



AUST. COMPETITION &
CONSUMER COMMISSION

03 DEC 2015

CANBERRA

1 December 2015

The General Manager
Adjudication Branch
Australian Competition and Consumer Commission
GPO Box 3131
Canberra ACT 2601

Dear Sir or Madam,

Re: Bubba Pizza Pty Ltd

We act for Bubba Pizza Pty Ltd with respect to the Bubba Pizza franchise system.

Enclosed for your attention are the following:

1. Form G - Notification of Exclusive Dealing; and
1. A Cheque in the sum of \$100 as payment for the lodgement fee.

Kindly acknowledge receipt and please do not hesitate to contact us if you require any further information.

Yours faithfully,

A handwritten signature in black ink that reads 'Ilya Furman'.

Ilya Furman
Principal

Form G

Commonwealth of Australia
Competition and Consumer Act 2010 — subsection 93 (i)
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 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.

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

1. Applicant

- (a) Name of person giving notice:
(Refer to direction 2)

Bubba Pizza Pty Ltd ACN 090 093 600, of 284 Bridge Road, Richmond
Victoria 3121 ("**Bubba Pizza**")

- (b) Short description of business carried on by that person:
(Refer to direction 3)

Bubba Pizza operates a retail chain of franchised pizza stores.

- (c) Address in Australia for service of documents on that person:

c/o Franchise Legal, 99 Wellington Street, St Kilda Victoria 3182

2. Notified arrangement

- (a) Description of the goods or services in relation to the supply or acquisition of which this notice relates:

The supply by third party suppliers of food products relating to the preparation of pizza and other Bubba Pizza menu items.

- (b) Description of the conduct or proposed conduct:

Bubba Pizza offers franchises to franchisees on the condition that the franchisees agree to buy food products only from supplier(s) nominated by Bubba Pizza.

(Refer to direction 4)

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:
(Refer to direction 5)

Bubba Pizza franchisees.

N98732

- (b) Number of those persons:
- (i) At present time:
19.
- (ii) Estimated within the next year:
(Refer to direction 6)
22.
- (c) Where number of persons stated in item 3 (b) (i) is less than 50, their names and addresses:

	Franchisee	Address
1	I S Global Pty Ltd	1/218 Mt Barker Road, Aldgate South Australia
2	Jai Rania Pty Ltd	Shop 8, Eden Rise Shopping Centre, Berwick, Victoria
3	Fuji Trading Pty Ltd	Cnr Boronia and Dorset Rd Boronia, Victoria
4	Lord Land Pty Ltd	906 Whitehorse Rd, Box Hill, Victoria
5	Nice Yu Australia Pty Ltd	111 Bayswater Rd, Croydon, Victoria
6	Eurodell Pty Ltd	Shop 2, 121 Cranbourne Frankston Rd, Langwarrin, Victoria
7	Australian Jing Pty Ltd	327 Main Street, Lilydale, Victoria
8	M J Ribbons Holdings Pty Ltd	Shop 37, Bentons Square S/C, 210 Dunns Road Mornington Victoria
9	J & M Goodrich Pty Ltd	MtBarkerCentralS/C, Hutchinson St MtBarker, South Australia
10	Windrose SL Pty Ltd	Shop 2, 78 Princes Highway Pakenham, Victoria
11	Puecesnic Pty Ltd	Shop 2, 1-2 Sunderland Crt Seaford, Victoria
12	Kerrob Pty Ltd	Shop 1, 38 Bell Street, Torquay, Victoria
13	Joseph Chahoud	3/188 Yarra Street, Warrandyte, Victoria

14	Kerrob Pty Ltd	Shop 1, 132-138 Colac Rd, WaurndPonds, Victoria
15	R & R Shah Pty Ltd	Shop 13/747 Tarneit Rd, Tarneit, Victoria
16	Famille (SA) Pty Ltd	Shop 15/ Craigmere Village S/C, Craigmere South Australia
17	Bubba Pizza Pty Ltd	284 Bridge Road, Richmond, Victoria
18	3B Brothers Pty Ltd	4/338 McDonalds Road Stn Morang, Victoria
19	Praduymna Pty Ltd	3/850 Plenty Road, Reservoir, Victoria

4. Public benefit claims

- (a) Arguments in support of notification:
(Refer to direction 7)

By carefully selecting the products and suppliers for the Bubba Pizza franchise stores, Bubba Pizza is able to achieve the following benefits:

- Customers benefit from a consistent high standard of meals offered by Bubba Pizza stores;
- franchisees benefit from group discounts based on bulk buying;
- franchisees benefit from a more efficient ordering and delivery system;
- franchisees are better placed to expand the choices available to consumers and increase the likelihood of more competitive prices for consumers;
- Bubba Pizza will be better placed to ensure that its franchisees comply with all applicable food health standards.

- (b) Facts and evidence relied upon in support of these claims:

The applicant submits that the causal link between the conduct subject to this notification and the benefits listed in 4(a), is self evident and is based on the existing operation of major retail food franchise systems.

5. Market definition

Provide a description of the market(s) in which the goods or services described at 2 (a) are supplied or acquired and other affected markets including: significant suppliers and acquirers; substitutes available for the

relevant goods or services; any restriction on the supply or acquisition of the relevant goods or services (for example geographic or legal restrictions):
(Refer to direction 8)

The Pizza Restaurants and Takeaway industry is an established market with approximately 3,629 business units nationally. Bubba Pizza has a negligible market share of this market of less than 1%.

6. Public detriments

- (a) Detriments to the public resulting or likely to result from the notification, in particular the likely effect of the notified conduct on the prices of the goods or services described at 2 (a) above and the prices of goods or services in other affected markets:
(Refer to direction 9)

Other than a limitation on Bubba Pizza franchisees in respect of their choice of suppliers, it is not apparent how the conduct can be detrimental to the public.

- (b) Facts and evidence relevant to these detriments:

Not applicable.

7. Further information

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

Ilya Furman

Franchise Legal

T: 1300 798 501

A: 99 Wellington Street, St Kilda 3182

Dated... 30-11-15

Signed by/on behalf of the applicant

.....
Roger Hopper

Bubba Pizza Pty Ltd

Director