



**Australian
Competition &
Consumer
Commission**

Our Ref: C2008/1002
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22 August 2008

Mr Brett Henshaw
General Manager
Hill's Pet Nutrition Pty Limited
PO Box 1003
North Ryde BC NSW 1670

Dear Mr Henshaw

Third line forcing notifications N93445 and N93446 lodged by Hill's Pet Nutrition Pty Limited

I refer to the above third line forcing notifications lodged with the Australian Competition and Consumer Commission (the ACCC) on 24 June 2008. The notifications have been placed on the ACCC's public register.

Hill's Pet Nutrition Pty Limited (Hill's) notified the following conduct:

- N93445: Hill's will supply or 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.
- N93446: Hill's will supply or offer to supply retailers with a promotional gift for retailers to pass on to members of the public who purchase Hill's pet food from those retailers or Hill's will offer to supply a promotional gift for retailers to retain which will enhance the service the retailers provide to their customers and which will be related to the proportionate sales of Hill's pet food and the percentage growth in Hill's pet food sales by each of those retailers.

Legal immunity conferred by the notifications commenced on 8 July 2008.

Having been through a consultation process and on the basis of the information before the ACCC, it is not intended that further action be taken on these matters at this time.

As with any notification, please note that the ACCC may act to remove the immunity afforded by the notifications 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 assessment has been made on the basis that Hill's will disclose all relevant terms and conditions to prospective clients.

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 Jasmine Tan on (02) 6243 1363.

Yours sincerely

A handwritten signature in black ink, appearing to be 'R' followed by a flourish.

Dr Richard Chadwick
General Manager
Adjudication Branch