

**COMPETITION TRIBUNAL
REPUBLIC OF SOUTH AFRICA**

Case No. 07/X/Jan00

In the matter between

**Novatis SA (Pty) Ltd
Roche Products (Pty) Ltd
Boehringer-Ingelheim (Pty) Ltd
Bristol Myers-Squibb (Pty) Ltd
Schering-Berlin (Pty) Ltd t/a Berlimed
Bayer (Pty) Ltd
Hoechst Marion Roussel (Pty) Ltd
International Healthcare Distributors (Pty) Ltd
Abbott Laboratories SA (Pty) Ltd
Sanofi-Synthelabo (Pty) Ltd
MSD (Pty) Ltd
Eli Lilly SA (Pty) Ltd
Wyeth SA (Pty) Ltd**

**First Applicant
Second Applicant
Third Applicant
Fourth Applicant
Fifth Applicant
Sixth Applicant
Seventh Applicant
Eighth Applicant
Ninth Applicant
Tenth Applicant
Eleventh Applicant
Twelfth Applicant
Thirteenth Applicant**

and

**Mainstreet 2 (Pty) Ltd
t/a New United Pharmaceutical Distributors (Pty) Ltd
Natal Wholesale Chemists (Pty) Ltd
t/a Alpha Pharm Durban
Midlands Wholesale Chemists (Pty) Ltd
t/a Alpha Pharm Pietermaritzburg
East Cape Pharmaceuticals Ltd
t/a Alpha Pharm Eastern Cape
Free State Buying Association Ltd
t/a Alpha Pharm Bloemfontein (Kemco)
Pharmed Pharmaceuticals Ltd
AGM Pharmaceuticals Limited
t/a Docmed
L'etang's Wholesale Chemists CC
t/a L'etangs
Resepkor (Pty) Ltd
t/a Reskor Pharmaceutical Wholesalers**

**First Respondent

Second Respondent

Third Respondent

Fourth Respondent

Fifth Respondent
Sixth Respondent

Seventh Respondent

Eighth Respondent

Ninth Respondent**

Order

The Competition Tribunal orders that –

1. the late filing of the First to Thirteenth Applicants' answering affidavits in the application for interim relief in terms of Section 59 of the Competition Act (Case no. 25/IR/Dec99) be condoned provided the First to Thirteenth Applicants deliver their answering affidavits by no later than the 29th of February 2000, as agreed by the parties;
2. the First to Thirteenth Applicants' application for discovery of the documents set out in Annexure "A" to their Notice of Motion be dismissed;
3. the question of the costs of this application be reserved for decision in the main application for interim relief (Case no. 25/IR/Dec99).

D.H. Lewis
Presiding Member

Date

Concurring: D.R. Terblanche and N.M. Manoim