



U.S. Department of Justice

Office of the Associate Attorney General

The Associate Attorney General Washington, D.C. 20530

May 16, 2022

Dear State Attorneys General:

Families across the country are concerned about the availability of safe and affordable infant formula in light of the ongoing shortage caused by a voluntary manufacturer recall, suspension of production, and supply chain disruptions. The Justice Department is committed to using every tool at our disposal to address the infant formula shortage in the country.

In particular, we are deeply concerned by reports that some businesses may be seeking to take advantage of this shortage by charging prices for this necessity that dramatically exceed its retail value. Many of your states have strong statutory prohibitions on price gouging. We urge you to use any such authorities under state law to monitor prices and take every step you can to combat predatory behavior or price gouging in the market for infant formula. A number of Attorneys General have already taken strong steps to protect consumers and families in your states, and we commend these efforts.

If the Department of Justice can be of assistance as you pursue these efforts, or if we can advise on any other consumer protection concerns you may have in connection with the current infant formula shortage, please contact Deputy Assistant Attorney General Arun Rao at 202-451-7317.

In addition, the Department of Justice will not tolerate any conduct that seeks to exploit the infant formula shortage as a cover for collusive schemes. In February 2022, the Antitrust Division and the Federal Bureau of Investigation announced an initiative to deter, detect, and prosecute anyone who exploits supply chain disruptions to engage in collusive conduct. If you are aware of any evidence suggesting potential civil or criminal violations of the antitrust laws of the United States—including agreements by individuals or businesses to fix prices, rig bids, or allocate markets—please contact Section Chief Manish Kumar at 415-229-2900.

As the chief law enforcement officers in your states, I strongly encourage you to do what you can within your respective authorities to ensure that vulnerable families are not taken advantage of during the current infant formula shortage. The Department of Justice stands ready to assist with these efforts, and we are grateful for your leadership on this and other crucial issues.

Respectfully,

A handwritten signature in blue ink, appearing to read "Vanita Gupta".

Vanita Gupta
Associate Attorney General