prohibitions[43] on agreements, or relationships, which create the trust. Moreover, Section 3 of the Clayton Act makes it unlawful to enter into agreements with respect to goods, wares, merchandise, machinery, supplies or other commodities, which can be characterized either as tying agreements, exclusive dealing agreements, or total requirement agreements, if the effect of such agreements may be to lessen competition substantially.[44] Furthermore, Section 5 of the Federal Trade Commission Act prohibits all unfair methods of competition and unfair or deceptive acts or practices.[45]

Section 2 of the Sherman Act prohibits any firm, acting alone or with another, from illegally monopolizing or attempting to gain a monopoly over a particular product or service. Section 2 cuts right to the heart of the concerns of small business, by focusing, in its first element, on power.

Antitrust was supposed to work for the good of all participants, including monopolists blinded by their self-interest. Their size was not only bad for their smaller rivals, but bad for themselves. By removing themselves from the discipline of the market, corporate giants were reversing the Darwinist natural selection process of the market order such that the plodders and fattest survived in the place of the fastest and fittest.

d. The tolling: the structuralist cases

In the true frontier spirit, the antitrust sheriff did not sift evidence or distinguish between suspects and solve crimes, but merely walked the main street and every so often pistol-whipped a few people, especially the very big

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[43]Under a *per se* rule, it is only necessary for the complainant to prove that certain conduct occurred and that it fell within the class of practices "so plainly anti-competitive" that they are subject to *per se* prohibition. Once a court finds that a standard of *per se* liability applies, no further proof of anti-competitive effects is required. According to the *rule of reason* approach, in contrast, the plaintiff/applicant must show that the impugned practice has had an adverse impact on competition.

[44]On such vertical restraints, see I. Prakash Sharma, Prue Thomson and Keith H. Christie, "Delivering the Goods: Manufacturer-Retailer Relations and The Implications for Competition and Trade Policies", **Policy Staff Paper** No. 94/11, Ottawa: Department of Foreign Affairs and International Trade, December 1994.

[45]Sherman Act, 15 U.S.C. § 1; Clayton Act, 15 U.S.C. § 14; and Federal Trade Commission Act, 15 U.S.C. § 45.