



**Australian  
Competition &  
Consumer  
Commission**

Our Ref: 48923 / N95877  
Contact Officer: Megan Cunningham  
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15 June 2012

Dear Sir or Madam

**Notification N95877 lodged by Peter McInnes Pty Ltd  
- interested party consultation**

The Australian Competition and Consumer Commission (ACCC) understands that Peter McInnes Pty Ltd (**Peter McInnes**) has supplied your business with products. Peter McInnes has notified the ACCC that it proposes to engage in certain conduct (outlined below).

By notifying the conduct to the ACCC, Peter McInnes may be able to gain statutory protection from the competition provisions of the *Competition and Consumer Act 2010* for this conduct. The ACCC is inviting you to provide any comments you may wish to make regarding the conduct proposed by Peter McInnes.

The ACCC understands that Peter McInnes appoints various distributors for KitchenAid products and other kitchen products and appliances. Peter McInnes proposes to supply products to distributors on condition that the distributor will not sell the product beyond a particular territory. Peter McInnes also proposes to supply some nominated distributors on condition that they do not sell particular products, such as KitchenAid products, via the internet.

For more details please refer to the notification, which is available on the ACCC's website [www.accc.gov.au/ExclusiveDealingRegister](http://www.accc.gov.au/ExclusiveDealingRegister).

**The role of the ACCC**

The conduct was notified to the ACCC by Peter McInnes on 23 May 2012 and would generally be considered to fall within the definition of exclusive dealing, which is regulated by section 47 of the *Competition and Consumer Act 2010* (the **Act**). By notifying the conduct to the ACCC, Peter McInnes may be able to gain statutory protection from the Act.

The ACCC may revoke the notification at any time if it considers that the public detriment from the conduct outweighs the public benefit. In order to assess the balance of public detriment and benefit, the ACCC is contacting you and a number of other potentially interested parties via this letter.

## Invitation to make a submission or provide comment

As a potentially interested party, the ACCC invites you to make a submission on your view about any likely public benefits, any likely harm to competition, or any other public detriment, that you consider may arise from the conduct notified by Peter McInnes. If you intend to provide a submission in relation to Peter McInnes' notification, please do so by **Friday 29 June 2012**. Submissions can be lodged by email to [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au), by facsimile on (02) 6243 1212 or posted to GPO Box 3131, Canberra ACT 2601.

Submissions, including oral submissions, will be placed on the ACCC's public register subject to any request you make for material to be excluded from the register (guidelines are attached). A summary of the notification process, outlining the ACCC's role in assessing notifications and how to make a submission is also attached.

You may wish to forward this letter to any other person you think may wish to make a submission to the ACCC regarding the notification.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please contact Megan Cunningham on (03) 9290 1856 or by email at [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au).

Yours sincerely



David Jones  
Director  
Adjudication Branch