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# **Alleged Anti -Competitive Agreement Between Retailers and a Supplier of Bottled Water**

**Case Number: FCA 86**

**Date: AUGUST 2018**

**Complaint:** In September 2017, the Fair Trading Commission (hereinafter referred to as “the Commission”) received a tip-off concerning a possible anti-competitive agreement between certain retailers and Surya Aqua Industries (Pty) Ltd (“the Respondent”). The Respondent bottles and distributes Eden Springs water bottles.

**Commission’s Assessment:** Following the above, the Commission initiated its investigation to determine whether there was a case of anti-competitive agreement. During the Commission’s investigation, the Commission undertook two fact finding exercises: the first on Praslin and the second on Mahé. The information gathered from the first fact finding exercise in November 2017 indicated that the retailers were buying water bottles from two suppliers based on Praslin and there was no observable preference for water bottles from the Respondent. The Commission’s analysis of data collected in the second fact finding exercise in April and May 2018 indicated that a category of retailers does favour Eden Springs water bottles, however, there was no indication that this was the result of a special arrangement between the retailers and the Respondent. The Commission also liaised with the competitors of the Respondent and received no information that would suggest that the Respondent was restraining competition in the market.

**Conclusion:** The case was closed in August 2018 in view that the Commission was satisfied that in respect to the allegations relating to the retail of water bottles, the Respondent was not engaged in anti-competitive agreements with retailers.