

Competition Tribunal
File No.:
Registry Document No.:

CT-2008-007

BETWEEN:

SWENSON INC.,

APPLICANT

AND:

TRADER CORPORATION,

RESPONDENT

AFFIDAVIT OF DAROLD SWENSON

I, Darold Swenson, of the Town of Minot, in the state of North Dakota, make oath and say as follows:

1. I am the president of Swenson Inc., the Applicant herein, and as such, I have personal knowledge of the matters contained herein except where otherwise stated.
2. I give this Affidavit in support of an application made by Swenson Inc. for leave to make an application against the Respondent pursuant to s. 75 of the *Competition Act*, R.S.C. 1985, c. 34.
3. The Applicant is a corporation duly incorporated under the laws of the State of North Dakota, is in good standing and is owned and operated by the Swenson family of Minot, North Dakota, USA. The Applicant was established in 1992 and is in the business of selling Recreational Vehicles ("RV") and related products in the trade area consisting of the United States and the western provinces of Canada (the "Trade Area").
4. On or about the first week of April, 2008, I attempted to purchase, on behalf of the Applicant, advertising space in the Bike, Boat & RV Trader publication. The Bike, Boat & RV Trader publication is owned by the Respondent and its office is located at 11638-142nd Street, Edmonton, Alberta. The Respondent refused to sell advertising space to me, claiming that it had no space available.


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- 5. Around the time that I attempted to purchase the advertising space, a comment was made to me by a representative of the Respondent that, due to pressure from Canadian RV dealers, the Respondent was not selling advertising space to American RV dealers wishing to advertise similar RV products. The Canadian and American RV dealers normally compete in a competitive and reasonably level marketplace. However, since the recent rise in the value of the Canadian Dollar with respect to the American Dollar, the marketplace for RV sales has experienced a shift. The price and selection offered for RV products by the American RV dealers have now become more competitive in the Trade Area than the price and selection offered by Canadian RV dealers.

- 6. While it is my belief that this shift in competitiveness within the RV market place and Trade Area is temporary, the refusal by the Respondent to sell advertising space to the Applicant will result in the Applicant suffering an approximate business loss of 40% for the 2008 year.

- 7. The Applicant has been purchasing advertising space in the Respondent's publications since 1991, and specifically the Bike, Boat & RV Trader publication since April, 2006. Throughout their business relationship, the Applicant has kept its account with the Respondent current and, prior to the recent comments made to me by its representative, the Respondent has never expressed to the Applicant or to me that it had a concern with respect to the sale of advertising space to the Applicant.

SWORN TO at Minot, in the State of
 North Dakota, this 10 day of July, 2008,
 before me:



K. A. ANDERSON
 Notary Public, State of North Dakota
 My Commission Expires June 11, 2009


 DAROLD SWENSON

**I hereby certify this to be a true copy of the original document/
 Je certifie par la présente que ceci est une copie conforme au document original**

Dated this / Fait ce July 15, 2008

Chantal Fortin

**For Registrar, Competition Tribunal /
 Pour Registraire, Tribunal de la concurrence**