



Australian
Competition &
Consumer
Commission

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Our Ref: C2009/1969, C2009/1972 and C2010/125
Contact Officer: Jaime Martin
Contact Number: (03) 9290 1477

12 February 2010

Ms Laura Hartley
Partner
DibbsBarker
GPO Box 983
Sydney NSW 2001

By email: laura.hartley@dibbsbarker.com

Dear Ms Hartley

Third line forcing notifications N94340, N94341 and N94447 lodged by Riviana Foods Pty Ltd (Riviana) and Ricegrowers Limited (Ricegrowers)

I refer to third line forcing notifications N94340 and N94341 lodged with the Australian Competition and Consumer Commission (the ACCC) on 9 December 2009 and notification N94447 lodged on 15 January 2010. These notifications have been placed on the ACCC's public register.

Notifications N94340 and N94341 involve Riviana and Ricegrowers offering to supply discounts, rebates, bonus stock, promotional gifts and other benefits (Benefits) to retailers on condition they purchase relevant grocery products from Metcash Limited.

The proposed conduct also involves Riviana Foods and Ricegrowers refusing to supply Benefits to retailers if they have not acquired the relevant products, or a certain quantity of products, from Metcash Limited.

Notification N94447 involves Riviana offering to supply Benefits to retailers on condition that they purchase relevant grocery products from SPAR Australia Limited. Riviana also proposes to refuse to supply Benefits to retailers if they have not purchased the relevant products, or a certain quantity of products, from SPAR Australia Limited.

Legal immunity conferred by notifications N94340 and N94341 commenced on 23 December 2009. Legal immunity conferred by notification N94447 commenced on 29 January 2010.

On the basis of the information that you have provided, it is not intended that further action be taken in these matters at this stage.

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 Riviana and Ricegrowers will disclose all relevant terms and conditions to prospective retailers.

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 contact Ms Jaime Martin on (03) 9290 1477.

Yours sincerely



Dr Richard Chadwick
General Manager
Adjudication Branch