



## ANTITRUST COMPLIANCE POLICY

It is the policy and practice of American Feed Industry Association (AFIA) to conduct all of its meetings and activities in strict compliance with applicable federal and state laws. Because AFIA members are often competitors, it is particularly important to comply fully with national and state antitrust laws. Antitrust laws<sup>1/</sup> seek to preserve and promote competition and to deter anticompetitive conduct.

AFIA is committed both to strict compliance with the antitrust laws and to the avoidance of any appearance of improper or anticompetitive conduct. All meetings of the Board of Directors and the Executive Committee, as well as committee meetings that might give rise to competitive concerns, will be monitored by trained AFIA staff or outside counsel. To avoid subject matter or discussions which might be construed as anticompetitive, meeting agendas and minutes will be reviewed by counsel. The Association has retained special counsel to assist in addressing antitrust questions, if any, which may arise.

Violations of the antitrust laws can result in heavy penalties for both companies and individuals. These penalties include treble damage awards, heavy fines, and injunctions. Individuals may be subject to criminal prosecution. It is therefore incumbent upon everyone participating in AFIA activities to avoid subject areas and discussions which might be construed as anticompetitive.

Individuals who participate in AFIA activities should read and abide by the following rules:

1. There should be **no** discussion of prices, one's own or those of a competitor, or of any factors which might affect prices such as discounts, margins, or sales terms.
2. There should be **no** discussions regarding allocations of territories, markets or customers.
3. The Association will **not** develop standards or practices which restrict the business of any firm or individual.
4. Individuals will **not** engage in discussion or conduct at social events incidental to AFIA meetings, which would not be proper at the meetings themselves.
5. If any subject with any anticompetitive implication or appearance is raised at any AFIA meeting, persons attending the meeting should object immediately to an AFIA staff person and request that the subject be dropped.
6. No AFIA sponsored meeting will begin until its agenda has been reviewed by trained AFIA staff or by counsel.
7. Minutes of each AFIA meeting and committee meeting shall be reviewed and approved by trained AFIA staff or by counsel.
8. Speakers at AFIA meetings shall comply with these guidelines. Where a speaker who is a member of AFIA or affiliated with a member of AFIA intends to address a topic dealing with economics, business practices, or product or service standards, a prepared text of the speaker's presentation shall be reviewed by trained AFIA staff or counsel in advance of the meeting. If there is no prepared text, the speaker will provide an outline of the presentation **and** will discuss with AFIA staff or counsel how that outline will be developed.

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<sup>1/</sup> These include the Sherman, Clayton, Robinson-Patman, and Federal Trade Commission Acts, all of which are federal statutes. Supplementing these federal statutes are state antitrust acts, which frequently mirror their federal counterparts.



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9. AFIA's statistical data collection and reporting programs will relate only to past transactions, and data will be reported in an aggregate form that does not permit identification of individual transactions or reporting companies. Membership participation in such programs is always voluntary.
10. Any research or standard setting activities of AFIA will be conducted only with monitoring by legal counsel and with full opportunity for participation by both members and non-members of AFIA.
11. Criteria for membership are set forth clearly in the AFIA bylaws. No one will be denied membership except in accordance with the bylaws.
12. Except for the obligation to comply with AFIA's antitrust guidelines and rules, there shall be no agreement to adhere to any AFIA standard, guideline or rule. Each association member shall be free to follow or reject any AFIA standard, guideline, rule, or policy, as it sees fit.

A fundamental purpose of AFIA's schools, seminars and conferences is to improve competition and to facilitate competitive marketing. Adherence to these guidelines will facilitate that purpose.

### **CONFIDENTIALITY POLICY**

It is the policy of American Feed Industry Association (AFIA) that all information about AFIA's anticipated activities revealed during presentations or discussions at meetings of AFIA's Board of Directors, Executive Committee, other Committees, Member Interest Groups and Task Forces is regarded as confidential, not to be revealed outside of each attendee's own company or organization before action has been taken and publicly announced by AFIA.

Meeting attendees (or others from an attendee's company or organization) may discuss such matters with government representatives, other organizations, or other AFIA members to the extent expressly agreed to during the meeting. Otherwise, attendees may not discuss or disseminate any such information outside of their own companies or organizations, including but not limited to dissemination to their customers, clients, or others. Violation of this policy may result in exclusion from future meetings.

*Last updated 7/2015*