

Carbonated drinks (Coca-Cola Bottlers (Ulster) Ltd)

1. Title of report: Carbonated Drinks: a report on the supply by manufacturers of carbonated drinks in the United Kingdom (MMC - Cmnd 1625)

2. Date of report: 31 May 1991 **Published:** 15 August 1991

3. Orders: N/A

4. Date of original undertakings: 21 May 1993 **Press release:** 2 June 1993

5. Companies giving undertakings: Britvic Soft Drinks Ltd, Coca-Cola Bottlers (Ulster) Ltd, Coca-Cola & Schweppes Beverages Ltd

6. Undertakings:

1. Coca-Cola Bottlers (Ulster) Ltd (CCBU) will not make or seek to enforce any agreement with a Leisure Trade Purchaser to the extent that it contains a provision which prevents the purchaser (to any degree) from acquiring or supplying Products other than CCBU Products;

provided that this paragraph shall not prohibit the imposition of:

- i) a requirement that only CCBU Products be dispensed from a Dispense Installation supplied on loan or by way of hire by CCBU;
- ii) a requirement that only CCBU Products can be supplied from a branded can-vending machine, cooler cabinet or free-standing merchandising unit supplied on loan or by way of hire by CCBU;
- iii) a requirement to purchase a minimum quantity (expressed in absolute terms but not in terms of a proportion or percentage of the purchaser's requirements) of CCBU Products, or the granting of any privilege or benefit conditional on the purchase of any such minimum quantity.

2. CCBU will provide as soon as reasonably practicable to the Director such information as he may reasonably require for the purpose of monitoring compliance with the above undertakings.

3. CCBU will procure that its subsidiaries for the time being will comply with the above undertakings as if each reference to CCBU included a reference to each of those subsidiaries.

In these undertakings:

'agreement' shall have the meaning assigned to it in paragraph 4 of these undertakings;

'CCSB Products' means Products supplied by CCSB or any of its subsidiaries;

'Dispense Installation' means a system for providing a ready-to-drink beverage by adding carbonated water to syrup at the point of sale, or a system for dispensing a portion of ready-to-drink beverage at the point of sale by means of a equipment which withdraws the portion from a larger quantity of ready-to-drink beverage;

'Dispense Products' means syrups designed to be mixed at the point of sale with carbonated water by means of a Dispense Installation to produce a ready-to-drink beverage, or a ready-to-drink beverage supplied in bulk form to be dispensed via a Dispense Installation;

'Distributor' means a person who acquires goods for supply to licensed premises (within the meaning of article 1 (2) of the Supply of Beer (Tired Estate) Order 1989 (SI 1989 No 2390);

'Leisure Trade Purchaser' means a person who (or, in the case of an undertaking comprising more than one activity, that part of the undertaking which) acquires Products for resale for consumption on the premises of resale, being premises which have facilities suited to such consumption;

'Products' means carbonated drinks, including syrups supplied for making up such drinks and excluding mineral water, alcoholic drinks and low-alcohol and non-alcoholic beer;

'subsidiary' has the same meaning as in section 736 of the companies Act 1985.

7. Date of amendments: N/A

8. Index information: Exclusivity, merger control, tying

SIC code: 15.98 (Production of mineral waters and soft drinks)