

Approval of the Commitment Plan submitted by ICHIRAN Inc.

May 19, 2022

Japan Fair Trade Commission

The Japan Fair Trade Commission (hereinafter referred to as the “JFTC”) has investigated ICHIRAN Inc. (hereinafter referred to as “ICHIRAN”) in accordance with the provisions of the Antimonopoly Act (hereinafter referred to simply as the “Act”), and suspected that ICHIRAN’s conduct described below might fall under Resale Price Maintenance prescribed in Article 2, paragraph 9, item (iv), of the Act, and that ICHIRAN might violate Article 19 of the Act.

Specifically, ICHIRAN supplies its instant noodle, etc. by itself or through wholesalers to the retailers who agreed not to make a discount from the price ICHIRAN suggests.

Recognizing that competition may be promptly restored, through the Commitment Procedure, by measures taken by ICHIRAN in a rapid manner to eliminate the above-mentioned conduct, the JFTC issued the Notice of Commitment Procedures to ICHIRAN on April 1, 2022, pursuant to Article 48-2 of the Act.

ICHIRAN submitted an application to the JFTC for an approval of the plan of measures necessary to eliminate the above-mentioned conduct (hereinafter referred to as the “Commitment Plan”) pursuant to Article 48-3, paragraph 1 of the Act. The Commitment Plan, for instance, consists of (i) ceasing the above-mentioned conduct, (ii) the board of directors resolving to cease the above-mentioned conduct and not to perform the conducts similar to the above-mentioned conduct for the next three years, (iii) notification of the measures taken in accordance with (ii) to the relevant wholesalers and retailers, and dissemination of the measures to consumers and ICHIRAN’s employees, and (iv) reporting to the JFTC on the status of implementation of above-mentioned measures. The JFTC recognized that the Commitment Plan would conform to both of the following approval requirements; (i) the measures are sufficient for eliminating the above-mentioned conduct, and (ii) the measures are expected to be reliably conducted; hence the JFTC approved the Commitment Plan pursuant to Article 48-3, paragraph 3 of the Act today. (Note1) (Note2)

It is noted that the JFTC’s approval of the Commitment Plan does not represent a

determination that the ICHIRAN's above-mentioned conduct constitutes a violation of the Act.

(Note 1) An approval of the Commitment Plan is an administrative disposition under the Act.

(Note 2) The JFTC is to render a decision to rescind the approval pursuant to Article 48-5, paragraph 1 of the Act and resume the investigation procedure conducted before the Notice of Commitment Procedures is issued, for instance, if the JFTC recognizes that the Commitment Plan is not being conducted according to the approved Commitment Plan.

*This announcement is tentative translation.

Please refer to the original text written in Japanese for more details.