Press Release

FTC vs. Meta: Analysis of Anticompetitive Conduct

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In August, the Federal Trade Commission (FTC) refiled an antitrust complaint against Facebook, rebranded as Meta Platforms in October 2021, alleging the company illegally maintained a monopoly. In a new insight, Director of Technology and Innovation Policy Jeff Westling and Technology and Innovation Policy Analyst Juan Londoño consider the complaint and note that lawmakers contemplating changes to the antitrust laws should consider the efficiencies and consumer benefits that come with integration and size.

Key points:

- *The FTC is currently challenging Meta Platform's acquisitions of Instagram and WhatsApp under Section 2 of the Sherman Act, which forbids illegal monopolization.*
- *While much of the initial focus of the case has been on the question of monopoly power, the agency must also show that Meta engaged in anticompetitive conduct to acquire, attempt to acquire, or maintain monopoly power in a given market.*
- *The analysis regarding anticompetitive conduct has evolved over the last century to weigh procompetitive justifications against anticompetitive harms.*
- *As the Meta case highlights, a reverse back to a "big is bad" mindset of antitrust law could abandon this standard to leave consumers, and competition as a whole, worse off.*

Read the analysis