

United States: FTC Looks Set To Open Up New Enforcement Front (Global Competition Review)



Recent merger enforcement in the pharmaceutical space continues to follow traditional principles and modes of analysis. However, with a new 3-to-2 Democratic majority, it is increasingly likely that the Federal Trade Commission's enforcement actions will reflect more aggressive theories that were previously advocated only in dissenting statements. Recent behavioural enforcement has largely consisted of pay-for-delay litigation and continuing prosecution of price-fixing charges against generic manufacturers. However, the FTC seems poised to open a new front of enforcement as it has given strong indications that it has competitive concerns with fees and rebates paid by pharmaceutical manufacturers to pharmacy benefit managers and is looking to take related enforcement action in the near future. [Antitrust & Competition](#) co-chairs [Arman Oruc](#) and [Andrew Lacy](#), counsel [Elliot Silver](#), and associate [Brady Cummins](#) explain more in [United States: FTC Looks Set to Open Up New Enforcement Front](#). The whole publication is available [here](#).