

**Consent to certain actions for the purposes of the Initial Enforcement Order made by the Competition and Markets Authority pursuant to section 72(2) of the Enterprise Act 2002 (the Act) on 21 August 2014**

**Acquisition by Pork Farms Caspian Limited of the chilled savoury pastry business of Kerry Foods Limited**

Under the Initial Order, save for written consent by the CMA, provision was made that the business of Poppy Acquisition Limited, Pork Farms Limited, Park Cakes Limited, Fletchers Bakeries Limited and their subsidiaries carried on at the commencement date (the 'Vision Capital business') will be held separate from the chilled savoury pastry business of Kerry Foods Limited carried on at the commencement date (the 'Target business'). After due consideration of your request for a derogation to the Initial Order, Pork Farms Limited and Caspian may carry out the following actions, in respect of the specific paragraphs:

**Paragraphs 4(a) and 5(a) of the Initial Order**

As a consequence of the acquisition by Caspian of the Target business, the Target business ceased to have rights to use the Kerry brand. Given that Caspian therefore does not have any rights to use the Kerry name, including on signage, stationery or uniforms, Pork Farms and Caspian are permitted to carry out the following actions in respect of the two production sites from which the Target business is currently operated, being situated in Poole, Dorset, and Spalding, Lincolnshire (collectively the 'Sites'):

- Replacement of the existing signage bearing Kerry Foods Limited branding, situated both internally and externally to the Sites, with signage referring to 'Pork Farms Group';
- Replacement of the existing stationery bearing Kerry Foods Limited branding with stationery bearing 'Pork Farms Group' branding, including the adoption of letterheads and compliments slips referring to 'Pork Farms Group'; and

- Providing employees of the Sites with work-wear (including overalls and fleeces) bearing the 'Pork Farms' name.

This derogation is allowed on the basis that:

- Pork Farms and Caspian will ensure that it remains clear to customers that during the specified period (as defined in the Initial Order) the Target business is carried on separately from the Vision Capital business; and
- This derogation does not affect the independence of the operation of the Target business or its ability to compete independently in any of the markets affected by the transaction.

### **Paragraphs 4(a), 5(a) and 5(f) of the Initial Order**

In order to allow the Target business employees to have access to electronic communication for business purposes and to enable the Target business to maintain a visible on-line business presence, permission is granted to Pork Farms and Caspian for:

- The establishment of a web-page or sub-site for Caspian on the same website platform as the current Pork Farms website, but which is accessed via a separate domain to the current Pork Farms website and is only available for the purpose of providing the Target business with an on-line presence. This derogation is allowed on the basis that the Target business will not gain access to Pork Farms' information technology systems, or vice versa, and that no information to be published on the Pork Farms website platform is confidential or competitively sensitive prior to publication; and
- The migration of the e-mail addresses of employees of the Target business to new 'Pork Farms' e-mail addresses, which have the domain name '[a.b]@porkfarmsgroup.com' and are located on a separate system to the existing Pork Farms e-mail server. This domain name is different to that of the e-mail addresses of existing Pork Farms employees, which have the domain name '[a.b]@pork-farms.co.uk'. This derogation is allowed on the basis that the Target business will not gain access to Pork Farms' information technology systems or to any confidential or commercially sensitive information relating to Pork Farms, or vice versa.