Antitrust Reminder

Group activities of competitors are inherently suspect under the antitrust laws. Many agreements 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 like SPI which takes its obligations in this regard very seriously.

All SPI staff members are well versed in antitrust matters and the association relies heavily on their judgment to see that topics which may give an appearance of an agreement that would violate the antitrust laws are not discussed at SPI meetings. The fact that an SPI staff member is 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 participants in SPI meetings are aware of this obligation.

The Dos and Don'ts presented below highlight only the most basic antitrust principles. Each participant in an SPI meeting should be thoroughly familiar with the SPI Bulletin, "The Antitrust Laws and You—A Guide and Introduction to an Understanding of the Federal Antitrust Laws," and should consult counsel in all cases involving specific situations, interpretations, or advice.

DON'T

1. Do not, 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, e.g. costs, production, capacity, inventories, sales, etc.
   (b) Industry pricing policies, price levels, price changes, differentials, etc.
   (c) Changes 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 effect of excluding them from any market or of influencing the business conduct of firms toward such suppliers or customers.
2. Do not discuss or exchange information regarding the above matters during social gatherings incidental to SPI-sponsored meetings, even in jest.
3. Do not meet without SPI staff or counsel present.

DO

1. Adhere to prepared agendas for all SPI meetings and object any time meeting minutes do not accurately reflect the matters which transpired.
2. Understand the purposes and authority of each SPI group in which you participate.
3. Consult with the SPI General Counsel and your company counsel on all antitrust questions relating to SPI meetings.
4. Protest against any discussions or meeting activities which appear to violate the antitrust laws; disassociate yourself from any such discussions or activities and leave any meeting in which they continue.

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