

**Donohue, Erin**

**From:** Julia Jenkins [jenkins@bhf.com.au]  
**Sent:** Tuesday, 8 February 2011 3:33 PM  
**To:** Adjudication  
**Cc:** Kate Haddock  
**Subject:** Fwd: Nestlé Australia Limited - notification of exclusive dealing  
**Attachments:** Updated Annexure C N93250.pdf; ATT3090872.htm

Dear Erin

Further to our discussion and my email below, the second document attached is an amended Annexure C to notification number N93250, reflecting the updated list of products and approved suppliers. I would be grateful if this amended annexure could be placed on the register.

If you have any further queries about this, please do not hesitate to contact me.

Kind regards

Julia Jenkins  
Senior Associate  
Banki Haddock Fiora  
Phone: +61 2 9266 3442  
Fax: +61 2 9266 3455  
Email: [jenkins@bhf.com.au](mailto:jenkins@bhf.com.au)

Partner: Kate Haddock

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ED  
08.02.11

Begin forwarded message:

**From:** Julia Jenkins <[jenkins@bhf.com.au](mailto:jenkins@bhf.com.au)>  
**Date:** 21 January 2011 11:29:37 AM  
**To:** [adjudication@accc.gov.au](mailto:adjudication@accc.gov.au)  
**Cc:** Kate Haddock <[haddock@bhf.com.au](mailto:haddock@bhf.com.au)>  
**Subject:** Nestlé Australia Limited - notification of exclusive dealing

Dear Sir/Madam

We act for Nestlé Australia Limited. Please see attached:

- (a) correspondence enclosing Form G for new notification (also faxed to you); and
- (b) an updated Annexure C for existing Notification N93250.

Kind regards

Julia Jenkins  
Senior Associate  
Banki Haddock Fiora  
Phone: +61 2 9266 3442

8/02/2011

Fax: +61 2 9266 3455  
Email: [jenkins@bhf.com.au](mailto:jenkins@bhf.com.au)

Partner: Kate Haddock

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RD 08.02.11.

Coverage	Product/Service	Is there a specific approved supplier?	Can franchisees obtain from another supplier if quality is sufficient?	Returns Policy	Does Nestlé get a supplier rebate? Is it shared with franchisees?	Discount of List Price	Delivery Charge	Payment Terms	Brand Names
National	Food Wipes, Work Mats, Tea Towels	AlSCO Pty Ltd 02 9667 8888	Stores could obtain from other suppliers if quality sufficient. Currently no documented quality standard	No specific policy – if they are accountable they'll fix it. Depending on returns issue a credit can be raised	N/A	N/A	No delivery charge	21 days	N/A
National	English Breakfast/Earl Grey//Peppermint/Camomile/ Green/ Chai/Premium Blend Coffee/Decaffeinated Blend Coffee/Syrups-Vanilla, Caramel, Irish Cream, Hazelnut, Chai Tea/Cappuccino Chocolate	Amanti Coffee Daniel Schweff 1800263333	No	No specific policy – if they are accountable they'll fix it	N/A	No discount	No delivery charge if order over \$100	28 days	Amanti
Victoria	Natural Waffle Cone / Mini Flat Top Sugar Cones / Natural Wafers	Frosty Boy Melbourne Michael Hurvitz 0439 033 907	Stores could obtain from other suppliers if quality sufficient. Currently no documented quality standard	No specific policy – if they are accountable they'll fix it. No returns on cones	N/A	N/A	\$100 or 3-5 boxes, no delivery charge	30 days	N/A
Victoria	Panna Water / San Pellegrino – Mineral Water, Limonatta, Rossa, Chinotto, Mandarin	Bruno Distributors Pty Ltd Richard Badanjek 0425 859 169	Stores could obtain from other distributors if quality sufficient. Currently no documented quality standard	Claims will not be accepted after 7 days from date of delivery	N/A	Buy 5 boxes aqua panna water get 1 free.	Minimum \$100 per order, no delivery charge	30 days	Panna San Pellegrino
National	Waffle/ Waffle Cone/ Crepe Mix	Natures Selection John Shacallis 0287557467	Stores could obtain from other suppliers if quality sufficient. Currently no documented quality standard	No specific policy – if they are accountable they'll fix it	N/A	N/A	Minimum per order 10 bags, no delivery charge	30 days	Natures Selection

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National	Hand/Dishwasher/ Bench Cleaners and soaps	Superpop Barbara 02 9824 6444	Stores could obtain from other suppliers if quality sufficient. Currently no documented quality standard	No specific policy – if they are accountable they'll fix it. 20% restocking fee for returned stock	N/A	N/A	Minimum order \$100, no delivery charge	30 days	N/A
Victoria / New South Wales	Procal Full Cream Milk / Procal Lite / Procal Thickened Cream / Vita Soy Regular	Procal Dairies Pty Ltd 03 9689 2499	Stores could obtain from other suppliers if quality sufficient. Currently no documented quality standard	No specific policy – if they are accountable they'll fix it. For damaged stock, driver to pick up and replace stock	N/A	N/A	1 crate minimum delivery, no delivery charge	30 days from invoice	Procal
National	Movenpick Ice Cream – All flavours	Nestlé Peters Ice Cream  1300 243 246	Not currently available from other distributors. Stores could obtain from other distributors if it were.	If the franchisee considers these products supplied by the franchisor to be damaged or defective upon delivery, to receive a credit for such products, the franchisee must follow the claim procedure for damaged or defective products provided by the franchisor to the franchisee from time to time	N/A	Wholesale Price	<ol style="list-style-type: none"> <li>1. \$500 order scheduled – Free delivery</li> <li>2. Less than \$500 order scheduled - \$14 delivery fee</li> <li>3. Non scheduled order weekday for more than \$500 - \$14 delivery fee</li> <li>4. Non scheduled order weekday for less than \$500 - \$26 delivery fee</li> <li>5. Non scheduled order week end/public holiday - \$200 delivery fee</li> </ol>	30 days from invoice	Movenpick

Coverage	Product/Service	Is there a specific approved supplier?	Can franchisees obtain from another supplier if quality is sufficient?	Returns Policy	Does Nestlé get a supplier rebate? Is it shared with franchisees?	Discount of List Price	Delivery Charge	Payment Terms	Brand Names
National	Trendy Gel Products / Toppings / White & Milk Chocolate Shavings / Sponge Fingers	Creative Ingredients Pty Ltd Claudio Pinto 03 9388 8999	Stores could obtain from other suppliers if quality sufficient. Currently no documented quality standard	No specific policy – if they are accountable they'll fix it. For returns, 15% returns fee, freight own cost	N/A	N/A	Free delivery if order is over \$500, otherwise will be charged as per courier. Packaging component can't exceed 50% of the order value. Delivery charge applies when order packaging only.	7 days from date of invoice	N/A
National	Paper Coffee Cups / Gelati Cups / Serviettes / Milkshake Cups / Spoons / Sugar Sticks / Straws / Paper Bags / Kitchen items	Aberdeen Paper Merchants P/L Mark Franks 03 9317 5000	Stores could obtain from other suppliers if quality sufficient. Currently no documented quality standard	No specific policy – if they are accountable they'll fix it. For returns that are resellable a credit will be issued	N/A	N/A	\$100 minimum order, no delivery charge	30 days from invoice	Movenpick
New South Wales	Panna Water / San Pelligrino – Mineral Water, Limonatta, Rossa, Chinotto, Mandarino	F. Mayer Imports 02 9669 2211	Stores could obtain from other distributors if quality sufficient. Currently no documented quality standard	No specific policy – if they are accountable they'll fix it	N/A	Buy 5 boxes aqua panna water get 1 free.	Minimum \$100 per order, no delivery charge	30 days from invoice	Panna San Pellegrino
National	Coca Cola Products	Coca Cola Amatil (Aust) P/L Field Representative	Stores could obtain from other distributors if quality sufficient. Currently no documented quality standard	No specific policy – if they are accountable they'll fix it	N/A	N/A	Minimum 5 cases. Weekly/Fortnightly deliveries. No delivery charge	Within 30 days from invoice date	Coca Cola / Sprite / Fanta / Nestea
Northern Queensland	Natural Waffle Cone / Mini Flat Top Sugar Cones / Natural Wafers / Plain Rolled Wafers	Frosty Boy - Cairns Wayne Hutchison 0423 555 757	Stores could obtain from other suppliers if quality sufficient. Currently no documented quality standard	No specific policy – if they are accountable they'll fix it	N/A	N/A.	Minimum order \$50. Anything under delivery charge will be applicable	14 days	N/A

Coverage	Product/Service	Is there a specific approved supplier?	Can franchisees obtain from another supplier if quality is sufficient?	Returns Policy	Does Nestlé get a supplier rebate? Is it shared with franchisees?	Discount of List Price	Delivery Charge	Payment Terms	Brand Names
Queensland	Panna Water / San Pellegrino – Mineral Water, Limonatta, Rossa, Chinotto, Mandarino	Global Food & Wine Alessandro Solazzi 1300 362 673	Stores could obtain from other distributors if quality sufficient. Currently no documented quality standard	No specific policy – if they are accountable they'll fix it	N/A	Buy 5 boxes aqua panna water get 1 free.	Minimum \$100 per order, no delivery charge	30 days from invoice	Panna San Pellegrino
Northern Queensland	Whole Milk 2L / Lite Milk 2L / Soy 1L / Thickened Cream 2L	Dairy Farmers Local Milk Vendor	Stores could obtain from other suppliers if quality sufficient. Currently no documented quality standard	No specific policy – if they are accountable they'll fix it	N/A	N/A	As per distributor selected by franchisee	As per distributor selected by franchisee	Dairy Farmers
New South Wales	Natural Waffle Cone / Mini Flat Top Sugar Cones / Natural Wafers / Plain Rolled Wafers	Frosty-Boy Central 1/a Danaili Holdings Ken Waters 0412 502 296	Stores could obtain from other suppliers if quality sufficient. Currently no documented quality standard	No specific policy – if they are accountable they'll fix it	N/A	N/A	Minimum order \$100 or delivery fee added based on distance traveled	COD then depending on purchase quantity and payment history manager can change to negotiated credit account	N/A
South Queensland	Natural Waffle Cone / Mini Flat Top Sugar Cones / Natural Wafers / Plain Rolled Wafers	Frosty Boy Brisbane Michael Suchowacki 0411 506 832	Stores could obtain from other supplier if quality sufficient. Currently no documented quality standard	No specific policy – if they are accountable they'll fix it	N/A	N/A	Minimum order \$100, no delivery charge	Can negotiate credit account 7 / 14 / 30 days	N/A
South Queensland	Natural Waffle Cone / Mini Flat Top Sugar Cones / Natural Wafers / Plain Rolled Wafers	Frosty Boy - Gold Coast David McLean 0412 747 376	Stores could obtain from other supplier if quality sufficient. Currently no documented quality standard	No specific policy – if they are accountable they'll fix it	N/A	N/A	No minimum order, no delivery charge	Can negotiate 30 day account	N/A