

Interlocutory Orders, Etc.

IN THE MATTER OF

ALTRIA GROUP, INC.,
AND
JUUL LABS, INC.

Docket No. 9393. Order, January 19, 2022

Order granting the ALJ's request to further extend the time period for filing the Initial Decision to February 17, 2022.

ORDER GRANTING EXTENSION OF TIME

This proceeding involves two theories of liability: (1) an allegedly anticompetitive agreement between Altria Group, Inc. ("Altria") and JUUL Labs, Inc. ("JLI") (collectively, "Respondents"), alleged by the Commission's Complaint to violate Section 1 of the Sherman Act and Section 5 of the Federal Trade Commission Act; and (2) Altria's acquisition of an ownership stake in JLI, alleged by the Complaint to violate Section 7 of the Clayton Act and Section 5 of the Federal Trade Commission Act. Respondents deny liability under either theory. Chief Administrative Law Judge D. Michael Chappell conducted the trial of this matter over several weeks in June 2021.

The FTC's Rule of Practice 3.51(a) provides that "[t]he Administrative Law Judge ['ALJ'] shall file an initial decision within 70 days after the filing of the last filed initial or replyproposed findings of fact, conclusions of law and order" and that the ALJ may extend this time period by up to 30 days for good cause. 16 C.F.R. § 3.51(a). Pursuant to FTC Rule 3.51(a), Judge Chappell issued an order on December 17, 2021, extending the time for filing the Initial Decision from the initial presumptive deadline, December 22, 2021, to January 21, 2022 ("Order"). Judge Chappell now requests that we further extend the time period to February 17, 2022.

FTC Rule 3.51(a) provides that the Commission may further extend the time period for good cause. We find that good cause exists in this case. The record of the multi-week trial is extensive, involving numerous witnesses and complex issues under two major theories of liability. Over 2,480 exhibits were admitted into evidence. Order at 1. Thirty-seven witnesses testified, either live or by deposition, resulting in over 3,400 pages of trial transcript from witnesses' live testimony. *Id.* The parties submitted 3,900 proposed findings of fact. *Id.* The parties' proposed findings of fact and conclusions of law, replies to findings of fact and conclusions of law, post-trial briefs, and reply briefs total over 4,000 pages. *Id.* at 1-2. As Judge Chappell indicates, these substantial materials must be thoroughly reviewed to give proper consideration to the issues raised in the proceeding. Under these circumstances the extension of time requested by Judge Chappell is appropriate.

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Accordingly,

IT IS HEREBY ORDERED that the time for filing the Initial Decision in this proceeding is extended to February 17, 2022.

By the Commission.

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IN THE MATTER OF

**HEALTH RESEARCH LABORATORIES, LLC,
WHOLE BODY SUPPLEMENTS, LLC,
AND
KRAMER DUHON***Docket No. 9397. Order, January 21, 2022*

Order granting Complaint Counsel's motion to withdraw this Matter from adjudication for the purpose of considering a consent agreement.

**ORDER WITHDRAWING MATTER FROM ADJUDICATION FOR THE PURPOSE OF CONSIDERING A
PROPOSED CONSENT AGREEMENT**

Complaint Counsel having moved that this matter be withdrawn from adjudication in order to enable the Commission to consider a proposed consent agreement, and Respondents consenting to the motion; and

Complaint Counsel and Respondents, having submitted a proposed Consent Agreement containing a proposed Decision and Order, executed by Respondents and by Complaint Counsel and approved by the Director of the Bureau of Consumer Protection that, if accepted by the Commission, would resolve the claims against Respondents in their entirety;

IT IS ORDERED that pursuant to Section 3.25(c) of the Commission's Rules of Practice, 16 C.F.R. § 3.25(c), that this matter in its entirety be, and it is hereby withdrawn from adjudication until April 19, 2022, and that all proceedings before the Administrative Law Judge in this matter are hereby stayed pending a determination by the Commission with respect to the proposed Consent Agreement, pursuant to Section 3.25(f) of the Commission's Rules of Practice, 16 C.F.R. § 3.25(f); and

IT IS FURTHER ORDERED, pursuant to Section 3.25(b) of the Commission's Rules of Practice, 16 C.F.R. § 3.25(b), that the proposed Consent Agreement shall not be placed on the public record unless and until it is accepted by the Commission.

By the Commission.