

United States Senate

WASHINGTON, DC 20510

May 12, 2022

The Honorable Lina Khan
Chair
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Dear Chair Khan:

As a Member of the Senate Committee on Commerce, Science and Transportation, I write to request that the Federal Trade Commission (FTC), pursuant to Section 6(b) of the Federal Trade Act, conduct a wide-ranging study of the infant formula industry to examine how that market's composition, along with the behavior and business practices of market participants, affect competition, consumer prices, consumer choice, product safety, product quality, product transparency, supply chain efficiency, supply chain resilience and public health.

The potential adverse impact on public health is particularly important considering recent infant formula industry production challenges and broader supply chain issues have led to shortages of specialty infant formula products that are medically necessary for certain consumers. Given the importance of the infant formula marketplace, one would expect unanimous support among FTC Commissioners for issuing 6(b) orders to infant formula industry entities that will enable the FTC to obtain the detailed information necessary to conduct a wide-ranging study of this vital marketplace and file a special report on the impact of industry consolidation and business practices on consumers who depend on infant formula product.

As you noted when launching an inquiry into supply chain disruptions, "The FTC has a long history of pursuing market studies to deepen our understanding of economic conditions and business conduct, and we should continue to make nimble and timely use of these information-gathering tools and authorities." I could not agree more. Shedding light on the business practices and market conditions that led to sustained infant formula shortages will enable Congress and regulators to develop effective legislative and regulatory responses to strengthen the resiliency of the infant formula supply chain and prevent future infant formula shortages.

Sincerely,



Tammy Duckworth
United States Senator