



FOOD & WINE CONNECTION PTY. LTD.
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Recd 6/1/15

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23rd December 2015

The Director
Operations 3
Anti-Dumping Commission
1010 La Trobe St
DOCKLANDS VIC 3008

Exemption of certain tomato products exported from Italy

Dear Director,

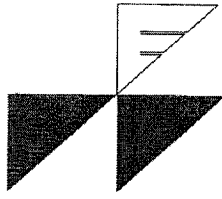
This submission relates to Food and Wine Connection's recent request for exemption from anti-dumping measures for prepared or preserved tomatoes from Italy.

I understand that applications for exemption made by Leo's Imports and Distributors Pty Ltd & Kadac Pty Ltd have since been declined by the Commission.

I refer, in particular, to SPC Ardmona's response to these applications whereby the company wholly opposes the request for exemption of duties on cherry tomatoes, organic tomatoes and San Marzano tomatoes.

As importers of organic tomatoes (primarily canned organic tomatoes of 400g size), we concur with the other applicants that there are no producers of canned organic tomatoes in Australia. As such, it is difficult to understand how we could be putting at risk an industry that doesn't exist locally.

In its submission, SPC Ardmona indicates that they do not currently manufacture and sell products that are 'identical goods' to the ones requested for exemption in the inquiry. Rather, they consider that organically grown tomatoes are 'like goods' to the current products manufactured by them including physical likeness, commercial likeness, and functional likeness.



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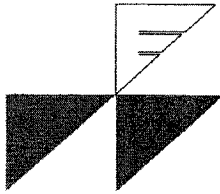
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However we would argue that organically grown tomatoes **are not** 'like' the current products manufactured by SPC for the following reasons:

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- (As SPC have highlighted) organically grown tomatoes require different growing and harvesting processes which yields a different, and to some, a better quality and healthier product that even tastes better;
- Consumers *do* differentiate between organic and non-organic products, with many actively seeking to buy organic due the health and environmental benefits they offer; for this reason also, some consumers may not feel that organic tomatoes and non-organic tomatoes are necessarily 'interchangeable'.
- Italian organic tomatoes are considered a premium product and are regarded world-wide for their quality, richness and consistency;
- Our organic tomatoes are certified for quality and compliance with strict European Union standards;
- We do not offer 800g size group that SPC does.

As such, suggesting that organic and non-organic canned tomatoes are 'alike' is simply not true. Indeed, Australian industry is more at risk from imports of other fruits and produce, none of which are necessarily subject to the stringent anti-dumping measures proposed by this inquiry.

As mentioned in our original request for exemption, we continue to price our products sensibly and not below their 'normal values'. The offering of discounting and specials is done by supermarkets and driven by them in competition for customers.



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It's every consumer's right to buy products that best suits their needs. We take pride in being able to offer specialised organic products that give every day Australians choice, quality and value for money.

We reiterate that organically grown tomatoes are not like the current products manufactured by SPC. We implore that you favourably consider granting exemption of duties on organic tomatoes for the reasons mentioned herein.

Regards,

Carlo Confalone

Managing Director – Food and Wine Connection Pty Ltd

"Eat organic is a responsible choice that changes the world. It's an action of freedom, a hope to support and nurture. It's an investment in the future of the planet."