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## JUSTICE NEWS

### **Associate Attorney General Vanita Gupta Delivers Remarks on the Justice Department's Suit to Block JetBlue's Proposed Acquisition of Spirit**

Washington, DC ~ Tuesday, March 7, 2023

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#### ***Remarks as Delivered***

Thank you.

Like the Attorney General, I want to thank the leadership and staff of the Antitrust Division for their incredible work on this matter. I want to especially acknowledge Principal Deputy Assistant Attorney General Doha Mekki, from whom you'll hear shortly, for her incredible leadership in promoting competition.

Our complaint alleges that JetBlue's acquisition of Spirit would particularly hurt those travelers who can least afford to see travel costs rise. Ultra-low-cost carriers like Spirit play a key role in the economy. They make air travel possible so more Americans can take a hard-earned family vacation or celebrate and mourn together with loved ones. We allege that the proposed merger would lead to fewer seats and higher prices for travelers. And we allege that the proposed merger would heighten the risk that remaining airlines would coordinate to raise prices. As Spirit's own presentation put the point, "[a] JetBlue acquisition of Spirit will have lasting negative impacts on consumers" – and many of the consumers it hurts will be the most cost-conscious travelers.

Our complaint rests on well-established theories of anticompetitive harm. It is also an example of an enforcement action that promotes access to goods and services for all Americans, including those who are most likely to need ultra-low-cost carriers to fly. As a senior Spirit official told Congress in 2020, "Spirit's product is designed for highly-price sensitive travelers," like "ordinary individual consumers [and] families," who are an "underserved segment in today's market." And this case is not unusual. Threats to competition like those alleged here are particularly likely to harm working- and middle-class families, who may struggle to withstand the price increases that consolidation often brings. The department's commitment to ensuring economic opportunity and fairness means holding those concerns in the front of our minds.

Keeping the economy open to all Americans, regardless of income status, is a priority across the department.

That effort includes the Civil Division taking on nursing homes who defraud vulnerable seniors; the Tax Division shutting down tax preparers who exploit workers and families; and the Antitrust Division going to court to fight companies that fix their workers' wages.

It includes working to improve the bankruptcy process to provide a fresh start to deserving debtors. In recent months, the Civil Division has put out guidance to ensure that student loans are properly treated in bankruptcy, and the U.S. Trustee Program has launched a pilot program so that debtors no longer need to take a day off work to attend a meeting of creditors.

And it includes redoubling our environmental justice efforts to ensure that all Americans, regardless of income, background, or place of residence – be it Jackson, Mississippi, LaPlace, Louisiana, or elsewhere – have clean air, safe drinking water and a healthy environment.

This work is more than the sum of its parts: Together, our efforts represent the department's commitment to ensuring that our government and our economy work for everyone.

I'll now turn it over to Doha Mekki, who will speak more about the details of our complaint.

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**Speaker:**

Vanita Gupta, Associate Attorney General

**Component(s):**

Antitrust Division

Office of the Associate Attorney General

**Topic(s):**

Antitrust

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