

collusion.³⁶ As a leading antitrust treatise makes clear, “evidence of historical attempts at collusion or evidence that collusion is actually occurring in the present could be considered as ‘exacerbating’ factors sufficient to warrant a merger challenge under circumstances where structural evidence alone would be insufficient.”³⁷ Evidence of past collusion or attempted collusion has played a key role in judicial decisions enjoining mergers under section 7 for many years before the Commission adopted the 2023 Guidelines.³⁸ And in negotiating settlements, the Commission may impose stringent remedies based on past collusion in the industry.³⁹

In this case, to resolve the Commission’s concerns, the parties have proposed a remedy in the form of conduct restrictions that will mitigate this merger’s anticompetitive effects. The history of collusion in the market for media-buying services, and the increased potential for collusion post-merger, make this a rare instance where the imposition of a behavioral remedy is appropriate.

Specifically, the proposed decision and order prohibits Omnicom and IPG from entering into or maintaining any agreement or practice that would steer advertising dollars away from publishers based on their political or ideological viewpoints. To be sure, coordinated action by advertising agencies against politically disfavored publishers is tantamount to an agreement not to compete on quality—but obtaining such a ruling in litigation could take years. Today’s decision and order eliminates the potential for costly litigation while ensuring that Omnicom and IPG abide by the antitrust laws post-merger.

Unlike many conduct remedies, the Commission is well prepared to monitor the ones imposed here. As I pointed out last month, one flaw of conduct remedies is that they can sometimes be difficult to monitor or enforce.⁴⁰ Here,

however, the Commission can monitor Omnicom’s and IPG’s compliance. Collusion in the advertising industry remains the subject of active investigations.⁴¹ Any future attempts at collusion by Omnicom and IPG are unlikely to remain hidden. Compliance reporting provisions will give the Commission insight into the merged firm’s activities. Likewise, advertisement publishers have a powerful incentive to alert the Commission if they believe that they are the object of unlawful collusion. Moreover, this Agreement requires Omnicom and IPG to cooperate with the Commission in any investigation relating to media-buying services⁴²—and I have already noted that investigating and policing censorship practices that run afoul of the antitrust laws is a top priority of the Trump-Vance FTC.⁴³

Today’s settlement does not limit either advertisers’ or marketing companies’ constitutionally protected right to free speech—the same freedom that the head of GARM, the organization that Omnicom and IPG founded, once described as an “extreme global interpretation of the US Constitution” and “‘principles for governance’ . . . from 230 years ago (made by white men exclusively).”⁴⁴ The decree goes to great lengths to avoid interfering with the free, regular course of business between marketing firms and their customers. Omnicom-IPG may choose with whom it does business and follow any lawful instruction from its customers as to where and how to advertise.⁴⁵ No one will be forced to have their brand or their ads appear in venues and among content they do not wish. The prohibited behavior is limited to “the supreme evil of antitrust”—collusion with other firms and the creation of pre-made “exclusion lists” to encourage advertisers to join *de facto*

boycotts coordinated by advertising firms and other third parties.⁴⁶

Today, Omnicom and IPG have committed themselves to help stop that sort of coordination in their industry. This consent agreement will help mitigate the dangers inherent in a consolidated national advertising market. I hope the conditions imposed on this merger will encourage all advertising firms to adopt similar practices and thereby reduce the temptation to collude to the detriment of their customers, independent journalists, small and independent media companies, consumers, and the American public square.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[OMB #: 0970–0598]

Proposed Information Collection Activity; National Human Trafficking Hotline (NHTH) Performance Indicators

AGENCY: Office on Trafficking in Persons, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Administration for Children and Families (ACF) is requesting a 3-year extension of an approved information collection: National Human Trafficking Hotline (NHTH) Performance Indicators (Office of Management and Budget (OMB) Number: 0970–0598, expiration October 31, 2025). There are no changes requested to the form.

DATES: *Comments due August 25, 2025.* In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above.

ADDRESSES: You can obtain copies of the proposed collection of information and submit comments by emailing infocollection@acf.hhs.gov. Identify all requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: Section 107(b)(1)(B)(ii) of the Trafficking Victims Protection Act (TVPA) of 2000, codified at 22 U.S.C. 7105(b)(1)(B)(ii), authorizes the Secretary of the U.S. Department of

³⁶ Antitrust Law Developments 375 (9th ed. 2022) (“a major goal of the merger laws is to prevent markets from consolidating sufficiently to create or enhance the conditions that permit firms to engage in coordinated interaction”); Complaint ¶ 15.

³⁷ Areeda & Hovenkamp ¶ 917.

³⁸ See, e.g., *FTC v. Cardinal Health, Inc.*, 12 F. Supp. 2d 34, 65 (D.D.C. 1998) (“Although the Court is not convinced from the record that the Defendants actually engaged in wrongdoing, it is persuaded that in the event of a merger, the Defendants would likely have an increased ability to coordinate their pricing practices.”).

³⁹ See Opinion of the Commission, *In re Coca-Cola Co.*, 117 F.T.C. 903, 946 (June 13, 1994).

⁴⁰ Statement of Chairman Andrew N. Ferguson, Joined by Comm’r Melissa Holyoak and Comm’r Mark R. Meador, *In the Matter of Synopsys, Inc.*/

Ansys, Inc., Matter No. 2410059, at 7 (May 28, 2025).

⁴¹ See, e.g., Press Release, Attorney General Ken Paxton Opens Investigation Into Possible Boycott Conspiracy by Advertising Companies to Boycott Certain Social Media Platforms (Nov. 21, 2024), <https://www.texasattorneygeneral.gov/news/releases/attorney-general-ken-paxton-opens-investigation-possible-conspiracy-advertising-companies-boycott>.

⁴² Decision and Order, *In the Matter of Omnicom Group, Inc. and The Interpublic Group of Companies, Inc.*, Matter No. 2510049, Part VI (“Decision and Order”).

⁴³ Testimony of Chairman Andrew N. Ferguson before the H. Comm. on Appropriations, Subcomm. on Financial Services and General Government, at 26 (May 15, 2025).

⁴⁴ Interim Staff Report at 2.

⁴⁵ Decision and Order, Part II.

⁴⁶ *Ibid.*

Health and Human Services (HHS) to make grants for a national communication system, the NHTH, to assist victims of severe forms of trafficking in persons in communicating with service providers. The objectives of the NHTH are to:

1. Operate the NHTH’s telephone, text services, chat services, and website via a coordinated national communications system available 24 hours a day;
2. Provide timely information and service referrals to victims of human trafficking;
3. Notify law enforcement and child welfare agencies of potential cases of human trafficking, as required by law and in other situations where appropriate;
4. Establish and maintain a comprehensive online directory of

community-based service providers across the U.S. and its territories.

The NHTH grant recipient collects information about signalers (individuals who contact the hotline) and from signalers regarding potential human trafficking situations and potential victims. The NHTH grant recipient summarizes and reports this information to HHS in the aggregate. HHS uses this information to assess the extent to which the grant recipient fulfills required program activities and to:

- Continuously monitor and mitigate factors impacting NHTH operations;
- Disseminate insights to inform anti-trafficking strategies and policies; and
- Provide information to congress, other federal agencies, stakeholders, and the public on the aggregate outcomes of NHTH operations.

Respondents: Potential victims, representatives of governmental entities, law enforcement, first responders, members of the community, representatives of nongovernmental entities supporting individuals in the U.S. who may have been subjected to severe forms of trafficking in persons who utilize the NHTH as signalers.

Annual Burden Estimates

The estimated number of respondents has been decreased to reflect review of operational data reviewed from the past five years. The updated estimate is an average number of respondents over the next three years based on that most recent data. The estimated time per response remains consistent but overall total estimates are lower due to the reduction in estimated number of respondents.

Instrument	Total number of respondents	Total number of responses per respondent	Average burden hours per response	Total burden hours	Annual burden hours
NHTH Performance Indicators	51,000	1	0.5	76,500	25,500
NHTH Grant Recipient	1	15	24.13	362	121
Estimated Total Annual Burden Hours					25,621

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: 22 U.S.C. 7105

Mary C. Jones,
ACF/OPRE Certifying Officer.
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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–D–0176]

Unique Device Identifier Requirements for Combination Products; Draft Guidance for Industry and FDA Staff; Availability

AGENCY: Food and Drug Administration, HHS.
ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry and FDA staff entitled “Unique Device Identifier (UDI) Requirements for Combination Products.” This draft guidance is intended to assist industry and FDA staff in understanding how FDA’s unique device identifier (UDI) requirements apply to combination products with device constituent parts. DATES: Submit either electronic or written comments on the draft guidance by September 24, 2025 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance. ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else’s Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).