

WAFC ANTITRUST STATEMENT OF POLICY

The Western Association of Food Chains ("WAFC") is a professional, nonprofit organization that initiates and supports continuing educational programs for the food industry. In striving to meet this stated goal, the WAFC produces an annual convention that showcases educational initiatives, presents a nationally renowned speaker forum, and provides the opportunity for business building meetings. Although the WAFC engages in no unlawful activity, it is recognized that the WAFC and its activities could be viewed as an opportunity for anticompetitive conduct. Therefore, the WAFC Board desires to make it clear that it is committed to comply in all respects with antitrust laws.

By this statement, the WAFC, its Board, and participating organizations recognize that the WAFC is a professional society comprised of direct competitors. WAFC participants understand that the sole purpose of the WAFC is to encourage and support education within the food industry and to serve this mission. We agree to serve this purpose and to interact only with that stated goal in mind. The WAFC prohibits any activity that involves the exchange or collection and dissemination of any information regarding prices, pricing methods, or costs of production, sales, or distribution. It is the responsibility of each individual to strictly comply with all antitrust laws in all WAFC activities and meetings. It is the special responsibility of the WAFC officers and directors to ensure that this policy is known and complied with in the course of activities pursued under their leadership.

All WAFC participants agree to avoid even the appearance of improper activity. This responsibility rests with participating organizations and individuals. A foundational principal of American antitrust law is that market competitors may not restrain competition among themselves with reference to the price, quality, or distribution of any products, and they may not act in concert to restrict the competitive capabilities or opportunities of their competitors. It is acknowledged that any unlawful agreement to fix prices or to boycott competitors need not take the form of a formal transaction or act but may consist only of an informal, implied, or oral arrangement. It is acknowledged that such unlawful activity is generally established by circumstantial evidence rather than direct evidence in court. As such, antitrust enforcement authorities have alleged that an "offer" to engage in anticompetitive conduct made in the context of a trade association meeting was "accepted" by the subsequent conduct of the association's members. Therefore, the WAFC and its participants agree to avoid the appearance of impropriety.

It is acknowledged by the WAFC and its participants that penalties for violating the antitrust laws are severe, subjecting corporations to criminal penalties as well as civil damage judgments and injunctive decrees. Individuals also are subject to criminal prosecution and may be punished by fines or imprisonment. The WAFC Board members, officers, and staff acknowledge that they shall work conscientiously toward the goals of the WAFC and, in doing so, shall strive to avoid any discussion that conflicts with antitrust legislation and may otherwise have unintended implications.