

**COMPETITION TRIBUNAL  
REPUBLIC OF SOUTH AFRICA**

**Case No. 05/IR/A/Jul01**

**In the matter between:**

|   |                        |
|---|------------------------|
| <b>Schering (Pty) Ltd</b>                             | <b>First Applicant</b> |
| <b>MSD (Pty) Ltd</b>                                  | <b>Second</b>          |
| <b>Novartis SA (Pty) Ltd</b>                          | <b>Third</b>           |
| <b>Roche Products (Pty) Ltd</b>                       | <b>Fourth</b>          |
| <b>Boehringer-Ingelheim Pharmaceuticals (Pty) Ltd</b> | <b>Fifth</b>           |
| <b>Bristol Myers Squibb (Pty) Ltd</b>                 | <b>Sixth</b>           |
| <b>Schering (Pty) Ltd</b>                             | <b>Seventh</b>         |
| <b>Abbott Laboratories SA (Pty) Ltd</b>               | <b>Eighth</b>          |
| <b>Bayer (Pty) Ltd</b>                                | <b>Ninth</b>           |
| <b>Eli Lilly SA (Pty) Ltd</b>                         | <b>Tenth</b>           |
| <b>Wyeth SA (Pty) Ltd</b>                             | <b>Eleventh</b>        |
| <b>Aventis Pharma (Pty) Ltd</b>                       | <b>Twelve</b>          |
| <b>International Healthcare Distributors (Pty)Ltd</b> | <b>Thirteenth</b>      |
| <b>Sanofi-Synthelobo (Pty) Ltd</b>                    | <b>Fourteenth</b>      |

**and**

|   |                         |
|---|-------------------------|
| <b>New United Pharmaceutical Distributors (Pty) Ltd<br/>(formerly Mainstreet 2 (Pty) Ltd)</b> | <b>First Respondent</b> |
| <b>Natal Wholesale Chemists (Pty) Ltd t/a Alpha<br/>Pharm Durban</b>                          | <b>Second</b>           |
| <b>Midlands Wholesale Chemists (Pty) Ltd t/a Alpha<br/>Pharm Pietermaritzburg</b>             | <b>Third</b>            |
| <b>East Cape Pharmaceuticals Ltd t/a Alpha Pharm<br/>Eastern Cape</b>                         | <b>Fourth</b>           |
| <b>Free State Buying Association Ltd t/a Alpha<br/>Pharm Bloemfontein (Kemco)</b>             | <b>Fifth</b>            |
| <b>Pharmed Pharmaceuticals Ltd</b>  | <b>Sixth</b>            |
| <b>Agm Pharmaceuticals Ltd t/a Docmed</b>   | <b>Seventh</b>          |
| <b>L'etang's Wholesale Chemists CC t/a L'etangs</b>   | <b>Eighth</b>           |
| <b>Resepkor (Pty) Ltd t/a Reskor Pharmaceutical Wholesalers</b>                               | <b>Ninth</b>            |
| <b>The Competition Commission</b>   | <b>Tenth</b>            |

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**Order**

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**Further to** the Applicants' application for dismissal of the Interim Relief application filed on the 31<sup>st</sup> of January 2001 by the first to ninth respondents, the Competition Tribunal orders as follows –

1. The application is dismissed.
2. The Applicants, jointly and severally, are responsible for the costs in so far as it relates to the application for dismissal on a party and party scale, including the costs of two legal representatives.
3. Should the respondents wish to file supplementary affidavits to their founding papers an Application for Leave to Supplement must be filed by 7 August 2001. They must also include in this application the nature of the information to be supplemented and the reasons therefor.
4. The procedures set out in Competition Tribunal Rule 43 will apply to this application save that the periods for filing the answering and replying affidavits as set out in Rule 43(1) and 43(2) are shortened to 5 business days each.

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D.H. Lewis

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Date

Concurring: N.M. Manoim and U. Bhoola