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**CLE: Consolidation in the Food and Agriculture Industry Leading to
Anticompetitive Activity
Tuesday, July 28
11:00AM – 12:00PM CT
Virtual**

The Panelists

- **Joseph Bourne** is a partner at Lockridge Grindal Nauen, where his practice focuses on antitrust and business litigation in federal and state courts in Minnesota and throughout the country. During the past decade in private practice, Joe has litigated antitrust, class action, and other complex civil litigation matters involving the technology, logistics, food product, and healthcare industries, among others. Before entering private practice, Joseph clerked for Judge Francis J. Connolly and then-Chief Judge Edward Toussaint, Jr., at the Minnesota Court of Appeals. Joe graduated magna cum laude from the University of Minnesota Law School in 2009
- **Sen. Aric Putnam** was first elected to the Minnesota Senate in 2021. He represents Senate District 14, which covers the communities of St. Cloud, Waite Park, St. Augusta, Haven, and Minden Townships. Sen. Putnam is chair of the Agriculture, Veterans, Broadband, and Rural Development Committee. Sen. Putnam earned his Ph.D. at the University of Minnesota. He was then hired as a professor of communication at Saint John's University and the College of St. Benedict.
- **Dr. Kathryn Draeger** is Statewide Director for the U of M Regional Sustainable Development Partnerships and adjunct professor of Agronomy and Plant Genetics. She oversees statewide programming in sustainable development, including clean energy and sustainable agriculture and food systems. She served as an Environmental Protection Commissioner in Iowa and was appointed to the Governor's Roundtable for Sustainable Development in Minnesota. Kathy holds a doctorate in water resources and master's in Soil Science from the University of Minnesota.
- **Brandon Kasprick** (moderator) is a rising second-year law student at Mitchell Hamline School of Law and a law clerk in the antitrust division of the Office of the Minnesota Attorney General. He is a graduate of the University of Minnesota (B.S. and B.A.) and previously worked for Gov. Tim Walz and the U.S. Senate Committee on Armed Services. He was raised on a farm in Northwestern Minnesota.

Resources

[The USDA's Economic Research Service published a 2023 report on concentration and competition in U.S. agribusiness.](#) The report documents how market consolidation has occurred in the agribusiness industry, particularly in three areas: (1) seeds, (2) meat packing, and (3) food retailing. This report serves as a primer on the rise of market concentration in the agribusiness industry, as well as a guide to federal antitrust policy.

[Per an agreement, large egg producers are set to pay \\$3.3 million and donate over 53 million eggs in a settlement of antitrust claims.](#) The enforcement action against the producers was brought by 17 states, including Minnesota, as well as the federal government. Minnesota is slated to receive approximately 2 million eggs as part of this settlement agreement.

[John Deere recently reached a settlement agreement with the Federal Trade Commission and four states, including Minnesota.](#) The antitrust claims brought against John Deere related to right to repair issues. Specifically, John Deere is alleged to have used unfair practices to drive up equipment repair costs as well as limit availability to repair resources for farmers and independent repair providers. The settlement agreement requires John Deere to make many of its repair resources accessible to farmers and independent repair providers for 10 years.

[The U.S. House of Representatives Committee on the Judiciary held a hearing on competition and regulation in the meat processing industry.](#) In this hearing, members of Congress heard testimony from farmers and other agricultural stakeholders about the impact of reduced competition on the meat processing industry. Lawmakers and testifiers alike raised potential solutions for the problems posed by increased consolidation.

[In late 2024, the University of Arkansas School of Law published a compilation of several recent antitrust cases focused on the food and agriculture industry.](#) While developments have occurred in the litigation listed in this publication since that time, it serves as a resource for exploring recent actions in the agricultural antitrust space.

[The Department of Justice's 2023 merger guidelines also explicitly mention the role of market consolidation in anticompetitive activity.](#) Guideline 7 notes that when industries see trends of increasing consolidation, it can also increase the possibility that a merger within the industry could substantially limit competition. This guideline makes reference to three important U.S. Supreme Court cases in antitrust law: *United States v. Pabst Brewing*, 384 U.S. 546 (1966); *United States v. Phila. Nat'l Bank*, 374 U.S. 321 (1963); and *Brown Shoe Co. v. United States*, 370 U.S. 294 (1962).

[Farm Action has created a data hub](#) to compile data on consolidation within the food and agriculture industries. This includes fact sheets on consolidation specific to farm machinery, seed and pesticide, fertilizer, and other agricultural industries.