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FTC Seeks Public Comment on Toys “R” Us Petition to Reopen and Modify Final Commission Order

FOR YOUR INFORMATION

January 9, 2014

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The Federal Trade Commission is requesting public comment on a [petition submitted by Toys “R” Us, Inc. \(TRU\)](#) to reopen and modify a [final Commission order issued in 1998](#). That order followed a Commission determination, affirmed by the Seventh Circuit, *Toys ‘R’ Us, Inc. v. FTC*, 221 F.3d 928 (7th Cir. 2000), that TRU had used its significant market power to orchestrate a “hub and spoke” conspiracy among its suppliers to restrict the supply of toys to certain warehouse clubs that would otherwise have competed against TRU.

According to TRU’s petition, because of changes in the marketplace since the Commission entered the order, certain terms are no longer necessary. In particular, the petition notes that the growth of Walmart and Target, and emergence of online retailers such as Amazon.com, has reshaped competition among purchasers and sellers of toys. The petition states that while it does not seek to modify or set aside the final order’s core prohibition on facilitating or attempting to facilitate unlawful collusion, it is seeking FTC approval to set aside three paragraphs in Section II. Eliminating these sections, the petition contends, would be in the public interest because they preclude TRU from certain procompetitive (or neutral) vertical conduct that could allow it to compete more effectively..

The Commission will decide whether to approve the proposed changes to the final order after expiration of the public comment period. Public comments may be submitted until February 10, 2014. Written comments should be sent to: FTC Office of the Secretary, 600 Pennsylvania Ave., N.W., Washington, DC 20580. [Comments can be submitted electronically](#). Copies of the application also can be found on the FTC’s website and as a link to this press release. (FTC File No. 131-0052, Docket No. C-4405; the staff contact is Roberta Baruch, Bureau of Competition, 202-326-2861)

The FTC’s Bureau of Competition works with the Bureau of Economics to investigate alleged anticompetitive business practices and, when appropriate, recommends that the Commission take law enforcement action. To inform the Bureau about particular business practices, call 202-326-3300, send an e-mail to antitrust@ftc.gov, or write to the Office of Policy and Coordination, Bureau of Competition, Federal Trade Commission, 601 New Jersey Ave., Room 7117, Washington, DC 20001. To learn more about the Bureau of Competition, read

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