

Robinson-Patman Act: Advertising and Promotional Allowances and Services

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LexisNexis Practical Guidance Practice Note

Ken Rubin, a partner in the Vorys Columbus office, and Kara Mundy, an associate in the Vorys Columbus office, co-authored LexisNexis Practical Guidance Practice Note on the Robinson-Patman Act (RPA). The note aims to help readers understand Congress's intent for the RPA, how Sections 2(d) and 2(e) operate, how enforcement agencies and courts apply these sections, and what claims and defenses manufacturers and resellers can raise. This note also provides guidance to companies that are seeking to comply with Sections 2(d) and 2(e) without appreciable disruption to their businesses.

According to the note, the RPA prohibits certain forms of pricing and promotion discrimination among competing downstream buyers of a manufacturers products. Sections 2(d) and 2(e) of the RPA regulate promotional allowances and services provided by manufacturers to buyers to aid the buyers efforts to resell the products and are implicated when a downstream reseller requests better pricing, terms, or increased advertising and promotional allowances, or manufacturers offer those opportunities to certain resellers and not others.

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