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**FTCNewsLine** is a quarterly newsletter of the **FAIR TRADING COMMISSION** that contains information on competition matters dealt with by the Fair Trading Commission as well as other competition agencies from around the world. The aim is to provide readers with insights into some of the matters that are prosecuted in other jurisdictions; and to assist businesses and consumers in better identifying issues that may pose competition concerns.

Competition legislation is specific to each jurisdiction and activities that are prohibited in one jurisdiction are not necessarily prohibited in other jurisdictions. For information on the prohibitions under the Jamaica's competition legislation, the **FAIR COMPETITION ACT (FCA)**, please visit our website at [www.jftc.gov.jm](http://www.jftc.gov.jm).

*In this Issue we feature issues related to the period April 1, 2018 to June 30, 2018.*

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## **FTC provides opinion to energy drink manufacturer**

The FTC received a request for opinion from the manufacturer of energy drink Lucozade regarding a planned summer promotion. The manufacturer indicated that Lucozade currently retails for approximately \$250 and the essence of the promotion is a “temporary summer special” price of \$200. The manufacturer further indicated that it intends to achieve the \$200 retail price by reducing price throughout the distribution channel and communicating the \$200 price as a suggested retail price by way of labeling on the product.

The FTC reviewed the arrangement under sections 25 (Individual resale price maintenance), 34 (Price-fixing) and 17 (Anticompetitive agreements) of the Fair Competition Act (FCA) and concluded that there is likely to be no breach of the FCA.

## **FTC participates in CARIFORUM discussion**

The FTC participated in discussions on CARIFORUM with the Ministry of Foreign Affairs and Foreign Trade. The discussion centered on the rollover of the CARIFORUM-EU EPA into a CARIFORUM-UK trade agreement, post Brexit. The FTC commented on competition issues that would be implicated in competition related provisions that are expected to be included in a post Brexit agreement with CARIFORUM. The issues include cooperation agreements, dispute settlement and the usual prohibitory conduct/behavior such as abuse of dominance, anticompetitive agreements and mergers.

## **FTC celebrates 25 years**

The Fair Trading Commission will celebrate 25 years of existence in September 2018 and there will be a series of activities and events to commemorate this milestone.

A special 25<sup>th</sup> Anniversary newspaper supplement will be published on Sunday, September 9, 2018. The purpose of the supplement is to provide a brief history of the Commission and to highlight its role in the promotion of competitive markets and improvement in consumer welfare.

The FTC will host events including a symposium and several lectures in September.

## **Appointment of Commissioners**

The Honourable Audley Shaw, Minister of Industry, Commerce, Agriculture and Fisheries, has appointed a new set of Commissioners for the period May 21, 2018 to May 20, 2020. Three of the Commissioners previously served as Commissioners and one new Commissioner was appointed. The Minister reappointed Dr. Derrick McKoy, an Attorney-at-Law, as Chairman; and Mr. Stuart Andrade and Mr. Robert Collie as Commissioners. The new Commissioner is Ms. Dorothy Lightbourne who served as Minister of Justice and Attorney General of Jamaica for the period September 2007 to July 2011.

## **FTC receives Order on Costs from Privy Council**

Following the August 2017 judgment of the Privy Council that the Fair Trading Commission (FTC) has jurisdiction over the 2011 acquisition by Digicel Jamaica Limited (Digicel) of Oceanic Digital Jamaica Limited (Claro), the FTC has since received the Order on Costs from the Privy Council. The Order on Costs, issued in May 2018 indicated the following: (i) Digicel is to pay the FTC's cost; (ii) interest at 8% per annum is to be paid from a month after they were incurred until payment is made; and (iii) Digicel is to pay the FTC's costs in the Court of Appeal in Jamaica. Discussions on the agreement of all costs have commenced with Digicel.