



**Spiral Foods**  
Import/Export & Distribution  
Traditional Japanese,  
Organic & Speciality Foods

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22 December 2014

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

NON-CONFIDENTIAL

**Re: Application for exemption for goods from duties Customs Act 1901 – Section 269ZE, Report No. 217**

**1. Applicant seeking exemption:**

Name: Dallas Barr on behalf of Spiral Foods Pty Ltd  
Importing via: The Wilson Family Trust  
Position: Operations Manager  
Phone: 02 8231 4400 /04000 17253  
Fax: 02 8231 4444  
Email: [dallas@spiralfoods.com.au](mailto:dallas@spiralfoods.com.au)

**2. Applicant's interest in seeking exemption:**

Spiral Foods 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. 217 "Tomatoes, whether peeled or unpeeled, prepared or preserved otherwise than by vinegar or acetic acid, either whole or in pieces (including diced, chopped or crushed) with or without other ingredients (including vegetables, herbs or spices) in packs not exceeding 1.14 litres 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 are the exporter of the products that Spiral Foods Pty Ltd imports from. The details of this exporter are as below:

Company Name: Campo Societa Co-operativa Agricola  
Contact Name: Serenella Righi  
Address: Via Molino nuovo, 17  
61034 Fossombrone (PU)

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

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

- 4.1 Section 1.4 of the report 'there was an Australian industry in respect of like goods'. Spiral only imports organic tomatoes from Italy as there is no organic tomato 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 tomato 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 tomato range, as described in section 5, is priced at a premium high end value and does not compete with any locally produced non-organic product. As stated in 4.1 and 4.2 above, there is currently no Australian organic tomato industry where Spiral can source from, and which would suffer as this industry does not exist locally.
- 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 those of the goods under consideration'. The goods Spiral imports from Italy are only organic tomato products that have a different 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 these grounds, Spiral seeks exemption from the added dumping tariffs that are currently applied to the imported tomato products Spiral is importing from Italy.

#### 5. Description of Goods covered by the investigation:

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

Spiral Foods	Organic Diced Tomatoes 400g
Spiral Foods	Organic Whole Tomatoes 400g
Campo	Pomodorini bio (Organic Cherry Tomatoes) 400g

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

Spiral Foods	Organic Diced Tomatoes 400g Packed in cans: organic diced tomatoes (60%), organic tomato juice, citric acid
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Spiral Foods	Organic Whole Tomatoes 400g packed in cans: organic whole tomatoes (60%), organic tomato juice, citric acid
Campo	Pomodorini bio (Organic Cherry Tomatoes) 400g Packed in cans: organic cherry tomatoes, organic tomato juice, citric acid

#### **6. Reasons we are seeking exemption:**

Below are the reasons that Spiral seeks exemption of any dumping duties as outlined in the Anti-Dumping Commissions Report No. 217.

- 6.1 The organic tomato range imported by Spiral as outlined in Section 5 should be excluded from the examination and any tariffs as the Australian industry does not produce organic tomatoes or manufacturer such goods locally
- 6.2 The organic tomato range imported by Spiral does not directly compete with any locally produced products nor are there any locally grown organic tomatoes exist in Australia
- 6.3 The organic tomatoes imported by Spiral are priced at a premium and are purchased by customers who have a preference for organic tomatoes and also, specifically organic Italian tomatoes

Spiral believes that a dumping duty is not appropriate to these products that are imported by Spiral as they are organic and cannot be sourced locally.

Spiral also believes that no harm is imposed on our local industry by bringing organic Italian tomatoes to the Australian market.

Yours sincerely,



**Dallas Barr**  
Operations Manager