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AIDS HELPLINE: 0800-0123-22 Prevention is the cure

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GENERAL NOTICE

NOTICE 1327 OF 2003**COMPETITION COMMISSION****NOTIFICATION OF REASONS FOR DECISION TO CONDITIONALLY APPROVE THE TRANSACTION INVOLVING:
ASPEN PHARMACARE (PTY) LTD****&****GLAXOSMITHKLINE (SOUTH AFRICA) (PTY) LTD**

The Competition Commission hereby gives notice in terms of Rule 38 (3) (c) of the Rules for the Conduct of Proceedings in the Competition Commission, that it has approved the transaction involving the above mentioned firms subject to the conditions set out below.

The Commission approved the abovementioned merger subject to the condition that the product Lanoxin (CO1A Cardiac Glycosides), does not form part of this transaction. This includes Lanoxin's active substances, its existing formulations, mixture products and inventories of the same, as well as exclusive rights to all related intellectual property rights, registration data packages, registration rights, customer lists, pipeline products, R&D, and all related agreements and documentation relating to Lanoxin.

Further, in the event that GSK wishes to transfer this product to Aspen in any future transaction, notice must be given to the Competition Commission, in terms of the Competition Act 89 of 1998, prior to implementation, notwithstanding the fact that the merger might not be notifiable.

The Commission came to the abovementioned decision after having established that the merger will substantially prevent or lessen competition in the Cardiac Glycosides CO1A market.

The Commission has further established that the merger will not substantially prevent or lessen competition in any of the other markets in which a product overlap occurs. Furthermore, no serious public interest issues arise from the merger.

Enquiries in this regard may be addressed to Mr M van Hoven at Private Bag X23, Lynnwood Ridge, 0040. Telephone: (012) 482 9272, or Facsimile: (012) 482 9121. (Reference: 2002 Dec 340)

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