

UNITED STATES OF AMERICA  
BEFORE FEDERAL TRADE COMMISSION

_____	)	
In the Matter of	)	
	)	
<b>WAL-MART STORES, INC.,</b>	)	
a corporation;	)	<b>Docket No. C-4066</b>
	)	
and	)	
	)	
<b>SUPERMERCADOS AMIGO, INC.,</b>	)	
a corporation.	)	
_____	)	

**COMPLAINT**

Pursuant to the provisions of the Federal Trade Commission Act and the Clayton Act, and by virtue of the authority vested in it by said Acts, the Federal Trade Commission (“Commission”), having reason to believe that respondent Wal-Mart Stores, Inc. (“Wal-Mart”) has entered into an agreement to acquire 100% of the outstanding voting securities of respondent Supermercados Amigo, Inc. (“Amigo”), all subject to the jurisdiction of the Commission, in violation of Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. § 45, that such acquisition, if consummated, would violate Section 7 of the Clayton Act, as amended, 15 U.S.C. § 18, and Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. § 45, and that a proceeding in respect thereof would be in the public interest, hereby issues its complaint, stating its charges as follows:

Wal-Mart Stores, Inc.

PARAGRAPH ONE: Respondent Wal-Mart is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at 702 Southwest 8<sup>th</sup> Street, Bentonville, Arkansas 72716.

PARAGRAPH TWO: Respondent Wal-Mart, through Wal-Mart Puerto Rico, Inc., its wholly-ownedD o c k e



products; fresh and prepared meats and poultry; produce, including fresh fruits and vegetables; shelf-stable food and beverage products, including canned and other types of packaged products; staple foodstuffs, which may include salt, sugar, flour, sauces, spices, coffee, and tea; and other grocery products, including nonfood items such as soaps, detergents, paper goods, other household products, and health and beauty aids.

PARAGRAPH NINE: In Puerto Rico, full-service supermarkets, “supercenters” (which are co-located full-service supermarkets and mass merchandise outlets), and “club stores” (which are stores that offer a wide selection and deep inventory of food and grocery products and general merchandise—often in large-sized packages or in packages of two or more conventional-sized items—to businesses and individuals that have purchased club memberships) offer a distinctive set of products and services that enables them to compete in the relevant line of commerce described in Paragraph Eight above.

TEN: In Puerto Rico, full-service supermarkets, supercenters, and

PARAGRAPH TEN: In Puerto Rico, a substantial portion of retail purchasers regard full-service supermarkets, supercenters, and club stores as reasonably interchangeable for the purpose of purchasing substantially all of their weekly food and grocery shopping requirements in a single shopping visit.

## Market Structure

PARAGRAPH FOURTEEN: The Cayey, Ponce, and Manati markets

Violations Charged

PARAGRAPH EIGHTEEN: The Merger Agreement dated as of February 5, 2002 among Wal-Mart Puerto