

**REFERENCE RELATING TO THE COMPLETED ACQUISITION BY NBTY  
EUROPE LIMITED OF JULIAN GRAVES LIMITED**

**Notice of provisional findings made under Rule 10.3 of the Competition  
Commission Rules of Procedure**

1. On 20 March 2009, the Office of Fair Trading in exercise of its duty under [section 22\(1\)](#) of the Enterprise Act 2002 (the Act), referred to the Competition Commission (CC) the completed acquisition by NBTY Europe Limited, owners of Holland and Barrett Retail Limited, of Julian Graves Limited, for investigation and report within a period ending on 3 September 2009.

**Provisional findings**

2. An inquiry group of CC members (the Group) was appointed to consider this reference and has made the following provisional findings on the statutory questions it has to decide pursuant to [section 35\(1\)](#) of the Act:
  - (a) a relevant merger situation has been created; and
  - (b) the creation of that situation has not resulted, or may not be expected to result in, a substantial lessening of competition (SLC) in the retail of nuts, seeds and dried fruit in the United Kingdom.
3. The Group's provisional findings on these questions and its reasons are set out in the provisional findings report, a copy of which is on the CC [website](#) (see note (i) below).

**The next steps**

4. Anyone wishing to comment on the provisional findings is invited to provide the Group with their reasons in writing as to why these provisional findings should not become final (or, as the case may be, should be varied).
5. These reasons should be received by the Group no later than 12 August 2009.
6. The Group will have regard to any such reasons in making its final decisions on the statutory questions.

DIANA GUY  
*Group Chair*  
22 July 2009

## Notes

- (i) A copy of this notice and the provisional findings report will be published on the CC website on 22 July 2009. The published version of the provisional findings report will not contain any information which the Group considers should be excluded from the report, having regard to the three considerations set out in [section 244](#) of the Act.
- (ii) Comments should be made in writing to:

David du Parc Braham  
Inquiry Manager, NBTY/JG merger inquiry  
Competition Commission  
Victoria House  
Southampton Row  
LONDON  
WC1B 4AD

or by email to: [HB-JulianGraves@cc.gsi.gov.uk](mailto:HB-JulianGraves@cc.gsi.gov.uk).