

## **TENNESSEE LIBRARY ASSOCIATION ANTITRUST STATEMENT:**

It is the policy of the Tennessee Library Association (TLA) and its members to comply with laws and regulations applicable to their activities.

Among other things, TLA members and leaders are subject to antitrust laws that prohibit fixing prices, allocating geographic markets, unfair or deceptive practices, setting profit levels, boycotts, and most other anticompetitive actions. TLA will neither permit nor condone anti-competitive behavior, whether willful or inadvertent, in connection with any TLA activity.

Conversation involving discussion of matters that may violate applicable laws and regulations should always be avoided, even in private settings, and cannot be tolerated in connection with any TLA meeting or activity. Persons engaging in possible violations of TLA policy during meetings or activities will be required to cease such activities, and if necessary, are subject to ejection by the presiding officer of the meeting.

It is not possible to provide a complete or specific list of activities that amount to an antitrust violation. However, it is helpful to identify areas of risk, where close attention can be paid to the possible anti-competitive nature of the agreements or activity involved. Some areas of risk include discussions of the following:

- Controlling or influencing current or future prices (for purchase or sale), controlling or influencing price increases or decreases, or stabilization or standardization of prices. *Note: Discussion of prices established by third parties not influenced or controlled by the discussing parties is generally not, standing alone, anti-competitive or illegal.*
- What constitutes a “fair” profit level.
- Procedures for establishing selling prices, cash discounts, credit terms.
- Control of sales levels, inventory levels or timing of sales.
- Allocation or division of markets or geographical divisions of markets among competitors.
- Agreements, recommendations or suggestions that members refuse to deal with certain other persons or firms (boycott).
- Whether or not the pricing practices of any competitor/industry member are unethical, or constitute an unfair trade practice.
- Agreements limiting or restricting advertising.

Again, some discussion relating to activities identified above will not amount to antitrust violations. However, discussion relating to them require thorough prior antitrust analysis and guidance in the discussion.

Question concerning antitrust or other laws or regulations connect to TLA activities should be referred immediately to the TLA Executive Director.

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