

ANTITRUST GUIDANCE — HURRICANES HARVEY AND IRMA

In the wake of the damage resulting from Hurricanes Harvey and Irma, cooperation among federal, state, and local governments, private organizations, and businesses will be necessary to rebuild the communities and economies affected by the hurricanes. While natural disasters often bring out the best in human compassion and spirit, they can also lead to unscrupulous individuals and organizations taking advantage of those in need.

The Antitrust Division of the Department of Justice and the Federal Trade Commission (the “Agencies”) will hold accountable those who seek to illegally subvert competition and prey on those affected by Hurricanes Harvey and Irma. The Antitrust Division of the Department of Justice will criminally prosecute businesses involved in naked pricefixing, bid-rigging, or market allocation agreements. Both Agencies will investigate and take action against civil violations of the antitrust laws. In addition, the Federal Trade Commission will investigate and take action against companies and individuals that violate the consumer protection laws. The Agencies also are members of a multi-jurisdictional working group of federal and state law enforcement agencies established to investigate and prosecute hurricane-related illegal activity including, but not limited to: impersonation of federal law enforcement o

antitrust concerns. For example, hospitals or other health care facilities temporarily may need to combine certain resources or services to meet the health care needs of affected communities. Similarly, two or more firms might combine their distribution networks to better or more quickly bring needed products or services to their customers. These collaborations can be accomplished in a manner consistent with the antitrust laws rather than in conflict with them. Antitrust analysis of these collaborative arrangements can — and will — take into account the changes in market conditions as a result of the hurricanes.

The Agencies are committed to reasonable and responsible application of the antitrust laws and will work closely with other federal agencies, state and local governments, and the business community involved in the recovery efforts from Hurricanes Harvey and Irma.

Anyone with information on price