

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: Edith Ramirez, Chairwoman
Maureen K. Ohlhausen
Terrell McSweeney

_____)	
In the Matter of)	
)	
BALL CORPORATION,)	
a corporation;)	
)	Docket No. C-4581
and)	
)	
REXAM PLC,)	
a public limited liability company)	
_____)	

COMPLAINT

Pursuant to the Clayton Act and the Federal Trade Commission Act (“FTC Act”), and by virtue of the authority vested in it by said Acts, the Federal Trade Commission (“Commission”), having reason to believe that Respondent Ball Corporation (“Ball”), a corporation subject to the jurisdiction of the Commission, agreed to acquire Respondent Rexam PLC (“Rexam”), a public limited liability company subject to the jurisdiction of the Commission, in violation of Section 7 of the Clayton Act, as amended, 15 U.S.C. § 18, and Section 5 of the FTC Act, as amended, 15 U.S.C. § 45, and it appearing to the Commission that a proceeding in respect thereof would be in

9. Although one type of Specialty Can is not a substitute for another, it is appropriate to evaluate the Acquisition's likely effects through an analysis of the assortment of Specialty Cans because each of the products in the assortment is offered under similar competitive conditions. Grouping the many different types of Specialty Cans into an assortment, or cluster, enables the efficient evaluation of competitive effects.

10. Beverage producers would not switch from Specialty Cans to other package types such as Standard Cans, PET bottles, or glass bottles in response to a small but significant and non-transitory increase in price in Specialty Cans. Beverage producers package in specific shapes and sizes of Specialty Cans to maximize sales and attract certain customers who would not purchase their products in a different package type. Moreover, beverage producers have made substantial investments in infrastruc

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14. Likewise, the threat of vertical integration by beverage producers would not be timely, likely, or sufficient to prevent or deter the expected anticompetitive effects of the Acquisition. A typical beverage can plant must produce over a billion Standard Cans and/or Specialty Cans a year in order to be competitive, which

WHEREFORE, THE PREMISES CONSIDERED, the Federal Trade Commission on this ____ day of _____, 2016, issues its complaint against said Respondents.

By the Commission.

Donald S. Clark
Secretary

SEAL