



Updated: May 31, 2016

Anti-Trust Guidelines

Group activities of competitors are inherently suspect under the anti-trust laws. Many activities among competitors, however, are both legal and beneficial to the industry. The best vehicle for enjoying the benefits of permitted Agreements among competitors, while avoiding the pitfalls of illegal Agreements, is by belonging to a trade association or professional society which takes its obligations in this regard very seriously.

All staff members are well versed in anti-trust matters and the association relies heavily on their judgment or that of legal counsel, to see that the topics which may give an appearance of an Agreement that would violate that anti-trust laws are not discussed at any meetings. The fact that a staff member and counsel are present at a meeting, however, should not invite probing to determine how far a discussion can proceed before it becomes apparent that it is improper and is cut off. It is the responsibility of each member in the first instance to avoid raising improper subjects for discussion. This reminder has been prepared to assure that the participants in all meetings are aware of this obligation.

The do's and don'ts presented below highlight only the most basic anti-trust principles. All participants should consult their own counsel in all cases involving specific situations, interpretations, or advice.

DO...

1. Adhere to prepared agendas for all meetings and object any time meeting minutes that do not actually reflect the matters which transpire.
2. Understand the purpose and authority of each group in which you participate.
3. Consult with the association/society general counsel on all anti-trust laws; disassociate yourself from any such discussions or activities and leave any meeting in which they continue.

DON'T...

1. In fact or appearance, discuss or exchange information regarding:
 - A. Individual company prices, price changes, price differentials, mark-ups, discounts, allowances, credit terms, etc., or data that bear on price, costs productions, capacity, inventories, sales, etc.
 - B. Industry pricing policies, price levels, price changes, differentials, etc.
 - C. Charges in industry production, capacity or inventories.
 - D. Bids on contracts for particular products; procedures for responding to bid invitations.
 - E. Plans of individual companies concerning the design, production, distribution or marketing of particular products, including proposed territories or customers.
 - F. Matters relating to actual or potential individual suppliers that might have the affect of excluding them from any market or of influencing the business conduct of firms towards such suppliers or customers.
2. Discuss or exchange information regarding the above matters during social gatherings, incidental to any meetings, even in jest.