

TEN MAJOR ANTITRUST COMMANDMENTS

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Thou Shalt Not:

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| <p>I. Discuss pricing or agree with your competitor concerning prices. (This includes any components of price, the pricing or bidding process, pricing to particular customers, output, or shipping, credit terms or other charges.)</p> <p>II. Agree with your competitor to share or divide markets or territories. (This includes the allocation of customers, areas, or products. An exception may exist for legitimate joint ventures monitored by antitrust counsel.)</p> <p>III. Tie the sale of one product to the sale of another separate product. (A substantial market share in the “tying product” (desirable) vis-a-vis the “tied product” (less desirable) must be shown for a violation to exist.)</p> <p>IV. Agree with your distributor that the distributor must charge a specific price for your product. (Suggested retail pricing is permissible as is unilateral termination (not by agreement with other distributors.))</p> <p>V. Communicate simultaneously with 2 or more distributors to discuss another distributor’s pricing or agree to its termination.</p> | <p>VI. Discriminate in the price of the same product with respect to two customers who compete with one another in the same market. (Numerous exceptions exist such as “meeting competition” (the price charged by your competitor), “cost justification” (such as transportation or similar expenses), or “functional discounts” (services performed by customers such as storage or transportation.))</p> <p>VII. Knowingly induce or receive a discriminatory price. (This includes pressuring your supplier for a lower price knowing the seller could not legally justify it.)</p> <p>VIII. Set your prices below your costs to drive a competitor out of the market.</p> <p>IX. Refuse to deal with a customer unless the customer agrees to stop purchasing from your competitor.</p> <p>X. Use unfair business practices to maintain or acquire monopoly power.</p> |
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