



**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: C2008/999 and C2008/1002
Contact Officer: Jasmine Tan
Contact Phone: (02) 62431363

11 July 2008

Dear Sir / Madam

Exclusive dealing (third line forcing) notifications N93445 and N93446 lodged by Hill's Pet Food Limited - interested party consultation

The Australian Competition and Consumer Commission (the ACCC) has received two notifications from Hill's Pet Food Limited (Hill's).

The notifications concern two types of conduct:

1. N93445 – Hill's will offer to supply retailers with a percentage cash rebate proportionate to sales of Hill's pet food and the percentage growth in Hill's pet food sales by each of those retailers.
2. N93446 – Hill's will offer to supply retailers with a promotional gift to pass on to members of the public who purchase Hill's pet food from those retailers. The gift may also be in the form of a new piece of equipment for the retailer's clinic, which may then be used by the public.

Please note that in this instance 'retailers' includes both pet stores and veterinary clinics.

A full copy of the notifications is attached.

Request for submissions

The ACCC is writing to a representative sample of potentially interested parties across Australia, seeking people's views on these notifications. Attached is a summary of the notification process including how to make a submission.

The ACCC invites you to make a submission on the likely public benefits and effect on competition, or any other public detriment, from the notified conduct. In particular the ACCC would appreciate your views on how and to what extent the proposed promotional gifts and/or cash rebates may affect retailer behaviour and, consequently impact on consumers.

The ACCC asks for submissions to be in writing so they can be made available on its public register and website. Persons lodging a submission with the ACCC may request that information included in the submission be excluded from the public register. If you wish to request that any information in your response to this letter be excluded from the public register by reason of its confidential nature, please refer to the attached guidelines. If the ACCC decides to exclude any information from the public register, the ACCC may take it into account, even though it is not publicly available.

If you intend to provide a submission in relation to Hill's notifications, please do so by **Friday 1 August 2008**.

Please address your submission to:

The General Manager
Adjudication Branch
Australian Competition and Consumer Commission
GPO Box 3131
Canberra ACT 2601

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

Alternatively, if you would like to provide comments orally, please contact Jasmine Tan on (02) 62431363 to organise a suitable time.

Submissions, including a record of oral submissions, will be placed on the ACCC's public register subject to any request for exclusion (guidelines are attached).

Please advise if you do not wish to make a submission at this time, but would like to be informed of the progress of the ACCC's assessment of these notifications. If you are able to, please provide a nominated contact email address for future correspondence.

You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding the notifications.

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 Jasmine Tan on (02) 62431363 or by email at jasmine.tan@acc.gov.au.

Yours sincerely



David Hatfield
Director
Adjudication Branch

List of potentially interested parties that have been consulted

Advanced Pet Care of Aust Pty Ltd
Animal Welfare Branch, Product Integrity, Animal and Plant Health Division, Department of
Agriculture, Fisheries and Forestry
Animals Australia
Australian National Retailers Association
Australian Pet Essentials
Australian Retailers Association
Australian Veterinary Association Limited
AVI WA
Bush's Pet Foods Pty Ltd
Capricorn Veterinary Surgery
Casino Veterinary Clininc
CHOICE (Australian Consumers Association)
Complete K9
Connex United Processors (OEM Brand pet food)
Coprice Specialty Products
Flynn's Pet Shop
Katherine Veterinary Clinic
Loganholme Pet and Produce
Mad About Pets
Marjee's Pampered Pets
Mars - Petcare
Meat E Vite Pet Foods
Nature's Gift Australia Pty Ltd
Nestle Purina Consumer Services
Nutrience Australia
Palmerston Veterinary Hospital
Pet Food Industry Association of Australia
Petcare Information and Advisory Service Australia Pty Ltd
Petland Phillip
Pet's Paradise Chatswood
Proctor & Gamble Pet Care (Aust) P/L
Prota Pet Food Co
ProVet SA
Rawbone Pet Foods Pty Ltd
Rovers Retreat
RSPCA Australia Inc
Scarborough Veterinary Surgery
Scotty's Premium Pet Foods Pty Ltd
TuckerTime for Pets
Veterinary Practitioners Board of NSW
Veterinary Surgeons Board of Queensland
Vet's Best Products Pty Ltd
Waggin tails