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WEBSTER, CHAMBERLAIN & BEAN, LLP – NONPROFIT ALERT

Update: Additional Developments in the Legal Landscape for Competitor Collaborations

On May 7, 2026, the DOJ and six states filed a Proposed Final Judgment in their case against Agri Stats Inc. (“Agri Stats”)(*United States v. Agri Stats, Inc.*, 0:23-cv-03009, D. Minn.)¹. The settlement, pending court approval, includes several notable requirements:

- Agri Stats cannot receive, maintain, or report Sales Data, except for the purposes of (a) Agri Stats’ audit team to calculate the Operations Profit Analysis and (b) reporting a contributor's own data back to them. Sales data was a key issue in this case as Agri Stats shared “comprehensive, granular, current” sales data and made it “available exclusively to processors.”² Agri Stats’ subsidiary Express Markets, Inc. (“EMI”) may handle sales data, per the proposed settlement, but EMI reports were “more aggregated than Agri Stats-branded reports and typically made available to nonprocessor customers.”³
- Agri Stats must aggregate and anonymize the data:
 - Agri Stats cannot report on production, cost, and labor data at the company or facility level.
 - Agri Stats cannot disclose identities or lists of any data contributor.
 - Agri Stats can only report aggregated statistical averages and limited quartile distribution data.
 - For reports covering 50% or more of U.S. sales in a protein segment, each value must reflect at least three contributors, with no single contributor exceeding 70% of the data.
- Agri Stats must age the data:
 - Agri Stats can only report data that is at least 45 days old on average.
 - If Agri Stats reports data that reflects production decisions, it must be at least 90 days old.
- Agri Stats must make all reports and data available to any interested buyer on non-discriminatory terms.

¹ Proposed Final Judgment, *United States v. Agri Stats, Inc.*, 0:23-cv-03009, D. Minn., Dkt. No. 742-2, available at <https://www.justice.gov/atr/media/1439906/dl?inline>

² *United States v. Agri Stats, Inc.*, 0:23-cv-03009, D. Minn., Dkt. No. 1 at 12, available at <https://www.justice.gov/d9/2023-10/416782.pdf>.

³ *Id.* at 10.

While this potential settlement offers insight into the DOJ's perspective, associations should remember that the reforms are specific to the conduct involved and not general guidance. As noted in our previous [Client Alert](#), the FTC and DOJ are considering issuing new guidance. Associations should maintain a comprehensive antitrust compliance policy to prevent anticompetitive behavior in data sharing programs. Consult legal counsel to review your data sharing program.

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