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22 July 2009

PRESS RELEASE: TURNERS & GROWERS SUES ZESPRI

Turners & Growers Limited and its wholly owned subsidiaries, Turners and Growers Horticulture Limited and ENZA Limited, have filed proceedings in the Auckland High Court against Zespri Group Limited and its subsidiary Zespri International Limited.

The proceedings are in respect of claims by Turners & Growers that:

1. The Kiwifruit Export Regulations 1999, which purport to give Zespri a monopoly over the export of kiwifruit (other than to Australia), are unlawful because they are inconsistent with the Commerce Act 1986, which protects open competition, and the New Zealand Bill of Rights Act 1990.
2. Zespri has abused its dominant position for the purpose of preserving its monopoly after deregulation, by:
 - a. seeking to tie growers, suppliers and post harvest operators into exclusivity contracts;
 - b. attempting to take control of the supply of kiwifruit for export to Australia; and
 - c. attempting to take control of new kiwifruit cultivars.
3. Zespri has unlawfully discriminated among suppliers of kiwifruit by paying more for kiwifruit supplied by growers who are prepared to sign exclusivity agreements with Zespri, in an improper attempt to preserve Zespri's monopoly power.
4. Zespri has unlawfully carried on businesses and activities prohibited by the Kiwifruit Export Regulations 1999, without obtaining the approval of shareholders and suppliers.

Turners & Growers is taking this action in order to protect the rights of the kiwifruit growers and post harvest operators in New Zealand which do not support Zespri and whose interests are harmed by Zespri's monopoly power.

Turners & Growers' Statement of Claim, as filed, is available at www.turnersandgrowers.com.

For further information, or comment, please contact:

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