



**Australian  
Competition &  
Consumer  
Commission**

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Our Ref: C2010/437  
Contact Officer: Lauren Roy  
Contact Number: (03) 9290 1823

21 May 2010

Mr Michael Robins  
Legal Counsel  
Simplot Australia Pty Limited  
Chifley Business Park  
2 Chifley Drive  
Mentone VIC 3194

By email: [Michael.Robins@simplot.com.au](mailto:Michael.Robins@simplot.com.au)

Dear Mr Robins

**Third line forcing notification N94668 lodged by Simplot Australia Pty Limited**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 27 April 2010. The notification has been placed on the ACCC's public register.

Simplot proposes to, along with Fonterra Brands (Australia) Pty Ltd and Unilever Australia Limited, conduct a reward program under which food service industry businesses (for example, restaurants, pubs and take-away shops) will be given rewards by the Program Partners if they spend specified amounts on goods from at least two of the three Program Partners.

Legal immunity conferred by the notification commenced on 11 May 2010.

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.

This assessment has been made on the basis that Simplot will disclose all relevant terms and conditions to prospective customers.

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 Lauren Roy on (03) 9290 1823.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'R Chadwick', with a stylized flourish extending to the right.

Dr Richard Chadwick  
General Manager  
Adjudication Branch