

**COMPETITION TRIBUNAL
REPUBLIC OF SOUTH AFRICA**

Case no.: 74/X/Dec03

In the joinder application between:

**The Sisonke Partnership
Pyramid Freight (Pty) Ltd
UTI Worldwide Inc
Co-Ordinated Materials Handling (Pty) Ltd
Kagiso Ventures Ltd
Kagiso Ventures Private Equity Fund 1**

**1st Applicant
2nd Applicant
3rd Applicant
4th Applicant
5th Applicant
6th Applicant**

and

**New United Pharmaceutical Distributors (Pty) Ltd
Natal Wholesaler 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
Kemco
Pharmed Pharmaceuticals Ltd
L'Etangs Wholesale Chemists CC t/a
L'Etangs
Resepkor (Pty) Ltd t/a Reskor
The Competition Commission
Roche Products (Pty) Ltd
Ingelheim Pharmaceuticals (Pty) Ltd
Bristol Meyers Squibb (Pty) Ltd
Abbott Laboratories SA (Pty) Ltd
Sanofi-Synthelabo (Pty) Ltd
Novartis SA (Pty) Ltd
Bayer (Pty) Ltd
Eli Lilly SA (Pty) Ltd
Aventis Pharma (Pty) Ltd
Schering (Pty) Ltd
International Healthcare Distributors (Pty) Ltd**

**1st Respondent
2nd Respondent
3rd Respondent
4th Respondent
5th Respondent
6th Respondent
7th Respondent
8th Respondent
9th Respondent
10th Respondent
11th Respondent
12th Respondent
13th Respondent
14th Respondent
15th Respondent
16th Respondent
17th Respondent
18th Respondent
19th Respondent
20th Respondent**

In the main application between:

New United Pharmaceutical Distributors (Pty) Ltd

1st Applicant

Natal Wholesaler Chemists (Pty) Ltd t/a Alpha Pharm Durban	2nd Applicant
Midlands Wholesale Chemists (Pty) Ltd t/a Alpha Pharm Pietermaritzburg	3rd Applicant
Eastern CapePharmaceuticals Ltd t/a Alpha Pharm Eastern Cape	4th Applicant
Free State Buying Association Ltd t/a Kemco	5th Applicant
Pharmed Pharmaceuticals Ltd	6th Applicant
L'Etangs Wholesale Chemists CC t/a L'Etangs	7th Applicant
Resepkor (Pty) Ltd t/a Reskor	8th Applicant

and

The Competition Commission	1st Respondent
Roche Products (Pty) Ltd	2nd Respondent
Ingelheim Pharmaceuticals (Pty) Ltd	3rd Respondent
Bristol Meyers Squibb (Pty) Ltd	4th Respondent
Abbott Laboratories SA (Pty) Ltd	5th Respondent
Sanofi-Synthelabo (Pty) Ltd	6th Respondent
Novartis SA (Pty) Ltd	7th Respondent
Bayer (Pty) Ltd	8th Respondent
Eli Lilly SA (Pty) Ltd	9th Respondent
Aventis Pharma (Pty) Ltd	10th Respondent
Schering (Pty) Ltd	11th Respondent
International Healthcare Distributors (Pty) Ltd	12th Respondent

Order

Joinder application

The Tribunal orders that:

1. The applicants are hereby joined as respondents in the first to eight respondents' application before the Competition Tribunal ("the main application").
2. The first to the eighth respondents are jointly and severally liable for the applicants' costs, including the costs of two legal representatives, in respect of:
 - (i.) The joinder application; and
 - (ii.) The wasted costs occasioned by the postponement on the 19 February 2004.

Main application

The Tribunal orders that:

1. The main application be postponed sine die;
2. That the applicants are jointly and severally liable for the 2nd to 8th and 10th to 12th respondents' costs, including the costs of two legal representatives, in respect of:
 - (i.) The wasted costs occasioned by the postponement on the 19 February 2004; and
 - (ii.) The wasted costs incurred by the withdrawal of prayer three in the notice of motion;
3. The costs in respect of the Competition Commission are reserved.

D Lewis

Concurring: N Manoim, U Bhoola

19 February 2004

Date