Supermarket Strike Profit-Sharing Not Immune

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In an en banc decision, the U.S. Court of Appeals for the Ninth Circuit ruled that an agreement to share revenues among Southern California supermarket chains during a strike was not immune from antitrust challenge under a labor exemption, but due to the unusual context the arrangement could not be condemned summarily. The U.S. Court of Appeals for the Eighth Circuit rejected a Federal Trade Commission (FTC) challenge to a drug acquisition for failure to properly define the relevant product market.