

ABA Files Motion to Intervene in FTC Suit Against Amazon

HARRISON, NEW YORK, UNITED STATES, April 29, 2024 /EINPresswire.com/ -- On Friday, April 26, the American Booksellers Association filed a motion to intervene in the Federal Trade Commission (FTC)'s antitrust suit against Amazon. The motion : 2:23-cv-01495-JHC was filed on the eve of Independent Bookstore Day, the national celebration of independent bookstores. The intervention is made in support of the FTC's case and looks to bolster its claim that Amazon is guilty of unlawful exclusionary conduct by explicitly including the concerns of independent booksellers in the case.



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Allison Hill

"In 1994, the year Amazon launched, there were 7,000 independent bookstores in the U.S. Today there are only 2,500," said Allison K Hill, ABA CEO. "The ABA believes our motion to intervene will help the FTC's efforts to stop Amazon's exclusionary conduct that has hurt small business, the book industry, and ultimately consumers.

We're not talking about simply an unlevel playing field; left unchecked for almost 30 years, Amazon now owns the playing field and sets the rules of the game. As independent bookstores' biggest competitor, Amazon's exclusionary conduct directly impacting independent booksellers must be addressed explicitly in this suit. We believe the facts we bring to the table will significantly bolster key arguments made by the FTC in their already strong and compelling case. We applaud FTC's efforts to release Amazon's stranglehold on the marketplace."

In late September 2023, the FTC and 17 state Attorneys General (now 18 after Vermont joined) filed an antitrust lawsuit against Amazon, alleging that the online retail and technology company is a monopolist that uses a set of interlocking anticompetitive and unfair strategies to illegally maintain its monopoly power. The FTC and its state partners claim Amazon's actions allow it to stop rivals and sellers from lowering prices, degrade quality for shoppers, overcharge sellers, stifle innovation, and prevent rivals from fairly competing against Amazon.

Notably missing from the complaint, however, are independent bookstores, a key competitor of Amazon's for well over three decades now — and one of the first commercial sectors to feel the impact of Amazon's monopolistic practices.

A motion to intervene can be filed by any party who shares an interest in the outcome of a case

that may not be protected without adequate representation by existing parties. In the motion to intervene, ABA argues: "Amazon has stifled such competition by ABA members by exercising its monopoly power to coerce publishers to accede to its demands for substantial and unjustified price discrimination, enabling Amazon to sell books to retail customers at prices that ABA members cannot match except by forgoing a sustainable margin, or incurring a loss, given the higher wholesale prices concurrently paid by ABA members for the same books."

"This challenge to Amazon's anticompetitive behavior impacting independent booksellers has been a long time coming," said David Grogan, Director, Advocacy & Public Policy. "No one knows that better than ABA's members, who, for decades, have persistently called out Amazon's monopolistic and monopsonistic practices in bookselling. We believe the law is firmly on our side and that our motion will be accepted by the court. As such, Amazon's anticompetitive behavior impacting the bookselling industry can finally come under legal scrutiny."

If ABA's motion to intervene is denied, the association has requested amicus status in support of the FTC's complaint.

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