

J&P Turner Limited – proposed acquisition of Turners & Growers Fresh Limited – J&P Turner Limited cross-submission on points raised in third party submissions on the Statement of Issues

Introduction

1. J&P Turner Limited (**JPT**) refers to the submissions in response to the Commerce Commission's (**Commission's**) Statement of Issues (**SOI**) in relation to its consideration of the application for clearance by JPT to acquire up to 100% of the shares in Turners & Growers Fresh Limited (**T&G Fresh**).
2. This document comprises JPT's response to several of the matters raised in submissions.

The prices offered to growers reflect the competitiveness of the market

3. Several submissions in response to the SOI refer to Fresh Direct's reputation for offering the lowest prices to growers.¹ JPT's lived experience is that pricing is dynamic and affected by a plethora of different factors. At different times different acquirers will offer the best terms to growers. Sometimes it will be JPT and sometimes it will be others. Where growers consider that they can get better terms elsewhere, they can and do seek alternative routes to market.
4. []. Question 7 of the grower survey asks growers:²

[w]hat would you do if a merged J&P Turner (Fresh Direct)/T&G Fresh was to reduce its prices, increase its commission rates to you, or change its commercial terms in a way that disadvantages you?
5. That is, it asks the question at the core of the substantial lessening of competition test: would the merged entity be able to profitably decrease prices paid to growers (or increase commissions) or decrease the quality of its service?
6. [].
7. In the first round³ of survey responses received by the Commission []:

¹ JPT notes that it is unfamiliar with Farmers Fruits, which makes a submission to this effect. JPT does not have any record of it as a grower and no entity with that name appears on the NZGAP register. As such the basis for its comments about JPT are unclear to JPT.

² The Commission released an aggregated and anonymised version of the survey results, on a counsel-only basis, to JPT's external legal counsel on 24 September 2026.

³ The Commission re-opened the grower survey subsequent to publishing the SOI. The survey closed again at 11.45pm on 29 September 2026. At the time of writing, JPT's external counsel had requested, but not yet received, the updated results.

- a. [];
- b. []; and
- c. [].

8. [].

9. [].

10. This is consistent with other evidence received by the Commission, the Commission's previous findings in relation to the competitiveness of the wholesale supply of fresh produce and its previous decision in *T&G Freshmax*: the market is competitive and growers have options.

A significant number of growers supply to supermarkets

11. One submission suggests that only about 12% of growers can supply direct to supermarkets.⁴ JPT respectfully considers that this figure understates the options that many growers have as regards having their produce sold in supermarkets.

12. Of the approximately 4,300 growers in New Zealand, approximately 2,800 of these are kiwifruit orchards.⁵ The vast majority of these growers supply third party packhouses that supply RGRs and/or export produce via Zespri, which holds a statutory single-desk export monopoly for all markets (other than Australia) and attracts the best prices. Similarly, growers of other produce types such as apples and avocados also supply packhouses, which in turn supply supermarkets. This is in addition to the option of supplying supermarket DCs directly, or independent Foodstuffs stores or via grower collectives, marketers, wholesalers, distributors or other aggregators. In short, growers will continue to have significant options other than the merged entity for having their produce sold in supermarkets.

⁴ Anonymous G, submission in response to the SOI.

⁵ United Fresh, *Fresh Facts*, 2025 (page 14) lists this number at 2,798.