

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: Matthew Peter Hankin

Address: 800 Toorak Road, Hawthorn East, Victoria

Occupation: Head of Coles 360 Commercial Integration (secondment) at Coles

Date: 21 November 2025

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 Filed on behalf of: Coles Supermarkets Australia Pty Ltd (ACN 004 189 708), the respondent

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[Version 3 form approved 02/05/2019]

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I, Matthew Peter Hankin of 800 Toorak Road, Hawthorn East, Victoria, Head of Coles 360 Commercial Integration, affirm:

- 1 I am the Head of Coles 360 Commercial Integration at Coles Supermarkets Australia Pty Ltd (ACN 004 189 708) (Coles).
- 2 Exhibited to this affidavit and marked Exhibit MH-1 and Exhibit MH-2 are two sets of documents. In this affidavit, I refer to each document by reference to the relevant tab number in Exhibit MH-1 or Exhibit MH-2 and where convenient by the document's identification number, stamped on the top right-hand corner of the first page. Where documents in Exhibit MH-1 or Exhibit MH-2 have attachments, the host document is numbered, for example, tab 1, with each of the attachments numbered tab 1.1 and tab 1.2 accordingly.

A. ROLES AT COLES

- 3 I have been employed by Coles (formerly Coles Myer Ltd) and its related entities since 1987, as follows:
 - (a) between 1987 and 2004 in a number of different roles, including as a casual team member in the Coles Donvale Store, and across the Finance and Logistics teams of Coles Myer Ltd;
 - (b) between May 2004 and October 2005 as National Operations Manager in the Supply Chain team of Officeworks;
 - (c) between November 2005 and March 2007 as Transformation Project Manager at Coles;
 - (d) between 1 March 2007 and 15 February 2009 as Merchandise Support Manager at Coles;
 - (e) between 16 February 2009 and 19 April 2015 as Business Category Manager (BCM) for various business categories at Coles including Meal Requirements, Breakfast and Health, Dairy, Pantry / Meal Requirements and Total Loss;
 - (f) between 20 April 2015 and 24 July 2016 as Head of Stores Total Loss at Coles;
 - (g) between 25 July 2016 and 31 August 2020, as BCM for Homecare;
 - (h) between 1 September 2020 and 10 August 2025, as BCM for the Health, Beauty and Baby business category; and
 - (i) since 11 August 2025, I have been on secondment as Head of Coles 360 Commercial Integration.
- 4 Unless stated otherwise, the matters to which I refer in this affidavit concern the period when I was BCM of the Health, Beauty and Baby business category.

B. THE HEALTH, BEAUTY AND BABY BUSINESS CATEGORY

- 5 Coles' supermarket business was organised by reference to 'product categories', 'business categories' and 'business units'. Product categories sat within business categories and business categories sat within business units.
- 6 Health, Beauty and Baby was a business category. It was one of four business categories that sat within the Health and Home business unit. The other three were Homecare, General Needs, and Telco, Tobacco and Entertainment.
- 7 In the period February 2022 to March 2023, the Health, Beauty and Baby business category comprised 15 product categories including Dental Health, Women's Deodorants and Grooming

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(referred to within Coles as 'Womens Deos & Groom') and Infant Formula. In Sections C, D and E of this affidavit (respectively) I refer to:

- (a) Colgate Total Original Toothpaste 200g (Coles Stock Keeping Unit (SKU) ID 3401074) (**Colgate Original Toothpaste 200G**), a product in the Dental Health product category;
- (b) Rexona Anti-Perspirant Deodorant Aerosol Classic 250ml (Coles SKU ID 5079187) (**Rexona Aerosol Classic Deodorant**), a product in the Women's Deodorants and Grooming product category; and
- (c) Karicare Follow On Formula 900 Gram (Coles SKU ID 1023271) (**Karicare Follow On Formula**), a product in the Infant Formula product category.

8 I reported to the General Manager of the Health and Home business unit, Jonathan Torr (until September 2022) and Deb Galle (from October 2022). For each product category for which I was responsible, I had a team of people that reported to me. At the time of the events I describe in Sections C, D and E below:

- (a) Paul Carroll, Senior Category Manager of Personal Care (until 12 December 2021) (Personal Care comprised Dental Health (until mid-April 2022), Soaps and Body Wash, Sanitary Protection and Men's and Women's Deodorants and Grooming) and Jack Jessiman, Assistant Category Manager of Personal Care reported to me including in respect of the Dental Health category;
- (b) Jasreet Sandhu, Senior Category Manager of Personal Care (from April 2022) and Bethanie Chow, Assistant Category Manager of Personal Care (until April 2022) reported to me including in respect of the Women's Deodorants and Grooming category; and
- (c) Lauren Merlino, Senior Category Manager of Baby reported to me with respect to the Infant Formula category.

9 I was responsible for the strategic direction and financial performance of the Health, Beauty and Baby business category including:

- (a) overseeing the implementation of the business category's strategy (i.e., ranging the right products at the right price);
- (b) the performance of the product categories for which I was responsible, including in respect of sales volumes, profitability, growth and product availability;
- (c) managing and supporting the Senior Category Managers and Category Managers (and where appropriate, Assistant Category Managers) who reported to me with respect to the fulfilment of their duties, for example, in developing category plans and in negotiations with suppliers with respect to pricing and promotional plans; and
- (d) building and maintaining supplier relationships.

10 Category Managers had primary responsibility for setting Coles' retail prices and working with suppliers to agree upon suppliers' list prices (including increases to list prices) and promotional plans and funding. My role was usually focussed on supporting and providing guidance to Category Managers with respect to those matters when required. However, from time to time I became directly involved in these processes, including by making relevant pricing decisions and dealing directly with suppliers, particularly when issues arose during negotiations that were proving difficult to resolve or there were resourcing constraints within the Coles product category teams.

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C. COLGATE CPI REQUEST

- 11 When suppliers' costs increased, they could seek to increase their list prices for products by submitting a cost price alteration (**CPA**) request to Coles. List prices were the prices that Coles' suppliers charged to Coles before discounts, rebates, offsets or other adjustments. I usually referred to CPA requests as cost price increase (**CPI**) requests.
- 12 On 3 December 2021, Colgate submitted a CPI request for 28 products in the Soaps and Body Wash category and 29 products in the Dental Health category and said that it had a strong promotional plan in respect of those products. A copy of Colgate's email (COL.501.079.3421) and its attachments which include the CPI request (COL.501.079.3422, COL.501.079.3423 and COL.501.079.3424) are at **tabs 1-1.3 of Exhibit MH-1**. The email regarding Colgate's promotional plan (COL.517.006.2704) and its attachments (COL.517.006.2706, COL.517.006.2707 and COL.517.006.2708) are at **tabs 2-2.3 of Exhibit MH-1**.
- 13 Colgate requested an 11.4% increase in the list price for Colgate Original Toothpaste 200G.
- 14 In preparing this affidavit I have been shown an email from Colgate to Mr Jessiman dated 7 January 2022 that attached Colgate's proposed promotional plan (referred to at paragraph 12). I do not recall whether I saw this email or the promotional plan at the time. The promotional plan (an Excel spreadsheet) provided for Colgate Original Toothpaste 200G to be sold on promotion at \$6.00. The relevant cell of the spreadsheet was highlighted red. The covering email states that cells highlighted red are proposed to be sold on Down Down promotion. A copy of that email (COL.503.025.3520) and promotional plan (COL.503.025.3521) is at **tab 3 and confidential tab 3.1 of Exhibit MH-1**.
- 15 Mr Jessiman (Assistant Category Manager of the Personal Care category at the time) had most of the discussions and negotiations with Colgate regarding the CPI request and revised promotional plan. He is no longer employed by Coles. He left on 12 November 2022.
- 16 I provided guidance to Mr Jessiman at various points in the negotiations. I considered this necessary because there was no Senior Category Manager or Category Manager in the Personal Care category at the time, with the former Senior Category Manager having moved into a new role shortly after Colgate submitted the CPI request. For example, a communication that I received concerning the CPI request (COL.517.019.8767) and its attachments (COL.517.019.8769 and COL.517.019.8770) are at **confidential tabs 4 and 4.2 and tab 4.1 of Exhibit MH-1**. I have excluded from that tab an attachment that does not relate to Colgate Original Toothpaste 200G.
- 17 Mr Jessiman liaised with Coles' Vendor Management Office (**VMO**) who assisted with assessing the CPI request. The VMO estimated the amount by which Coles' costs would increase if Coles agreed to the CPI request. The VMO estimated that, if Coles agreed to the CPI request in full (for all 57 Colgate products), Coles' costs would increase by 13.2%.
- 18 The VMO also assessed whether Colgate's costs had increased by the same amount, using information available to the public and via subscription services and any information provided by the supplier. This was referred to as 'validating' a CPI request. Where the VMO was unable to fully validate a CPI request, Coles referred to the unvalidated portion as a 'validation gap'.
- 19 The VMO validated CPI requests using an 'Average Movement' analysis (based on average changes to commodity prices since the effective date of the last CPI request (i.e., when that list price came into effect on Coles' system)) and a 'Point-to-Point' analysis (based on changes to commodity prices between the effective date of the last CPI and the time of the VMO's assessment).

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- 20 Using an Average Movement analysis, the VMO validated that, across the products the subject of the CPI request, there had been a 0.58% increase in Colgate's costs, and a 0.16% increase in respect of Colgate Original Toothpaste 200G.
- 21 A copy of the VMO's analysis (COL.511.001.0618) and its attachment (COL.511.001.0619) that was shared with Colgate is at **tabs 5-5.1 of Exhibit MH-1**.
- 22 I considered that part of the reason for the validation gap may have been that the VMO was not accounting for all of the increased shipping costs that Colgate had incurred. I understood that Australia had been 'de-prioritised' as a shipping lane by some shipping companies and that there were also shortages in shipping containers, which had resulted in some suppliers having significantly increased shipping costs. I suggested that Mr Jessiman ask Colgate for more information about its international freight costs and ask the VMO to update its analysis. Copies of my emails are at **confidential tab 6 of Exhibit MH-1** (COL.503.026.3710) and **tabs 7-7.2 of Exhibit MH-1** (COL.503.026.5103 and its attachments COL.503.026.5104 and COL.503.026.5105).
- 23 The VMO subsequently validated that, across the products the subject of Colgate's CPI request, Colgate's costs had increased by 6% using Average Movement analysis and 7.5% using Point-to-Point analysis. For Colgate Original Toothpaste 200G, the VMO validated that Colgate's costs had increased by 6% using Average Movement analysis and 7.6% using Point-to-Point analysis. A copy of an email chain (COL.503.029.1193) and its attachments which include the VMO's updated analysis (COL.503.029.1194 and COL.503.029.1195) are at **tabs 8-8.2 of Exhibit MH-1**.
- 24 I was content to proceed on the basis of the Point-to-Point analysis and to accept that Colgate's overall costs across the products the subject of its CPI request had increased by 7.5%. Based on the VMO's analysis, this left an overall 'validation gap' of \$3.8 million.
- 25 I was prepared to agree to Colgate's CPI request notwithstanding this validation gap. Colgate was an important supplier and represented nearly 45% of the Dental Health category. In addition, Coles did not have full visibility over Colgate's costs. The VMO relied on information available to the public and via subscription services, so its assessment of Colgate's costs might not have been accurate. Additionally, it was important to me to protect customer value through a secure and stable product offering. At the time, there had been interruptions to global supply chains and Coles was unable to obtain sufficient quantities of some products to keep shelves fully stocked. I did not want to risk being in a situation where Colgate and Coles could not agree on the CPI request and, as a result, Colgate ceased supplying the relevant products to Coles (also known internally as 'non-supply'). That could have resulted in Coles having even more empty shelves; and increased demand for other, substitute products, which could in turn have placed supply chain pressure on those other products and suppliers, and risked further gaps on shelves.
- 26 However, it was important to me that Mr Jessiman try to offset the remaining validation gap of \$3.8 million by negotiating improvements to the promotional plan. I considered that obtaining improvements to the promotional plan would provide additional value to customers and enable Coles to be more competitive. I also considered that Colgate would be more willing to provide additional promotional activity or promotional funding than reduce the amount by which it sought to increase its list prices. That is partly because I considered that based on previous discussions with the supplier, Colgate was likely to insist on a single list price that it charged to all retailers and they would be unlikely to want to charge a lower list price to some retailers and not others. It is also because I considered that suppliers obtained benefits from selling products on promotion, such as increased sales and increased product and brand awareness. Further, promotional funding was usually provided for a specified period (being the period the subject of an agreed

- promotional plan). In contrast, once a product's list price was increased, it remained at the increased list price unless and until the supplier submitted a further CPI request.
- 27 On 25 February 2022, Mr Jessiman informed me that he had secured an additional \$**RE** million in funding from Colgate. The \$**R** million figure was an estimate, based on the funding that Colgate had proposed to provide and its forecast volume of sales of products at their proposed promotional prices. Mr Jessiman suggested sending out a 'final offer today which bridges the remaining gap to \$3.8m'. I agreed that he should do so. A copy of our email exchange (COL.503.024.7136) and its attachments (COL.503.024.7137 and COL.503.024.7138) are at **confidential tab 9 and tabs 9.1-9.2 of Exhibit MH-1**. He sent the 'final offer' later that day, attaching the latest version of Colgate's promotional plan proposal. A copy of his email (COL.503.026.3740) and its attachments (COL.503.026.3742 and COL.503.026.3743) are at **confidential tabs 10-10.2 of Exhibit MH-1**. I have excluded from tab 10 an attachment that does not relate to Colgate Original Toothpaste 200G.
- 28 On 28 February 2022, I received an email from Mr Jessiman providing an update on market movements for Colgate products, including that Woolworths had moved the Colgate Original Toothpaste 200G product to \$6.00. Mr Jessiman asked me whether to move the prices of the Colgate products with the market or hold the prices of the Colgate products while seeking final resolution of the Colgate CPI request (i.e., hold the price of Colgate Original Toothpaste 200G at \$5.50). A copy of that email (COL.517.005.1568) is at **tab 11 of Exhibit MH-1**.
- 29 I do not recall my response to Mr Jessiman, but my general practice was to not move the retail prices of products subject to ongoing CPI request negotiations until after the CPI request had been resolved. The price of Colgate Original Toothpaste 200G at Coles was held at \$5.50.
- 30 On 2 March 2022, I received an email from Mr Jessiman with an update on pricing movements in the market, including that Colgate Original Toothpaste 200G had moved to \$7.00 at Woolworths. **Tabs 11-12.1 of Exhibit MH-1** contain emails reporting on that pricing change at Woolworths.
- 31 I do not recall what, if any, further negotiations occurred following Mr Jessiman's 'final offer' referred to in paragraph 27 above. However, in preparing this affidavit I have been shown an email from Matt Gardiner of Colgate to Graham Murphy of Coles (Supply Chain Manager for the Health, Beauty and Baby business category), which says that as at 1 March 2022 agreement on the CPI request had not been reached. Mr Gardiner also says that Colgate's new list prices 'went live yesterday' and that Colgate would not be able to ship products the subject of the request until agreement was reached (i.e., Colgate had entered into non-supply as described at paragraph 25 above). A copy of that email (COL.511.001.0828) and its attachment (COL.511.001.0831) is at **tabs 13-13.1 of Exhibit MH-1**.
- 32 Agreement on the CPI and promotional plan appears to have been reached by no later than 9 March 2022. On that date, Coles moved its pricing for Colgate Original Toothpaste 200G to \$7.00, being the price that Woolworths were charging for the product. A copy of an email from the Pricing and Value team reporting on this price change (COL.500.029.6466) and its attachment (COL.500.029.6472) is at **tabs 14-14.1 of Exhibit MH-1**.
- 33 Promotional Advice Forms (**PAFs**) are documents that are completed by suppliers which generally record the details of agreed promotions. Coles enters information from the PAFs into its systems once agreement is reached. On 4 April 2022, Colgate provided a completed PAF to Coles for Colgate Original Toothpaste 200G (as well as certain other Colgate products). The PAF provided that Colgate Original Toothpaste 200G would be put on Down Down for the period 6 April 2022 to 28 June 2022 at \$6.00. Colgate's promotional funding contribution for Colgate

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Original Toothpaste 200G was \$**RE**. A copy of an email chain with Colgate (COL.503.026.4859) attaching that PAF (COL.503.026.4860) is at **tab 15 and confidential tab 15.1 of Exhibit MH-1**.

34 On 5 April 2022, I received an email from the Pricing and Value team indicating that Woolworths had moved the price of Colgate Original Toothpaste 200G from \$7.00 to \$6.00 on a Prices Dropped ticket. A copy of that email (COL.501.007.6752) and its attachment (COL.501.007.6753) is at **tabs 16-16.1 of Exhibit MH-1**.

35 On 6 April 2022, the price of Colgate Original Toothpaste 200G at Coles moved from \$7.00 to \$6.00 on a Down Down ticket. This aligned with Colgate's promotional recommended retail price (referred to at paragraph 14 above). A copy of an email that I received from the Pricing & Value team reporting on this price change (COL.500.025.1000) and its attachment (COL.500.025.1007) is at **tabs 17-17.1 of Exhibit MH-1**.

D. UNILEVER CPI REQUEST

36 On 4 January 2022, I received a CPI request from Chris Charlton, Head of Coles at Unilever. On 13 January 2022, I received an updated version of the request. The updated request covered 138 products across the Skin Care, Hair Care, Soaps and Body Wash and Deodorants and Grooming categories, including Rexona Aerosol Classic Deodorant. Copies of the original CPI request and updated CPI request are at **tabs 1-2.2 of Exhibit MH-2**.

37 At the time of Unilever's CPI request, Rexona Aerosol Classic Deodorant was being sold on a Down Down ticket. Before that, it was sold on a white ticket at \$7.00 (which appeared as the 'was' price on the Down Down ticket). Unilever requested a 20% increase in the list price of that product and proposed a RRP of \$6.00.

38 I received this request because it covered multiple product categories within my business category, and because Mr Charlton was my counterpart at Unilever. I was directly involved in the subsequent CPI negotiations due to the breadth of the CPI request and because the Senior Category Manager of Personal Care, Paul Carroll, had recently transitioned to a different role and the incoming Senior Category Manager did not commence in the role until April 2022. Written communications that I sent or received concerning the CPI request include those at **tabs 3 to 4 and 6** (including any attachments) **and confidential tabs 5 and 7** (including any attachments) **of Exhibit MH-2**. I have excluded attachments that do not relate to Rexona Aerosol Classic Deodorant from tab 4 and confidential tab 7.

39 The VMO estimated that the amount by which Coles' costs would increase if it agreed to Unilever's CPI request was 12.3% for all products the subject of the request.

40 Initially the VMO validated that Unilever's costs across all products the subject of the CPI request had increased by 4.6% using the Average Movement method. The VMO validated that Unilever's costs in respect of Rexona Aerosol Classic Deodorant had increased by 4.2% using the Average Movement method. A copy of an email containing the VMO's assessment (COL.503.028.3120) and its attachment (COL.503.028.3122) is at **tabs 8-8.1 of Exhibit MH-2**. I have excluded from that tab attachments that do not relate to Rexona Aerosol Classic Deodorant.

41 On this analysis, there was an overall 'validation gap' of approximately \$6.1 million.

42 I worked with the VMO and Mr Charlton to understand and reassess the VMO's analysis. Copies of that correspondence are at **tabs 9-12** (including any attachments) **of Exhibit MH-2**. I have excluded from tab 9 attachments that do not relate to Rexona Aerosol Classic Deodorant.

43 On 3 March 2022, I met with Mr Charlton to discuss the CPI request and the 'validation gap'. He had slides that he discussed with me. A copy of an email chain with Mr Charlton

- (COL.517.025.7270) and the slides (COL.517.025.7273) is at **tab 13 and confidential tab 13.1 of Exhibit MH-2**. As the slides record, Unilever accepted that there was a 'validation gap', which it assessed as approximately \$4.2 million. The slides identified steps that Unilever proposed to bridge that gap.
- 44 The next day, Mr Charlton sent to me Unilever's proposed pricing strategy for various products the subject of the CPI request. At the time, Rexona Aerosol Classic Deodorant was sold by Coles on Down Down promotion at \$5.00. He proposed that, after the CPI, Coles sell it using the Every Day mechanic at \$6.00. The Every Day mechanic was one in which prices of some products remained at a consistent price for a period of at least six months. A copy of his email (COL.517.025.7270) is also at **tab 13 of Exhibit MH-2**.
- 45 On 14 March 2022, Mr Charlton provided me with another version of Unilever's proposal. A copy of his email (COL.517.001.6598) and its attachment (COL.517.001.6602) is at **confidential tabs 14-14.1 of Exhibit MH-2**.
- 46 On 28 March 2022, I asked Ms Chow, Assistant Category Manager for the Personal Care category, for her view on the pricing strategy that Mr Charlton proposed. In respect of the Rexona 250ml products (which included Rexona Aerosol Classic Deodorant) she said that her 'assumption is that the market will move' and that she was therefore aligned with Unilever's proposal. I understood this to mean that she expected those products to be sold at about \$6.00 at Woolworths and that she was content with Unilever's proposed strategy of selling them at Coles at \$6.00 using the Every Day mechanic. A copy of our email exchange (COL.517.003.5165) is at **tab 15 of Exhibit MH-2**.
- 47 The same day, I asked the VMO to re-assess Unilever's CPI request based on information provided by Mr Charlton. The next day, the VMO sent me their updated analysis which used Mr Charlton's information and methodology. A copy of our email exchange (COL.517.005.1381) and its attachments (COL.517.005.1384, COL.517.005.1389, COL.517.005.1390 and COL.517.005.1391) are at **tabs 16-16.4 of Exhibit MH-2**.
- 48 I was willing to agree to the CPI request despite it being only partially 'validated' by the VMO, for similar reasons to those referred to in paragraph 25 above. That is, Unilever (like Colgate) was a major supplier to Coles; the VMO's analysis was an estimate only and Coles did not have full visibility into Unilever's costs; and I did not want to risk being in a situation where the list price increase was not agreed and there was 'non-supply'.
- 49 Unilever proposed to increase its list prices in stages. It proposed to increase the list prices of some products on 4 April 2022 and others on 11 and 18 April 2022. On 1 April 2022, I approved the increases that Unilever proposed occur on 4 April 2022. This covered Dove and Impulse branded deodorants (not Rexona Aerosol Classic Deodorant). Copies of my emails are at **tab 17 and confidential tab 18 of Exhibit MH-2**.
- 50 Later that day, I received an email from Mr Charlton with PAFs in respect of the products the subject of the CPI request. It was not uncommon for suppliers to provide PAFs to Coles in advance, and in anticipation, of agreement on proposed promotions. The PAF for Rexona Aerosol Classic Deodorant stated that the product would be sold at \$6.00 starting on 18 April 2022 and that Unilever would provide funding of \$RE per unit. A copy of that email (COL.517.021.2819) and its attachments (COL.517.021.2825, COL.517.021.2844 and COL.517.021.2845) are at **confidential tabs 19-19.1 and 19.3 and tab 19.2 of Exhibit MH-2**. I have excluded from that tab attachments that do not relate to Rexona Aerosol Classic Deodorant.
- 51 I expected Unilever to have made a CPI request to other retailers that was the same or similar to the CPI request it made to Coles. I considered that other retailers might therefore start increasing

their prices for relevant products on or around 4 April 2022. On 5 April 2022 and again on 6 April 2022, I asked my team whether there had been any relevant price changes at other retailers. On 7 April 2022, Ms Chow informed me that the market pricing had moved for Dove deodorant. I understood the reference to 'market' to mean Woolworths. My emails (COL.517.018.8370) are at **tab 20 of Exhibit MH-2**.

52 On 7 April 2022, I approved the remainder of Unilever's CPI request. The approval is also at **tab 20 of Exhibit MH-2** (COL.517.018.8370).

53 On 8 April 2022, I received an email from the Pricing and Value team which indicated that Woolworths had increased the price of Rexona Aerosol Classic Deodorant from \$5.00 to \$6.50. A copy of that email (COL.517.022.0135) and its attachment (COL.517.022.0142) is at **tabs 21-21.1 of Exhibit MH-2**. I have excluded from that tab attachments that do not relate to Rexona Aerosol Classic Deodorant. The product had previously been on a Prices Dropped ticket at Woolworths at \$5.00.

54 After observing this movement in market price, my team and I adopted a Down Down strategy following the CPI and the requisite price establishment period. Accordingly, my team and I decided to remove the product from Down Down and place it on a \$6.50 white ticket, with a view to promoting the product on Down Down once the price establishment period was met.

55 Following price establishment, I trusted my then Senior Category Manager of Personal Care (Ms Sandhu) to carry out the remaining discussions with Unilever and facilitate the return of Rexona Aerosol Classic Deodorant to Down Down. A copy of my correspondence with Ms Sandhu (COL.504.021.7516) and its attachment (COL.504.021.7517) is at **tabs 22-22.1 of Exhibit MH-2**. Unilever provided the final PAF for Rexona Aerosol Classic Deodorant (as well as certain other Rexona products) to be put on Down Down commencing 18 May 2022. Unilever's promotional funding contribution for Rexona Aerosol Classic Deodorant was \$**RE**. A copy of the email from Unilever (COL.504.027.8051) and PAF (COL.504.027.8052) is at **confidential tabs 23-23.1 of Exhibit MH-2**.

E. DANONE CPI REQUEST

56 In late December 2022 Coles received a CPI request from Danone for products that included Karicare Follow On Formula. This request was dealt with by Ms Merlino, Senior Category Manager of the Baby category. Ms Merlino formally left Coles on 15 October 2025 but her last working day was 15 July 2025. While I received most of the correspondence between Danone and Ms Merlino, I was not actively involved in the assessment of or decisions regarding this CPI request.

Affirmed by the deponent
at Hawthorn East
in Victoria
on 21 November 2025

Before me:

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Signature of witness

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Signature of deponent

BRAYDEN JAMES POON
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