

Solicitation for Public Comments on Factors that May Have Contributed to the Infant Formula Shortage and Its Impact on Families and Retailers

The staff of the Federal Trade Commission is inviting public comments about various factors that may have contributed to the infant formula shortage during the recall of certain Abbott formula products beginning in February 2022 as well as its impact on families and retailers. FTC staff is seeking public comments on the following topics in addition to any other topics or issues members of the public consider relevant:

- Instances where families have experienced fraud, deception, or scams when attempting to purchase infant formula;
- Instances where families have been forced to purchase infant formula from online resellers at exorbitant prices;
- Whether families purchasing infant formula through Special Supplemental Nutrition Program for Women, Infants, and Children (“WIC”) have faced additional difficulties compared to non-WIC purchasers;
- Retailers’ experiences with extremely large purchases of infant formula in excess of a single family’s needs for the purpose of long-term stockpiling or resale;
- Retailers’ experiences working with infant formula distributors and manufacturers throughout the Abbott recall and ensuing infant formula supply disruption;
- Retailers’ experiences obtaining brands of infant formula that are not ordinarily covered by their state’s WIC program;
- Whether small and independent retailers have faced particular difficulties accessing limited supplies of infant formula, especially relative to large chain retailers;
- The impact of mergers and acquisitions on the number of infant formula suppliers, capital investment, and total manufacturing capacity;
- The impact of state WIC competitive bidding on the number of infant formula suppliers, capital investment, and total manufacturing capacity;
- The impact of FDA regulations on the number of infant formula suppliers, capital investment, and total manufacturing capacity, including that located outside the United States;
- Whether there are regulatory barriers that have prevented companies located outside the United States from entering the infant formula market;
- Whether there are barriers that have prevented new companies from entering the WIC program;

FTC staff encourages members of the public to comment on any issues or concerns they believe are relevant or appropriate for our consideration and to submit written data, views, facts, and opinions addressing this subject, including but not limited to the issues posed above. Comments are published on the regulations.gov website. Please do not include any sensitive or confidential information.