

PROCLAMATION



City and County of Denver

Proclamation No. 22-1617

REQUESTING THE FEDERAL TRADE COMMISSION CLOSELY EVALUATE THE LIKELY NEGATIVE EFFECT OF THE PROPOSED ACQUISITION OF ALBERTSON'S BY KROGER FOR THE LIKELY ANTI-COMPETITIVE EFFECT AND IMPACTS ON CONSUMERS, WORKERS AND SMALL BUSINESSES

WHEREAS, Kroger has proposed to acquire Albertsons; and

WHEREAS, the acquisition threatens to create competition-stifling concentration in markets across the country, hurting consumers workers and small businesses raising several anti-competitive concerns; and

WHEREAS, the consolidated grocery chain would control around 13% of the U.S. grocery market and up to 28% of the market in some regions of the country; and

WHEREAS, the consolidated grocery chain could offer fewer product choices and higher costs for essential goods; and

WHEREAS, in the absence of adequate employer competition, Kroger's ability to set wages beneath what a competitive market would provide would increase; and

WHEREAS, the acquisition could impair bargaining power for fair wages and safe working conditions in local communities; and

WHEREAS, Kroger currently does not pay its workers steady, livable incomes creating homelessness and food insecurity for its workers; and

WHEREAS, when a few corporations dominate a downstream market, those companies often dictate price and terms to their suppliers; and

WHEREAS, small businesses lack the volume demand necessary to make them viable competitors with suppliers resulting in them paying higher prices and waiting longer for goods; and

WHEREAS, mom and pop stores tend to close when mega-conglomerate stores enter the market creating food deserts and further restricting the ability of communities without access to fresh food to attract a grocery store; and

WHEREAS, antitrust laws were designed to protect against anti-competitive economic discrimination and excessive concentration; and

WHEREAS, the benefits of healthy market competition and the threats posed by economic discrimination were recognized by the U.S. Congress with the passage of the Sherman Act, the Clayton Act., and the Federal Trade Commission Act.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. The Council of the City and County of Denver requests the Federal Trade Commission conduct a close and skeptical investigation of this transaction to determine its consistency with Section 7 of the Clayton Act, which prohibits any acquisition the effect of which “may be substantially to lessen competition, or to tend to create a monopoly” in “*any* line of commerce or in *any* activity affecting commerce.”

Section 2. That the Secretary of Council affix the seal of the City and County of Denver to this proclamation and that a copy be transmitted to Lina Khan, Chair, Federal Trade Commission, Senator Michael Bennet, Senator John Hickenlooper, and Representative Diana DeGette.

PASSED BY THE COUNCIL December 5, 2022

_____ PRESIDENT