

18 April 2019

Mr David Jones

The General Manager

Adjudication Branch

Australian Competition & Consumer Commission

by email: adjudication@accc.gov.au

cc: joanne.palisi@accc.gov.au

Dear Mr Jones

### Meredith Dairy Pty Ltd: notification of resale price maintenance

I act for Meredith Dairy Pty Ltd (**Meredith Dairy**), which hereby lodges a notification in relation to resale price maintenance.

In support of this notification, the following documents have been uploaded to the ACCC's OneShare account (as per my recent discussions with Joanne Palisi):

- Meredith Dairy's completed Form concerning its notification of resale price maintenance, including a signed declaration;
- a *public version* of Meredith Dairy's supporting information, data and documents (being the **Annexure**);
- a *public version* of the schedules to the Annexure;
- a confidential version of the Annexure;
- a confidential version of the schedules to the Annexure; and
- a separate letter concerning the confidential versions, outlining Meredith Dairy's claims for confidentiality in respect of certain aspects of the Annexure and schedules.

I separately attach to the covering email accompanying this letter proof of payment in the amount of \$1,000 in respect of the required fees.

If you have any questions in relation to this notification, please do not hesitate to contact me on 0432 942 098 or by return email.

Kind regards,



**Alexandra Merrett** Competition Lawyer Att

An Australian Legal Practitioner within the meaning of the Legal Procession Uniform Law (Vic). Liability limited by a scheme approved under Professional Standards Legislation.

# Notification for resale price maintenance

made under section 93 of the Competition and Consumer Act 2010 (Cth)

by Meredith Dairy Pty Ltd 18 April 2019

# **FORM**

# **Notifying party**

1. The notifying party is:

Meredith Dairy Pty Ltd (Meredith Dairy)

ACN 055 430 450

106 Cameron Road, Meredith VIC 3333

Phone: 03 5286 2000

2. The contact person is:

Alexandra Merrett

alexandramerrett@bigpond.com

0432 942 098

- 3. Meredith Dairy's **business activities** principally relate to the production of sheep and goats milk products, including cheese, curd, yoghurt and milk. It is a vertically integrated business based in regional Victoria, owned and operated by the Cameron family. Key inputs are sourced locally (often from businesses owned by Meredith Dairy, various members of the Cameron family, or friends or employees). The cheese factory is on site at the original family farm and its products are exported or distributed locally, sometimes directly to customers and other times via distributors.
- 4. Meredith Dairy's website is <u>www.meredithdairy.com</u>
- 5. The appropriate email address for the service of documents relating to this notification is: alexandramerrett@bigpond.com

# **Details of the notified conduct**

- 6. This notification relates to **resale price maintenance**.
- 7. Meredith Dairy proposes to amend its arrangements with its customers to include a requirement not to sell its cheese products (the **Notified Products**) below a price(s) nominated by Meredith Dairy. Further details are set out in the Annexure.
- 8. The rationale for the notified conduct: this desire stems from a number of incidents over recent times concerning conduct which appears to be loss leading, and the prospect of the Notified Products being used as "price signals" to customers. The rationale is described in further detail in the Annexure.
- 9. **The time period relevant to the notified conduct**: the notified conduct will be ongoing.

- 10. Documents submitted to the board or prepared by or for senior management in relation to the notified conduct: please refer to the Annexure.
- 11. Names/classes of persons who may be directly impacted by the notified conduct: please refer to the Annexure.

# Market information and concentration

- 12. **Describe the product/services supplied, the degree of overlap etc**: please refer to the Annexure.
- 13. **Describe the relevant industry and sales process/supply chain etc**: please refer to the Annexure.
- 14. **Provide estimated market shares**: please refer to the Annexure.
- 15. **Describe the competitive constraints**: please refer to the Annexure.

# **Public benefit**

16. Please refer to the Annexure.

# Public detriment including any competition effects

17. Please refer to the Annexure.

# **Contact details of relevant market participants**

18. Please refer to the Annexure.

# Any other information

19. Please refer to the Annexure.

# **Declaration by notifying party**

The undersigned declare that, to the best of their knowledge and belief, the information given in response to questions in this form is true, correct and complete, that complete copies of documents required by this form have been supplied, that all estimates are identified as such and are their best estimates of the underlying facts, and that all the opinions expressed are sincere.

The undersigned are aware of the provisions of sections 137.1 and 149.1 of the Criminal Code (Cth).

Signature of authorised person
Solicitor on behalf of the Notifying Party
Office held
Alexandra Merrett
(Print) Name of authorised person

This 18th day of April 2019.

# **Annexure**

# Details of the notified conduct

- 20. As noted in the body of the accompanying Form, this notification relates to **resale price** maintenance.
- 21. Meredith Dairy proposes to amend its arrangements with its customers (both direct customers, such as Coles and Woolworths, and its distributors) to include a requirement not to sell any of its cheese products (the Notified Products), including its marinated goats cheese products, below a price(s) nominated by Meredith Dairy.
- 22. In particular, Meredith Dairy proposes to amend its arrangements such that:
  - 22.1. distributors selling the Notified Products must impose a requirement on resellers not to sell or advertise any of the Notified Products below a price(s) nominated by Meredith Dairy; and
  - 22.2. direct customers of Meredith Dairy who retail the Notified Products are subject to the same requirement.
- 23. The time period relevant to the notified conduct: the notified conduct will be ongoing, from the expiry of the regulated assessment period for this notification until such time as it is considered no longer necessary.
- 24. The rationale for the notified conduct is discussed in detail below at paragraph 43ff. In order to understand the rationale, it is first useful to describe the market conditions and the prevailing dynamics (see below at paragraph 28ff).
- 25. The following classes of persons are likely to be impacted by the notified conduct:
  - 25.1. wholesale customers of the Notified Products, namely Coles, Woolworths and (to a lesser extent) Costco;
  - 25.2. wholesale distributors of the Notified Products;
  - 25.3. customers of those wholesale distributors who acquire the Notified Products for the purpose of re-sale, especially independent retailers (such as delis); and
  - 25.4. end-users of the Notified Products.
- 26. Retailers will be less able to engage in sustained deep discounting of the Notified Products, meaning in some instances that end-users may pay more. As explained below, however, Meredith Dairy has no capacity to price above competitive levels or to endure its products being retailed at supra-competitive prices.
- 27. There are no documents which were submitted to Meredith Dairy's board or prepared by or for the notifying party's senior management for the purposes of assessing or making a decision in relation to the notified conduct, nor any minutes or record of the decision made.

# Market information and concentration

- 28. The Notified Products are all types of specialty cheese. It is arguable that the relevant market may be broad enough to encompass:
  - 28.1. food items other than cheese which are typically used for "entertaining", such as dips, spreads (e.g. pate) and small goods. All such items are, in a demand sense, substitutable, as a customer considering buying the Notified Products is typically seeking to purchase some form of luxury treat or snack as a pre-dinner or morning/afternoon tea option for guests; and/or
  - 28.2. all types of cheese, particularly as from a supply-side perspective there is considerable scope to produce and/or distribute speciality cheese products alongside more basic offerings.
- 29. Nonetheless, for the purposes of this notification, Meredith Dairy submits that the relevant market is the market for the production and wholesale distribution of Speciality Cheeses. The proposed conduct would also affect the retail market for Speciality Cheeses. It is submitted that the relevant markets are national in scope.

# **Competition within the Speciality Cheese market**

- 30. The market for Speciality Cheeses is extremely competitive.
- 31. Independent figures are difficult to rely upon, as it is very unclear how categories have been determined and whether comparisons can appropriately be drawn.
- 32. For example, Meredith Dairy notes that Retail World reports that "speciality / entertainment" cheeses amounted to 5% of the broader retail cheese sector, which was attributed a retail value of \$1.64 billion.¹ This 5% amounts to \$81.2m per annum. Overall cheese volume was estimated to be 125,399 tonnes, of which "Speciality / Entertainment" amounted to 2.4% (equating to just over 3,000 tonnes). Without understanding in detail how Retail World constructs its categories, it appears possible that the Specialised Cheese market as used in this submission would encompass at least some of the cheeses falling within other Retail World categories, namely "Smooth / Creamy" and "Snacking". Indeed, based on Meredith Dairy's own numbers and its assessment of its market position, the market for Speciality Cheese is likely to be far larger than estimated by Retail World. This assessment is based on the explanation set out in the following paragraphs.
- 33. To put the Retail World estimates in context, in FY18, Meredith Dairy generated revenue of approximately of which approximately related to the Notified Products. Those products would have had a retail value of around (working on the typical margin), which would indicate a market share of forms of "Speciality / Entertainment" category identified in Retail World.

<sup>&</sup>lt;sup>1</sup> See its Annual Report 2018, under the heading "Dairy, Chiller".

<sup>&</sup>lt;sup>2</sup> Being net sales for FY18, excluding export sales.

34.	By Meredith Dairy's estimates, however, its market share (assessed	by reference to the
	retail market for Speciality Cheese) would certainly not exceed	and is most likely
	less,	THE TAX

# **Competing suppliers of Specialty Cheese**

- 35. Meredith Dairy's assessment of its position in the market is driven, as much as anything, by observation of the prevailing market conditions.
- 36. For example, Meredith Dairy has compiled the following for the ACCC's consideration:
  - 36.1. Schedule 1, which is a list of specialised cheese brands which were on sale alongside (or in close proximity to) the Notified Products during March-April 2019;
  - 36.2. the products falling within Woolworths' "Entertaining Cheese" category, as per its website (April 2019) see Schedule 2; and
  - 36.3. the products falling within Coles' "Cheeses for Entertaining" category, as per its website (April 2019) see Schedule 4.
- 37. As is evident from the vast array of brands on offer, the Notified Products are just a few of an extremely diverse and competitive market. Offerings range from independent brands (such as the very small Ashgrove Cheese in Tasmania) to large brands backed by multinational corporations (for example, King Island Dairy now owned by Lion). In addition, imports play an extremely important role in the market for Speciality Cheeses, with many of the market leaders (e.g. Jarlsberg, Fromage d'Affinois and Stilton) originating from overseas. Many such cheeses have also been granted Protected Geographical Status, meaning that cheese bearing a protected name (e.g. Roquefort, Gorgonzola and Gouda) must be produced in its originating location.
- 38. In short, it is an extremely fragmented market, characterised by some large multinationals, big name imports and a vast array of small, independent offerings such as Meredith Dairy.
- 39. Basic reconnaissance of any specialist cheese selection whether at a major super market chain, in a deli or in a specialist cheese shop—demonstrates that Meredith Dairy accounts for only a small component of a very broad range. This means that unless it offers a vibrant and competitive product Meredith Dairy is extremely replaceable by its customers (whether wholesale or retail).

### **Customers**

40.	Meredith Dairy distributes its products in three basic ways:	
	40.1. directly to its largest customers (including Coles and Woolworths).	For FV10
		FOL F119
	(YTD), Coles accounts for fall sales and Woolworths	

- 40.2. directly to export customers. For FY19 (YTD), this accounts for around of sales; and
- 40.3. via around domestic distributors. This accounts for around of all FY19 (YTD) sales. Such distributors in turn supply to food services businesses (such as restaurants) and small retailers (such as delis). Meredith Dairy estimates its products are sold in around small retailers.

(The above figures for FY19 are generally representative of recent years.)

- 41. Direct customers both major supermarket chains and export customers have enormous bargaining power and, in many cases, countervailing power. Meredith Dairy is just one of dozens, if not hundreds of potential suppliers. A direct customer has the capacity to drop Meredith Dairy with limited push-back from customers at any time and for any reason.
- 42. In the case of distributors and independent retailers, Meredith Dairy is not quite as vulnerable, but it is still readily replaceable. Such distributors and retailers are an extremely important proving ground for Meredith Dairy in essence, this is the channel by which Meredith Dairy has developed and tested its product range (and continues to do so) and created its brand. Accordingly, while Meredith Dairy benefits from a degree of brand recognition and customer loyalty, the independent sector is again able to choose from many alternative supply sources should the need or desire arise.

# Rationale for the notified conduct

- 43. Meredith Dairy seeks to engage in the notified conduct for two basic reasons:
  - 43.1. to manage increasing incidents of loss leading conduct; and
  - 43.2. to ensure its reputation as a price point does not mean Meredith Dairy is forced to underwrite extremely vigorous competition *against itself*.
- 44. Both these concerns are described in more detail below.

# Incidents of loss-leading

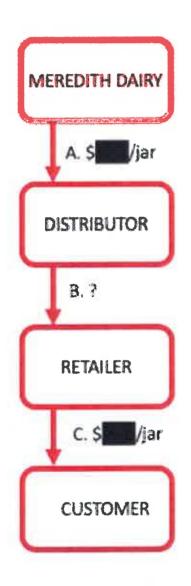
45. On several occasions over recent years, Meredith Dairy has become aware of deep discounting by isolated retailers (typically, independent delis). Such discounting appears to fall within the scope of "loss leading" as defined by the law, but upon closer inspection Meredith Dairy has found it difficult to enforce its rights.

<sup>&</sup>lt;sup>4</sup> For present purposes, sales to Costco – which constitute around of Meredith Dairy sales – are included in this number.

- 46. Where discounting is so extensive and prominent, Meredith Dairy finds that it creates difficulties with other customers. Such customers assume that the retailer (or distributor) in question is being supplied at a significantly lower price, and they in turn demand a discount. Others assume that Meredith Dairy is not acting in good faith (due to this presumed price differential), and the commercial relationship is harmed as a consequence. This has prompted numerous complaints to Meredith Dairy.
- 47. Meredith Dairy is aware that, under section 98(2) of the Competition and Consumer Act 2010 (the CCA), conduct that might otherwise be considered to amount to resale price maintenance may be permitted where the supplier (e.g. Meredith Dairy) can establish loss leading.
- 48. When Meredith Dairy has investigated complaints about loss leading, however, it finds:
  48.1. it knows only the price at which the product is sold by Meredith Dairy to the distributor and the final retail price as such, it cannot identify whether the distributor or the retailer (or both or neither) is selling at a price that is "less than their cost": and
  - 48.2. it knows little or nothing about any other costs which should be taken into account when determining whether the price is "less than [the distributor's/retailer's] cost".
- 49. Neither of these issues can be resolved without cooperation from one or both of the distributor and retailer, which cooperation can hardly be expected if the conduct does indeed fall within the scope of section 98(2) of the CCA.
- 50. Further, if Meredith Dairy is able to establish loss leading on the part of the retailer (with whom it has no direct relationship), it is then powerless to act. While section 98(2) ostensibly permits Meredith Dairy to "withhold supply", there is no practical means by which it can do so. For example, it seems unreasonable and unfair to withhold all supply from the relevant distributor (who has not been engaging in loss leading behaviour); on the other hand, if section 98(2) is read as allowing partial withholding, how is Meredith Dairy to ascertain how much supply to keep back to ensure that the offending retailer is not supplied? Finally, Meredith Dairy should expect that a prudent distributor would need to satisfy itself that the retailer's conduct does amount to loss leading before withholding supply, otherwise the distributor itself may be contravening the law. This leads to additional complexity and delay in "enforcing" any policy against loss leading.

51.	As a recent example, an independent deli in the second second prominently and
	over a sustained period advertised Meredith Dairy 320g jars of marinated goats cheese
	for a (at the time of writing, Meredith Dairy understands that this pricing strategy is ongoing). As demonstrated by the photographs contained in Schedule 6, the
	advertising of this price is extremely conspicuous

Accordingly, the advertised price is substantially below the margin that would be expected for a retailer, assuming that the distributor has itself applied a margin within the standard range. But, absent cooperation from one or both of the distributor and retailer, it is next to impossible for Meredith Dairy to ascertain the price at which the distributor supplies even armed with such knowledge, Meredith Dairy is unlikely to be able to assess whether that price is less than the distributor's cost and – if it is not – Meredith Dairy cannot assess whether the final retail price is less than the retailer's costs in acquiring and then selling the product. This dilemma is outlined in the following diagram.



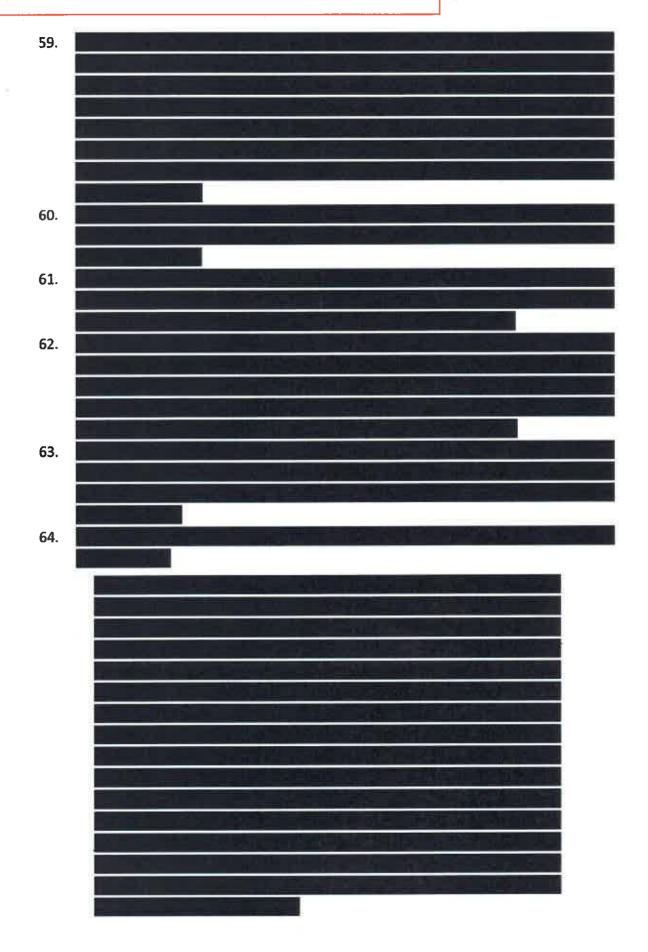
# Is the conduct loss leading?

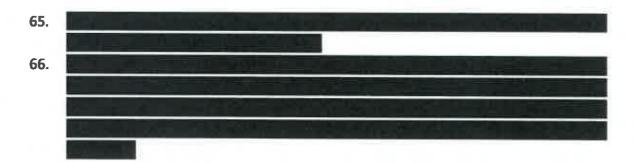
### issues:

- 1. MD doesn't know B
- 2. MD doesn't know Distributor's costs
- 3. MD doesn't know Retailer's costs
- 4. Possible that both Distributor and Retailer are selling at or just over cost, such that conduct is not actually loss leading
- 5. How can MD possibly find out the answer to any of the above?
- 6. If MD can ascertain that Retailer is loss leading, how can it ensure Distributor does not continue to supply Retailer?

53. Accordingly, upon closer analysis, Meredith Dairy formed the view that posing invasive questions to its distributor about this conduct would almost certainly cause harm to their commercial relationship while resulting in little or no prospect of a "solution". As regards the retailer - with whom Meredith Dairy has no relationship at all - there seemed very little prospect of Meredith Dairy's questions prompting a useful response. This view, however, was reached only after considerable time, money and effort was spent investigating the pricing conduct. 54. While pricing conduct has generated more complaints to Meredith Dairy than other similar incidents, it is by no means an isolated example. Meredith Dairy is aware of numerous cases in which its products are priced at a level which renders cost recovery unlikely. case highlights the difficulty of pursuing individual incidents of loss 55. The leading conduct. It must also be remembered, however, that there are substantial transaction costs involved - Meredith Dairy estimates that its products are carried by around independent retailers. It is simply not possible to effectively monitor and review all instances of deep discounting on a case-by-case basis. 56. In some respects, the issues raised by examples such as are similar to those discussed in the Coty decision.<sup>5</sup> While the issue at stake in that case differed, key aspects of the final decision turned on Coty's inability (absent the conduct in question) to control the sale of its products when third-parties – that is, parties with whom it had no contractual relationship – were involved. Meredith Dairy as a price point in an oligopolistic market As the example with demonstrates, Meredith Dairy products - specifically, 320g jars of marinated goats cheese - are to some extent used as a price point. Meredith Dairy's internal market research indicates that customers are unusually wellinformed about the price of 320g jars and use their price as a means of judging a store's overall competitiveness. **58**. Indeed, it is clear that Meredith Dairy's major customers are acutely aware of the pricing strategies of other market participants in relation to the Notified Products.

<sup>&</sup>lt;sup>5</sup> Coty Germany GmbH, 6 December 2017, C-230/16. See for example the explanatory article by Dentons, "The Coty Case — The CJEU rules in favour of selective distribution networks against third-party online platforms" (7 December 2017); available at: <a href="https://www.dentons.com/en/insights/alerts/2017/december/7/the-coty-case">https://www.dentons.com/en/insights/alerts/2017/december/7/the-coty-case</a> (accessed 16 April 2019).





# **Public benefit**

# **Efficiency benefits**

- 67. As is clear from the discussion above at paragraphs 45-56, pricing behaviour that may amount to loss leading conduct is extremely time consuming and costly to investigate and such investigations are generally likely to be unproductive. Such conduct is idiosyncratic, meaning Meredith Dairy is required to analyse allegations on a case-bycase basis. Even where an individual case looks likely to support a loss leading claim, Meredith Dairy has yet to find itself in a sufficiently defensible position to "withhold" supply in a manner ostensibly permitted by section 98(2) of the CCA.
- 68. Nonetheless, the damage that deep discounting can do to the relationships between Meredith Dairy and its other customers is very real.
- 69. Accordingly, Meredith Dairy must choose between expending considerable resources on what may be a wild goose chase, or annoying loyal customers with its apparent disregard. Neither option is palatable.
- 70. Accordingly, the notified conduct would reduce transaction costs and give rise to efficiency benefits, by removing the need to engage in fruitless investigations to discern the truth underlying specific instances of deep discounting.

# Ongoing investment and innovation, ensuring the continued growth of a vigorous and effective competitor

- 71. Should significant discounts become the norm in relation to the Notified Products, there is no doubt that Meredith Dairy's own margins and profitability will be impacted.
- 72. Meredith Dairy prides itself on its innovation. It consistently seeks ways to improve the efficiency and sustainability of its operations, in pursuit of which it funds a formal research and development programme (pursuant to which it collaborates with both Deakin University and the University of Melbourne). Over recent years, Meredith Dairy has become increasingly self-sufficient in relation to its energy needs, installing significant amounts of solar panels, and planting its own carbon-offset forests. It has also taken steps recently to significantly reduce its reliance on gas, turning instead to its own systems for heating water across its operations.

- 73. Its vertically integrated supply chain means that it owns many of the herds from which its products are made; grows the crops to feed those herds (and to provide their bedding); and rears the billy goats (i.e. male goats which do not produce milk).
- 74. Meredith Dairy also prides itself on its commitment and contribution to its local community, employing around 100 staff (FTE) from the Meredith district and engaging local businesses wherever possible.
- Meredith Dairy's genuine commitment to sustainability has resulted in it being awarded **75**. "Landcare Farm of the Year" (Victoria, 2009). In addition, it has just been announced as the winner of the President's Medal (having previously been a finalist in 2014). The President's Medal is a prestigious award issued by the Royal Agricultural Society of NSW in recognition of "a product's overall financial, social and environmental integrity through the entire production cycle from gate to plate", celebrating "truly inspirational, agricultural food and beverage achievers" (see https://www.rasnsw.com.au/sydney-royal-competitions/competitions/presidentsmedal/ https://www.rasnsw.com.au/sydney-royaland competitions/competitions/presidents-medal/finalists/).
- 76. Meredith Dairy also prides itself on its use of fresh, local ingredients and the development of innovative products (see for example its relatively recent move into cultured goats milk).
- 77. Meredith Dairy's genuine commitment to innovation, sustainability and its local community requires sufficient margin to ensure ongoing re-investment into the business. If Meredith Dairy is constantly caught up in bidding the price of its own products down, that will have inevitable consequences for its capacity to invest in a sustainable growing business. According, the notified conduct will provide Meredith Dairy with the opportunity to ensure it is able to continue to develop its business in myriad innovative and dynamic ways.
- 78. In the same manner that resale price maintenance may be permitted to prevent/minimise free-riding in order to ensure retailers are prepared to invest in preand post-sales services, the notified conduct will enable Meredith Dairy to continue to invest in developing its product range and preserve its unique business model. Absent the notified conduct, Meredith Dairy may be in a position where it does "not gain sufficient returns on product sales" to continue to engage in innovative and vigorous competition. In this respect, the notified conduct will make a clear contribution to preserving and enhancing interbrand competition.

<sup>&</sup>lt;sup>6</sup> ACCC, Statement of Reasons in respect of a notification lodged by Tooltechnic Systems (Australia) Pty Ltd (25 July 2018).

<sup>&</sup>lt;sup>7</sup> ACCC, Statement of Reasons in respect of a notification lodged by Tooltechnic Systems (Australia) Pty Ltd (25 July 2018), paragraphs 32 and 42.

# Public detriment including any competition effects

- 79. Given the extent of existing competition in the market in which the Notified Products are sold, it is submitted that the proposed conduct will not in any way adversely affect competition in the market or otherwise give rise to public detriment. There is no prospect that Meredith Dairy could set prices for the Notified Products above a competitive level without suffering immediate and significant harm to sales (as well as its relationships with retail customers).<sup>8</sup> This point is underlined by the long-standing stability in the pricing of the Notified Products Meredith Dairy has not moved its prices in 10 years, despite a steady increase in costs over that time.
- 80. While the notified conduct may be seen to facilitate commonality of pricing amongst retailers, in reality that possibility already exists by reason of the current market structure. As in any oligopolistic market, key competitors in the retail grocery sector already have all the tools necessary to monitor price movements and to co-ordinate pricing where they wish to.
- 81. As such, the only real detriment resulting from the proposed conduct is that some endusers may no longer be able to access the very deep discounting that has been available on an idiosyncratic and unpredictable basis. For some consumers, this may mean that on occasion they are asked to pay higher prices than may currently be the case. Such customers, of course, are readily able to switch to any number of alternative products that would be suitable for their needs.
- 82. Ultimately, when engaging in the proposed conduct, Meredith Dairy will be subject to the constraints imposed by an extremely competitive market and a powerful customer base. It has no prospect of setting retail prices above competitive levels without suffering an unprofitable reduction in sales volume.
- 83. On no analysis could Meredith Dairy be said to enjoy market power. Accordingly, any purported public detriments associated with the notified conduct are merely theoretical.

# Contact details of relevant market participants

84. Please see Schedule 7.

<sup>&</sup>lt;sup>8</sup> See further ACCC, Statement of Reasons in respect of a notification lodged by Tooltechnic Systems (Australia) Pty Ltd (25 July 2018), paragraph 37.

# **Any other information**

- 85. Meredith Dairy is not aware of any party who currently engages in resale price maintenance in the Speciality Cheese market (or any related market).<sup>9</sup>
- 86. Meredith Dairy is not aware of any other information relevant to the ACCC's assessment of this notification.

<sup>&</sup>lt;sup>9</sup> ACCC, Statement of Reasons in respect of a notification lodged by Tooltechnic Systems (Australia) Pty Ltd (25 July 2018), paragraph 39.

# SCHEDULE 1

# Other brands of specialist cheese

The following brands of specialty cheese are currently being sold alongside Meredith Dairy cheese products. These brands have been sourced from:

- the selection on display in the speciality cheese section at Woolworths (Church St, Brighton VIC) and otherwise made available for sale via its "Entertaining Cheese" section available from <a href="https://www.woolworths.com.au">www.woolworths.com.au</a> (for completeness, screenshots of these pages are set out at Schedule 2);
- the selection on display in the speciality cheese section at Coles (Bay St, Brighton VIC)
  and otherwise made available for sale via its "Cheese Board Selections" at
   <u>www.shop.coles.com.au</u> for completeness, screenshots of these pages are set out at
   Schedule 4);
- the selection on display at David Jones Foodcourt (Melbourne CBD);
- the online range offered by Harper & Blohm, a speciality cheese shop in Melbourne, which has a broad range of products available for online purchasing (see <a href="https://www.harperandblohm.com">www.harperandblohm.com</a> – accessed 9 April 2019),; and
- the online range offered by Australia On A Plate, a Sydney-based "wholesale supplier
  of speciality cheese and chef's essentials" (see <a href="www.aoap.com.au">www.aoap.com.au</a> accessed 9 April
  2019).

Please note: private label cheeses have been excluded from the table below. Likewise, the table does not include unpackaged cheese where the origin is unclear (as may be sold, for example, via the deli section of a supermarket).

Brand	Brand owner / importer (where known)	Website
Adelaide Hills		
Alambra	Petrou Bros Dairy	www.petroubros.com.cy
Aphrodite		www.willstudd.com
Applewood		
Ashgrove	Independent (based in Tas)	www.ashgrovecheese.com.au

Brand	Brand owner / importer (where known)	Website
Auricchio		www.auricchio.it
Barbers 1833		www.barbers.co.uk
Bay of Fires	Independent (based in Tas)	www.bayoffirescheese.com.au
Bergader		www.bergader.com
Berry's Creek	Independent (based in Vic)	http://www.berryscreekcheese.com
Binnorie	Independent (based in NSW)	https://www.binnorie.com.au
Boursin	Fromageries Bel	www.boursin.com
Cabot Cloth Bound	Cabot Creamery (US cooperative)	www.jasperhillfarm.com/clothbound
Cashel Blue		http://www.cashelblue.com
Castello	Arla Foods	www.castellocheese.com
Clawson		www.clawson.co.uk
Colston Bassett		https://www.colstonbassettdairy.co.uk
Comte	Marcel Petite	http://www.comte-petite.com
Cracker Barrel	Saputo	www.crackerbarrelcheese.com
Cropwell Bishop		www.cropwellbishopstilton.co.uk
Delicapra		
Dodoni	Elco Food Company	www.dodonifeta.com.au
Edwards Crossing	Independent (based in SA)	www.bestonmarketplace.com.au/edwards-crossing- cheese-company/
FirstKonig	KaseSwiss	http://www.kaseswiss.com/store/p19/firstkonig.html
Frico	Friesland Campina	www.frico.com
Fromage	Fromagerie Guilloteau	www.pavedaffinois.com

Brand	Brand owner / importer (where known)	Website
d'Affinois		
Fromager des Clarines		
Fromagerie Berthaut		
Fromagerier Rouzaire		www.fromagerierouzaire.com
Galbani	Lactalis	www.galbani.cheese.com
Geoff Jansz		
(Fromagerie) Germain		
Grandma Singletons		www.grandma-singletons.co.uk
Hafod		http://www.hafodcheese.co.uk
Herve Mons		http://www.mons-fromages.com
Holy Goat	Independent (based in Vic)	www.holygoatcheese.com
Igor		www.igorgorgonzola.com
Il Forteto	Italian cooperative	www.forteto.net
Ile de France		www.iledefrancecheese.com
Jarlsberg	TINE Dairy Cooperative (Norway)	www.jarlsberg.com
Jindi	Lactalis	www.jindi.com.au
Kebia	Kebia Importex	www.kebia.com.au
King Island	Lion	www.kingislanddairy.com.au
Kroon		www.krooncheese.com
L'Amuse		
L'Artisan		http://www.lartisancheese.com.au
La Casa Del Formaggio	Independent (based in SA)	www.lacasa.com.au

Brand	Brand owner / importer (where known)	Website
Le Dauphin		www.willstudd.com
Le Secret des Lys		
Le Superbe	Lustenberger & Durst	www.le-superbe.com
Lemnos	Lactalis	www.lemnosfoods.com
Mainland	Fonterra	www.mainland.com.au
Mamma Lucia	Fresh Cheese Company	www.freshcheese.com.au
Marsh's	Independent (based in Vic)	www.marshs.com.au
Mauri Formaggi		http://www.mauri.it/?lang=en
Mersey Valley	Lion	www.merseyvalley.com.au
Mil Lel	Saputo	www.wcbf.com.au
Milawa	Independent (based in Vic)	www.milawacheese.com.au
Mon Ami	Uhrenholt	www.uhrenholt.com
Mon Pere		
Montefiore	Independent (based in Vic)	www.montefiore.com.au
Monte Enebro		
Moondarra	Independent (based in Vic)	www.moondarracheese.com.au
Neal's Yard Dairy		https://www.nealsyarddairy.co.uk
Nisi		
Odysseus		
Paesenella	Independent (based in NSW)	www.paesanella.com.au

Brand	Brand owner / importer (where known)	Website
Parmigiano Reggiano	Latteria Sociale Delle Ghiaie	www.parmigianoreggiano.com
Petit Camembert au Calvados		
Port Salut	Fromageries Bel	www.portsalut.co.uk
President	Lactalis	www.presidentcheese.com
Prom Country	[Independent (based in Vic)	https://www.promcountrycheese.com.au
Pyengana	TasFoods	https://pyenganadairy.com.au
Riverina	Independent (based in NSW)	www.riverinadairy.com
Rond La Tradition		
Schultz	Independent (based in Vic)	https://schulzorganicdairy.com.au
Shaw River	Independent (based in Vic)	www.shawriverbuffalo.com
Snowdonia		www.snowdoniacheese.co.uk
Societe Roquefort	Lactalis	www.societeroquefort.com
Somerdale		<u>www.somerdale.com</u>
South Cape	Lion	www.southcape.com.au
St Agur		
Tarago River	Independent (based in Vic)	www.taragocheese.com
Tasmanian Heritage	Lion	www.tasmanianheritage.com.au
Tatura	Bega	https://www.tatura.com.au
Tete de Moine	KaseSwiss	

Brand	Brand owner / importer (where known)	Website
That's Amore Cheese	Independent (based in Vic)	www.thatsamorecheese.com.au
The Pure Produce Company	Quality Food World	www.qualityfoodworld.com.au
Three Cows	Arla Foods	
Truckle Brothers		www.trucklecheese.co.uk
Udder Delights	Independent (based in SA)	www.udderdelights.com.au
Unicorn	Snow Brand	www.unicorncheese.com.au
Will Stud (various AOC cheeses)		www.willstudd.com
Woodside	Independent (based in SA)	http://woodsidecheese.com.au
Yarra Valley	Independent (based in Vic)	www.yvd.com.au
Zanetti	Conga Foods	www.congafoods.com.au

# SCHEDULE 2

# **Speciality cheese: Woolworths selection**

The following screenshots were taken from <a href="https://www.woolworths.com.au/shop/browse/dairy-eggs-fridge/cheese/entertaining-cheese">https://www.woolworths.com.au/shop/browse/dairy-eggs-fridge/cheese/entertaining-cheese</a> on 8 April 2019

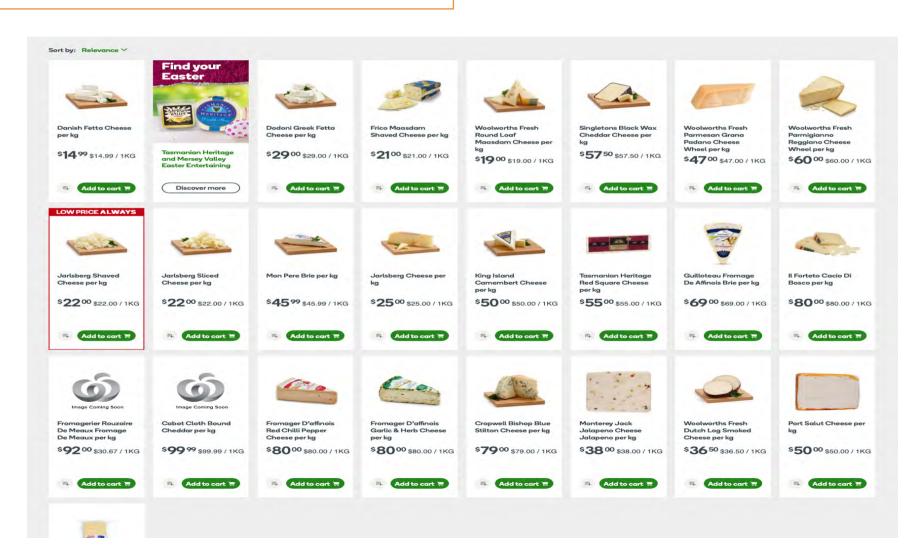
This site can also be reached by the following path:

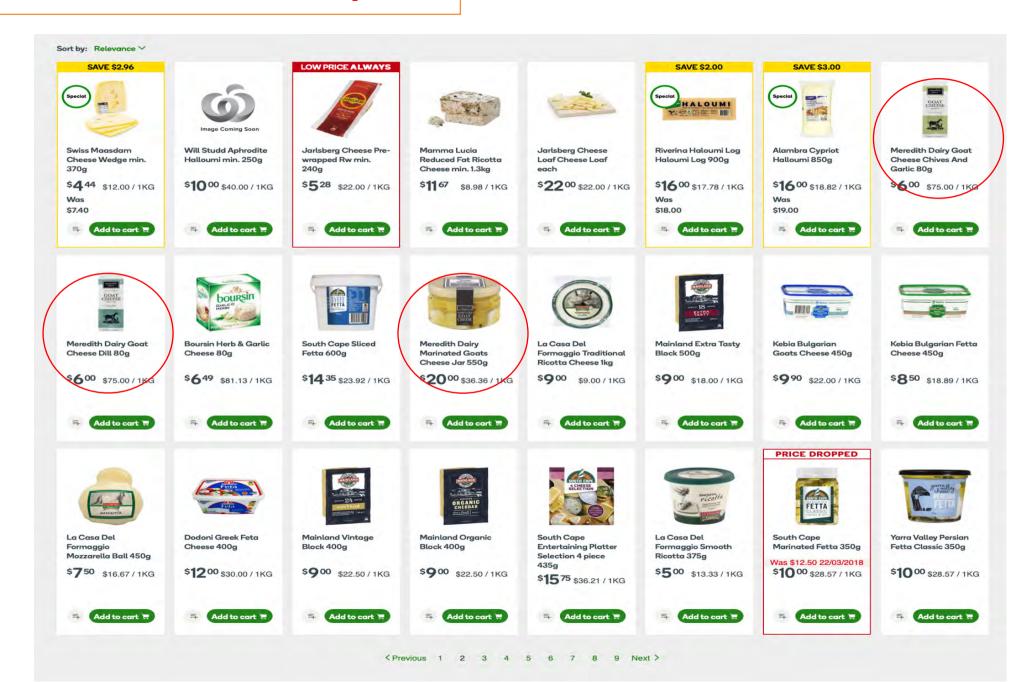
### www.woolworths.com.au

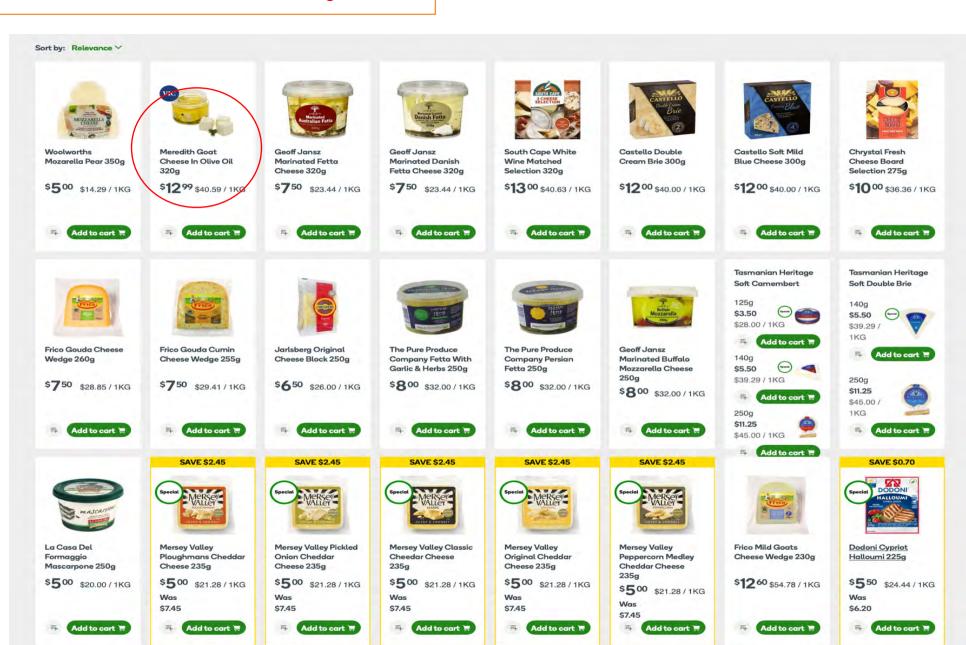
- >> Select "Dairy, Eggs & Fridge"
- >> Select "Cheese"
- >> Select "Entertaining Cheese"

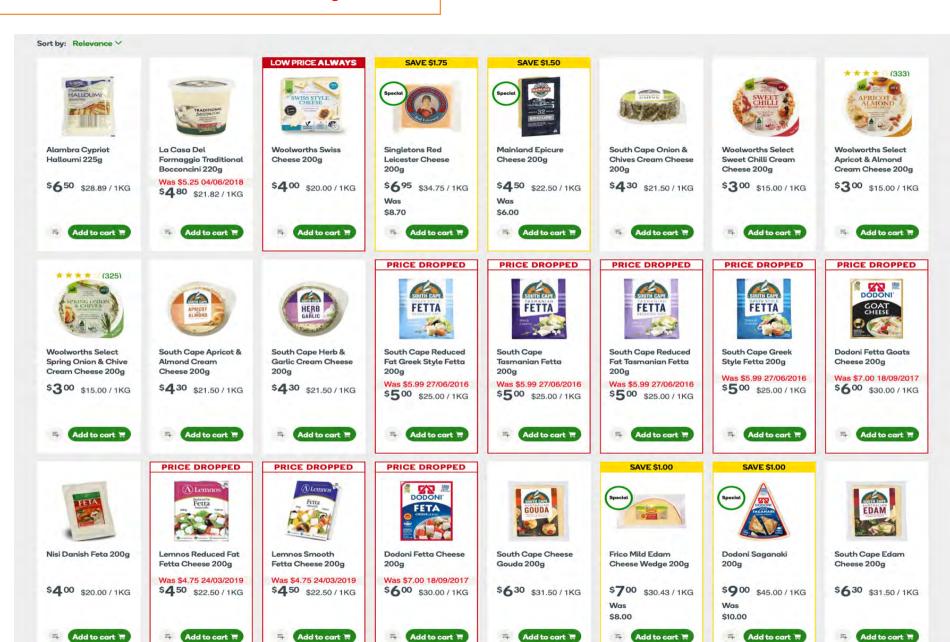
Original screenshots, including metadata, provided on request. Note: search results may differ by location.

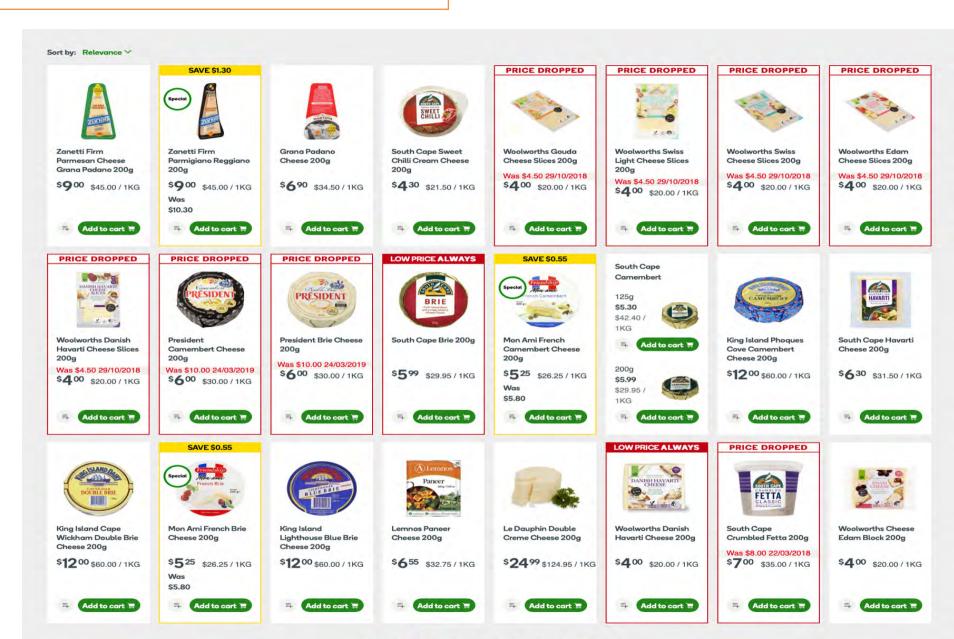
Note: the Meredith Dairy products sold by Woolworths are set out in Schedule 3.

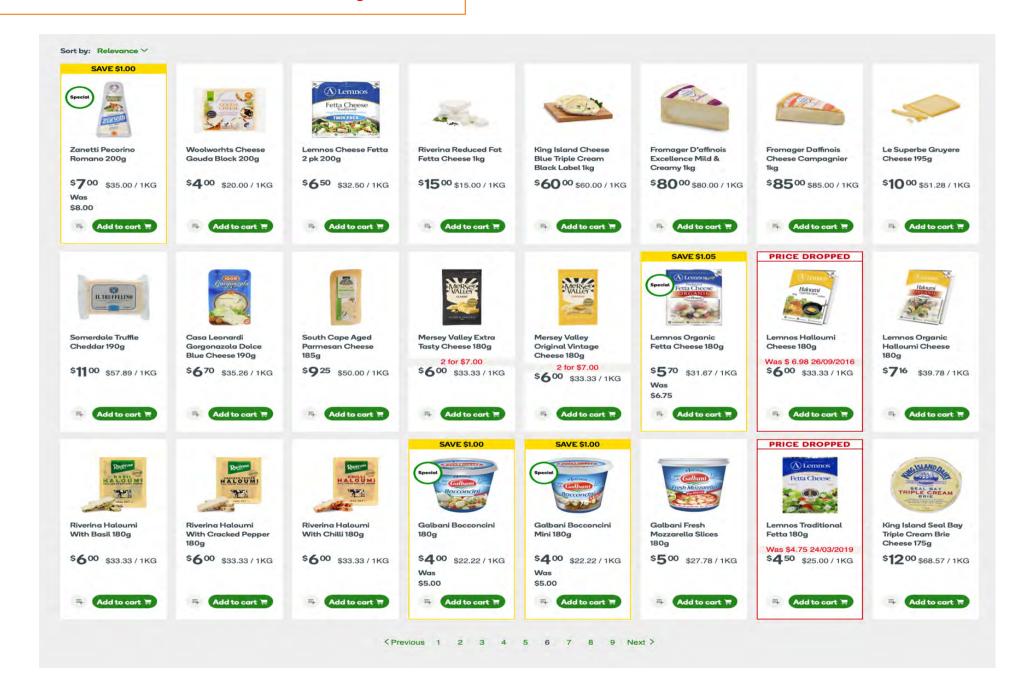


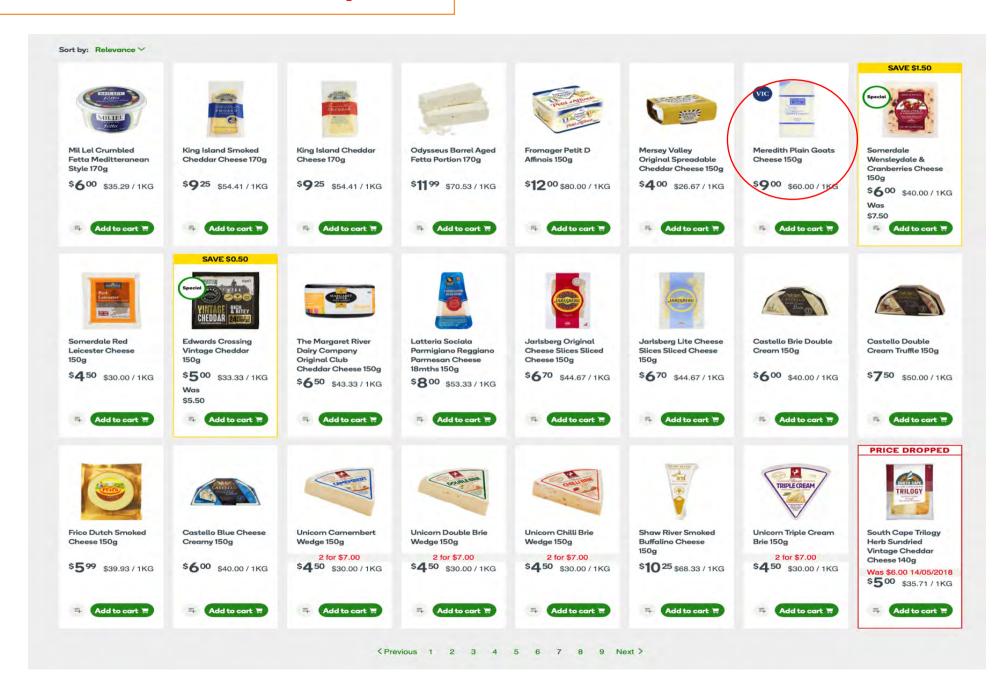




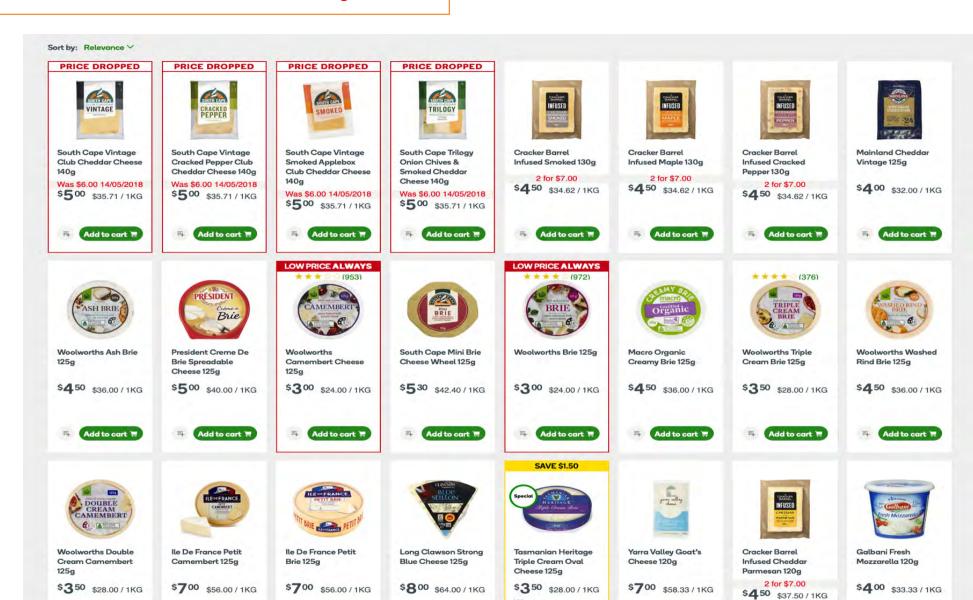








Add to cart



Add to cart

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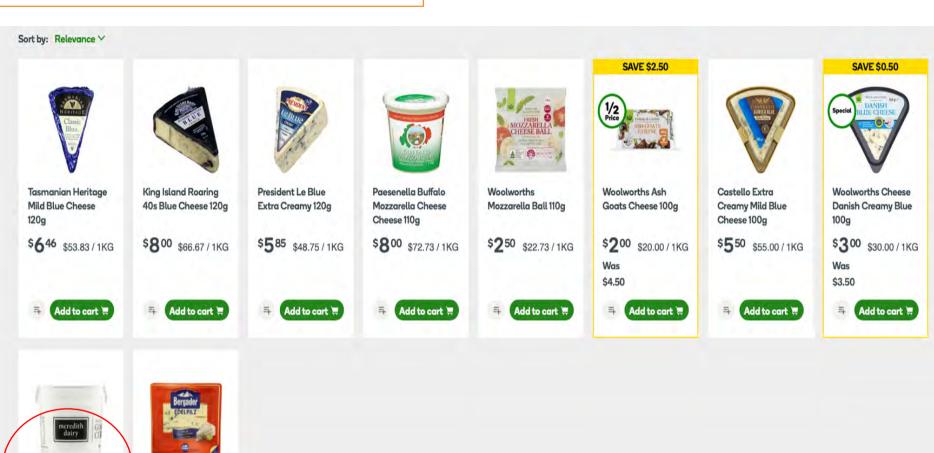
Was \$5.00

Add to cart

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Add to cart



# SCHEDULE 3

# Woolworths search results for "Meredith Dairy"

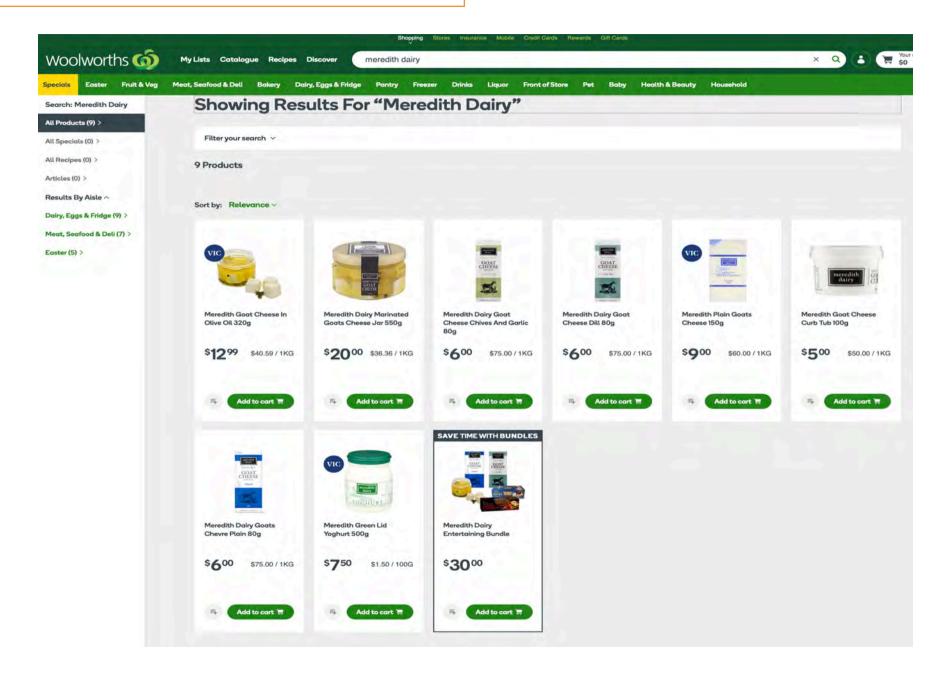
The following screenshot was taken from <a href="https://www.woolworths.com.au/shop/search/products?searchTerm=Meredith%20dairy">https://www.woolworths.com.au/shop/search/products?searchTerm=Meredith%20dairy</a> on 8 April 2019

This site can also be reached by the following path:

https://www.woolworths.com.au

- >> Select "Shop Online"
- >> Enter search term "Meredith Dairy"

Original screenshot, including metadata, provided on request. Note: search results may differ by location.



# SCHEDULE 4

# **Speciality cheese: Coles selection**

The following screenshots were taken from <a href="https://shop.coles.com.au/a/a-vic-metro-oakleigh/everything/browse/entertaining-at-home/cheese-board-selections/cheese-for-entertaining?pageNumber=1">https://shop.coles.com.au/a/a-vic-metro-oakleigh/everything/browse/entertaining-at-home/cheese-board-selections/cheese-for-entertaining?pageNumber=1">https://shop.coles.com.au/a/a-vic-metro-oakleigh/everything/browse/entertaining-at-home/cheese-board-selections/cheese-for-entertaining?pageNumber=1">https://shop.coles.com.au/a/a-vic-metro-oakleigh/everything/browse/entertaining-at-home/cheese-board-selections/cheese-for-entertaining?pageNumber=1">https://shop.coles.com.au/a/a-vic-metro-oakleigh/everything/browse/entertaining-at-home/cheese-board-selections/cheese-for-entertaining-at-home/cheese-board-selections/cheese-for-entertaining-at-home/cheese-board-selections/cheese-for-entertaining-at-home/cheese-board-selections/cheese-for-entertaining-at-home/cheese-board-selections/cheese-for-entertaining-at-home/cheese-board-selections/cheese-for-entertaining-at-home/cheese-board-selections/cheese-for-entertaining-at-home/cheese-for-entertai

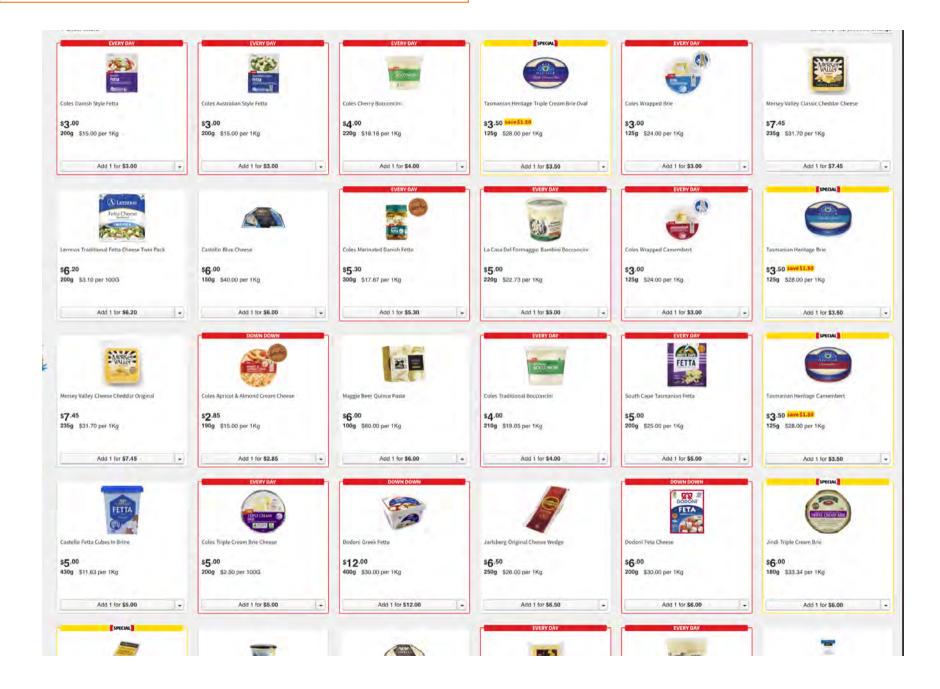
This site can also be reached by the following path:

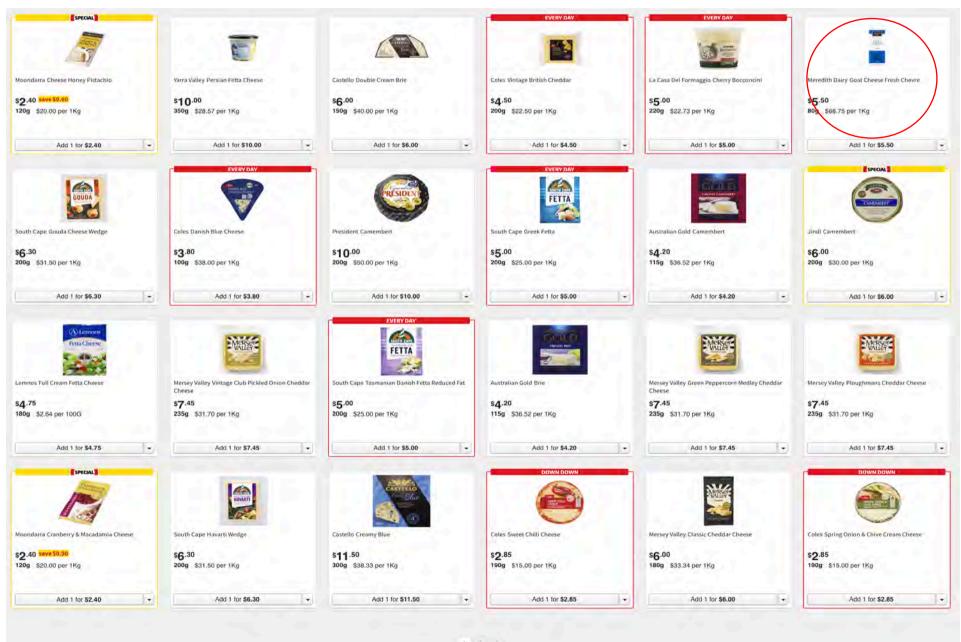
### www.coles.com.au

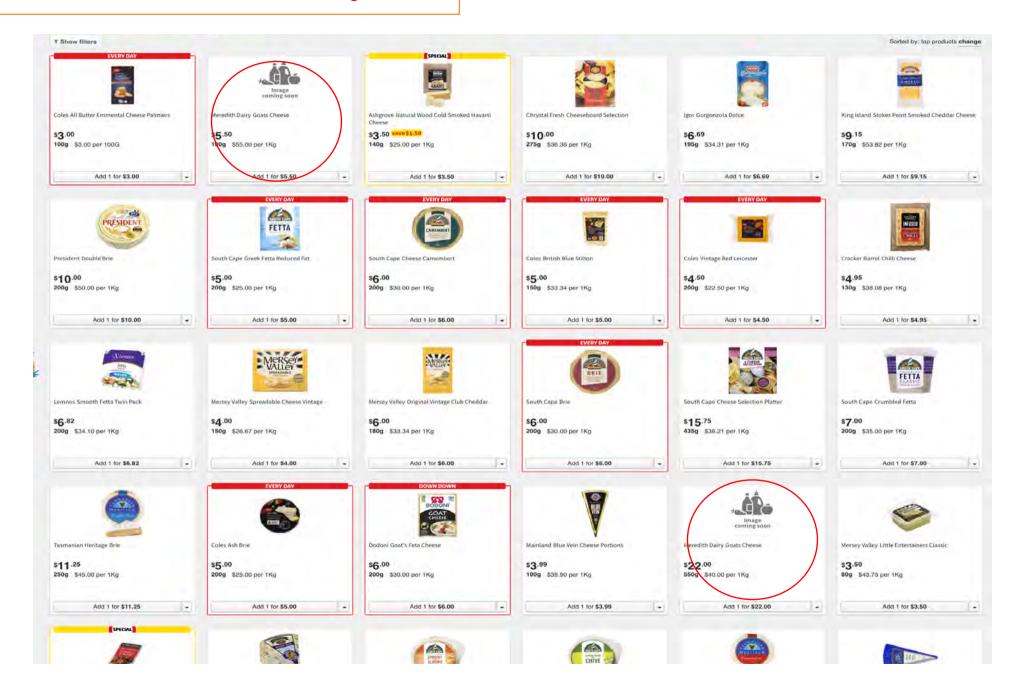
- >> Select "Shop Online"
- >> Select "Entertaining at Home"
- >> Select "Cheese Board Selections"
- >> Select "Cheeses for Entertaining"

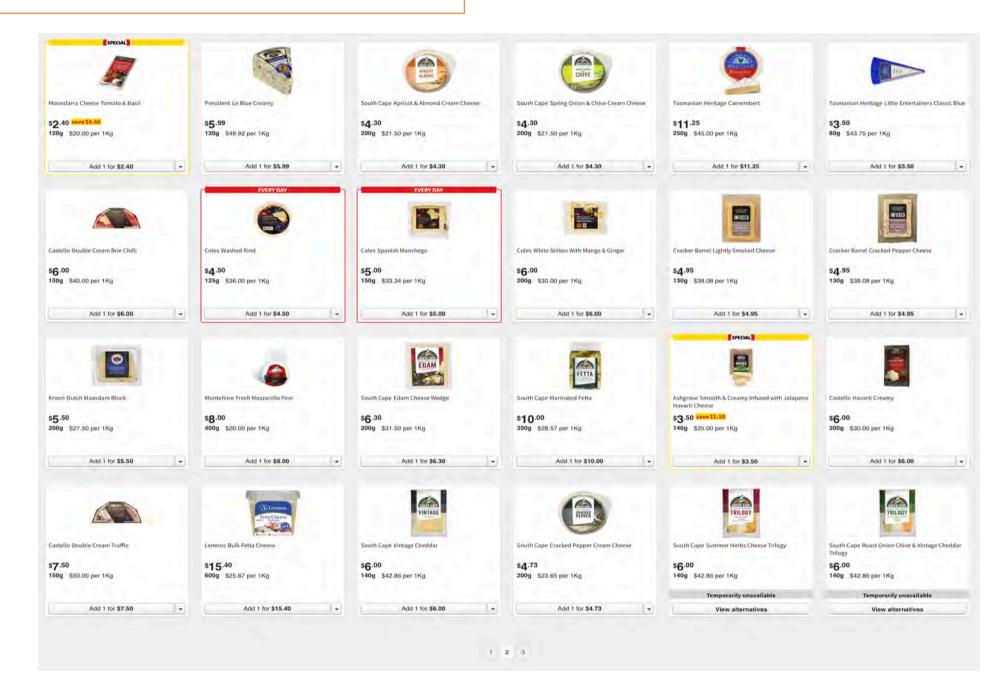
Note: the results are clearly incomplete as they relate to close competitors. For example, several Meredith Dairy cheese products themselves are not returned – see Schedule 5.

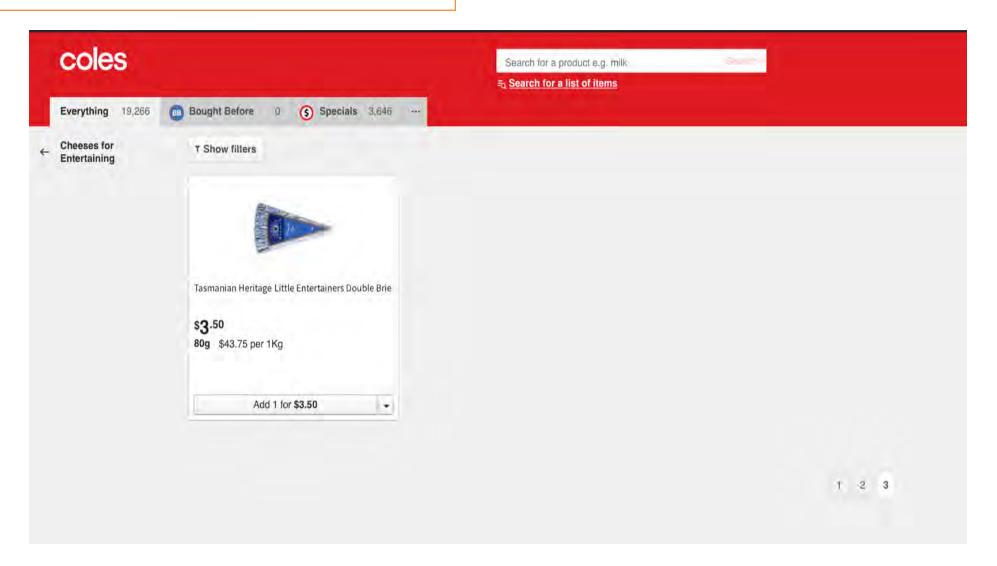
Original screenshots, including metadata, provided on request. Note: search results may differ by location.











# SCHEDULE 5

# Coles search results for "Meredith Dairy"

The following screenshot was taken from <a href="https://shop.coles.com.au/a/a-vic-metro-oakleigh/everything/search/meredith%20dairy?pageNumber=1">https://shop.coles.com.au/a/a-vic-metro-oakleigh/everything/search/meredith%20dairy?pageNumber=1</a> on 8 April 2019

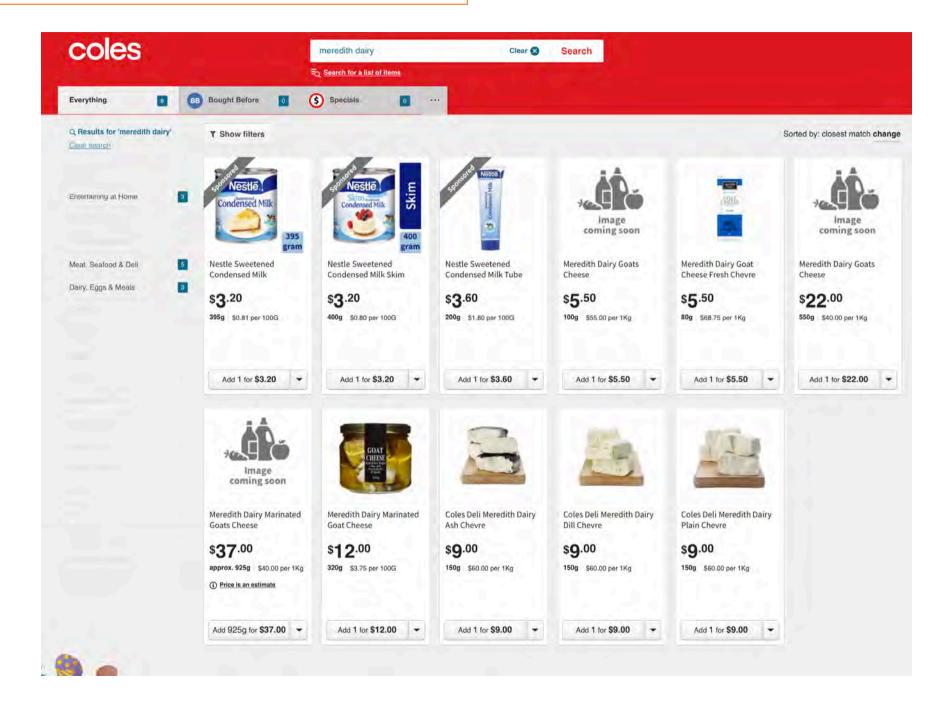
This site can also be reached by the following path:

www.coles.com.au

>> Enter search term "Meredith Dairy"

Note: the first 3 results to be returned are sponsored, and do not relate to Meredith Dairy.

Original screenshot, including metadata, provided on request. Note: search results may differ by location.



# SCHEDULE 6

# **Confidential**

Confidential

# SCHEDULE 7

# **Contact details of relevant market participants**

Confidential