



## **Anti-Trust Policy**

*Approved by the AAAAI Executive Committee  
December 17, 2008*

### **Prelude**

The American Academy of Allergy, Asthma & Immunology (AAAAI) is a not-for-profit organization, recognized by section 501(c)(3) of the Internal Revenue Code. AAAAI is not organized to and may not play any role in the competitive decisions of its members or their employees, nor in any way restrict competition among members or potential members. Rather it serves as a forum for a free and open discussion of diverse opinions without any way attempting to encourage or sanction any particular business practice.

AAAAI provides a forum for exchange of ideas in a variety of settings including its annual meeting, its scholarly journal and committee meetings. AAAAI recognizes the possibility that AAAAI and its activities could be viewed by some as an opportunity for anti-competitive conduct. Therefore, this policy statement clearly and unequivocally supports the policy of competition served by the antitrust laws and communicates AAAAI's uncompromising policy to comply strictly in all respects with those laws.

While recognizing the importance of the principle of competition served by the antitrust laws, AAAAI also recognizes the severity of the potential penalties that might be imposed on not only AAAAI but its members as well in the event that certain conduct is found to violate the antitrust laws. Should AAAAI or its members be involved in any violation of federal or state antitrust laws, such violation can involve both civil and criminal penalties that may include imprisonment for up to 3 years as well as fines up to \$350,000 for individuals and up to \$10,000,000 for AAAAI, plus attorneys' fees. In addition, damage claims awarded to private parties in a civil suit are tripled for antitrust violations. Given the severity of such penalties, the AAAAI intends to take all necessary and proper measures to ensure that violations of the antitrust laws do not occur.

### **Policy**

In order to ensure that AAAAI and its members comply with antitrust laws, the following principles will be observed:

- AAAAI or any committee, task force or activity of AAAAI shall not be used for the purpose of bringing about or attempting to bring about any understanding or agreement, written or oral, formal or informal, expressed or implied, among two or more members or other competitors with regard to prices or terms and conditions of contracts for services or products. Therefore, discussions and exchanges of information about such topics will not be permitted at AAAAI meetings or other activities.
- There will be no discussions discouraging or withholding patronage or services from, or encouraging exclusive dealing with any supplier or purchaser or group of suppliers or purchasers of products or services, any actual or potential competitor or group of actual or potential competitors, or any private or government entity.
- There will be no discussions about allocating or dividing geographic or service markets or customers.

- There will be no discussions about restricting, limiting, prohibiting, or sanctioning advertising or solicitation that is not false, misleading, deceptive, or directly competitive with AAAAI products or services.
- There will be no discussions about discouraging entry into or competition in any segment of the marketplace.
- There will be no discussions about whether the practices of any member, actual or potential competitor, or other person are unethical or anti-competitive, unless the discussions or complaints follow the prescribed due process provisions of the AAAAI bylaws.
- Certain activities of AAAAI and its members are deemed protected from antitrust laws under the First Amendment right to petition government. The antitrust exemption for these activities, referred to as the Noerr-Pennington Doctrine, protects ethical or proper actions or discussions by members designed to influence: 1) legislation at the national, state or local level; 2) regulatory or policy-making activities; 3) decisions of judicial bodies. However, the exemption does not protect actions constituting a “sham” to cover anti-competitive conduct.
- Speakers at committee meetings, educational programs, or other business meetings of AAAAI shall be informed that they must comply with AAAAI’s antitrust policy in the preparation and the presentation of their remarks.
- AAAAI meetings will follow a written agenda. Minutes will be prepared after the meeting to provide a concise summary of important matters discussed and actions taken or conclusions reached.

At informal discussions at the site of any AAAAI meeting, all participants are expected to observe the same standards for personal conduct as are required of AAAAI in its compliance.