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# GENERAL NOTICES

## NOTICE 655 OF 2014

**COMPETITION COMMISSION**

**NOTIFICATION TO APPROVE WITH CONDITIONS THE TRANSACTION INVOLVING:**

**ELI LILLY NEDERLAND B.V**

**AND**

**LOHMANN SE**

**CASE NUMBER: 2014MAR0103**

The Competition Commission hereby gives notice, in terms of Rule 38 (3)(c) of the 'Rules for the Conduct of Proceedings in the Competition Commission, that it has approved the transaction involving the above mentioned firms subject to conditions as set out below:

On 19 March 2014, the Competition Commission ("the Commission") received notice of an intermediate merger whereby the primary acquiring firm, Eli Lilly and Company ("Eli Lilly"), intends to acquire Lohmann SE ("Lohmann") through its subsidiary, Eli Lilly Nederland B.V. ("Eli Lilly Nederland"). Following implementation of the proposed transaction, Eli Lilly will exercise sole control over Lohmann.

Eli Lilly is an international company headquartered in the United States of America. It is a research based global company active in the discovery, development, manufacture and distribution of healthcare products for human humans and animals. In South Africa, Eli Lilly operates through its own affiliate entity, Eli Lilly SA. It supplies both human and animal health products in South Africa. Within the animal health market, Eli Lilly imports and distributes its own branded animal health products (vaccines, pharmaceuticals and feed additives) which are manufactured outside South Africa for food animals (livestock) and companion animals (pets) through its division, Elanco. Lohmann imports and distributes animal health products (vaccines, pharmaceuticals and feed additives) with a primary focus on the poultry sector. Locally, Lohmann operates through its subsidiary IVS. IVS is a distributor for Lohmann's poultry vaccines in South Africa and the sale of these vaccines constitute the bulk of its business in terms of sales. Lohmann also distributes animal health products on behalf of other third parties in South Africa.

The Commission found that there is horizontal overlap in the activities of the merging parties as both Eli Lilly and Lohmann distribute animal health products in the country. The Commission's assessment of the relevant markets found there are distinct national product markets, namely, (i) the market for the distribution of animal vaccines, (ii) the market for the distribution of pharmaceuticals and (iii) the market for the distribution of feed additives.

The Commission found that the proposed transaction is unlikely to substantially prevent or lessen competition in all implicated markets, as customers have countervailing power. Furthermore, there are alternative players in the markets that can constrain the merged entity post-merger.

The proposed transaction, however, raises public interest concerns in relation to job losses. In a worst case scenario, approximately 12 employees employed by Lohmann are likely to lose their jobs.

The parties submit the potential redundancies will most likely be identified in the back office areas such as finance, accounting, purchasing and administration. However, the acquiring firm has not conducted a thorough due diligence of the target firm's business activities in South Africa, as this is not the main strategic focus of the transaction, and will only be able to do a thorough assessment post-merger when the businesses are integrated.

The Commission is of the view that the proposed merger would result in substantial job losses. To address these employment concerns, the Commission engaged with the parties and proposed a condition to cap the number of employees to be retrenched. The merging parties have agreed to a condition but proposed that the condition be imposed for a period of 1 year period. The Commission is however of the view that a condition should be imposed requiring merging parties not to retrench a maximum of 12 employees for a period of 2 (two) years.

Further, the proposed transaction does not raise any other public interest concerns.

The Commission therefore approved the merger with Conditions in terms of section 4(1)(b)(ii) of the Competition Act no. 89 of 1998, as amended.

Enquiries in this regard may be addressed to Manager: Mergers and Acquisitions Division at Private Bag X23, Lynnwood Ridge, 0040. Telephone: (012) 394 3298, or Facsimile: (012) 394 4298.

## NOTICE 656 OF 2014

## COMPETITION COMMISSION

## NOTIFICATION TO APPROVE WITH CONDITIONS THE TRANSACTION INVOLVING:

## ASCENDIS HEALTH LIMITED

## AND

## PHARMA NATURA PROPRIETARY LIMITED AND TWO PROPERTIES MORE FULLY DESCRIBED AS ERF 1115, WYNBERG AND PORTION 1 OF ERF 1114 AND THE REMAINDER OF ERF 1114, WYNBERG

## CASE NUMBER: 2014MAR0088

The Competition Commission hereby gives notice, in terms of Rule 38 (3)(c) of the 'Rules for the Conduct of Proceedings in the Competition Commission, that it has approved the transaction involving the above mentioned firms subject to conditions as set out below:

The primary acquiring firm is Ascendis Health Limited ("**Ascendis**"), a firm incorporated in accordance with the laws of the Republic of South Africa. Ascendis is a company listed on the JSE. As of 21 February 2014, shareholders holding more than 5% of the issued share capital of Ascendis were: Bounty Brands (Pty) Ltd (38%), Coast 2 Coast investments (6%) and Coast 2 Coast Holdings (Pty) Ltd (5%).

The primary target firms are Pharma Natura (Pty) Ltd ("**Pharma Natura**") and two immovable properties ("**Target Properties**") owned by Natmed (Pty) Ltd ("**Natmed**"), firms incorporated in accordance with the laws of the Republic of South Africa. Pharma Natura and Natmed are wholly owned subsidiaries of Guy Wertheim Aymes Family Holdings (Pty) Ltd ("**GWAF**").

In terms of the proposed transaction, Ascendis will acquire, in one indivisible transaction, 100% of the issued share capital of Pharma Natura, as well as a direct 100% interest in the Target

Properties. Post-merger, Ascendis will exercise *de jure* sole control over Pharma Natura and the Target Properties

Ascendis is a JSE listed holding company, focussing on health products. Through the operating firms under its control, Ascendis operates within two distinct areas of healthcare, namely, (i) plant and animal healthcare and (ii) human healthcare.

Pharma Natura manufactures its own branded healthcare supplements as well as manufacturing for other customers on a contract basis. Pharma Natura's brands include; Vitaforce, Junglevites, Bettaway, Herbaforce, Homeoforce. The Target Properties are the current business premises of Pharma Natura.

There is an overlap in the market for the sale/distribution of Over The Counter ("**OTC**") Nutraceuticals (herbal/traditional as well as vitamins and dietary supplements) in the Complementary and Alternative Medicines market ("**CAMS**") (medical practices or products that are not presently considered to be part of conventional medication, such as prescriptive medication nutritional food substances, herbal products, ethical OTC products etc.).

The Commission's investigation found that the market structure is fragmented and the merging parties are unlikely to have a market share that exceeds 5%, as their estimated combined market share would be around 4.5% in the CAMS market. The Commission found that the merged entity will still face competition from other large players in the market such as Adcock Ingram, Vital Healthfoods, GlaxoSmithKline and Reckitt Bensckiser.

Furthermore, the Commission concludes that the proposed transaction is unlikely to result in any foreclosure concerns arising as a result of the vertical relationship between Chempure and Pharma Natura.

The proposed transaction does however raise employment issues and may result in the retrenchment of certain middle to higher level administrative staff of the Pharma Natura. The merging parties have identified duplicate positions within the group and it is anticipated that there could be up to 14 (fourteen) retrenchments across the three departments of Pharma Natura.

In this regard, the Commission recommends that the merger be approved with the conditions attached hereto, in which the merging parties do not retrench any employee with a grade 12 or less qualification as a result of the merger. See further **Annexure A** which contains the merger conditions that have been agreed between the Commission and the merging parties.

There were no other public interest issues arising as a result of the proposed transaction.

The Commission approved the proposed transaction subject to conditions in terms of section 14(1) (b) (ii) of the Act, as amended.

## CONDITIONS

### 1. Definitions

The following expressions shall bear the meanings assigned to them below and cognate expressions bear corresponding meanings –

1.1 **"Acquiring Firm"** means Ascendis;

1.2 **"Affected Employees"** means the four employees with a qualification of grade 12 or less;

1.3 **"Approval Date"** means the date referred to in the Competition Commission's merger clearance certificate (Form CC 15);

1.4 **"Ascendis"** means Ascendis Health Limited;

1.5 **"Commission"** means the Competition Commission of South Africa;

1.6 **"Conditions"** means these conditions;

1.7 **"Effective Date"** means midnight on the last business day of the month in which the last of the Conditions Precedent as set out in the Sale of Shares Agreement and the Sale of Immovable Property Agreement entered into between the Merging Parties is fulfilled;

1.8 **"Labour Relations Act"** means the Labour Relations Act No. 66 of 1995 (as amended);

1.9 **"Merger"** means the acquisition of control by Ascendis over Pharma Natura;

1.10 **"Merging Parties"** means Ascendis and Pharma Natura;

1.11 **"Pharma Natura"** means Pharma Natura Proprietary Limited and two properties more fully described as Erf 1115, Wynberg and Portion 1 of Erf 1114 and the remainder of Erf 1114, Wynberg; and

1.12 **"Target Firm"** means the Pharma Natura;

**2. Recordal**

The Commission finds that the Merger is unlikely to substantially prevent or lessen competition in the market for the sale of OTC Nutraceuticals[1] (herbal/traditional as well as vitamins and dietary supplements) in the CAMS[2] market, as there are alternative players in the market that compete with the Merging Parties and who will be in a position to constrain the merged entity post-merger.

However, the Merger is likely to have a negative impact on employment since it could possibly result in job losses of up to 14 (fourteen) employees across three affected departments, due to duplications of existing positions within the Acquiring Firm.

The Commission identified at least 4 (four) Affected Employees it seeks to protect from retrenchments and these Affected Employees' skills level include a Driver, Raw Materials Buyer, Buyer – Non Stock and a Receptionist who are under the employ of the Target Firm.

Accordingly, the Merging Parties have agreed not to retrench any of the Affected Employees, as a result of the Merger.

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[1] Nutraceuticals refer to a food or food product that provides health and medical benefits, including the prevention and treatment of disease. Such products may range from isolated nutrients, minerals, vitamins, dietary supplements and specific diets to genetically engineered foods, herbal products, and processed foods such as cereals, soups, and beverages. Nutraceuticals are sold and distributed via direct selling in person, through the internet and by mail order, by wholesalers and distributors, in retail pharmacies, in health shops and supermarkets, and from health practitioners.

[2] CAMS is the term used to describe different medical practices or products that are not presently considered to be part of conventional medication, such as prescriptive medication etc. Products included in this market include: nutritional food substances and/or nutraceuticals; herbal products; ethical OTC products; weight management products; therapeutic cosmetics; health food and beverages; sports nutrition; homeopathy; aromatherapy essential oils; and energy substances.

**3. Conditions to the approval of the Merger**

3.1. The merged entity shall ensure that there are no Merger-related retrenchments from the Effective Date, in respect of the Affected Employees.

3.2. For the sake of clarity, retrenchments do not include (i) voluntary separation and resignation arrangements; (ii) voluntary early retirement packages; and (iii) unreasonable refusals to be redeployed in accordance with the provisions of the Labour Relations Act.

**4. Monitoring of compliance with the conditions**

4.1. The Merging Parties shall circulate a copy of these Conditions to their employees/and or their respective representatives within 7 days of the Approval Date.

4.2. As proof of compliance thereof, the Merging Parties shall within 5 business days of circulating the Conditions, provide the Commission with an affidavit by a senior official attesting to the circulation of the Conditions and attach a copy of the notice sent.

4.3. Any employee who believes that his/her employment with the Merging Parties has been terminated in contravention of these Conditions may approach the Commission with his or her complaint.

4.4. Ascendis shall inform the Commission in writing of the Effective Date, within 5 days of it becoming effective.

4.5. All correspondence in relation to these Conditions shall be submitted to the following email address: mergerconditions@compcom.co.za.

An apparent breach by the Merging Parties of any of the Conditions shall be dealt with in terms of Rule 39 of the Rules for the Conduct of Proceedings in the Commission.

Enquiries in this regard may be addressed to Manager: Mergers and Acquisitions Division at Private Bag X23, Lynnwood Ridge, 0040. Telephone: (012) 394 3298, or Facsimile: (012) 394 4298.

## NOTICE 657 OF 2014

## COMPETITION COMMISSION

### NOTIFICATION TO APPROVE WITH CONDITIONS THE TRANSACTION INVOLVING:

### UNIPRINT LABELS, A DIVISION OF TIMES MEDIA (PTY) LTD

### AND

### THE FERROPRINT BUSINESS AND THE CAST ARENA ASSETS

### CASE NUMBER: 2014Feb0051

The Competition Commission hereby gives notice, in terms of Rule 38 (3)(c) of the 'Rules for the Conduct of Proceedings in the Competition Commission, that it has approved the transaction involving the above mentioned firms subject to conditions as set out below:

The primary acquiring firm is Uniprint Labels, a division of Times Media (Pty) Ltd ("Times Media"). Times Media is a wholly-owned subsidiary of Times Media Group Limited ("TMG"), a public company listed on the Johannesburg Securities Exchange Limited ("JSE"). TMG is not controlled by any single shareholder. TMG is a media and entertainment company. The media and entertainment products supplied by TMG include newspapers, magazines and various online services. TMG is also a producer/publisher, distributor and retailer of music, films and books. Times Media operates through four divisions, namely, Media, Retail Solutions, Books and Entertainment. Relevant to the proposed transaction is the Retail Solutions division, as Uniprint Labels operates within this division. Uniprint Labels produces various labels for the fast moving consumer goods ("FMCG"), motor and industrial markets. Specifically in respect of labels and packaging, Uniprint Labels produces: pressure sensitive self-adhesive labels; shrink sleeves; film wraparound labels; litho-printed wet-glue labels; and base skirt rolls.

The primary target firm is the printed labels manufacturing business currently conducted by Ferroprint (Pty) Ltd ("Ferroprint business") and the assets of Cast Arena Trade and Invest 21

(Pty) Ltd ("Cast Arena Assets"). Ferroprint business manufactures and supplies a variety of labelling products, including: self-adhesive labels; swing tags; shrink sleeves; booklet labels; and base wraps. The Cast Arena Assets are used by Ferroprint in its label printing activities. As such, it does not itself produce any products or render any services.

In terms of the Sale of Business and Assets Agreement, Uniprint Labels intends to acquire the Ferroprint business and the Cast Arena Assets from the current Ferroprint and Cast Arena shareholders. Post-merger, Uniprint Labels will have sole control over the Ferroprint business and the Cast Arena Assets.

The Commission's investigation found that the proposed merger results in horizontal overlaps in the activities of the merging parties with respect to three markets, namely (1) the national market for the manufacture and supply of self-adhesive labels; (2) the national market for the manufacture and supply of shrink sleeves; and (3) the national market for the manufacture and supply of firm wraparound labels.

The Commission found that the proposed transaction is unlikely to substantially prevent or lessen competition in all implicated market, as customers have countervailing power. Furthermore, there are alternative players in the market that can constrain the merged entity post-merger.

In relation to public interest issues, the proposed transaction results in the loss of 44 jobs. In the analysis of possible effects on employment, the Commission found that irrespective of the proposed transaction, job losses were going to occur as a large portion of the total 167 Ferroprint employees are likely to lose their jobs absent this merger due to ailing financial position of Ferroprint. The Commission engaged with the merging parties on the employment effects of the proposed transaction and the merging parties reduced the number of retrenchments from 49 to 44. Considering the counterfactual, the proposed transaction will effectively save about 123 jobs. The merging parties submitted that the 44 (forty-four) employees to be retrenched consists of 10 (ten) unskilled, 23 (twenty-three) semi-skilled and 11 (eleven) skilled. The Commission is of the view that the skilled employees to be affected are likely to get alternative employment within a reasonable time and does not see it necessary to protect such employees. Accordingly, the Commission imposes a condition on the merged entity limiting retrenchments to 33 (thirty-three) employees, being, 10 (ten) unskilled and 23 (twenty-three) semi-skilled employees.

Further, the proposed transaction does not raise any other public interest concerns.

The Commission therefore approved the merger with conditions in terms of section 14(1)(b)(ii) of the Competition Act no. 89 of 1998, as amended.

**CONDITIONS**

**1. Definitions**

The following expressions shall bear the meanings assigned to them below and cognate expressions bear corresponding meanings –

1.1 **"Approval Date"** means the date referred to in the Competition Commission's merger clearance certificate (Form CC 15);

1.2 **"Cast Arena Assets"** means assets of Cast Arena Trade and Invest 21 Proprietary Limited, currently used by Ferroprint in its label printing activities;

1.3 **"Commission"** means the Competition Commission of South Africa;

1.4 **"Conditions"** means these conditions;

1.5 **"Effective Date"** means midnight on the last business day of the month in which the last of the Conditions Precedent, as set out in the Sale of Business and Assets Agreement entered into between the Merging Parties, is fulfilled;

1.6 **"Ferroprint Business"** means the printed labels manufacturing business currently conducted by Ferroprint Proprietary Limited;

1.7 **"Labour Relations Act"** means the Labour Relations Act No. 66 of 1995 (as amended);

1.8 **"Merger"** means the acquisition of control by Uniprint Labels over the Ferroprint Business and the Cast Arena Assets;

1.9 **"Month"** means a calendar;

1.10 **"Merging Parties"** means Uniprint Labels and the Ferroprint Business and the Cast Arena Assets;

1.11 **"Semi-skilled Employees"** means Assistant IT Manager, Creditors Clerk, Debtors Clerk, Filing Clerk, Receptionist, QA and HR Assistant, Maintenance, BC Operator, Nilipeter Operator, Nilpeter Assistant, Colour Matcher and Shafter;

1.12 **"Skilled employees"** means Accounts Receivable, Commercial Manager, HR Manager, IT Manager, Cost and Efficiency Manager, Mounting Foreman, Nilpeter Foreman, Production Director, QA and Environmental Manager and Technical Manager;

1.13 **"Target Firm"** means the Ferroprint Business and the Cast Arena Assets;

1.14 **"Uniprint Labels"** means Uniprint Labels, a Division of Times Media Proprietary Limited; and

1.15 **"Unskilled Employees"** means cleaning position such as Anilox, Cleaner and Washup.

## 2. Recordal

3.1. The Commission finds that the proposed transaction is unlikely to substantially prevent or lessen competition in the market for the manufacturing and supply of self-adhesive, shrink sleeves and film wraparound labels, as there are alternative players in the market that compete with the Merging Parties and who will be in a position to constrain the merged entity post-merger. However, the proposed transaction is likely to have a negative impact on employment since it is likely to result in job losses of about 49 (forty nine) employees due to duplications of positions and the Target firm's poor financial performance. The Commission engaged with the Merging Parties in order to reduce the number of retrenchments. The Merging Parties agreed to reduce the number of retrenchments from 49 (forty nine) to 44 (forty four) employees being 10 (ten) unskilled, 23 (twenty-three) semi-skilled and 11(eleven) skilled employees. The Commission is of the view that the skilled employees to be affected are likely to get alternative employment within a reasonable time and does not see it necessary to protect such employees. The Commission therefore imposes a condition on the merged entity limiting retrenchments to 33 (thirty-three) employees, being, 10 (ten) unskilled and 23 (twenty-three) semi-skilled employees as a result of the Merger over a perlod of 2 (two) years from the Effective Date. For the avoidance of doubt, the Conditions do not apply to skilled employees.

**3. Conditions to the approval of the Merger**

3.2. The Merging Parties and their respective direct and indirect subsidiaries shall, subject to the consultation requirements of section 189 of the Labour Relations Act, ensure that the number of retrenchments do not exceed 33 (thirty-three) as a result of the Merger. The 33 (thirty-three) employees to be retrenched consists of 10 (ten) unskilled and 23 (twenty-three) semi-skilled employees.

3.3. For the sake of clarity, retrenchments do not include (i) voluntary retrenchment and/or voluntary separation arrangements; (ii) voluntary early retirement packages; and (iii) unreasonable refusals to be redeployed in accordance with the provisions of the Labour Relations Act.

3.4. These retrenchments shall only be effected after 3 (three) Months following the Approval Date.

**4. Monitoring of compliance with the conditions**

4.1. The Merging Parties shall circulate a copy of these Conditions to their employees/and or their respective representatives, within 7 (seven) days of the merger clearance.

4.2. As proof of compliance therewith, the Merging Parties shall within 5 business days of circulating the Conditions, provide the Commission with an affidavit by a senior official attesting to the circulation of the Conditions and attach a copy of the notice sent.

4.3. Any employee who believes that his/her employment with the Merging Parties has been terminated in contravention of these Conditions may approach the Commission with his or her complaint.

4.4. Uniprint Labels shall provide reports to the Commission on the following respective dates: 31 October 2014, 30 April 2015, 31 October 2015 and 30 April 2016. The reports must reflect the retrenchments resulting from the Merger effected within the preceding 6 month period. The reports must be accompanied by an affidavit deposed to by a senior official confirming the accuracy of the report.

4.5. All correspondences in relation to these conditions shall be submitted to the following email address: mergerconditions@compcom.co.

4.6. An apparent breach by the Merging Parties of any of the Conditions shall be dealt with in terms of Rule 39 of the Rules for the Conduct of Proceedings in the Competition Commission.

**5. Duration of the Condition**

The Conditions contained herein shall be effective from the Approval Date and for a period of 2 (two) years after the Effective Date.

Enquiries in this regard may be addressed to Manager: Mergers and Acquisitions Division at Private Bag X23, Lynnwood Ridge, 0040. Telephone: (012) 394 3298, or Facsimile: (012) 394 4298.

## NOTICE 658 OF 2014

## COMPETITION COMMISSION

## NOTIFICATION TO APPROVE WITH CONDITIONS THE TRANSACTION INVOLVING:

## SHOPRITE CHECKERS (PROPRIETARY) LIMITED

## AND

## KLIPAKKERS (PROPRIETARY) LIMITED IN RESPECT OF THE ASSETS OF STONE ACRES SUPERSPAR AND TOPS MAFIKENG

## CASE NUMBER: 2014APR0120

The Competition Commission hereby gives notice, in terms of Rule 38 (3)(c) of the 'Rules for the Conduct of Proceedings in the Competition Commission, that it has approved the transaction involving the above mentioned firms subject to conditions as set out below:

On 1 April 2014 the Commission received notice of intermediate small merger whereby Shoprite Checkers (Pty) Ltd ('Shoprite Checkers') intends to acquire the assets of Klipakkers (Pty) Ltd ('Klipakkers'). Pre-merger, Klipakkers used to operate Stone Acres Superspar and Tops liquor store in Mafikeng Mall. Post-merger, the Sale Assets, including the liquor licence, will be transferred to Shoprite Checkers. A Checkers supermarket will replace Stone Acres Superspar and Checkers Liquorshop will replace Tops liquor store in Mafikeng Mall.

Shoprite Checkers is a firm incorporated in terms of the laws of the Republic of South Africa. Shoprite Checkers is wholly-owned and controlled by Shoprite Holdings Limited ('Shoprite Holdings'), a firm listed on the Johannesburg Securities Exchange Limited ('JSE'). Shoprite Holdings is not controlled by any single individual or firm. Shoprite Checkers operates grocery retail supermarkets which also hold grocery liquor licenses permitting the supermarkets to sell wine, from their retail premises. The holders of the grocery liquor license are, however, prohibited from selling beer, flavoured alcoholic beverages ('FBA') and spirits.

Klipakkers is a wholly-owned subsidiary of The Spar Group Limited ("Spar Group"). Klipakkers does not control any other entity. Spar Group is a public entity listed on the JSE and therefore not controlled by any single entity. Klipakkers operates Stone Acres Superspar which is a grocery retail store operated as a franchise of the Spar Group. Klipakkers also operate a liquor retail outlet called Spar Tops which is a liquor store. The Stone Acres Superspar and Tops are corporate stores acquired by Klipakkers from the Spar franchisee, and are so operated pending their sale.

The Commission found that the proposed merger results in a horizontal overlap in the activities of the merging parties with respect to the off-consumption liquor retail. With respect to liquor retail, the Commission defines the relevant geographic market as 1.5km radius of Mafikeng Mall in North West, where the Sale Assets are located. The Commission found that Shoprite Checkers does not own liquor retail stores in Mafikeng area. The Commission therefore concludes that no geographic overlap arises with respect to the retail of liquor. As such the proposed merger is unlikely to substantially prevent or lessen competition in the market in liquor retail in the area around the Mafikeng Mall.

The Commission also found that the proposed merger results in a horizontal overlap in the activities of the merging parties with respect to the retail of grocery products. Shoprite Checkers owns a grocery retail store in Mafikeng within the 1.5km radius of Mafikeng Mall, where Sale Assets are located. Therefore, the Commission assess the horizontal overlap with respect to retail of grocery within 1.5 km radius of Mafikeng Mall as the narrowest possible geographic market within which competition is likely to be affected. Shoprite Checkers does not own any other supermarket in Mafikeng town. The next supermarket that Shoprite Checkers owns is located in Mmabatho Township, about 6 km from the sales assets in Mafikeng town.

The Commission found that the merged entity will have low post-merger market share. The competitors of Shoprite Checkers within the relevant geographic market include Choppies; Pick n Pay and Spar Hatchet. The Commission found that there is a sufficient competitive constraint that the merged entity will face, post-merger. The Commission also found that it is unlikely that Shoprite Checkers will have the ability to unilaterally increase prices within the relevant geographic area, post-merger. None of the third parties contacted raised concerns about the proposed merger citing robust competition in the relevant geographic area. There is no vertical relationship that arises as a result of the proposed merger because none of the merging parties provide product or services that can be used as inputs in the business activities of the other. The Commission concludes that the proposed merger is unlikely to substantial prevent or lessen competition in the market for the retail of grocery products.

The Commission found that the proposed merger raises public interest concerns related to job losses. The Commission required that Shoprite Checkers make an undertaking to employ 45 Affected Employees. The Commission therefore made Shoprite Checker's undertaking a condition to ensure that 45 Affected Employees are employed, post-merger. Shoprite Checkers has agreed to employ all of the Affected Employees (45 employees) within six (6) months from the date of the Commission's decision.

The Commission further found that there are no other public interest issues that are likely to arise.

The Commission therefore approved the proposed small merger with conditions in terms of section 13 (5) (b) (ii) of the Competition Act no.89 of 1998, as amended.

Enquiries in this regard may be addressed to Manager: Mergers and Acquisitions Division at Private Bag X23, Lynnwood Ridge, 0040. Telephone: (012) 394 3298, or Facsimile: (012) 394 4298.

**NOTICE – CHANGE OF TELEPHONE NUMBERS: GOVERNMENT PRINTING WORKS**

As the mandated government security printer, providing world class security products and services, Government Printing Works has adopted some of the highly innovative technologies to best serve its customers and stakeholders. In line with this task, Government Printing Works has implemented a new telephony system to ensure most effective communication and accessibility. As a result of this development, our telephone numbers will change with effect from 3 February 2014, starting with the Pretoria offices.

The new numbers are as follows:

- Switchboard : 012 748 6001/6002
- Advertising : 012 748 6205/6206/6207/6208/6209/6210/6211/6212
- Publications Enquiries : 012 748 6052/6053/6058 GeneralEnquiries@gpw.gov.za
  - Maps : 012 748 6061/6065 BookShop@gpw.gov.za
  - Debtors : 012 748 6060/6056/6064 PublicationsDebtors@gpw.gov.za
  - Subscription : 012 748 6054/6055/6057 Subscriptions@gpw.gov.za
- SCM : 012 748 6380/6373/6218
- Debtors : 012 748 6236/6242
- Creditors : 012 748 6246/6274

Please consult our website at www.gpwonline.co.za for more contact details.

The numbers for our provincial offices in Polokwane, East London and Mmabatho will not change at this stage.

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