

New Merger Guidelines Downplay Need to Define Markets

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The Department of Justice and Federal Trade Commission (FTC) circulated revised guidelines describing the antitrust agencies' current, less rigid analytical approach in reviewing horizontal mergers. Two district courts addressed market definition in merger cases. One court rejected New York City's challenge of a completed combination of health insurance plans because the city failed to adequately define the relevant market, and another court decided that the department's identification of a relevant geographic market in a complaint contesting a dairy processor merger sufficed to survive a pleading motion.