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Good morning, everybody. Thank so much for joining us. This meeting is open to order. We are  
meeting in open session today to consider items before the commission. As a rule, we get started  
with a hearing from members of the public, so I'll turn it over to Doug.

Doug Farrar:

Thank you, Mr. Chairman. My name is Doug and I'm the Director of Public Affairs here at the  
Federal Trade Commission. As you know, we are holding a public hearing from members  
of the public today. Before we begin, please note that the FTC is recording this event and some or all of it  
will be made available to the public in accordance with our public access policy. Several members  
of the public have already submitted comments.

Good morning. My name is Hank and I'm a policy counsel for Fair Play for  
Marking, a watchdog organization. In commenting today, I support the 6th agenda item. We  
encourage the commission to vote in favor of that action, and to that end, I'd like to  
encourage the commission to vote in favor of that action, and to that end, I'd like to  
possible platforms to detect internet marketing, and to that end, I'd like to  
content that does not meet the platform's policies and requirements around tagging that  
comment, especially that comment reaches kids. In addition, we encourage the  
commission to investigate the advertisement of alcohol, tobacco, firearms, and other products  
to regulate the platform's policies or industry self-regulatory guidelines in terms of advertising  
those products to kids. Thank you, Mr. Chairman, for your time.

Doug Farrar:

Thank you so much, Hank. We appreciate your input. We'll see you later.







As Justice Brandeis put it, "If so, the evidence needed for a UMC rule would focus on exclusion or foreclosure of rivals, not general effects on economic growth, labor mobility, or firm entry." Second, what makes a method of competition unfair? The FTC act does not define UMC. While the commission recently issued a UMC policy statement, it sought no public comment and even that statement leaves many questions unanswered. Understanding how to define UMC requires careful analysis of case law and the legislative record behind the FTC act. Reply comments would allow the FTC to fully consider issuing a rule that addresses non-competes as both the UMC and the UDAP. Thank you so much for your time today.

Doug Farrar:

Thank you, Andy. Next we have Janet Wainwright. Janet.

Janet Wainwright:

Good morning. My name is Janet Wainwright. I have worked for Kroger in Yorktown, Virginia for seven years and I'm a meat cutter. As a worker, I am very concerned with the Kroger Albertson merger and I'm calling on the FTC to stop the merger. After years of illegally violating our union contract, Kroger continues to be in violation of a federal judge's order to remain neutral and allow UFCW to talk to workers. CEO Rodney McMillan talks about union jobs, but he doesn't recognize our union, UFCW Local 400. What I mean by this is that for the last 10 years, Kroger has been systematically closing our union stores and replacing them with anti-union ones. We're trying to unionize 12 stores in the Hampton Roads area, but Kroger interferes with us doing this in direct violation of a judge's order.

They do not give us a private setting for us to talk to the associates as required by the judge's order. They intimidate the associates, and the associates fear for their jobs that they talk to us, which is illegal under federal labor law. They give the new hires an anti-union message when they are hired. We can only talk to the associates when they're working out on the floor and in between customers. Kroger doesn't want their associates to exercise their rights or have a voice at the table. Even when there was a Senate hearing to review this merger, the presidents of the companies got to speak. There was a

Doug Farrar:

Sorry, Haven, before we begin, I just want to note for the record that in order to provide you reasonable

I'm looking forward to retiring on my union pension. I'm here today to urge the FTC to stop the Kroger-Albertsons merger and protect workers like me and communities that we serve. After 40 years in the grocery business, I'm looking forward to retire. I'm also concerned about store closures. Many of our union Safeway stores are across the street from non-union Harris Teeter stores which are owned by Kroger. If my union Safeway closes, I won't be able to get a job with the same pay and benefits at a non-union store.

Furthermore, we are bargaining our contract at Safeway this summer. If Albertsons has no cash on hand after paying billions to shareholders, how will Safeway afford to pay for our wage increases or improvement to our benefits? Hours are being cut so bad, they say that the stores are over-budget and employees are worried. I'm also concerned about my customers. If Safeway and Kroger's merge, they will monopolize the grocery industry in many communities. That's going to drive prices even higher than they already are. Talking to customers, they are also concerned. They say it's already a struggle to feed their families. This is why I'm calling on the FTC to stop the merger before it's too late. Thank you again for your time.

Doug Farrar:

Thank you very much, Mr. Conti, for your time. Next we have Keith Miller. Keith?

Keith Miller:

Good morning. I'm Keith Miller from Franchisee Advocacy Consulting. I work with many franchisee organizations, such as the Asian American Hotel Owners Association and the American Association of Franchisees and Dealers. I'm also the past chair and current director with the Coalition of Franchisee Association. Today my message is simple. It's to say thank you to the commissioners, directors and FTC staff for last Friday's announcement of the request for information on provisions of franchise agreements and franchising business practices. For years, franchisee advocates have been asking for more oversight into the industry, an industry where franchisees are the primary investors but not really protected as investors should be. I can tell you that franchisee advocates are excited and already ag

Doug Farrar:

Hello. Go right ahead.

Ms. Thomas:

Okay. Good morning. My name is Shavet Thomas and I'm a food clerk at Albertons in Southern California and I'm really concerned about the Kroger's plan to acquire Albertons. If the Federal Trade Commission allow this merger to move forward, our lives will be destroyed and our families will be affected tremendously. I personally lived through Albertons merger in 2015. I was working as a full-time cashier at Albertons making \$21 an hour and when my store converted to Haggen's, after two months, they took away my full-time status, even though I have been working at Albertsons for 25 years. Haggen's operation only lasted six months. After Haggen went bankrupt, my coworkers and I were laid off and this was a very traumatic experience for me.

It's really hard. It was really hard trying to find a new job. I had to accept whatever job I was able to find. I did find a job making \$14.85 cents an hour doing the same type of work. My weekly income was cut drastically. This situation lasted for me for about two and a half years. I struggled to pay my rent, buy food and I had to scale back on all my expenses. I eventually had to pick up a second job because there was no way I could make it with the one job. Actually, I worked two jobs for about a year and a half, and it was very exhausting and it really took a lot out of me. I eventually had the opportunity to go back to Albertsons part-time and thanks to my union, they were able to get me my full-time status back. So I cannot even think about this happening again. I do not want a repeat of this Haggen situation, so I, Shavet, am asking and urging that the Federal Trade Commission do not allow this Kroger and Albertons merger to take place. Thank you.

Doug Farrar:

Thank you, Ms. Thomas. Appreciate you sharing that story with us. I will see if Sandra Chavez is there one more time. Sandra, are you there? "Connecting to audio." Can you come off mute, please?

Sandra Chavez:

Sorry about that.

Doug Farrar:

That's okay. Go right ahead.

Sandra Chavez:

My name is Sandra Chavez, and I live in Wheat Ridge, Colorado and work in Denver for Safeway. Currently, I am a file maintenance manager, which means I deal with the pricing in the store. I love serving my customers and I never mind taking the time out of my job to help somebody. I have given my







consumers are able to recognize advertising and other commercial messages on social media and the efficacy of any means used by the platforms to aid consumers in distinguishing advertising from other types of content on the platforms. Finally, the study will enhance the commission's knowledge about

you've already put in and designing this study, as well as what I know is an enormous amount of work to come. It doesn't take a whole detailed, meticulously crafted study to conclude that too many of the paid ads we see online are obnoxious and scammy. But the study will help us understand why that is, what is being done about it by ad-serving platforms and where those efforts may fall short. Scammy ads are not only omnipresent and annoying, but they can also pose real dangers to real people. Such as by serving inspectors to lure victims to financial scams or spreading damaging misinformation about health or medicine. I want to comment on two aspects of the study that I'm particularly pleased about.

discussed, we've seen a surge in deceptive and fraudulent advertising on social media and video  
str

platforms are more or less effective at addressing this fraud. Today's 6(b) orders will help us understand

Lina Khan:  
Commissioner Slaughter?

Commissioner Slaughter:  
Yes.

Lina Khan:  
And I vote yes. The motion passes unanimously. The second item on the agenda is whether to issue

from our enforcement work. So it's really nice to see that relationship between our enforcement work and our market study tools. With that, I'll turn it over to my colleagues to share any comments starting with Commissioner Slaughter.

Commissioner Slaughter:

Thank you Madam Chair. And I want to echo your thanks to Harris, Dana and Sammy as well as everyone else in the Cleveland office. You guys are doing great work and it is so exciting to see and to get the support. And with that, I'm pleased to support this study. I think it's a really important issue. As the chair mentioned, it came out of really important enforcement work and does a really good job pulling together our various different authorities to make sure we're getting a full picture of what's happening in the markets and bringing enforcement action where appropriate and following up where appropriate. Our first foray to the market was, as the chair mentioned, a groundbreaking investigation and enforcement action against Don and Bradstreet. And one of the most important things we learned in that matter was how little we or the public understand about this opaque market.



The commission has long responded fully and promptly to requests from the chairs of Congressional Committees. Chair Khan, when you were counsel to the House Judiciary Committee, the Republican led commission routinely voted to provide unredacted non-public staff memoranda to your committee, which was, at the time, Democrat led. As the subject of the recusal motion, it would've been inappropriate for you to participate in the Rule 4.17 recusal process or in the redactions that were imposed on my dissent. But you have talked about making this the most transparent FTC ever. Today I'd like to give you the opportunity to do so. In the spirit of transparency, accountability, and bipartisanship, I move that the commission transmit to Chair McMorris Rodgers and Chair Bill Araquis today the unredacted version of my dissent in the matter of Meta Zuckerberg within.

Lina Khan:

So I understand Commissioner Wilson just made a motion. Is there a second?

Commissioner Wilson:

Chair Khan, perhaps you could be the second for the motion.

Lina Khan:

Commissioner Wilson:

Well, Commissioner Bedoya, my motion is not to make the materials public and the memorandum that



