

In the Matter of

a corporation.

Pursuant to the provisions of the Federal Trade Commission Act, as amended, 15 U.S.C. § 41, et seq., and by virtue of the authority vested in it by said Act, the Federal Trade Commission (“Commission”), having reason to believe that O-I Glass, Inc. (“O-I”), a corporation, hereinafter sometimes referred to as “Respondent,” has violated the provisions of Section 5 of the Federal Trade Commission Act, 15 U.S.C. § 45, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues this Complaint stating its charges in that respect as follows:

1. This action addresses the unfair use by Respondent of post-employment covenants not to compete. The term post-employment covenants not to compete (or “Non-Compete Agreements”), as used in this complaint, refers to contract terms that, following the conclusion of a worker’s employment with one employer, restrict the worker’s freedom to accept employment with competing businesses or otherwise to compete with the employer.

2. Respondent O-I Glass, Inc. is a corporation organized, existing, and doing business under and by virtue of the laws of Delaware, with its principal place of business located at One Michael Owens Way, Plaza 1, Perrysburg, OH 43351.

3. At all times relevant herein, O-I has been, and O-I is now, a corporation, as “corporation”

9. Any legitimate objectives of Respondent's conduct as alleged herein could have been achieved through significantly less restrictive means, including, for example, by entering confidentiality agreements that prohibit employees and former employees from disclosing company trade secrets and other confidential information.
10. The allegations in all of the paragraphs above are re-alleged and incorporated by reference as though fully set forth herein.
11. Respondent's conduct constitutes an unfair method of competition with a tendency or likelihood to harm competition, consumers, and employees in the glass container industry, in violation of Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. § 45. Such conduct, or the effects thereof, will continue or recur in the absence of appropriate relief.

the Federal Trade Commission on
this twenty-first day of February, 2023, issues its complaint against Respondent.

By the Commission, Commissioner Wilson dissenting.

April J. Tabor
Secretary

SEAL