



ANTITRUST GUIDELINES

All IADD members are asked to be very familiar with antitrust guidelines for items which cannot be discussed at any association meeting.

Association members, officers, directors, agents, and staff need to have an understanding of federal and state antitrust laws and how these laws apply to their activities. Not doing so may well be subjecting the leadership and the IADD to costly governmental investigations and prosecutions with a potential for fines and jail terms, or a costly private treble damage lawsuit.

Here is a list of subjects which should not be discussed at any IADD seminars, conferences, committee meetings, chapter meetings, or elsewhere or be the subject of any type of agreement, whether formal or informal, express or implied, among competitors:

1. Prices to be charged to clients, customers or by suppliers.
2. Specific methods by which prices are determined, with directions as to “how to do it” for even less.
3. Terms and conditions of sale, such as credit or discount terms.
4. “Profit” levels, i.e., “here’s what our members need to do to make money.”
5. Whether a company’s pricing practices are unethical, improper, etc.
6. Coordination of “bids” or “requests for bids” or requests for proposals (RFPs).
7. Production levels or schedules.
8. Division or allocation of markets, territories or customers, i.e., “you have ‘XYZ’ and I get ‘ABC.’”
9. Refusal to deal with a customer or supplier.
10. Approved list of customers or suppliers.

Why is this important? Traditionally, the conduct of trade associations and professional societies has been subject to legal scrutiny because such organizations are (1) generally comprised of competitors who meet and who may take joint action on various matters of common interest and (2) have been misused in the past to carry out or facilitate anticompetitive purposes.

If you have any questions or concerns about antitrust compliance, please contact the IADD Chief Executive Officer for guidance.