

From: [REDACTED]
 To: FTC.SERIUS("novuka@ftc.gov")
 Date: 3/29/02 11:37AM
 Subject: Question

Ms. Ovuka,

I spoke with you yesterday regarding the preparation of a premerger notification form and have a follow up question that I thought would be best written out. My question focuses on Item 5 of the report form requiring dollar revenue information by 6-digit industry codes.

As I explained, our client, the "acquired" entity, is a grocery/food wholesaler. It engages in selling a wide range and variety of food products as well as some restaurant and cafeteria type equipment. The [REDACTED] lists 6-digit industry codes based on activities in which a company is "primarily" engaged. Our client fits clearly within code [REDACTED] as it sells a wide range and general line of grocery products. However, sales could be broken down further into, e.g., Packaged Frozen Foods [REDACTED] Poultry Products [REDACTED] etc.

Prior to requesting additional detailed information from our client, I am requesting clarification on how the term "primarily" is applied in this context and, specifically, whether it is necessary to break down these activities beyond the company's true primary business.

Any assistance would be appreciated. Thanks.

3/29
 Acquired person is "primarily"
 engaged in wholesaling a
 general line (wide range) of
 groceries rather than a
 specialized line of groceries
 which are classified
 according to the product
 sold

nmo

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