



*In Food & Agriculture, We Set the Standard*

## **AOAC INTERNATIONAL** **ANTITRUST POLICY** **STATEMENT AND GUIDELINES**

### **Introduction**

It is the policy of AOAC INTERNATIONAL (AOAC) and its members to comply strictly with all laws applicable to AOAC activities. Because AOAC activities frequently involve collaborative efforts and meetings where competitors may be present, it is important to emphasize the ongoing commitment of our members and AOAC to full compliance with national and other antitrust laws. This statement is a reminder of that commitment and should be used as a general guide for AOAC and related individual activities and meetings.

### **Responsibility for Antitrust Compliance**

AOAC's structure is fashioned and its programs are carried out in conformance with antitrust standards. However, an equal responsibility for antitrust compliance which includes avoidance of even an appearance of improper activity belongs to the individual. Even the appearance of improper activity must be avoided, because the courts have taken the position that actual proof of misconduct may not be required under the law for certain violations. Under certain circumstances, misconduct can be inferred from the appearance of an individual's activities.

AOAC depends on individual good judgment to avoid all discussions and activities which may involve improper subject matter and improper procedures. AOAC staff members work conscientiously to help avoid subject matter or discussion which may have unintended implications, and counsel for the AOAC can provide guidance with regard to these matters. It is important for the individual to realize, however, that the competitive significance of a particular conduct or communication probably is evident only to the individual who is directly involved in such matters.

### **Antitrust Guidelines**

In general, the U.S. antitrust laws seek to preserve a free, competitive economy and trade in the United States and in commerce with foreign countries. Laws in other countries have similar objectives that also should be observed when international activities are involved. Competitors (including individuals) may not restrain competition among themselves with reference to the price, quality, or distribution of their products, and they may not act in concert to restrict the competitive capabilities or opportunities of competitors, suppliers, or customers.

Although the Justice Department and Federal Trade Commission as well as state attorneys general enforce the U.S. antitrust laws, private parties can bring their own lawsuits that can provide for additional civil damage awards.

Penalties for violating the U.S. and other antitrust laws are severe: corporations are subject to heavy fines and injunctive decrees and may have to pay substantial damage judgments to injured competitors, suppliers, or customers. Individuals are subject to criminal prosecution and can be punished by fines and imprisonment for certain offenses, including for individuals found guilty of bid rigging, price fixing, or market allocation.

Since the individual has an important responsibility in ensuring antitrust compliance in AOAC activities, everyone should read and heed the following guidelines.

1. Don't take any actions for the purpose or intent of impeding, discouraging or preventing the manufacture or sale of any method or product not conforming to a specified standard.
2. Don't discuss with competitors your own or the competitors' prices, or anything that might affect prices such as costs, discounts, terms of sale, distribution, volume of production, profit margins, territories, or customers.
3. Don't make announcements or statements at AOAC functions, outside leased exhibit space, about your own prices or those of competitors.
4. Don't disclose to others at meetings or otherwise any non-public, competitively sensitive information.
5. Don't attempt to use AOAC to restrict the economic activities of any firm or any individual.
6. Don't stay at a meeting where any such price or anti-competitive talk occurs. Leave and inform an AOAC staff member immediately.
7. Do conduct all AOAC business meetings in accordance with the following rules: whenever feasible, an AOAC staff member shall be present or available; the meeting shall be conducted by a knowledgeable chair; there shall be a set agenda to be followed; and minutes shall be kept.
8. Do confer with counsel before raising any topic or making any statement with competitive ramifications.
9. Do send copies of final meeting minutes, reports and all AOAC related correspondence to the staff member involved in the activity.
10. Do alert the AOAC staff to any inaccuracies in proposed or existing methods and statements issued, or to be issued, by AOAC and to any conduct not in conformance with these guidelines.

### **Conclusion**

Compliance with these guidelines involves not only avoidance of antitrust violations, but avoidance of any behavior which might be so construed. Bear in mind, however, that the above antitrust laws are stated in general terms, and that this statement is not a summary of applicable laws. It is intended only to highlight and emphasize the principal antitrust standards which are relevant to AOAC programs. You

must, therefore, seek the guidance of either AOAC counsel or your own counsel if antitrust questions arise.

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Adopted by the AOAC Board of Directors: September 24, 1989  
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