



FAIR COMPETITION COMMISSION



NOTIFICATION REGARDING THE INTENTION OF GLACIER PRODUCTS LIMITED TO ACQUIRE 98% SHARES IN DAIRYLAND ICE CREAM LIMITED

PUBLIC NOTICE

**(Made under Section 65 (2) (g) of the Fair Competition Act No. 8 of 2003 and
Rules 41 (6), 42 (5) and 49 of the Competition Rules, 2018)**

The Fair Competition Commission (FCC) is an independent statutory body established under section 62 of the Fair Competition Act No. 8 of 2003 (FCA) with the object of enhancing the welfare of the people of Tanzania by promoting and protecting effective competition in markets and preventing unfair and misleading market conducts throughout Mainland Tanzania.

Pursuant to Section 65 (2) (g) of FCA read together with Rules 41 (6), 42 (5) and 49 of the Competition Rules, FCC is mandated to investigate, inter alia, entry into and exit from markets. Pursuant to Rule 33 of the Competition Rules, 2018; FCC has **RECEIVED** a merger application by Glacier Products Limited (**Acquiring Firm**) to acquire 98 percent shares in Dairyland Ice Cream Limited (**Target Firm**).

Glacier Products Limited is a company incorporated under the laws of Kenya. It manufactures ice cream, chocolates and other dairy products. It supplies its products to the EAC and COMESA markets. The Acquiring Firm is majority owned by Lava Holdings Limited, a company incorporated under the laws of Kenya.

Dairyland Ice Cream Limited is a company incorporated under the laws of United Republic of Tanzania. It imports and distributes ice cream, chocolates and other food products in Tanzania. Dairyland Ice Cream Limited is majority owned by Lava Holdings Limited.

Glacier Products Limited and Dairyland Ice Cream Limited will hereinafter be referred to as the **Merging Firms**.

Pursuant to the Share Purchase Agreement (SPA) submitted by the Merging Firms, The Acquiring Firm has expressed its intention to acquire 98 percent shares in the Target Firm.

Pursuant to Rules 35, 36, 37, 38, 39, 40 and 42 of the Competition Rules, 2018; FCC has **BEGUN THE REVIEW AND INVESTIGATION** of the intended acquisition with a view to examine whether it is likely to harm competition.

Pursuant to Rule 49 read together with Rule 41(6) of the Competition Rules, 2018, parties, both legal and natural (Petitioners) who deem themselves as having sufficient interest in this merger, or, if the merger is not objected to, it will have or is likely to have a material effect on their interests, are invited to submit their interests, objections or information (Petition).

The Petitioners are hereby NOTIFIED to submit their Petitions with a view to assist FCC in reaching just and reasonable decision with regard to the intended merger.

All such Petitioners, shall NOTIFY by way of written submissions to FCC within **FOURTEEN (14)** days from the first day of publication of this Public Notice. Submissions filed after the said deadline shall not be accepted.

Submission of the said Petition should be accompanied by a duly filled-in Form FCC. 10 (Notice of Intention to Participate found in the First Schedule of the Competition Rules, 2018). Failure to fill-in Form FCC. 10 will deny such Petitioner the right to make any oral submissions before FCC and their status in the proceedings shall be deemed to be that of an observer only.

Petitioners should take note that pursuant to Rule 10 (5) of the Competition Rules, 2018 as applied to this Public Notice, FCC shall not entertain a subject of the petition where: (a) it does not fall under FCA (b) it has no material effect on

competition; and (c) the same in whole or in part is before any court, tribunal, arbitration, judicial or quasi-judicial body.

Submissions must be submitted to FCC at the address below.

Director General,
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