



18 September 2014  
KADAC PTY LTD  
Customs House  
2 Age Street Cheltenham  
VIC 3192  
Australia

Anti-Dumping Commission  
The Commissioner 5th Floor  
5 Constitution Avenue  
Canberra ACT 2601

NON CONFIDENTIAL

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**RE: Application for exemption for goods from duties Customs Act 1901 - SECT 269ZE, Report No. 217**

1. Applicant details seeking exemption

Name: Peter Lovely on behalf of Kadac Pty Ltd  
Position: Merchandise Manager  
Phone: 03 8585 1563  
Fax: 1300 762 028  
Email: PLovely@Kadac.com.au

2. Applicants interest in seeking exemption.

KADAC PTY LTD is an importer of tomato products as defined in the Anti-Dumping Commission Report NO. 217 and according to the goods defined by the Anti-Dumping Commission Report NO.17 *"Tomatoes, whether peeled or unpeeled, prepared or preserved otherwie than by vinegar or acetic acid, either whole or in pioeces (including diced, chopped or crushed) with or without other ingredients (including vegetables, herbs or spices) in packs not exceeding 1.14 lites in volume. The goods excluded from this definition are pastes, purees, sauces, pasta sauces, juices and sundried tomatoes"*

### 3. Other affected parties

Other parties that are likely to have an interest in this exemption is the exporter of the products that Kadac Pty Ltd imports. The details of the “other parties” is below

Company Name: Pancrazio S.p.A  
Contact Name: Nino Pancrazio  
Address: Via Angeloni, 1 -84013- Cava dei Tirreni (SA) – Italy

### 4. Details of which grounds are sought for exemption.

We believe that there are grounds for exemption in regards the following

- 4.1 Section 1.4 of The Report “*there was an Australian industry in respect of like goods*”. Kadac only imports organic tomatoes from Italy as there is no organic tomatoe market locally where we can source from.
- 4.2 Section 1.9.2 of The Report “*There is an Australian industry producing like goods of prepared or preserved tomatoes*” Currently there is no organic tomotoe industry in Australia that we can source from.
- 4.3 Section 2.1 of The Report “*...industry has suffered material injury caused by the prepared or preserved tomatoes exported to Australia from Italy at dumped prices*”. The organic tomatoe range, as described in section 5 is priced at a premium high end value and does not compete with any locally produced product. And as in 4.1 and 4.2, there is no organic tomatoe industry where Kadac can source from, therefore another factor where the Australian industry has not suffered.
- 4.4 Section 3.2 of The Report “*Goods that are identical in all respects to the goods under consideration or that, although not alike in all respects to the goods under consideration, have characteristics closely resembling thos of the goods under consideration*”. The goods Kadac imports from Italy are only organic tomatoe products, that have a different commercial likeness as they are products that are specific and sought after by a small customer base who have a preference for organically grown tomatoes.

On this grounds Kadac wishes to seek exemption of any tarrifs that are currently applied to the imported products Kadac imports from Italy.

5. Description of goods covered by the investigation.

5.1 Below are the 3 products that are currently affected by the investigation.

Brand	Description
Global Organics	Tomato Passata (Crushed) Rustica Organic (Glass) 680g
Global Organics	Tomatoes Chopped Organic (canned) 400g
Global Organics	Tomatoes Whole Peeled Organic (canned) 400g

5.2 Below are the ingredients of each of the 3 products that are currently affected by the investigation.

Description	Ingredients
Tomato Passata (Crushed) Rustica Organic (Glass) 680g	Organic Crushed Tomatoes (100%)
Tomatoes Chopped Organic (canned) 400g	Organic Chopped Tomatoes (60%), Organic Tomatoe Juice (40%)
Tomatoes Whole Peeled Organic (canned) 400g	Organic Whole Peeled Tomatoes (60%), Organic Tomatoe Juice (40%)

6 Reasons seeking exemption.

Below are the reasons that Kadac seeks exemption of any dumping duties as outlined in the Anti-Dumping Commissions report NO.217

- 6.1 The organic tomatoe range imported by Kadac as outlined in Section 5 should be excluded from the examination and any tarrifs as the Australian industry does not produce organic tomatoes or manufacture such goods locally.
- 6.2 The organic tomatoe range imported by Kadac do not directly compete with any locally produced products or are any locally grown organic tomatoes exist in Australia.
- 6.3 The organic tomatoes imported by Kadac are priced at a premium and are purchased by customers who have a preference for organic tomatoes and also organic Italian tomatoes.

Therefore in summary Kadac believes that a dumping duty is not appropriate to these products that are imported by Kadac as they are organic and cannot be sourced locally. Kadac also believes that no harm is imposed by the importing of such organic tomatoe products to the Australian industry.