

NPPC Antitrust Guidelines

- 1) Under § 1 of the Sherman Act, 15 U.S.C. § 1, it is illegal for parties to engage in any activities or discussions which could lead to the fixing of prices, the allocating of markets or the boycotting of customers or suppliers. Violations can lead to heavy fines and jail terms as well as civil litigation resulting in the payment of treble damages to anyone injured by such conduct.
- 2) At association meetings, it is important that participants not discuss pricing or marketing conditions which could lead to agreements actual or inferred or which give the appearance that agreement between competitors is expected. Mere discussion is not illegal; illegality arises if agreement or mutual acquiescence follows.
- 3) Discussions of prices or market conditions in the above context is just as illegal when conducted informally at cocktail parties or other social events as well as formal meetings. It is strongly recommended that there be no discussion of pricing or market conditions at social events.
- 4) The best rule is, if you have a question whether a certain matter may be discussed, clear it first with an attorney, or if none is available just do not discuss it until it has been cleared. Remember, the Antitrust Division of the United States Department of Justice targets trade associations to determine whether there is any price fixing or allocation of trade markets taking place.