

NOTICE OF FILING

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COLES SUPERMARKETS AUSTRALIA PTY LTD (ACN 004 189 708)
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Sia Lagos

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

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Form 59

Rule 29.02(1)

Affidavit

No. VID 973 of 2024

Federal Court of Australia

District Registry: Victoria

Division: General

Commercial and Corporations National Practice Area (Regulator and Consumer Protection)

Australian Competition and Consumer Commission

Applicant

Coles Supermarkets Australia Pty Ltd (ACN 004 189 708)

Respondent

Affidavit of: Katherine Ann Bailey

Address: 800 Toorak Road, Hawthorn East, Victoria

Occupation: General Manager, Brand and Marketing at Coles

Date: 21 November 2025

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[Version 3 form approved 02/05/2019]

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I, Katherine Ann Bailey of 800 Toorak Road, Hawthorn East, Victoria, General Manager – Brand and Marketing at Coles, affirm:

- 1 I am the General Manager – Brand and Marketing at Coles Supermarkets Australia Pty Ltd (ACN 004 189 708) (**Coles**).
- 2 In this affidavit, where I refer to the 'Relevant Period', I am referring to the period February 2022 to May 2023.
- 3 Exhibited to me and marked **Exhibit KAB-1** is a bundle of documents. In this affidavit, I refer to each document by reference to the relevant tab number in Exhibit KAB-1.

A. EMPLOYMENT HISTORY

4 As General Manager – Brand and Marketing at Coles, I oversee and am responsible for the following teams:

- (a) **Brand, Media and Content** – this team is responsible for developing and executing all of Coles' marketing, excluding email, Flybuys and public relations communications. This includes the following marketing channels:
 - (i) Paid channels, which refer to those channels that require Coles to pay a third party to feature advertising, including television, social media, search advertising and out-of-store channels (for example, billboards).
 - (ii) Unpaid channels, which refer to those channels that are operated and funded by Coles, including the Coles Magazine, in-store communications (for example, point of sale marketing and tickets) (as of September 2024) and catalogue (as of March 2025).

The 'creative' process for each advertising campaign involves the Brand, Media and Content team briefing an external creative agency on the objectives of the campaign. The agency then develops marketing materials (for example, storyboards, scripts, billboards, in-store customer communications, etc), which are presented to the Brand, Media and Content team for review. The team assesses the 'creative elements' (i.e. how it looks) and the 'copy' (i.e. what it says) and approves the marketing materials if satisfied that they are likely to achieve the objectives of the campaign.
- (b) **Marketing Operations** – this team is responsible for project managing the execution of Coles' catalogue and in-store point of sale marketing, as well as the design of new tickets.
- (c) **Creative Services** – this team is responsible for the graphic design of internal and customer-facing communications, including Coles' catalogue, point of sale marketing and out-of-store advertising channels.
- (d) **Own Brand Marketing** – this team monitors the sales and market share performance of Coles Own Brand products and manages the introduction, modification and deletion of brands in response to changing customer needs. This team also has oversight of packaging design for Coles Own Brand products.
- (e) **Media** – this team determines how Coles' budget for advertising campaigns will be allocated across the various marketing channels, which are described in paragraph 4(a) above. This team includes an in-house performance media team that buys media directly from Google and Meta and optimises the media spend based on return on investment.

- (f) **Sponsorships** – this team makes decisions in relation to Coles' sponsorship arrangements with major partners such as Taste, MasterChef and the AFL. This includes who the partners will be and the content and form of the publicity that Coles will receive as part of the arrangement (for example, advertising on stadium screens during AFL games, integrations in MasterChef episodes).
- (g) **Events** – this team organises internal Coles events such as AGMs, loyal service lunches for long-serving employees and the annual showcase (which is a three-day showcase at an external venue where the Executive Leadership Team presents on Coles' strategy and performance to Store Support Centre employees and Store Managers).
- (h) **Category Marketing** – this team is split across and sits within each of the business unit teams. Within each business unit, the Category Marketing team members act as a conduit between their business unit and the broader Brand, Media and Content team, whose function is described in paragraph 4(a) above. Their responsibilities include nominating products within their business unit for inclusion in a broader advertising campaign being developed and executed by the Brand, Media and Content team (for example, focusing on ham as part of a Christmas advertising campaign).

5 I have been employed by Coles since March 2011 and have had the following roles:

- (a) **Category Planning Manager / Category Marketing Manager for Non-Food Categories** from March 2011 to February 2012: In this role, I was responsible for:
 - (i) analysing how customers were interacting with the Non-Food categories at Coles as compared to the wider retail market;
 - (ii) making recommendations to the commercial team based on that analysis (for example, recommending new products to develop, products for promotions, changes to product layouts in-store); and
 - (iii) nominating Non-Food products to be advertised (for example, in Coles' catalogue, in the Coles Magazine, on Coles Radio), including products that were on Down Down promotions.
- (b) **Category Insights Manager for Non-Food Categories** from March to July 2012: In this role, I had the same responsibilities as outlined in paragraphs 5(a)(i)–(a)(ii) above.
- (c) **Coles Liquor Insights Manager** from August 2012 to January 2013: In this role, I was responsible for analysing how Coles Liquor was performing from the perspective of customers. This involved researching and assessing Coles Liquor's performance, market share position and trends. Based on this, I put forward recommendations to the Coles Liquor marketing and commercial teams in relation to matters such as range reviews and product development.
- (d) **Senior Marketing Manager – Liquor** from February 2013 to September 2014: In this role, I supported the development and delivery of the marketing strategy for Coles Liquor. During this time, I had little to no involvement in marketing for Coles' supermarkets.
- (e) **Head of Coles Brand Marketing** from October 2014 to July 2017: In this role, I was responsible for the following in relation to Coles Own Brand brands:
 - (i) the overall brand architecture, which includes brands that fit the 'good, better, best' tiered pricing model within Coles Own Brand brands (i.e. Coles Simply, Coles Brand, Coles Finest) and endorsed brands (for example, Coles Ultra, CUB,

- Purr). I made decisions and recommendations in relation to how many brands Coles should have and whether any brands should be created or removed;
- (ii) the price and quality guardrails for each brand (for example, what brands the price should be benchmarked against, that the product should taste as good as the leading brand in that category);
 - (iii) marketing; and
 - (iv) the creative elements of packaging design.
- (f) **Head of Brand and Media** from August 2017 to August 2018, with a subsequent period of parental leave from September 2018 to May 2019: In this role, I oversaw and was responsible for the Brand, Media and Content team, whose function I explained in paragraph 4(a) above.
- (g) **Head of Marketing Transformation** from June to December 2019: In this role, I reported to the Coles' General Manager – Brand and Media at the time. I led a number of projects, including restructuring the Brand, Media and Content team and resetting ways of working and planning. I also advised on the creative elements of Coles' marketing to customers, including in relation to Coles' pricing mechanics and value strategy (i.e. the ways in which Coles communicated the value that its offerings provided to customers).
- (h) **General Manager – Media, Sponsorships and Events** from January 2020 to December 2022, with an intervening period of parental leave from January to June 2022: In this role, I oversaw and was responsible for the Media, Sponsorship and Events teams, whose functions I explained in paragraphs 4(e)–4(g) above.
- (i) **General Manager – Brand, Digital and Media** from January 2023 to September 2025: In this role, I continued to oversee the same teams as in my previous role (General Manager – Media, Sponsorships and Events), but my remit expanded to include the Brand, Media and Content team, whose function I explained in paragraph 4(a) above.
- Since September 2025, Coles' Customer Insights and Planning team has reported to me. This is a temporary arrangement which will remain in place until around February 2026, when a new General Manager – Customer Engagement and Insights will be appointed.
- (j) **General Manager – Brand and Marketing** from October 2025 to present: In this role, I continue to oversee the same teams as in my previous role (General Manager – Brand, Digital and Media), but my remit has expanded to include the Category Marketing team, whose function I explained in paragraph 4(h) above.

6 I have the following tertiary qualifications:

- (a) **Bachelor of Science (Merchandising Management) – Fashion Institute of Technology** from 1999 to 2003; and
- (b) **Master of Business Administration – Melbourne Business School, University of Melbourne** from 2014 to 2016.

B. THE DOWN DOWN PROGRAM

B.1 Overview

7 Coles introduced the Down Down program in 2010. The program has been in continuous operation since that time.

- 8 The Down Down program is a pricing mechanic under which Coles offers selected products for sale at discounted prices for a longer period of time than short-term promotions such as weekly specials. During the Relevant Period, products were on Down Down for a minimum of 12 weeks but typically longer.
- 9 Coles selects products for inclusion in the Down Down program and promotes these across Coles' national store network.

B.2 Marketing

- 10 I have overseen the creative elements of the marketing of the Down Down program at a General Manager level since January 2023. These General Manager roles have required me to review and be familiar with Coles' historical marketing campaigns, including in relation to the Down Down program since its inception, because I needed to understand what has been effective in the past and how customers responded to previous messaging in order to decide how Coles should execute its marketing strategy going forward.
- 11 I have attended many meetings in relation to the creative elements of Coles' marketing for the Down Down program since August 2017 (when I became Head of Brand and Media). I typically attended meetings that I considered to be important to Coles' decision-making, such as meetings where creative agencies presented on concepts for advertising campaigns and those where recommendations on the execution of the campaigns were made to the Executive Leadership Team.
- 12 As I explain below, Coles' marketing and messaging to customers for the Down Down program has broadly remained consistent throughout the life of the program to date.
- 13 The design of the tickets used to identify products on a Down Down promotion did not change materially from the program's inception to the end of the Relevant Period. Notably, they featured:
- (a) typically, the words 'Down Down'. However, these were sometimes supplemented or replaced by related 'taglines' (i.e. slogans or expressions) such as 'Prices are down' or 'Staying down';
 - (b) the name of the relevant product;
 - (c) the product's Down Down price;
 - (d) typically, a red and white colour scheme;
 - (e) typically, the price at which the product was sold at immediately before it was sold on Down Down (**Was Price**); and
 - (f) typically, the date at which the product was last sold at the Was Price (**Was Date**). In 2010 and 2011, the Was Date referred to a day, month and year. From 2012, the Was Date referred to a month and year.
- 14 The Down Down program has been marketed to customers since its inception across various channels, which include television, radio, social media, catalogue and press advertisements.
- 15 At tabs 1 to 4 of Exhibit KAB-1 are examples of historical marketing materials that Coles used to promote the Down Down program to customers from 2010 to 2023 for each of the following channels:
- (a) tickets;
 - (b) television advertisements;
 - (c) catalogues; and

- (d) press advertisements.
- 16 Features of Coles' marketing of the Down Down program have included:
- (a) a red colour scheme;
 - (b) the 'Big Red Hand' icon (an image of a red hand with the index finger pointing down), which has been a visual element used since the program's inception;
 - (c) jingles incorporating the words 'Down Down' in popular songs, including:
 - (i) the song 'Down Down' by Status Quo, which was a feature of video and radio advertisements used from 2010 until at least 2017. This was initially performed by Status Quo and then by Casey Donovan;
 - (ii) the song 'Downtown' by Petula Clark (2011);
 - (iii) the song 'Whatever You Want' by Status Quo (2013);
 - (iv) the song 'That's Amore' by Dean Martin (2016);
 - (d) the slogan, 'Down Down, prices are down', which was used from 2010 until at least 2017. This was often accompanied by other slogans including:
 - (i) 'prices are down and staying down' or 'Down Down and staying down' (from 2010 to 2014);
 - (ii) 'not on Special, they're on Down Down' (2011);
 - (iii) '100s of prices down' (2021); and
 - (e) 'save' statements showing the dollar amount saved on the relevant product, which have been used since around 2016. However, these are only displayed during the first four weeks of the Down Down promotion.
- 17 In addition to having the features listed in paragraph 16 above, from 2010 to around 2018, Coles' marketing for the Down Down program generally focused on the Down Down mechanic itself and the products that were being offered on a Down Down promotion.
- 18 Since 2019, Coles has marketed the Down Down program not as the focus of advertising campaigns but as a supporting 'proof point' within broader value campaigns, while retaining some of the features listed in paragraph 16 above. For example:
- (a) Coles launched a campaign called 'Helping lower the cost of breakfast, lunch and dinner' in September 2019, using the tagline 'Good things, great value'. As part of this, Coles' advertising pointed to certain products on promotion (for example, yoghurts on Down Down, muesli on Special) as 'proof' of how Coles was lowering the cost of breakfast for customers.
 - (b) Similarly in 2023, Coles launched a campaign called 'Great value, hands down' where Coles pointed to products on Down Down as examples of the value offered by Coles.
- 19 The early marketing of the Down Down program focused on offering customers a longer-term price reduction on selected products. This advertising sought to distinguish them from 'Specials', which are short-term promotions typically operating on weekly cycles. Coles did this using the following two main taglines:
- (a) 'prices are down and staying down' (from 2010 to 2014); and
 - (b) 'not on Special, they're on Down Down' (2011).

- 20 Over the years, Coles has reduced references to the longer-term nature of the Down Down program in its marketing of the program.
- 21 Coles has not used the phrase 'regular price' in its marketing for the Down Down program in my time at Coles. However, I am aware that the phrase appeared in Coles' marketing materials for the program in 2010 but not thereafter.

B.3 Market research

- 22 During the Relevant Period, Coles periodically obtained market research on customer behaviour and perceptions of value, including relating to the Down Down program and other pricing mechanics.
- 23 Where Coles commissioned market research from an external research agency, in my experience, the process generally involved the following steps:
- (a) a business unit (for example, Marketing, Commercial or Operations) identifies a need for research and submits a brief to the Customer Insights and Planning team. The brief typically outlines the business problem to be addressed and may include a hypothesis. For example, it might state: 'Coles has developed a new pricing mechanic. Could we test this with customers to see if they understand it?';
 - (b) the Customer Insights and Planning team reviews the brief, determines which external agencies to engage and considers the appropriate methodologies (i.e. overarching framework) for the research. This may include qualitative research methods such as interviews and focus groups or quantitative research methods such as surveys and polls. The Customer Insights and Planning team then submits a proposal to two or three external agencies;
 - (c) the agencies respond with a proposed methodology (e.g. conducting an online survey among a defined sample of customers) and a set of proposed questions;
 - (d) Coles' involvement in shaping the methodology varies significantly depending on which business unit initiated the brief along with timing and budget limitations. In some cases, the briefing business unit provides detailed background information to the agency and works closely with them to formulate the methodology (for example, if the research involves a survey, this may include drafting survey questions, selecting the customer sample and determining how the survey will be conducted). In other cases, the business unit provides very little information to the agency. Instead, only the Customer Insights and Planning team works with the agency and there is minimal input from the business unit; and
 - (e) once completed, the research findings and recommendations are returned to the briefing business unit.
- 24 My role in this process has varied during my time at Coles. It has included briefing the Customer Insights and Planning team to undertake or commission research, as well as participating in interviews conducted by external market research agencies. I have reviewed the majority of the market research obtained by Coles since 2010 in relation to customer perceptions of communications about value.
- 25 In light of the process outlined in paragraph 23 above, the quality and utility of the market research obtained by Coles is variable. I have found some of the research to be robust and useful. However, I have found other research to have been poorly prepared and conducted, and

unreliable. Where that is the case, little, if any, weight has been placed on it by me and, as far as I am aware, persons in the teams with which I have worked. Issues have included:

- (a) flaws in methodology, often arising from insufficient consultation with the briefing business unit, including:
 - (i) use of small sample sizes;
 - (ii) reliance on leading questions to respondents;
 - (iii) not presenting pricing mechanics to customers in a way that replicates the real shopping environment but rather creating an artificial context that does not accurately reflect how customers make decisions. For example, much of the market research commissioned by Coles in relation to pricing mechanics involves asking customers questions without any surrounding context, rather than, for example, inviting them to review tickets while standing in front of a shelf in-store. This issue is particularly pronounced in research relating to customer perceptions of value because:
 - (A) value-based decisions are highly dependent on the specific context of the offer and the alternative options available to the customer at the time; and
 - (B) grocery shopping is generally a low-effort, low-involvement activity, which means that any research that hinges on asking customers to articulate decisions to which they have unlikely devoted much thought is inherently flawed;
- (b) broad conclusions being drawn from limited evidence; and
- (c) lack of triangulation of research findings with other data sources to test their accuracy. By 'triangulation', I mean verifying research findings against data about how customers actually behave (for example, sales volumes and data from eye-tracking glasses).

Issues of the kind that I have described often meant that the findings of the research conflicted with my and Coles' understanding of customer behaviour.

26 Coles also conducted internal market research from time to time during the Relevant Period. This included polls and surveys through Coles Circle, an online forum that customers can opt into to provide feedback to Coles in exchange for entries into prize draws.

27 I have been told that the ACCC proposes to tender the following documents in this proceeding:

- (a) Coles slide deck titled 'Customer Insights: April Value PIR' dated April 2021 (COL.500.011.0162) (this document synthesises sales data and information provided by a third party and is not primary research conducted by Coles);
- (b) Decision Design document titled 'Behavioural science-led Store Comms Blueprint' dated 17 December 2021 (COL.500.004.0589);
- (c) Coles slide deck titled 'Customer Behaviour – instore deep dive: Pre-read for a store walk-through in Sydney' dated 25 February 2022 (COL.500.004.0579);
- (d) Coles slide deck titled 'Value Mechanics – Customer Group 1' dated 19 June 2022 (COL.500.010.0361) (this document synthesises information provided by a third party and is not primary research conducted by Coles);
- (e) Coles slide deck titled 'Value Mechanics – Customer Group 3' dated 20 June 2022 (COL.500.010.0389) (this document synthesises information provided by a third party and is not primary research conducted by Coles);

- (f) Coles slide deck titled 'DDB Research Debrief and Recommendation: Exploring Value Context and Price Propositions' dated 23 June 2022 (COL.500.004.1897) (this document was produced by DDB Group, an advertising agency, as opposed to a research agency); and
 - (g) Decision Design document titled 'Behavioural science led approach to instore Price Mechanics Architecture' dated 22 November 2022 (COL.500.010.0202).
- 28 Certain aspects of the documents listed in paragraph 27 above were considered by Coles in subsequent internal documents, including:
- (a) Coles slide deck titled 'Value Strategy: Approach and Activation Roadmap' dated 19 October 2022 (COL.500.010.0412); and
 - (b) Coles slide deck titled 'Creative Approach to Down Down mechanic' dated 8 June 2023 (COL.500.004.1312).
- 29 Save for the document listed at paragraph 27(c) above, I recall reviewing and considering these documents at the time that they were circulated internally at Coles. I did not commission the preparation of any of the documents referred to at paragraph 27. To the best of my recollection, my reaction in relation to the utility of these documents when I read them was that the market research had not been conducted in a robust or reliable way, due to issues of the kind identified in paragraph 25 above, and that they would be of limited utility in understanding the way in which customers shop and engage with pricing and promotions at Coles. So far as I can recall, Coles did not implement or make material changes based on the recommendations or findings set out in the documents listed in paragraph 27 above.

C. ADVERTISING CHANNELS FOR PRICING MECHANICS

30 During the Relevant Period, Coles communicated its pricing mechanics to customers through a range of channels, both in-store and online, which I describe in detail below. Coles typically updated these communication channels on a weekly cycle, notably its catalogues, gondolas and front-of-store display stands (which often feature the pricing of fresh produce specials), digital screens, television, social media, Coles Radio, billboards and emails to customers.




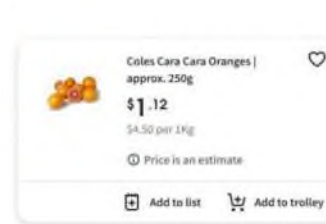
C.1 Tickets

- 31 Since September 2024, I have overseen and been responsible for the team that manages in-store communications, including tickets. However, my current and previous roles have required me to be familiar with previous versions of Coles' tickets. Since January 2023, I have led the team that is responsible for creating most of the visual and written content for the product teams that manage the Coles Online website and Coles Mobile App, including product 'tiles'.
- 32 Coles used tickets to provide immediate pricing information to customers at the point of purchase and, in particular, to indicate whether a product was being offered at a base price or promotional price.
- 33 Coles updated tickets in line with promotional cycles. The most common promotion was a Special which operated on a weekly basis. Some products were promoted regularly, while others were promoted at particular times of the year (e.g. back to school, AFL or NRL Football Finals, Easter, Christmas).
- 34 In Coles' physical stores, products were displayed with tickets placed on the shelf-edge in front of the relevant product. In any given week, every product aisle in the store contained products on each of the different pricing mechanics. This meant customers were viewing and comparing

products that were on different types of promotions (e.g. Down Down, Specials, Dropped & Locked), as well as many products that were not on promotion.



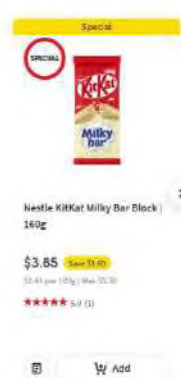

35 For products that were sold on the Coles Online website or Coles Mobile App, the ticket took the form of a product 'tile' which displayed a photograph of the product, along with other product information. Product tiles appeared together within category pages and search results, allowing customers to see different pricing mechanics presented alongside one another.

36 Products that were not on a pricing mechanic had 'white tickets'. White tickets appeared in Coles' physical stores with a plain white background that sat entirely within the shelf edge and had no promotional marking. Similarly, white tickets were presented on the Coles Online website and Coles Mobile App as product tiles with a plain white background and no promotional marking. Depictions of white tickets from the Relevant Period are set out below.

			
In-Store	Coles Online (before website re-platform)	Coles Online (after website re-platform)	Coles Mobile App

37 For products subject to a pricing mechanic, tickets were coloured red or yellow. For the pricing mechanics described in paragraphs 37(a)–(e) below, the tickets in Coles' physical stores were 'flappy' tickets that were larger than white tickets and 'overhung' the shelf edge. Depictions of tickets from the Relevant Period for various pricing mechanics are set out below.

(a) **Specials tickets** (for products offered at a specified discount (e.g. half price) on a short-term promotion, typically spanning one week):

			
In-Store	Coles Online (before website re-platform)	Coles Online (after website re-platform)	Coles Mobile App

- (b) **Down Down tickets** (for products offered at a discounted price for a longer period of time than short-term promotions (spanning a minimum of 12 weeks but typically longer)):



In-Store



Coles Online (before website re-platform)



Coles Online (after website re-platform)



Coles Mobile App

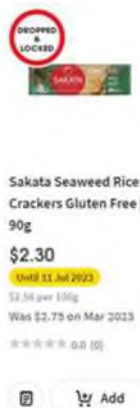
- (c) **Dropped & Locked tickets** (for products offered at a 'locked in' discounted price until a specified end date (spanning a minimum of 12 weeks but typically longer)):



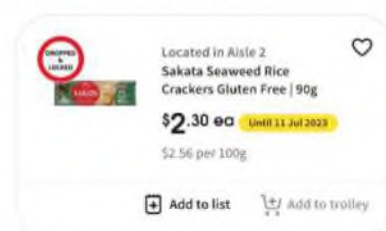
In-Store



Coles Online (before website re-platform)



Coles Online (after website re-platform)



Coles Mobile App

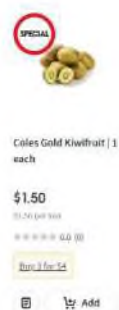
(d) **Multi-buys tickets** (for offering discounts when customers purchase two or more of the same product or products within a category):



In-Store



Coles Online (before website re-platform)



Coles Online (after website re-platform)



Coles Mobile App

(e) **Mix 'N Save tickets** (for offering savings when customers purchase multiple products within the same range or across product types (e.g. 'buy 2 get the third free')):



In-Store



Coles Online (before website re-platform)



Coles Online (after website re-platform)



Coles Mobile App

(f) **Every Day tickets** (for products offered at a longer-term stable price (spanning a minimum of six months but typically longer)):



In-Store



Coles Online (before website re-platform)



Coles Online (after website re-platform)



Coles Mobile App

- 38 The pricing mechanics listed at paragraph 37 above were the primary pricing mechanics used by Coles during the Relevant Period. Coles also had less common pricing mechanics (and corresponding tickets) from the Relevant Period, such as the 'Locked' pricing mechanic.
- 39 The depictions set out in paragraphs 36 to 37 above are either:
- (a) where records were readily available, records of actual tickets displayed during the Relevant Period; or
 - (b) otherwise, where records were not readily available, mock-up tickets which are representative of what was displayed by Coles during the Relevant Period. The mock-ups were either prepared during the Relevant Period for testing purposes or have since been prepared using templates from the Relevant Period. I have reviewed these mock-ups and consider them to be accurate depictions of tickets used by Coles at that time.
- 40 During the Relevant Period, there were no material changes to the ticket designs for white tickets or the pricing mechanics listed in paragraph 37 above other than:
- (a) for Dropped & Locked, which was only introduced in October 2022. Prior to that, there were no tickets for that pricing mechanic; and
 - (b) the Coles Online website re-platformed during the Relevant Period, which led to a change in the appearance of all Coles Online tickets. Paragraphs 36 to 37 above include depictions from both before and after the website re-platform.

C.2 Other in-store advertising channels

- 41 In addition to tickets, Coles used several other channels for communicating pricing mechanics to customers in-store during the Relevant Period.
- 42 Within physical stores, examples of where pricing mechanics were featured include the following:
- (a) **In-store signage:** Signage was displayed in-store in various formats, including aisle fins, barker cards and blades. These are printed pieces that are attached to shelves.
 - (b) **Coles Radio:** Audio advertisements on Coles Radio, which were played between music tracks featured on Coles Radio. Coles Radio is a digital audio broadcasting station operated by Nova on behalf of Coles. It is played in all Coles stores and is also available to customers through the Coles Mobile App, the Nova App and most platforms that support digital radio.
 - (c) **Coles digital screens:** Advertisements featured on digital screens located at entries in some (but not all) stores.
- 43 Examples of in-store signage and digital screens are set out below.



Barker Cards

Digital Screens and Front of Store Theatre



Off Location Displays

44 Coles also advertised pricing mechanics through print and physical media formats, including through the following:

- Newspapers:** Advertising in physical newspapers.
- Print catalogue:** A weekly catalogue that Coles published for customers which featured a broad set of products that were on promotion that week. It typically comprises approximately 48 pages in the digital version and 14 pages in the in-store printed version, which were generally available in-store during the Relevant Period. Catalogues are among the top five channels that customers use to evaluate pricing. Coles produces and

issues them on a weekly basis to ensure that customers have the most accurate and up-to-date pricing information, given that many of Coles' promotions operate on weekly cycles.

- (c) **Coles Magazine:** A monthly magazine published by Coles that featured recipes and advertisements for products on promotions (generally those spanning longer than one week).
- (d) **Out-of-store large format and retail advertising:** Advertisements featured in larger formats out of store and in high traffic locations. For example, billboards on highways or signs in public spaces near shopping centres.

45 Examples of printed and physical advertising are shown below.



Newspaper Advertisement



Coles Magazine



Catalogue



Out-of-store large format

C.3 Other digital advertising channels

46 In addition to product tiles on the Coles Online website and the Coles Mobile App, Coles featured pricing mechanics in a number of digital channels during the Relevant Period, including the following:

- (a) **Television advertisements:** Promotions of all types may feature on television advertisements.
- (b) **Social media advertisements:** Promotions of all types may feature on social media advertisements.
- (c) **Advertisements on affiliate apps:** Promotions may be advertised on apps run by affiliates such as ShopFully and Stocard, which would display Coles' catalogues on their apps and occasionally push notifications to customers about current promotions.

- (d) **Emails to customers:** Promotions were occasionally advertised via email to Coles customers who have opted in to receive email marketing communications from Coles and Flybuys, and included links to recent catalogues and digital banners with promotional messaging.
- (e) **Digital catalogue:** The catalogue referred to above was also made available in digital form for customers through Coles' website and digital channels.

47 Examples of digital and online advertising are shown below.



Television advertisement



ShopFully advertisement

Affirmed by the deponent)
 at Hawthorn East)
 in Victoria)
 on 21 November 2025)
 Before me:)

REDACTED - PII

Signature of deponent

REDACTED - PII

Signature of witness

JEREMY PETER RICH
 of 101 Collins Street, Melbourne, Victoria 3000
 An Australian legal practitioner within the meaning
 of the Legal Profession Uniform Law (Victoria).