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This is an updated version of this report.
<b>Correction:</b> September 9th, 2021 - An earlier version of this report claimed that three out of four chicken farmers live below the poverty line. This figure is misleading and outdated. This
figure came from a 2001 study that found three out of four chicken farmers <i>whose sole source</i> of income was chicken farming lived below the poverty line. Today, most poultry households have off-farm income. Because a more contemporary and representative figure could not be found, this claim was removed.

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### Introduction

Over the last forty years, economies of scale in agriculture have made it possible for most Americans to spend far less of their income on food than did previous generations. Yet over the same period, the American food supply chain—from the seeds farmers plant to the peanut butter in our neighborhood grocery stores—has become concentrated in the hands of a shrinking number of giant multinational corporations.

This concentrated power has many negative consequences, particularly for farmers, farm workers, and for rural communities that depend on agriculture to drive their economies. For example, because of spreading agribusiness monopoly, the prices farmers pay for inputs such as seed and fertilizer continue to rise rapidly. At the same time, growing concentration among meat processors, grain traders, food processors, and retailers is responsible for driving down the prices farmers and farm workers receive for their labor. Largely because of these factors, a farm crisis is building across America on a scale not seen since the 1980s.

Monopoly also affects the quality of our food and agriculture's environmental footprint, making it a concern for both food producers and consumers, both in rural and urban areas. This brief documents the degree of concentration found in different agriculture-related sectors of the economy and lays out solutions for policymakers.

# Documenting Corporate Monopoly in Agriculture

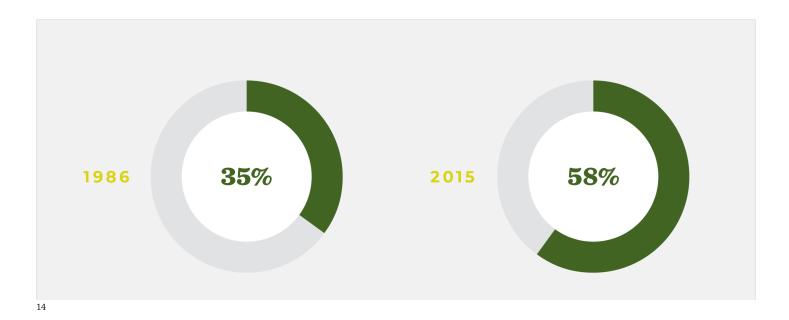
According to the USDA, agriculture and related industries contributed \$992 billion to U.S. GDP in 2015,<sup>4</sup> or 5.5 percent. Farm products contributed more than \$135 billion—about 1 percent of GDP—while direct on-farm work accounted for about 2.6 million jobs, or 1.3 percent of U.S. employment. Overall, employment in agriculture, food, and related industries supports 19 million jobs.

Nearly one in five rural counties depend on agriculture as their primary income source.<sup>5</sup> In Iowa, up to about 30 percent of the state's economy is tied directly to agriculture and related industries.<sup>6</sup>

Below, we break down how major sub-sectors of the agriculture industry are structured, provide data where available on levels of concentration, and describe the major monopolists that exert control in each market. It's important to remember that regional levels of concentration are often much more severe than national figures suggest.

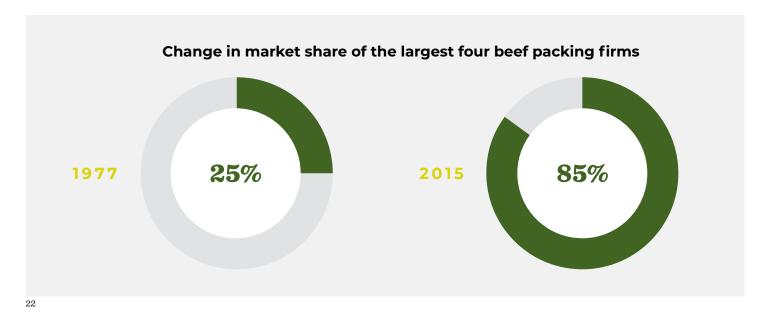
### **Meat Processing**

CHICKEN. Nine out of ten<sup>7</sup> of the nearly 9 billion chickens<sup>8</sup> raised annually in the U.S. are grown through "contract farming." Under this system, poultry processors enter into contracts with farmers with specific terms, including what chicks, bird food, and medicines farmers must use and the price farmers receive once the birds are ready to be processed. Poultry processors have been known to engage in punitive behavior if farmers complain about their contracts or treatment by processors. The Small Business Administration Inspector General determined that the processing monopolies' control is so extensive that farmers no longer qualify as independent businesses. Half of chicken farmers work in regions dominated by only one or two processing monopolies, leaving them with little, if any, bargaining power for better contracts or growing terms. Over half of all broilers are raised in Georgia, Arkansas, Alabama, North Carolina, and Mississippi. Over half of all broilers are raised in Georgia, Arkansas, Alabama, North

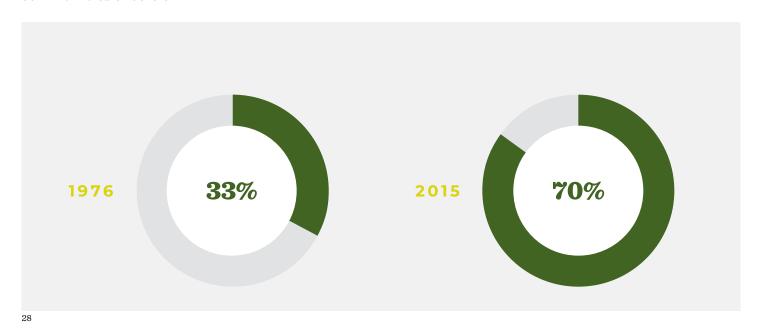


BEEF. The cattle industry is the single largest segment of American agriculture by value, and roughly one-third of all farms in the US raise beef cattle. <sup>15</sup> As recently as the 1980s, the beef industry was a model of open, competitive markets. Independent ranchers bred and raised their own cattle, then sold them to independent feedlots, which fattened the cows and sold them to independent slaughterhouses. At each stage of the process, stakeholders could fetch a fair price in competitive auctions. But beginning in the 1980s, a few large slaughterhouse corporations began to consolidate their hold on all stages of the industry. Just in that decade, the number of cattle-feeding operations in the largest 13 cattle states dropped by 40 percent. <sup>16</sup> Since 1980, an average of nearly 17,000 cattle ranchers have gone out of business every year. <sup>17</sup> Texas, Nebraska, Kansas, California, and Oklahoma raise 38 percent of all cattle in the US, <sup>18</sup> with Texas alone raising 13 percent.

Today, in many regions of the country, ranchers report finding as few as two buyers in a market, <sup>19</sup> and increasingly these buyers do not compete against one another. One result of this consolidation is that the price ranchers receive continues to fall, even though the price consumers pay for beef is rising<sup>20</sup> and beef packers are making record margins.<sup>21</sup>



PORK. In 1993, 87 percent of U.S. hogs were sold into competitive markets, <sup>23</sup> but today, that figure is less than seven percent. <sup>24</sup> By 2001, more than 8 in 10 hogs were controlled by packer conglomerates through long-term contracts with farmers or direct ownership. <sup>25</sup> Since the mid-1990s, 70 percent of U.S. hog farmers have gone out of business, <sup>26</sup> due primarily to a decline in small farms and a rise in large concentrated feeding operations, also known as CAFOs. These CAFOs are often environmental disasters, diminishing air quality and polluting drinking water in surrounding communities. In the second largest hog producing state, North Carolina, these CAFOs are disproportionately clustered in low-income communities of color. <sup>27</sup>



#### **MAJOR PLAYERS**

JBS S.A. Based in Brazil, JBS S.A. is the world's largest meat packing company,<sup>29</sup> earning more than \$43 billion in revenue in 2017.<sup>30</sup> In 2007, JBS entered the U.S. market by acquiring Swift & Co., the third largest beef and pork processor at the time.<sup>31</sup> Since then, JBS has acquired Smithfield's beef business,<sup>32</sup> Cargill's pork business,<sup>33</sup> and America's second largest poultry processor,<sup>34</sup> Pilgrim's Pride.<sup>35</sup> JBS was found to have given over \$100 million in bribes over the last 25 years to more than 1,800 Brazilian politicians, which the corporation admits helped them secure financing from Brazil's state-owned bank in order to take over the U.S. beef market.<sup>36</sup> In 2018, USDA found JBS had ripped off U.S. cattle producers at three separate

slaughter facilities by shorting them on payments for their cattle and, although the abuses were extensive, settled the claims for only a \$50,000 penalty.<sup>37</sup> In 2017, JBS was caught exporting rotten meat worldwide.<sup>38</sup> JBS spent \$408,000 on federal lobbying in 2018.<sup>39</sup>

TYSON FOODS. Arkansas-based Tyson Foods is the world's second largest meat packer, <sup>40</sup> after JBS S.A., and America's largest poultry corporation, generating \$40 billion in sales in 2018. <sup>41</sup> In the last two decades, Tyson has acquired dozens of smaller firms; in 2001, the Department of Justice approved its purchase of IBP, the then largest beef packer and number two pork processor in the U.S. for \$3.2 billion. <sup>42</sup> Tyson has been implicated in numerous scandals in recent years, including limiting breaks to the extent that employees at processing plants were forced to wear diapers. The corporation also faces a class-action lawsuit that alleges Tyson and other poultry corporations engaged in a long-term price-fixing scheme that stole the equivalent of \$330 a year from the average family through inflated pricing. <sup>43</sup> Tyson spent \$1.1 million on federal lobbying in 2018. <sup>44</sup>

SMITHFIELD. A subsidiary of Chinese food processing conglomerate WH Group, Smithfield is the largest producer of pork in the world, slaughtering 1 in every 4 hogs raised in the United States. Smithfield pioneered vertically integrated contract farming in the pork industry, expanding the use of CAFOs and putting small hog farmers out of business. Between 1990 and 2005 alone, Smithfield sales increased tenfold. In 2013, Chinese food processing conglomerate WH Group purchased Smithfield for nearly \$5 billion, The largest-ever Chinese acquisition of a US company at the time. WH Group posted \$22.3 billion in revenue in 2017.

#### **FOOD CHAIN LABOR**

In many rural communities, large meat processing plants are one of the only employers and exert this power to suppress unionization, lower or even steal wages, and force employees to work faster in unsafe environments. The Food Chain Workers Alliance reports that <u>65 percent</u> of meatpacking and food processing workers have been injured on the job. Almost <u>60 percent</u> of slaughterhouse workers are people of color and in 2015 nearly <u>30 percent</u> were born outside the United States. Many are undocumented, making this workforce particularly vulnerable, less mobile, and more likely to <u>experience workplace harassment</u>.

Meanwhile, consolidated, large-scale corporate growers increasingly outsource farm labor management to contractors. These <u>contractors</u> act as intermediaries between farmworkers and growers, and thus provide loopholes that enable large-scale growers to avoid providing basic employee health and safety protections. <u>More than 50 percent</u> of agricultural workers earn a sub-minimum—below poverty—wage.

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### Milk and Dairy

Independent dairy farmers are in a state of crisis. In 1970, nearly 650,000 dairy farms operated in the U.S.; today roughly 40,000 remain. Since 2014, the price farmers receive for milk has fallen by 40 percent, below the average farm's break-even point, as a result of oversupply and decreased demand for milk products, paired with significant discrepancies in market power within the dairy industry. For the past two decades, about 4,600 dairy farms have closed each year, and that rate is accelerating. Wisconsin, one of the largest milk-producing states, has lost over 40 percent of its dairy farms since 2004 at a rate of nearly two per day in 2018 alone. Like most farmers, dairy families feel pressure to lower prices from large consolidated buyers. Milk producers historically organized into co-ops to counterbalance concentrated power among buyers, but today, the largest co-ops, such as Dairy Farmers of America and Land O' Lakes, prey off of small-scale producers they're supposed to protect and strike arrangements with massive milk processors, like Dean Foods, that result in additional wealth transfers from farmers to their own executives.

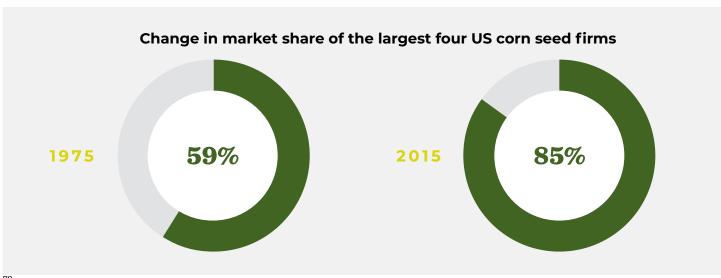
#### **MAJOR PLAYERS**

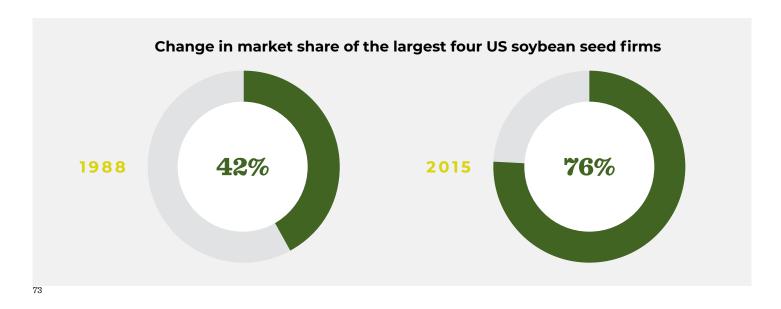
DAIRY FARMERS OF AMERICA. Based in Kansas City, Dairy Farmers of America is a vertically-integrated milk co-operative with \$14 billion in annual revenue. <sup>59</sup> DFA handles 30 percent of the national raw milk supply with a far higher share in many regions, <sup>60</sup> leaving many dairy farmers without ways to get their milk to market without accepting DFA's terms. DFA also has vested interests across the entire dairy supply chain, owning or working closely with milk processors and marketers. These entities make more money when they pay DFA farmers less for their milk, creating a clear conflict of interest. In 2012, farmers in the Southeast received a \$140 million settlement after a class-action lawsuit alleged that DFA and Dean Foods colluded to lower prices for dairy farmers. <sup>61</sup> In 2014, DFA paid \$50 million to around 10,000 dairy farmers to settle a class-action lawsuit that alleged that DFA and its marketing arm, Dairy Marketing Services LLC, had conspired to monopolize the raw milk market in the Northeast. <sup>62</sup> And in the Southeast, DFA has refused to allow dairy farmers to sell to the co-op to address regional supply shortages and to force grocery stores to import milk from the group's members in the Midwest instead. <sup>63</sup> DFA spent \$1.1 million on federal lobbying in 2018. <sup>64</sup>

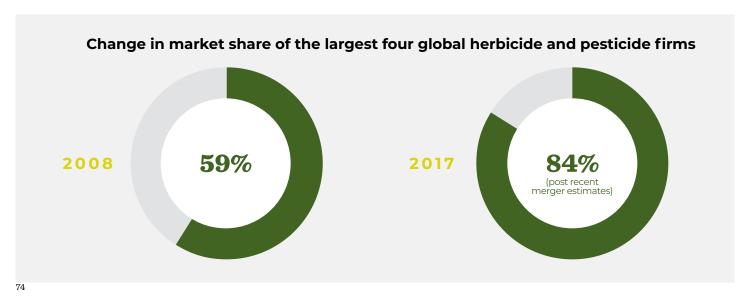
DEAN FOODS. Based in Dallas, Texas, Dean Foods is the largest milk processor in the U.S., controlling roughly 30 percent of the market for dairy products and selling its products under dozens of different brand names. The corporation, which posted \$7.8 billion in revenue in 2017, also has a licensing agreement and joint partnership with Land O' Lakes, the 3rd largest U.S. dairy co-op. Dean spent \$530,000 on lobbying in 2018.

### Farm Inputs

Today, most farmers must purchase seeds, pesticides, and herbicides from a handful of giant agribusinesses. For the past two decades, increased consolidation has coincided with the prices of farm inputs increasing faster than the prices farmers receive for their crops. Seeds are often designed to terminate—or, to fail to germinate—after one harvest, forcing farmers to purchase new seeds each season. Consolidated corporations also gain control over producers through seed and chemical product pairings that push farmers into a "pesticide treadmill," in which they are dependent on both a corporation's evolving seeds and chemical inputs to produce a healthy crop. This combined seed and chemical regime also increases farmers' costs of production, with USDA data showing that the per-acre cost of soybean and corn seed spiked dramatically between 1995 and 2014, by 351 percent and 321 percent, respectively. Corn and soy yields have increased, but at roughly the same rate yields had been increasing since the 1960s.







#### **MAJOR PLAYERS**

BAYER. German drug and chemical manufacturing conglomerate Bayer purchased St. Louis-based Monsanto, one of the world's largest seed and agrichemical corporations, for \$62 billion. Monsanto has patented traits found in 80 percent of US corn and over 90 percent of US soybeans and has acquired more than sixty independent seed companies since the late 1980s. Bayer's annual revenue was over \$44 billion in 2018. Bayer and Monsanto together spent \$13.4 million on federal lobbying.

DOWDUPONT. Headquartered in Midland, Michigan, DowDupont was formed in 2017 after the two largest U.S. chemical manufacturers combined in a \$130 billion merger. In the previous ten years, the two corporations had acquired over 40 seed and agrichemical companies. The conglomerate is now splitting into three corporations focused on agriculture, materials science, and specialty products, respectively, but this split will have little impact on their dominance in seeds and agrichemicals. DowDupont spent \$11.6 million on federal lobbying in 2018. DowDupont's new agricultural division is called Corteva Agriscience.

SYNGENTA. Headquartered in Switzerland and owned by ChemChina, a Chinese state-owned chemical company, Syngenta is the largest manufacturer of agrichemicals in the world. In 2017, Syngenta sold nearly \$9 billion worth of pesticides alone. Syngenta spent \$1.6 million on federal lobbying in 2018.

BASF. German-based BASF, which brought in more than \$71 billion in annual revenue in 2018, <sup>84</sup> is the world's largest chemical company and produces a range of agricultural inputs. Bayer will \$9 billion worth of assets to BASF as a part of its Monsanto acquisition. <sup>85</sup> This includes Bayer's Liberty herbicide business, as well as various seed lines. BASF spent \$1.4 million on federal lobbying in 2018. <sup>86</sup>

### Farm Equipment

Today, two corporations manufacture nearly half of all tractors and other essential farm machinery in the US.<sup>87</sup> As farm equipment makers have grown more consolidated, they have found novel ways to extract additional wealth from farmers, including by exploiting copyright law to forbid farmers from editing tractor software, which increasingly touches every aspect of modern farm equipment. In many cases, farmers can't change engine settings, can't retrofit old equipment with new features, and can't modify their tractors to meet new environmental standards without going through the manufacturer. This not only increases farmers' costs, but also wastes critical time while farmers wait for repairs to be completed. Equipment repair is an important revenue stream for large manufacturers. They have spent millions lobbying against state-level "Right to Repair" initiatives in order to preserve this monopoly.<sup>88</sup>

#### **MAJOR PLAYERS**

DEERE & COMPANY. More commonly known as John Deere, this Moline, Illinois-based corporation produces 32 percent of all agricultural and construction-related machinery and maintains a monopoly over its equipment repair. In 2018, John Deere posted \$37.4 billion in annual revenue. John Deere has vigorously opposed "Right to Repair" efforts in a number of states, going so far as to argue that farmers don't in fact own the equipment they purchase, but rather receive a "license to operate the vehicle," to maintain their monopoly on the repair market. John Deere spent \$1.6 million on federal lobbying in 2018.

### Grain Processing and Commodities Trading

Just four corporations, Cargill, Archer-Daniels Midland, Bunge, and Louis Dreyfus, control close to 90 percent of the global grain trading business. Yertical integration is common, with farmers relying on the same corporation to purchase seeds and inputs, process raw materials, and manufacture products like animal feed and corn syrup. Environmental and human rights groups frequently criticize these corporations for failing to crack down on deforestation and enslavement in their supply chain, especially for controversial commodities such as soy, palm oil, and cocoa.

These four giants also have extensive trading operations on Wall Street and the Chicago Mercantile Exchange which they use to buy and sell grain futures. The original purpose of these financial instruments was to mitigate the risk of bad weather and crop failures to farmers and food processors; today, traders use the them speculate. By joining in this speculation, these corporations pull in unearned income while driving up costs to consumers. Their reach extends far beyond grains, as they trade in virtually all international food commodities. During the 2000s, commodities traders made over \$250 billion in profits. 94

#### MAJOR PLAYERS

CARGILL. Based in Minnetonka, Minnesota, Cargill is the largest privately held company in the US, with revenue of nearly \$115 billion in 2018. Middleman to the world," Cargill is known as the world's biggest food trading firm; its food processing and shipping network spans 70 countries that a charter of 300 cargo ships, handling roughly 180 billion tons of cargo a year. It is also a leading producer of animal feed, corn derivatives, ethanol, vegetable oils, and meat. As CEO David MacLennan said upon the recent acquisition of a Cedar Rapids-based animal feed producer, "We're always in acquisition mode, there's never a year in Cargill in which we don't have an acquisition." Cargill spent \$1.2 million on federal lobbying in 2018.

ADM. Archer Daniels Midland (ADM) runs 270 manufacturing facilities worldwide and serves over 170 countries, bringing in \$62 billion in net sales. The corporation has been implicated in several price-fixing cases over the years, including colluding to increase the price of lysine (a common component of animal feed) in the 1990s. In early 2018, ADM was in advanced talks to acquire competitor Bunge (incorporated in Bermuda, headquartered in New York, with an annual revenue of \$42 billion). The agreement broke down over antitrust concerns. ADM spent \$2.2 million on federal lobbying in 2018. Bunge spent \$360,000.

LOUIS DREYFUS. Based in the Netherlands, this family-owned corporation controls about 10 percent of the world's agricultural trade flow, <sup>103</sup> making them the third-largest food trader in the world. Louis Dreyfus made \$55.4 billion in revenue last year <sup>104</sup> and spent \$110,000 on federal lobbying. <sup>105</sup>

### Groceries

Grocery stores, like the rest of the agriculture and food sector, have becoming increasingly consolidated in recent decades, with Amazon's recent acquisition of Whole Foods being the latest example. As recently as 1997, Americans bought 21 percent of their groceries from the then-four largest retailers. <sup>106</sup> As of 2019, the top four chains sold 43 percent of all groceries, <sup>107</sup> with Walmart alone commanding a quarter of the market. <sup>108</sup> Such consolidation gives large grocery conglomerates the power to apply pressure far down the supply chain, which often lands, at the end of the day, on farmers. For instance, in 1990 ranchers received 59 cents of each dollar spent on beef while retailers received 33 cents; <sup>109</sup> today those figures are 38 cents and 51 cents, respectively. <sup>110</sup> Grocery consolidation also puts smaller grocers out of business; competition from large national chains is the most commonly cited challenge facing rural grocery stores. <sup>111</sup> As consolidation has accelerated, United Food and Commercial Workers membership, the largest grocery union, has dropped by nearly 10 percent since the early 2000s, to about 1.2 million. <sup>112</sup> Concentrated grocery chains have also divested from low-income urban areas and communities of color, leaving corporations like Dollar General and Dollar Tree to prey upon "food deserts" and offer low-priced shelf-stable and packaged foods, <sup>113</sup> some of which cost more per ounce than similar products at a grocery store and exacerbate health and economic disparities.

#### MAJOR PLAYERS

WALMART. Walmart went from selling no groceries in 1990 to the largest US food retailer in 2000, a position it retains today. Walmart's devastating drain on local retailers has been well reported. On average, communities lose on net 150 retail jobs after a Walmart opens. In 37 metro areas, Walmart sells half of all groceries, and in many small towns Walmart is the only retailer for miles. The corporation extracts local tax advantages and subsidies (to the tune of \$213 million since 1992. Its annual global revenue topped \$500 billion dollars in 2018. Walmart spent \$6 million on lobbying in 2018.

AMAZON. Just as Walmart rapidly rose from a dominant general retailer to leading grocer, Amazon's recent entry into the grocery space poses an existential threat to the industry as it is currently organized. Amazon purchased Whole Foods in 2017 and recently announced plans to open additional grocery stores under a different brand. Amazon's e-commerce and logistics dominance has sent shockwaves through the rest of the grocery industry, prompting investments in grocery delivery and defensive mergers, such as natural food distributor UNFI's recent acquisition of wholesaler, Supervalu. The head of New York supermarket Fairway has said that "competing against Amazon is like competing against the government or a military commissary." Amazon spent \$14.4 million on federal lobbying in 2018. 121

KROGER. Headquartered in Cincinnati, Ohio, Kroger is the second-largest food retailer after Walmart and the largest supermarket chain in the country, owning brands including Harris Teeter, Fred Meyer, King Soopers, and QFC. Kroger also owns several dozen processing facilities, including dairies, bakeries, and meat processors to support its private label brands. Kroger posted annual revenue of \$121 billion in 2018.

AHOLD-DELHAIZE. Headquartered in the Netherlands, Ahold-Delhaize's U.S. brands earned the company more than \$55 billion in revenue in 2018. It owns supermarkets including Food Lion, Giant, Stop & Shop, Hannaford, and the grocery delivery service Peapod.

### **Food Processors**

In recent years, processed food manufacturers have merged to exert monopoly power over a range of different food markets. To name just a handful of examples, Unilever and Kraft Heinz sell over 80 percent of mayonnaise, 125 Kraft Heinz sells 60 percent of all ketchup, PepsiCo sells nearly 60 percent of all chips, 126 McCormick sells almost half of all spices, 127 and the list goes on. Large manufacturers contract with equally large farms, cutting smaller producers out of the market. These corporations sometimes have contract farming relationships similar to the meat industry. For instance, Heinz has vertically integrated into tomato seed production and contracts growers to raise tomatoes for ketchup using Heinz seeds. <sup>128</sup> And these massive conglomerates have so much control over national market access that new food startups face one of two choices: limit your growth to "niche" retail, or get acquired to get onto supermarket shelves. Big Food corporations also limit competition by locking smaller firms out of grocery stores using slotting fees, or "bonuses" that food processors offer grocers to claim shelf space and national distribution. And if an independent company does manage to get into the grocery store, leading food corporations often have special privileges to decide where their competitors sit on the shelves. 129 130

# CORPORATE DETERMINANTS OF HEALTH

In addition to controlling the a demonstrated interest in profit over public health, as addictive processed products loaded with sugar, salt, and fats, while simultaneously funding nutrition research that downplays the health outcomes of these ingredients. For instance, the soda lobby has long advocated that officials focus on exercise, rather than sugar consumption, as a solution to influence over our diets has health scholars developed determinants of health.'

#### **MAJOR PLAYERS**

NESTLE. Nestle is the world's largest food and beverage corporation, with over 2000 brands and \$91.9 billion in sales in 2018. The Swiss multinational corporation operates in 190 countries and houses dominant international brands including Nescafe, Gerber, Purina pet foods, Dreyer's ice cream, and several

candy brands like KitKat and Toll House. 132 Nestle has come under fire for price-fixing, 133 violating water rights in times of drought, 134 and aggressively marketing baby formula in developing countries. 135 Nestle spent \$1.5 million on federal lobbying in 2018. 136

PEPSICO. Based in New York state, PepsiCo is best known for drinks like Mountain Dew, Gatorade, and Naked Juice, but the corporation is also America's leading chipmaker. A 1965 merger between Frito-Lay and PepsiCo helped Frito-Lay become the first nationally distributed potato chip brand, and they have dominated chip sales since. Their brands include Tostitos, Doritos, Sun Chips, Ruffles, Stacy's pita chips, Cracker Jacks, Cheetos, Rold Gold pretzels, Sabra hummus, Quaker Oats products, Smart Food popcorn, and Grandma's Cookies. PepsiCo generated \$64 billion in net revenue and spent \$3.47 million in federal lobbying in 2018.

KRAFT HEINZ. Investors 3G Capital and Warren Buffet's Berkshire Hathaway orchestrated the merger of Kraft and Heinz in 2014, <sup>140</sup> creating the third largest food and beverage corporation in North America. Headquartered in Chicago, Kraft Heinz earned \$26 billion in net sales in 2018. <sup>141</sup> The conglomerate's portfolio spans Oscar Mayer, Capri Sun, Lunchables, Ore-Ida fries, Velveeta cheese, Planters nuts, and more. <sup>142</sup> Over 10,000 people lost their jobs as a result of the Kraft Heinz merger, <sup>143</sup> but four years later investors suggest "the merger has created no value," according to the Wall Street Journal. <sup>144</sup> Kraft Heinz spent \$920,000 on federal lobbying in 2018. <sup>145</sup>

### Cafeteria Operators

The food service management industry, or the business of running cafeterias and restaurants for hospitals, schools, stadiums, corporate headquarters, government offices, and other institutions, is a \$51 billion industry. Three corporations control almost 80 percent of the market. These corporations have massive buying power within the agriculture sector and use it in ways that close off markets to local farmers and other food providers to increase their own bottom lines. They do this by pooling the collective purchasing power of the tens of thousands of locations that they supply to strike large national contracts with equally large food processors, such as Tyson, Rellogg's, and PepsiCo, to who then provide "rebates" back to the management corporation. To maximize these rebates, management corporations often force their locations to purchase upwards of 80 percent of their food from approved vendors. These "on contract" purchasing requirements fundamentally limit the ability of individual schools, hospitals, and other institutions to work with local farmers and small businesses. At worst, these rebates represent illegal overcharges to public institutions, as food service management companies may use public dollars to purchase food only to pocket the rebate for themselves.

#### **MAJOR PLAYERS**

SODEXO. Based in France and operating worldwide, Sodexo generated revenues of roughly \$24 billion in 2018. In 2010, Sodexo paid the State of New York a \$20 million settlement for illegally overcharging New York City schools. Sodexo spent \$300,000 on federal lobbying in 2018.

COMPASS GROUP. Headquartered in the United Kingdom, Compass Group posted over \$30 billion in revenue in 2018. <sup>155</sup> In 2015, the District of Columbia reached a \$19 million settlement with one of Compass Group's subsidiaries for violating their contract and purchasing from highly processed, more expensive food manufacturers to receive rebates. <sup>156</sup>

ARAMARK. Headquartered in Philadelphia, Aramark earned \$15 billion in revenue in 2018. 157

### Solutions

The largest vehicle for agricultural policy at the federal level is the Farm Bill, which is re-negotiated every four to five years. The most recent Farm Bill, which received significant support from both parties and passed into law in December 2018, 158 maintained the status quo. Several new pieces of legislation, including Senator Cory Booker's "Food and Agribusiness Merger Moratorium and Antitrust Review Act" and Senator Mike Lee's bill "Opportunities for Fairness in Farming Act" are promising moves in the right direction, but to restore the balance of power between workers, farmers, and the range of corporate entities in the agriculture industry, the change required is vast.

The Department of Agriculture, Department of Justice, and the Federal Trade Commission also have extensive authority to structure and police agriculture and food markets, but have been almost entirely derelict in recent decades—siding repeatedly with Big Agribusinesses and clearing hundreds of mergers throughout the industry, including mergers between some of the world's largest corporations.

Restoring competitive markets in agriculture will require Congress and executive agencies to undo decades of bad policy. Below are a set of bold solutions that should be fundamental to any effort to reverse the extraordinary accumulations of monopoly power in agriculture markets:

- Break up big agribusiness corporations. The failure of Republicans and Democrats to enforce antitrust laws over the past 40 years has led the largest agribusinesses to consolidate extraordinary amounts of economic and political power over farmers, workers, communities, politicians, and regulators. Congress, the Department of Justice, and the Federal Trade Commission should impose an immediate moratorium on further acquisitions for corporations with dominant market positions and open investigations into the consequences of the dramatic increase in consolidation throughout the agriculture industry. The agencies should also unwind vertical integration in meatpacking, separating corporations such as Tyson and Smithfield into livestock breeders, feed lots, and processing companies. They should take a similar approach with Bayer, DowDupont, BASF, and Syngenta, separating seed and agrichemical sales.
- Rein in monopolist meatpackers. The 1921 Packers & Stockyards Act (P&S Act) created the USDA Packers and Stockyards Administration, known as GIPSA today, to police large meat packers for anti-competitive actions and monopolization. But adverse court rulings have gutted its protections for farmers. To make matters worse, in late 2018 the Trump Administration dissolved GIPSA as an independent agency, relegating its duties to the agribusiness-friendly Agricultural Marketing Services agency. The USDA must reinstate GIPSA as an independent agency and give teeth to the P&S Act, with Congress restoring the law to reflect its original intent as needed. GIPSA rule changes should ban packers from owning livestock, abolish abusive tournament payment systems, bring transparency to shadowy meat contracts, require packers to justify their prices, and grant farmers greater legal standing to sue meatpackers, among other reforms.
- Return power in agricultural co-ops to their members. Under the Capper-Volstead Act, farmers, ranchers, and other agricultural producers have an antitrust exemption to form cooperatives. Unfortunately, co-ops like Dairy Farms of America have exploited this protection and been managed not for the benefit of farmer-members. Congress should clarify that no corporations or non-farmers get the legal privileges of a co-op. Congress should also ensure that co-ops truly represent all members through democratic governance and without conflicts of interest.

- Address consolidation through the Farm Bill. Since the 1950s, the Farm Bill has gradually stripped away supply management policies that stabilize prices and discourage overproduction through things like grain reserves, price floors, and incentives to take land out of production. Instead, farm policies promote maximized production, often beyond demand, driving down prices and pushing farms to survive on volumes. Congress should revisit supply management tools, as well as cap subsidy payouts to the largest farms, improve whole farm revenue insurance, align crop insurance with conservation incentives, and expand USDA loan programs targeting underserved farmers and ranchers. This includes greater credit access for African American, Latino, and Native American farmers, who have faced a long history of documented racial discrimination by USDA<sup>159</sup> and inequitable distribution of agricultural supports and credit that has systematically cut off these farmers opportunities to own land.
- Better track and investigate foreign interests acquiring U.S. agricultural lands, federal grazing allotments, or commercial fishing privileges. Foreign entities control more than \$42 billion of agricultural land, roughly the size of Tennessee, 160 although the USDA has been criticized for poorly tracking the extent of foreign land ownership as required by law. Foreign ownership of farmland disadvantages independent farmers, can contribute to increased land speculation, and raises legitimate food and national security concerns. Regulations of foreign farmland ownership vary considerably state to state. 161 Congress must ensure that USDA is accurately tracking foreign ownership of farms, farmland, and other critical agricultural rights like grazing allotments and fishing privileges. Congress should also research a federal standard for regulating foreign farmland ownership.
  - Give farmers the freedom to repair their own equipment. Farm equipment manufacturers, in particular John Deere, require farmers to rely on their dealers to fix equipment they purchase, prohibiting them from making repairs themselves via licensing agreements and questionable applications of copyright law as farm machinery has become increasingly computerized. Drawing on existing Supreme Court precedent that restricts monopolization and restraints of trade in such "aftermarkets," the antitrust agencies should bring cases and, if necessary, issue rules to allow farmers to quickly and cost-effectively repair their own equipment or to rely on third-party competitors rather than just the original manufacturer.
  - Reform commodity check-off programs. Under federal law, farmers of many common commodities like milk, wheat, beef, even potatoes and pecans, must pay mandatory fees intended to be used by the U.S. government to research and promote their products. However, this funding is regularly used by trade groups aligned with big agribusiness to support policies that benefit the largest players and further disadvantage independent farmers. Congress should pass the Opportunities for Fairness in Farming Act to prohibit check-off funds from being used for lobbying and rein in conflicts of interest in check-off leadership. Congress should also pass the Voluntary Checkoff Act to ensure no farmer or rancher is forced to pay fees into programs that do not promote their market segment.
  - End the Fair Labor Standards Act exemptions for farm workers. The FLSA mandates minimum wage, overtime pay eligibility, record-keeping, and child labor standards for workers in the private sector and in federal, state, and local governments. Agricultural workers are exempt from receiving overtime pay and, for smaller operations, denied the right to a minimum wage. Congress should amend the FLSA to apply the same protections afforded to other workers to agriculture workers and increase enforcement of labor violations in agriculture. The Department of Labor also needs to crack down on labor violations in the H-2A guest worker program and farm labor contracting. Specifically, recent legal decisions in some circuits have established that large

companies that hire workers through labor contractors are considered joint employers, and thus responsible for violating any minimum wage or health and safety laws. <sup>167</sup> Yet agricultural employers still try to shirk legal liability for hired labors' working and living conditions to labor contractors. This joint employment standard must be further strengthened and enforced.

- Slow killing line speeds. Currently, animal slaughter speeds are only assessed for their impact on food safety and do not take into consideration how line speeds may impact workers. The USDA should walk back recent killing line speed increases and institute new rules that require speed caps to consider workers' safety outcomes, including the likelihood of injury or chronic illness such as carpal tunnel syndrome, as determined by an independent Department of Labor board.
- Better prosecute predatory pricing. One way large retailers take over markets is by selling products at a loss to drive out competitors and then raising prices. This is how Amazon rose to control e-commerce; the corporation lost money during its first seven years of business<sup>168</sup> and did not post consistent profits until 2015,<sup>169</sup> but investors banked on its growing market power. This type of predatory pricing is technically illegal, but difficult to prove, because the government and other plaintiffs need to prove that a price predator will recoup losses by raising prices in the future. As Amazon enters the physical grocery space, it's essential that it not translate its predatory pricing e-commerce strategy into the grocery business. Congress should clarify that a plaintiff does not need to prove that a corporation will recoup its losses in order to sue them for predatory pricing. The FTC could also write a new Section Five rule saying that a dominant firm (with market share greater than a specified threshold) cannot engage in any below cost pricing, period.
- Ban slotting fees, conditional kickbacks, and exclusive dealing in all food stores and food service. Slotting fees to access grocery shelves are anti-competitive and rebates conditional on buyers purchasing a certain percentage of their products from a designated company and exclusive purchasing agreements may violate the Sherman and Clayton Acts, yet all of these practices are commonplace in the food industry. The FTC should investigate these practices throughout agriculture and food markets and enforce laws intended to protect competition and independent businesses from these types of anti-competitive activities. These practices should be "per se" or presumptively illegal in any circumstance, and not assessed under the more corporate defendant-friendly "rule of reason."
- Show consumers where their food comes from by requiring honest country and company of origin labeling. In 2015, meatpacking monopolies successfully lobbied the Obama Administration to roll back country of origin labeling for beef and pork, leading to a near 50 percent decline in the value of U.S. calves. To make matters worse, a regulatory loophole allows imported meat that simply passes through a USDA-inspected plant to be labeled "Product of U.S.A.," disadvantaging independent American farmers and ranchers further. This loophole should be closed and honest country of origin labeling required so that consumers have the ability to choose to purchase meat raised in the United States. Additionally, products should be required to list their parent company on all packaging.
- Shine a light on agribusiness' influence over land grant universities.

  Land grant universities increasingly partner with the private sector on agricultural research. This opens the floodgates for agribusiness to influence academia, including by funding research that supports consolidated industrial food production. For instance, in 2017, Iowa legislators cut funding for the famous Leopold Center for Sustainable Agriculture at Iowa State, just as agribusiness allies

including the Iowa Farm Bureau, Iowa Pork Council, and Koch Foundation increased donations to Iowa State. <sup>172</sup> Agribusiness funding at land grant institutions undermines academic freedom and limits innovation at a time when the food system needs new sustainable methodologies. To bring greater transparency into academic findings, Congress should require that land grant institutions make the funding sources of all research grants, departments, and faculty endowments public. Additionally, a portion of land grant institutional research funds should be set aside to study sustainable, biodiverse, and small-scale agriculture. Finally, Congress should increase funding for agricultural research and university extension services, to lower reliance on private donors.

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## The Illusion of Choice in America's Food System

Listed below are brands and subsidiaries of major corporations that exert significant market power within the food system.

#### **CARGILL**

Sterling Silver Rumba Excel Angus Pride Ranchers Registry Blackwell Angus Angus Farms

Genuine Texas Angus Beef

Honeysuckle Shady Brook Farms

#### COCA-COLA

Coca-Cola Diet Coke Coca-Cola Zero

Dasani Fanta Fairlife Gold Peak Honest Tea Mellow Yellow Minute Maid Odwalla Powerade Simply **SmartWater** Sprite Surge

Vitamin Water

Zinc

#### **CONAGRA**

ACT II Alexia Andy Capp's

Angie's BOOMCHICKAPOP

Armour Star

Aunt Jemima (joint venture)

Banquet Bernstein's Bertolli **BIGS** Birds Eve Blake's Blue Bonnet **Brooks** 

Celeste Pizza for One Chef Boyardee Crunch 'n Munch

**DAVID Seeds** Dennison's

Duke's

**Duncan Hines** Earth Balance Egg Beaters Erin's **EVOL** Fiddle Faddle

Fleischmann's Frontera Gardein Glutino Gulden's

H.K. Anderson Hawaiian Snacks Healthy Choice **Hebrew National** Hungry-Man Hunt's Husman's

Jiffy Pop Kangaroo Kid Cuisine La Chov Lender's Libby's Log Cabin Manwich

Marie Callender's Mrs. Butterworth's

Mrs. Paul's Nalley

Odom's Tennessee Pride

Open Pit

Orville Redenbacher's P.F. Chang's Home Menu

(joint venture)

PAM Parkay Penrose Peter Pan Poppycock Ranch Style Beans Reddi-wip

RO\*TEL Rosarita

Sandwich Bros. of Wisconsin

Slim Jim **Smart Balance** Snack Pack Snyder of Berlin Swiss Miss

Tim's Cascade Snacks

Udi's Gluten Free

Van Camp's Van De Kamps

Vlasic Wesson

Wicked Kitchen Wish-Bone Wolf Brand Chili

#### **DANONE**

Activia **Danimals** Dannon DanActive Earthbound Farm Horizon Organic International Delight Left Field Farms Light & Fit Oikos Silk So Delicious

Stok Vega

Wallaby Organic YoCrunch YoCream

#### **DEAN FOODS**

Alta Dena Arctic Splash **Barbers Dairy** Barbe's Berkeley Farms Broughton **Brown Cow** Brown's Dairy

Chug

Country Fresh Country Love Creamland DairyPure Dean's Fieldcrest Friendly's Fruit Rush Gandy's Garelick Farms Hygeia Jilbert

Knudsen (licensed brand Land O Lakes (licensed

brand)

Land-O-Sun & design Lehigh Valley Dairy Farms Louis Trauth Dairy Inc.

Mayfield McArthur Meadow Brook Meadow Gold Mile High Ice Cream

Model Dairy Morning Glory Nature's Pride Nurture **Nutty Buddy** Oak Farms Orchard Pure Over the Moon Pet (licensed brand)

Pog (licensed brand) Price's Purity ReadyLeaf Reiter Robinson Schepps Stroh's Swiss Dairy

Swiss Premium TruMoo T.G. Lee Tuscan **Turtle Tracks** 

Viva

Uncle Matt's

#### **GENERAL MILLS**

**Betty Crocker** Bisquick Gold Medal Immaculate Baking

Pillsbury Cascadian Farm Cheerios Chex

Cinnamon Toast Crunch

Fiber One Lucky Charms Monsters Total

Wheaties

Trix

Annie's Green Giant Helper Old El Paso Wanchai Ferry

**EPIC** 

Food Should Taste Good

Larabar Liberte Mountain High Muir Glen Blue Buffalo Totino's **Bugles** Fruit Snacks Gardetto's

Nature Valley

Yoki Yoplait

Progresso

#### **GRUPO BIMBO**

East Balt Bakeries

Bays Bimbo Little Bites Takis Artesano Marinela Alfaro's Anzio & Sons Arnold Ball Park Barcel Boboli Brownberry Colombo Colonial Entenmann's Eureka Francisco Freihofer's

J.J.Nissen D'Italiano Ricolino Lumber Jack Maier's Master Mother's Mrs Baird's Nature's Harvest

Goldminer

Heiner's

Grace Baking

**Thomas** 

San Luis Sourdough

Stroehmann Tia Rosa

Wholesome Harvest

Sara Lee

Oroweat Old Style Sanissimo Rainbo

#### **HERSHEY**

5th Avenue Almond Joy Brookside Cadbury Heath Hershey's Kisses Kit Kat Reese's Mounds Mr. Goodbar Krackel Take5

Whatchamacallit

Skor Symphony Whoppers York Allan

Good & Plenty Jolly Rancher Pelon Pel Rico **Twizzlers** Breathsavers Bubble Yum Ice Breakers Milk Duds Payday Rolo Zagnut Zero SkinnyPop Pirate's Booty Smart Puffs **Original Tings** Dagoba Chocolate

#### **HORMEL FOODS**

Scharffen Berger

barkTHINS

Krave Jerky

Hormel Applegate **Austin Blues** Bufalo Burke Cafe H Chi-Chi's

Premium Chicken Breast

Hormel Chili Columbus Cure81

Curemaster Reserve

Dan's Prize Del Fuerte

DeLusso Dinty Moore Don Miguel Dona Maria Embasa **Evolve** Fontanini FuseBurger Gatherings Herbox Herdex Tsang Jennie-O Justin's LaVictoria

Little Sizzlers Lloyd's Mary Kitchen Natural Choice Not-So-Sloppy-Joe Old Smokehouse Refrigerated Entrees

Skippy Spam Stagg Chili Valley Fresh Vital Cuisin Wholly Guacamole

#### JBS SA

5 Star Beef Grass Run Farms Showcase Premium USA

Beef

1855 Black Angus Chef's Exclusive Aspen Ridge Cedar River Farms Blue Ribbon Beef Blue Ribbon Angus

Showcase Swift Beef Four Star Beef

Mover Pilgrim's

#### J. M. SMUCKER

Smucker's Jif Crisco Adams Crosse & Blackwell Dickinson's

Knott's Laura Scudder's R. W. Knudsen Sahale Snacks Santa Cruz Uncrustables Truroots

**Folgers** 

Dunkin Donuts (joint

venture) Cafe Bustelo 1850

Medaglia Doro

Pilon

Kava

Rachel Ray Nutrish

Meow Mix Milk Bone Natural Balance Kibbles n Bits 9Lives Pup-peroni Nature's Recipe Canine Carry Outs Gravy Train Milo's Kitchen Snausages Dad's

#### **KELLOGG'S**

Eggo Froot Loops Nutri-Grain Krave Corn Pops Happy Inside Pop-Tarts Smart Start Rice Krispies Mini Wheats Raisin Ban Frosted Flakes

Breakfast Bowls (joint venture) Fruit Flavored Snacks

Moe's Southwest Grill

Cracklin' Oat Bran

Crispix Special K All-Bran Apple Jacks Crunchmania Mueslix

Kellogg's Corn Flakes

**Honey Smacks** Pringles Cheez-It Keebler Animals Chips Deluxe

Club Cones E. L. Fudge Fudge Shoppe Grahams Gripz Ready Crust

Sandies Simply Made Toasted Town House Vanilla Wafers Vienna Fingers

Zesta Austin

Mother's Cookies Morningstar Carr's Gardenburger

Murray

Famous-Amos

Kashi Rxbar Bear Naked

#### **KRAFT HEINZ COMPANY**

A.1. Athenos

Back to Nature Meals

**Bagel Bites Bakers Chocolate** Breakstones Capri Sun Classico Claussen Cool Whip Corn Nuts Country Time

Cracker Barrel Cheese

Crystal Light Delimex Gevalia **Grey Poupon** Heinz 57 Sauce Heinz Chili Sauce Heinz Cocktail Sauce Heinz Gravv

Heinz Ketchup Heinz Vinegar Jack Daniel's Sauces

Jell-O Jet-Puffed Knudsen Kool-Aid

Kraft Barbeque Sauce Kraft Foodservice Kraft Mac and Cheese

Kraft Natural Cheese Kraft Salad Dressing **Kraft Singles** Lea & Perrins Lunchables

Mio

Miracle Whip Mr. Yoshida's

Maxwell House

My Heinz Nancy's Ore-Ida Oscar Mayer Philadelphia **Planters** Shake N Bake Stove Top Sure-Jell Tassimo TGI Fridays Velveeta

Weight Watchers Smart Ones

Wyler's

#### **MARS**

CocoaVia

Banfield (pet healthcare) BluePearl (pet healthcare)

Cesar Eukanuba Iams Nutro Pedigree

Pet Partners (pet healthcare)

Royal Canin Sheba **Temptations** 

Waltham (pet research)

Whiskas

Whistle (pet GPS tractor) Wisdom Panel (pet dna test)

M&M's Wrigley's Extra Snickers Twix Skittles Dove 3 Musketeer 5 Gum Altoids

American Heritage

Big Red Bounty Celebrations Combos Doublemint Eclipse Ethel M Galaxy

GoodnessKnows Hubba Bubba Juicy Fruit Life Savers Milky Way Orbit Starburst Winterfresh Wrigley's Spearmint

Seeds of Change

Uncle Ben's

Tasty Bite

#### **MONDELEZ**

belVita Chips Ahoy! Dentyne **Eniov Life Foods** 

Halls Newtons

Nilla

**Nutter Butter** 

Oreo Premium Ritz

Sour Patch Kids

Stride Tang

Tate's Bake Shop Toblerone Nabisco

Trident Triscuit Wheat Thins Cheese Nips Teddy Mallomars Ginger Snaps Green & Black's

Good Thins

Honey Maid

Certs Terry's Easy Cheese Barnum's Animals Stoned Wheat Thins

Comet. Lorna Doone Swedish Fish

#### **NESTLE**

Nestle Toll House Libby's Pumpkin Carnation

La Lechera Abuelita Nescafe Nespresso

Nestle Starbucks Alliance

(joint venture) Coffee Mate Blue Bottle

Chameleon Cold Brew

Ovaltine

Nestle Hot Cocoa

Nido Frosty Paws Milo Nesquik

Gerber

Buitoni

California Pizza Kitchen

DiGiorno Freshly **Hot Pockets** Jack's Pizza Lean Cuisine Outsider's Pizza Stouffer's

Sweet Earth Foods Tombstone Pizza

Wildscape Dibs

Haagen-Dazs Outshine Skinny Cow Edv's Drever's Drumstick Nestle Ice Cream

Proactiv Cetaphil Benzac Locervl

Galderma (additional dermatological treatments)

Purina Bella Beneful Beyond

Busy Purina Dog Chow Frosty Paws SecondNature Waggin' Train Purina One Purina Pro Plan Mighty Dog Moist & Meaty Just Right

Alpo Beggin Deli-Cat Fancy Feast Friskies Kit & Kaboodle Friskies Muse Scamp

Purina Cat Chow

Tidy Cats

Whisker Lickin's Yesterday's News Acqua Panna **Poland Spring** Perrier

Nestle Pure Life

Ozarka Ice Mountain Arrowhead

Deer Park Sanpellegrino S. Pellegrino Zephryhills

Boost (additional liquid nutrition brands)

#### **PEPSICO**

Pepsi Pure Leaf Mountain Dew

Bubly Gatorade Tropicana Naked Soda Stream Muscle Milk

Lipton (joint venture) Starbucks Frappuccino (joint

venture)
Aquafina
Brisk
Kevita
Life Wtr
Sierra Must
Stubborn Soda

Izze Propel

O.N.E. Coconut Water

AMP Energy Sobe Mug

Lay's Doritos Stacy's

Quaker Oats
Bare
Sabra

Ruffles Smartfood Cheetos Tostitos Fritos Near East

Maker Oats El Isleno Imagine Chester's SunChips

Off The Eaten Path

Rold Gold Miss Vickie's Red Rock Deli Cracker Jacks Nut Harvest Life Matador

Chewy

Santitas

Funyuns Cap'n Crunch

Pasta Roni & Pasta Roni

Maui Style Munchies Munchos Grandma's Aunt Jemima

#### **TYSON**

State Fair

Tyson
JimmyDean
Hillshire Farm
Hillshire Snacking
BallPark
Tastemakers
Aidells
Golden Island

Nature Raised Farms

Sara Lee Wright Brand Bosco's Gallo Salame Bonici Bruss

Chairman's Reserve

IBP Lady Aster Mexican Original

Open Prairie Natural Meats

Star Ranch Angus Supreme Tender Pork Wunderbar

AdvancePierre Foods

Barber Foods
BigAz
Fast Fixin'
Hot'n'Ready
Jamwich
Landshire
Russer
Steakeze
Orginial Philly

Bryan True Chews TopChews Nudges Reuben

#### **UNILEVER**

Axe Dove

Dove Men+Care
Hellmann's
Knorr
Lipton
Magnum
Pond's
TRESemme
Talenti

Vaseline Ben & Jerry's **Breyers** Caress Clear Degree Good Humor Klondike Lever2000 Nexxus Noxzema Popsicle Q-Tips Simple St. Ives Suave Tigi **PGtips** 

#### WH GROUP LTD.

Smithfield
Eckrich
Nathan's
Farmland
Armour
Farmer John
Kretschmar
John Morrell
Cook's
Gwaltney
Carando
Margherita
Curly's
Healthy Ones



The Open Markets Institute is a Washington, D.C.-based non-profit that works to address threats to democracy, individual liberties, and national security from today's unprecedented levels of corporate concentration and monopoly power. Credited by the *Financial Times* as "driving the debate" around the resurgence of interest in antitrust, Open Markets uses research and journalism to expose the dangers of monopolization, identifies changes in policy and law to address them, and educates policymakers, academics, movement groups, and other influential stakeholders to re-establish the competitive markets that long formed the bedrock of American democracy.

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