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COMPETITION REGULATION LITIGATION

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Polish competition authority fines Empire Brands for RPM in pet food sector

Empire Brands sells dog and cat food. The company conducts wholesale sales in the form of mail orders to veterinary surgeries and pet stores, which then sell products stationary or online, as well as retail sales through its own online store and via the Allegro platform.

On 13 January 2025, the Polish competition authority ('UOKiK') announced it has fined Empire Brands and two of its managers for fixing online retail prices of pet food.

Key findings

Empire Brands imposed on its buyers the resale prices at which they could sell the pet food in online stores and on online platforms. According to Empire Brands, it only circulated recommendations resale prices. However, evidence showed that Empire Brands enforced its price policy through verbal warnings and changes to supply rules (e.g. changing payment methods, limiting access to promotions, or applying higher wholesale prices), eventually terminating cooperation with non-compliant buyers.

Some of the buyers also monitored each other's price compliance with Empire Brands' price policy.

UOKiK found the practice to be contrary to the Polish Act on Competition and Consumer Protection and to Article 101(1) TFEU.

Sanctions

UOKiK imposed a fine of over 350,000 PLN (approx. 83,300 EUR) on Empire Brands. In addition, the Polish competition authority imposed fines on two managers of Empire Brands of respectively 39,000 PLN (approx. 9,200 EUR) and 82,000 PLN (approx. 19,200 EUR).

The official press release is available here.