Press Release

WASHINGTON LEGAL FOUNDATION
Keeping Free Enterprise Free

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WLF Asks D.C. Circuit to Reject FTC's Implausible Antitrust Accusation Against Meta

(*FTC v. Meta*)

"The social media market is one of ruthless competition and astonishing innovation—not a stagnant space bestridden by a single, satisfied monopolist."

— Zac Morgan, WLF Senior Litigation Counsel

WASHINGTON, DC—Washington Legal Foundation (WLF) today urged the U.S. Court of Appeals for the D.C. Circuit to uphold a district court decision rejecting the Federal Trade Commission's (FTC) allegation that Meta Platforms is an unlawful monopoly.

The case arises from Meta's acquisition of Instagram, which the FTC initially approved back in 2012. In 2020, the agency experienced regulator's remorse and has spent the last six years in court seeking to prove that Meta's purchase violated federal antitrust law. After a six-week trial, the district court soundly rejected the government's case, finding that Meta doesn't hold monopoly power in the social-media market.

As WLF's brief explains, the district court was correct. The past several years have shown that social media remains a free and thriving marketplace, not one dominated by a satisfied monopolist. New rivals to Meta (like TikTok) have emerged—a sign of healthy competition, not monopoly. WLF's brief also notes that social media platforms are vital forums for speech and association, used by nearly half the country to regularly get news. Unnecessary antitrust enforcement always deters innovation, and that danger is especially acute when it comes to chilling new ways for Americans to speak, write, gather, and publish.

Celebrating its 49th year, WLF is America's premier public-interest law firm and policy center advocating for free-market principles, limited government, individual liberty, and the rule of law.

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