

**COMPETITION TRIBUNAL OF SOUTH AFRICA
(HELD IN PRETORIA)**

Case No: 103/CR/Sep08

In the matter between:

THE COMPETITION COMMISSION OF SOUTH AFRICA	Applicant
and	
LOUNGEFOAM (PTY) LTD	First Respondent
VITAFOAM (PTY) LTD	Second Respondent
FELTEX HOLDINGS (PTY) LTD	Third Respondent
STEINHOFF INTERNATIONAL HOLDINGS (PTY) LTD	Fourth Respondent
KAP INTERNATIONAL HOLDINGS LTD	Fifth Respondent
GOMMAGOMMA (PTY) LTD	Sixth Respondent

In re:

THE COMPETITION COMMISSION OF SOUTH AFRICA	Applicant
and	
LOUNGEFOAM (PTY) LTD	First Respondent
VITAFOAM (PTY) LTD	Second Respondent
FELTEX AUTOMOTIVE (PTY) LTD	Third Respondent
STEINHOFF INTERNATIONAL HOLDINGS (PTY) LTD	Fourth Respondent
KAP INTERNATIONAL HOLDINGS LTD	Fifth Respondent

Panel	:	Y Carrim (Presiding Member), M Mokuena (Tribunal Member) and U Bhoola (Tribunal Member)
Heard on	:	21 July 2009
Order issued on	:	21 July 2009

ORDER

IT IS ORDERED THAT:

1. Gommagomma (Pty) Ltd (“Gommagomma”) is hereby joined as a Sixth Respondent in the complaint referral;
2. The Applicant is authorised to amend the Founding and Supplementary Affidavits and Notice of Motion, to the extent necessary, to reflect Gommagomma as a Sixth Respondent;
3. The Applicant is authorised to amend references to Vitafoam (Pty) Ltd (“Vitafoam”) or the Second Respondent wherever it occurs in the Founding and Supplementary Affidavits, to be a reference to “Vitafoam or the Second Respondent and/or Gommagomma”;
4. The Applicant is authorised to amend, to the extent necessary, the Founding And Supplementary Affidavits to insert the following allegation –
 - 4.1. “the reciprocal restraint agreement concluded by Vitafoam and Feltex contravened section 4(1)(b)(ii) of the Competition Act once the Act came into force”;
5. Feltex Holdings (Pty) Ltd is hereby substituted in the place of Feltex Automotive (Pty) Ltd as the Third Respondent;
6. The Applicant is authorised to amend its Founding and Replying Affidavits, to the extent necessary, to reflect Feltex Holdings (Pty) Ltd in the place of Feltex Automotive (Pty) Ltd wherever reference is made to Feltex Automotive (Pty) Ltd;
7. The Applicant must file and serve its amended pages on or before 29 July 2009.

Y Carrim

Concurring: M Mokuena and U Bhoola

21 July 2009

Date

For the Competition Commission
For the Loungefoam and Vitafoam

S Madonsela
Adv M Wesley instructed by
Deneys Reitz