

The FTC: Protecting Consumers and Promoting Competition and Innovation

Over the past four years, with Jon Leibowitz as Chairman, the Federal Trade Commission has focused on stopping scams that targeted consumers who were affected by the economic downturn; promoting competition in high-tech and health care markets and lowering the cost of prescription drugs; and working to understand new technologies such as the mobile sector through law enforcement and policy initiatives. talented and dedicated staff has used the entire arsenal of enforcement and policy tools available including workshops, reports, industry studies, amicus briefs and advocacy filings, consumer and business education, and enforcement actions to bring the FTC to the forefront of good government, promote effective law enforcement, and provide outstanding outreach to consumers, businesses, and our law enforcement partners around the world. Chairman Leibowitz leaves the FTC as an inst1 72.024 610uon

- methods of competition authority to stop conduct that is harmful to consumers and competition but outside the scope of the antitrust laws.
- Fostered cooperation and convergence among international antitrust enforcers
 - Deepened engagement with key antitrust authorities such as China, India, Mexico, Canada and Russia; and
 - Promoted international convergence toward sound policies and enforcement.

Protecting Consumers

Since March 2009, the FTC has:

Addressing emerging mobile products and services with enforcement and policy initiatives:

With the explosion in the use of mobile technology, the FTC focused its attention on the mobile marketplace. The agency

generic and branded drugs, including blood-plasma derived drugs, acne and cancer creams, and pain medicines.

Challenging merger of long-term care pharmacies: In 2012, the Commission issued an administrative complaint challenging provider PharMerica Corp., two of the largest suppliers of pharmacy services to skilled nursing

by Transitions, Inc., the leading U.S. manufacturer of photochromic treatments that darken eyeglass lenses in sunlight. Under a consent order, Transitions agreed to stop using these practices, which should clear the way for consumers to choose other lenses when buying eyeglasses.

Combating exclusionary practices in residential real estate services:

successful defense in the Sixth Circuit Court of Appeals of its opinion involving a Multiple Listing Service in southeastern Michigan saw the conclusion of a long-term effort by the Commission to combat exclusionary rules of Multiple Listing Services nationwide that had the effect of keeping discount real estate brokers from offering home sellers and buyers services at discount prices.

Using a Variety of Antitrust Enforcement and Policy Tools

Updating the Horizontal Merger Guidelines to promote transparency in merger review: In August 2010, the FTC and DOJ released a major update of the Horizontal Merger Guidelines for the first time since 1992. The Guidelines explain, in plain language, how the federal antitrust agencies evaluate the likely competitive impact of mergers and when the agencies are likely to challenge proposed mergers.

Streamlining the premerger notification program and enforcement: As part of ongoing efforts to review our regulations, ensure that they are reasonably necessary and up-to-date, and eliminate burdensome reporting requirements for business, the FTC and DOJ also released a new HSR form that is easier to fill out, reduces the burden on most merging parties, and makes the premerger notification review program more effective for both agencies. The Bureau of Competition also investigated violations of the HSR rules, bringing civil penalty cases in rare instances in which parties ignore or overlook their filing obligations. For example, the Commission last fall required Biglari Holdings, Inc., a publicly traded holding company, to pay \$850,000 to resolve alleged HSR violations in connection with its 2011 acquisition of a stake in the restaurant operator Cracker Barrel Old Country Store, Inc.

Taking a balanced and fact-specific approach to enforcement: Under Chairman Leibowitz, the Commission continued its balanced approach to antitrust enforcement, following the facts and the law in deciding whether to challenge business conduct. Where the facts suggested that aggressive action to protect consumers when a challenge was warranted, as in the case of

from filing a challenge when the facts did not support an enforcement action, as in the review of the merger of pharmacy benefits ma

Increasing use of the Commission's Section 5 unfair methods of competition authority: When Congress created the FTC in 1914, it endowed the Commission with a unique combination of broad jurisdiction remedies. Section 5 reaches beyond the antitrust laws to conduct that is unfair and harmful to consumers and the competitive process, and because Section 5 is not an antitrust law the Commission -on claims for treble damages in federal court. Under Chairman Leibowitz, the Commission relied on its unfair

agency launched a new regulatory review web page to foster public participation and transparency, sought public comment on its regulatory review process, and accelerated the review of six rules and guides to address changes in technology and the marketplace. As a the FTC reviewed two- rules and guides.

One of the Best Places to Work in Federal Government:

the FTC consistently has been rated one of the best places to work in Washington. The FTC was rated a top-performing agency in three out of four categorie Viewpoint Survey, and ranked among the top five mid-sized agencies according to the