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FTCNewsLine is an online quarterly newsletter of the **FAIR TRADING COMMISSION (FTC)** 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 assist businesses and consumers in better identifying issues that may pose competition concerns.

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

In this Issue, we feature matters arising during the period January 1, 2025, to March 31, 2025.

FTC dismissed allegation of collusion against Digicel, Columbus Communications & C&W Jamaica Limited



Having assessed an allegation brought by Verticast Media Group Limited regarding collusion on the part of Digicel (Jamaica) Limited, Columbus Communications Jamaica Limited (operating as Flow), and C&W Jamaica Limited to refuse to carry English Premier League (EPL) matches on their cable networks, the FTC dismissed the allegation, primarily, on the grounds of lack of jurisdiction.

Verticast, a company registered in Saint Lucia, which held the exclusive broadcast rights to the English Premier League (EPL) in the Caribbean region, claimed the companies engaged in anti-competitive practices by refusing to carry the EPL matches on their respective networks. Verticast further alleged that the refusal to distribute its EPL content was the result of a coordinated effort to stifle competition in the market for live sports broadcasts on multi-subscriber cable networks.

Following a comprehensive review of the allegation, the FTC found no evidence to support that the companies breached the Fair Competition Act (FCA). The FTC dismissed the allegation on the basis that the alleged conduct occurred outside Jamaica's jurisdiction. Further, there was no prima facie evidence suggesting that the companies conspired to exclude Verticast's content from being aired on their cable networks.

An important aspect of the assessment was determining whether the FTC had jurisdiction over the conduct in question. Verticast's offers were reportedly made to parent or affiliate companies outside

of Jamaica. The FTC concluded that the local subsidiaries did not have decisive influence over regional decisions. This consequently limits the FTC's authority to intervene under Jamaican law.

FTC assesses Caribbean Distribution Partners Ltd.'s acquisition of Massy Distribution (Jamaica) Ltd.

Caribbean Distribution Partners Ltd. (CDP), a regional distribution company jointly owned by Agostini Ltd. of Trinidad and Tobago and Goddard Enterprises Ltd. of Barbados, has requested the FTC's non-objection to acquire Massy Distribution (Jamaica) Ltd. (MDJ).



While CDP does not presently operate in Jamaica, one of its parent companies, Agostini Ltd., owns Health Brands Ltd., a key player in the local distribution of pharmaceutical and personal care products. Health Brands was reported in 2023 as the leading distributor in Jamaica's pharmaceutical and medical products market. The proposed acquisition has therefore raised competition concerns, particularly given the significant market overlap between Health Brands and MDJ.

Both Health Brands and MDJ distribute a wide range of similar medical and pharmaceutical products, including treatments for gastrointestinal, respiratory, cardiovascular, and diabetic conditions. The FTC notes that these overlapping product lines raises competition concerns.

The FTC concluded Phase 1 of its merger assessment in keeping with its Guideline for Reviewing Mergers, Acquisitions and Joint Ventures. The review has advanced to Phase 2, which is scheduled for completion by the end of June 2025.

FTC Investigates conduct in the Rum Market



The FTC has initiated a formal investigation into allegations brought by National Rums of Jamaica (NRJ) against players in the Jamaican rum industry. At the centre of the inquiry are claims that the Spirits Pool Association Limited (SPA), a statutory body, along with J. Wray & Nephew Limited (JWN), Everglades Farms, and Worthy Park Estate, have engaged in conduct that may harm competition in the market.

FTC participates in the MIIC/IDB MSME Roadshows



Shavanne Smith| Research Officer (top L),
David Miller| Executive Director (top R), Kalifa
Clarke| Research Officer (bottom L), Carlton
Thomas| Competition Analyst (bottom R)

The FTC continued its public education and outreach efforts through participating in two legs of the Ministry of Industry, Investment and Commerce (MIIC) and Inter-American Development Bank (IDB) MSME roadshows. The events were held in St. Catherine on January 16, 2025, and in Clarendon on February 20, 2025. These roadshows provided a platform for the FTC to engage directly with Micro, Small and Medium Enterprises (MSMEs) and promote the importance of competitive markets in driving business growth and economic development.

For the two events, FTC representatives engaged with approximately 50 entrepreneurs and business operators across a wide cross-section of industries. These included agriculture, agro-processing, arts and entertainment, food and beverages, hospitality, logistics (trucking), banking, real estate, cinematography, IT services, printing, video and photography. The discussions focused on key issues such as starting and scaling operations, accessing financing, entering new markets,

and identifying potentially anti-competitive conduct that could negatively affect both businesses and consumers.

Participants expressed particular interest in understanding how competition law applies to their industries and welcomed the FTC's guidance on navigating the Fair Competition Act (FCA). Business operators received tailored advice on practices that could violate the FCA, such as price-fixing, market sharing, misleading advertising, collusion, and abuse of dominance. The FTC also emphasized the benefits of competitive markets, not only for businesses striving to grow but also for the consumers they serve.

Throughout the roadshows, the FTC distributed brochures, flyers and other paraphernalia to educate both businesses and the public about their rights and responsibilities under the FCA. Team members delivered on-the-spot consultations, providing real-time support and clarity on a range of competition-related matters. These engagements helped explain the role of the FTC while empowering MSMEs with the knowledge to compete fairly and legally.

The FTC's participation fostered greater collaboration with other regulatory agencies and business development organizations.

FTC participates in the CCC Consultation on Draft Guidelines on Jurisdiction & CCC Enforcement Agenda

DRAFT GUIDELINES ON JURISDICTION & ENFORCEMENT AGENDA



The FTC recently participated in the Caribbean Community (CARICOM) Competition Commission's (CCC) consultation on its Draft Guidelines on Jurisdiction and its Enforcement Agenda. In its submission, the FTC offered feedback focused on the definitions within the Guidelines and their practical applicability across the region. The FTC emphasized the need for the Guidelines to reflect the economic diversity and varying capacities of CARICOM Member States. It further underscored that the CCC must

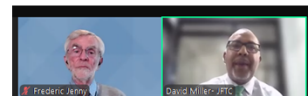
be equipped to address instances of competitive harm where national competition agencies may be unable to intervene effectively.

In reviewing the CCC's Enforcement Agenda, the FTC expressed its overall satisfaction, noting that the agenda is both comprehensive and aligned with the CCC's current Strategic Plan. The FTC commended the CCC's approach but also suggested the inclusion of three additional areas of focus. First, it highlighted the increasing presence of ridesharing platforms across the region and their potential impact on competition within the transportation sector. Second, the FTC raised concerns about the limited access consumers have to a broader range of cable television channels, urging further examination of the factors contributing to this issue. Lastly, the FTC recommended an assessment of the competitiveness of Member States' airports, particularly in comparison to airports in nearby Latin American countries.

The FTC Strengthens Capacity in Technical Areas

The Commissioners and Technical Staff of the FTC participated in the CARIFORUM Level 2 Training in Competition for Staff of Commissions, held from March 18 to 21, 2025. This high-level workshop formed part of the European Union-funded initiative, Consultancy for Capacity Building in Competition, Public Procurement and Customs and Trade Facilitation, aimed at enhancing the institutional capacity of national competition authorities across the region.

CARIFORUM Training of Staff & Commissioners of Competition Authorities



The four-day training was led by distinguished facilitator Frédéric Jenny, a former Supreme Court Judge of the Commercial Division in France and current Chairman of the OECD Competition Commission. Prof. Jenny brought a wealth of expertise and global insight to the sessions, which focused on key areas of competition law and policy.

Participants engaged in in-depth discussions and analyses on critical topics, including legal and economic approaches to competition law enforcement, direct and indirect evidence in cartel cases, abuse of dominance, mergers and acquisitions, standards of proof, sanctions and remedies, and interagency cooperation. The sessions were designed to integrate both legal and economic

perspectives, offering a holistic approach to understanding competition enforcement. Regional case studies from Jamaica, the Dominican Republic, Trinidad and Tobago, Barbados, and CARICOM added contextual relevance and practical application to the learning experience.

A highlight of the workshop was the FTC's contribution to the programme. Mr. David Miller, Executive Director of the FTC, delivered a presentation on "Priority Setting and Assessment of Effectiveness of the Actions of Competition Authorities." His remarks provided valuable insight into the FTC's strategic approach to case selection and the metrics used to evaluate the impact of its interventions.

The training saw the participation of approximately 140 representatives from competition authorities across the Caribbean. You can find more information about the workshop at

<https://iftc.gov.jm/cariforum-training-of-staff-commissioners-of-competition-authorities/>.



INTERNATIONAL COMPETITION NEWS

CMA Launches Investigation into Google's Dominance in Search and Advertising Markets

The United Kingdom's (UK) Competition and Markets Authority (CMA) has launched an investigation into Google's dominance in search and search advertising services. This marks the first probe under the country's new digital markets competition regime, which came into force on January 1, 2025. The investigation will determine whether Google holds Strategic Market Status (SMS) in these core digital sectors and assess the impact of its conduct on consumers, businesses, and innovation.

It was reported that Google's search services serve as a primary access point to the internet for millions across the UK. Additionally, it was noted that the tech giant commands over 90% of all general search queries and provides a platform for more than 200,000 UK advertisers. The CMA highlighted that while its services have delivered considerable benefits from facilitating business connectivity to supporting AI innovation through data generation concerns have emerged over whether its market position stifles competition, restricts innovation, and results in poor outcomes for users and rivals.

The CMA's investigation will scrutinize whether Google's dominance has created barriers to entry, particularly for emerging AI-driven search services or "answer engines." It will also assess if Google is leveraging its position to self-preference its own offerings such as shopping and travel search services at the expense of fair competition. Another critical focus will be on whether the company engages in potentially exploitative conduct, including the use of personal and publisher data without adequate consent or fair compensation.

The CMA argues that effective competition is vital not only for ensuring consumer choice and data control but also for maintaining low advertising costs. A more open market could unlock new opportunities for startups and promote innovation across the economy.

Should the CMA find that Google does hold SMS, it will have the authority to impose conduct requirements to ensure fairer practices. These could include mandates for data sharing with competitors or increased transparency and control for publishers regarding the use of their content in Google's AI services.

The CMA has pledged a transparent and proportionate process and aims to conclude its investigation within nine months. Stakeholder engagement including input from advertisers, publishers, user groups, and Google itself will play a central role in shaping the outcome, expected by October 2025.

Source: <https://www.gov.uk/government/news/cma-to-investigate-googles-search-services>— January 14, 2025