



## Antitrust Guidelines

Group activities of competitors are inherently suspect under the antitrust laws and may be illegal under those laws. Many activities among competitors, however, are legal and beneficial to the industry and the public. The best vehicle for enjoying the benefits of permitted agreements among competitors, while avoiding the pitfalls of illegal agreements, is by belonging to a trade association or professional society which takes its obligations in this regard very seriously.

Senior staff members are familiar with antitrust issues and the association relies heavily on their judgment and that of legal counsel to see that the topics, which may give the appearance of an agreement that would violate the antitrust laws, are not discussed at any meetings. The fact that a staff member or counsel is present at a meeting, however, should not invite probing to determine how far a discussion can proceed before it becomes apparent that it is an improper subject for discussion. This reminder has been prepared to ensure that participants in all meetings are aware of this obligation.

The do's and don'ts presented below highlight only the most basic antitrust principles. Each participant should consult with counsel in all cases involving specific situations, interpretations or advice. More detailed information concerning antitrust laws and association activities can found in the NAIFA Keep it Legal handbook.

### Do

1. Adhere to prepared agendas for all meetings and object any time meeting minutes do not accurately reflect the matters which transpired.
2. Understand the purpose and authority of each group in which you participate.
3. Consult with the association general counsel on all antitrust questions relating to all meetings.
4. Protest against any discussion of meeting activities which appear to violate the antitrust laws; disassociate yourself from any such discussion of activities and leave any meeting in which they continue.

### Don't

1. In fact or appearance, discuss or exchange information regarding:
  - a. Individual company prices, price changes, price differentials, mark-ups, discounts, allowances, credit terms, commissions, fees, etc., or dates that bear on price, costs, production, capacity, inventory, sales, etc.
  - b. Industry pricing policies, price levels, price changes, differentials, etc.
  - c. Changes in industry production capacity or inventories.
  - d. Bids on contracts for particular products; procedures for responding to bid invitations.
  - e. Plans of individual companies concerning the design, production, distribution or marketing of particular products, including proposed territories or customers.
  - f. Boycotts of any person or entity.
2. Discuss or exchange information regarding the above matters, even in jest, during social gatherings incidental to any meetings.