

# Form G

Commonwealth of Australia

*Competition and Consumer Act 2010 – subsection 93(1)*

## NOTIFICATION OF EXCLUSIVE DEALING

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with subsection 93(1) of the *Competition and Consumer Act 2010*, of particulars of conduct or of proposed conduct of a kind referred to in subsections 47(2), (3), (4), (5), (6), (7), (8) or (9) of that Act in which the person giving notice engages or proposes to engage.

### 1. Applicant

- (a) Name of person giving notice:  
N97996 Wine People Pty Ltd ABN: 41 105 657 154
- (b) Short description of business carried on by that person:  
Wine People Pty Ltd is a marketing services company delivering wine direct to consumers and business.
- (c) Address in Australia for service of documents on that person in relation to this matter:  
Rose Owen  
General Counsel  
News Limited  
2 Holt Street  
Surry Hills NSW 2010  
Phone: +61 2 9288 3107  
Email: rose.owen@news.com.au

### 2. Notified Arrangement

- (a) Description of the goods or services in relation to the supply or acquisition of which this notice relates:  
Wine People Pty Ltd provision of free and discounted wine from a selected range, to certain print and/or digital news subscribers of News Limited or its related bodies corporate ("News Corp Australia").
- (b) Description of the conduct or proposed conduct:  
Wine People Pty Ltd will offer to supply free or discounted wine to certain print and/or digital news subscribers of News Corp Australia.  
  
Wine People Pty Ltd will be able to refuse to offer the free or discounted wine unless the customer has acquired a certain print and/or digital news subscription from News Corp Australia.

**3. Persons, or Classes of Persons, Affected or Likely to be Affected by the Notified Conduct**

- (a) Class or classes of persons to which the conduct relates:  
News Corp Australia print and/or digital news service subscribers
- (b) Number of those Persons:
  - (i) At present time:  
Substantially more than 50
  - (ii) Estimated within the next year:  
Substantially more than 50
- (c) Where number of persons stated in item 3(b)(i) is less than 50, their names and addresses:  
Not applicable

**4. Public benefit claims**

There are a number of significant public benefits which result from the proposed conduct:

- (a) Certain News Corp Australia print and/or digital news subscribers can obtain free, discounted or exclusive goods and services;
- (b) The offer may encourage competitors of News Corp Australia, including other newspapers, magazines and online media, to offer their customers and subscribers similar promotions and loyalty programs; and
- (c) other competitors of Wine People Pty Ltd may be encouraged to offer customer discounts through various newspapers, magazines or in store.

**5. Market definition**

It is not necessary to precisely define the applicable relevant markets affected as even in the narrowest potential market the notified conduct will not result in any lessening of competition.

**(i) The supply of print and/or digital news subscriptions**

Even if the market is narrowly defined as the market for print and/or digital news subscriptions, the Applicant submits that the offer would not lessen competition in the narrower market.

**(ii) The supply of wine**

Even if the market is narrowly defined as the market for the relevant wine and services, the Applicant submits that the offer would not lessen competition in that market.

**6. Public detriments**

The notified conduct would not result in public detriment, anti-competitive or otherwise, for the following reasons.

- News Corp Australia subscribers would be under no obligation to accept the offers from Wine People Pty Ltd;
- The general public would be free to acquire relevant goods or services from other providers without any obligation to acquire a News Corp Australia news service subscription.

Many businesses promote their products through customer loyalty programmes to increase awareness of new products or encourage general brand awareness and loyalty.

Many printed newspapers, magazines and online media services in Australia offer discount coupons or promotions to third parties' goods and services. This is to encourage loyalty to the publication or online service by customers and advertisers and increases competition between newspapers, media and online media services. The notified conduct would have no appreciable effect on competition between providers of news and information services.

The notified conduct would have no appreciable effect on competition between sellers of newspapers, whether supermarkets or otherwise.

**7. Further information**

- (a) Name, postal address and contact telephone details of the person authorised to provide additional information in relation to this notification:

Rose Owen  
General Counsel  
News Limited  
2 Holt Street  
Surry Hills NSW 2010  
Phone: +61 2 9288 3107  
Email: [rose.owen@news.com.au](mailto:rose.owen@news.com.au)

Dated: 21st November 2014

Signed by/on behalf of the applicant



Rose Owen  
News Limited  
General Counsel

## DIRECTIONS

8. In lodging this form, applicants must include all information, including supporting evidence that they wish the Commission to take into account in assessing their notification.  
  
Where there is insufficient space on this form to furnish the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the applicant.
9. If the notice is given by or on behalf of a corporation, the name of the corporation is to be inserted in item 1(a), not the name of the person signing the notice, and the notice is to be signed by a person authorised by the corporation to do so.
10. Describe that part of the business of the person giving the notice in the course of which the conduct is engaged in.
11. If particulars of a condition or of a reason of the type referred to in section 47 of the *Competition and Consumer Act 2010* have been reduced in whole or in part to writing, a copy of the writing is to be provided with the notice.
12. Describe the business or consumers likely to be affected by the conduct.
13. State an estimate of the highest number of persons with whom the entity giving the notice is likely to deal in the course of engaging in the conduct at any time during the next year.
14. Provide details of those public benefits claimed to result or to be likely to result from the proposed conduct including quantification of those benefits where possible.
15. Provide details of the market(s) likely to be effected by the notified conduct, in particular having regard to goods or services that may be substitutes for the good or service that is the subject matter of the notification.
16. Provide details of the detriments to the public which may result from the proposed conduct including quantification of those detriments where possible.