public register.

Nestle Australia Limited proposes to offer Movenpick franchises on condition that franchisees agree to acquire a range of products from nominated suppliers.

Legal immunity conferred by the notification will come into force on 4 January 2008.

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 with any notification, please note that the ACCC may act to remove the immunity afforded by the 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.

A copy of 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 Shane Chisholm on (02) 6243 1252.

Yours sincerely

Scott Gregson
General Manager
Adjudication Branch