

SEPTEMBER 2024

“Promotional Allowances:  
Loss Leading as an Incentive Device”

David Martimort and Jérôme Pouyet

# Promotional Allowances: Loss Leading as an Incentive Device\*

DAVID MARTIMORT<sup>†</sup> JEROME POUYET<sup>‡</sup>

September 3, 2024

## Abstract

A retailer may boost demand for a manufacturer's product through unobservable promotional efforts. Fixed fees cannot be used to freely allocate profit within the vertical structure. When manufacturers have market power, the equilibrium wholesale contract features a retail price below cost together with a rebate for incremental units bought by the retailer when effort has succeeded in boosting sales. Loss leading emerges as an incentive device in such an incomplete contracting scenario. A ban on below-cost pricing leads to a higher retail price and a lower promotional effort.

KEYWORDS: Vertical restraints; loss leading; promotional allowances; below-cost pricing.

JEL CODE: L11, L42, L81.

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\*We thank people at Altermind and Daniel Herrera for useful discussions. We are grateful to participants to IIOC (Boston, 2017), CRESSE (Heraklion, 2017), EARIE (Maastricht, 2017) and EARIE (Amsterdam, 2024) for useful comments. This paper has also been funded by the Agence Nationale de la Recherche under grant ANR-17-EURE-0010 (Investissements d'Avenir program). All errors remain ours.

<sup>†</sup>Toulouse School of Economics. E-mail: [david.martimort@tse-fr.eu](mailto:david.martimort@tse-fr.eu). Address: Toulouse School of Economics, 1 Esplanade de l'Université, 31080 Toulouse Cedex 06, France.

<sup>‡</sup>CY Cergy Paris Université, CNRS, THEMA and ESSEC Business School. E-mail: [pouyet@essec.edu](mailto:pouyet@essec.edu). Address: ESSEC Business School, 3 Avenue Bernard Hirsch, BP 50105, 95021 Cergy, France.

## 1. INTRODUCTION

Vertical relationships between producers and their distributors are governed by a variety of contractual agreements, ranging from simple linear prices to more sophisticated contractual provisions. In response, the literature on the law and economics of vertical restraints is large, which certainly reflects the diversity of practices encountered in real-life.<sup>1</sup> One peculiar practice, although pervasive, has surprisingly been overlooked by the existing literature: the use of promotional allowances.

Manufacturers pay mostly two types of allowances to their retailers: slotting fees and promotional allowances. Slotting fees are fixed payments given in return for either a prominent placement on the retailer's shelves or any space at all in the case of new products. Promotional allowances are, by contrast, variable rewards, contingent on future performance, earned when retailers boost sales through their own promotional efforts. The literature has essentially focused on the role of slotting fees along the value chain with a particular emphasis on their competitive effects. As a matter of fact, slotting fees have been shown to have either pro-competitive (Chu, 1992; Foros et al., 2009) or anti-competitive (Shaffer, 1991; Marx and Shaffer, 2007) depending on contexts. However, much less is known on the role of promotional allowances, despite their importance in practice. To illustrate, some large retailers such as Wal-Mart or Cosco have never asked for slotting fees (Kuksov and Pazgal, 2007), while promotional allowances represent the bulk of vendor allowances earned by SafeWay.<sup>2</sup> In the same vein, Allen et al. (2011) argue that sales incentives and discounts paid by PepsiCo have exploded, accounting for 30% of its net revenues in 2009.

Although the economics of promotional allowances developed in this paper is simple and intuitive, our analysis delivers several new important insights. Some are related to the *raison d'être* for such restraints. Others are related to the consequences that some regulations might have on those practices and more generally on market conduct. First, below-cost pricing coupled with rebates emerges as a way to provide the retailer with incentives to boost the sales of the manufacturer's product. In our setting, below-cost pricing is thus purely an incentive device and has neither any anti-competitive nor any exploitative purpose. Second, whether a ban on below-cost pricing has any bite depends on the intensity of competition between manufacturers. Third, when effectively binding, a ban on below-cost pricing has the unexpected, and certainly undesirable, consequences of raising retail prices and reducing demand-enhancing promotional efforts.

To obtain these insights, our analysis relies on two key features of any manufacturer-retailer relationship. First, the retailer promotes the manufacturer's product through advertising campaigns, adequate disposal, and the like. Although some dimensions of the retailing activity can be somewhat described contractually, other dimensions remain non-verifiable. Moral hazard remains a key aspect of those relationships, a point forcefully made by Rey and Tirole (1986). Second, wholesale contracts cannot allocate profits freely between manufacturers and retailers, especially when fixed fees/slotting allowances are absent or limited in size; an incomplete contract assumption often made in the literature

<sup>1</sup>See, for instance, Rey and Vergé (2008) for a survey on vertical restraints and their legal treatment.

<sup>2</sup>According to SafeWay annual report to the SEC (2015, p. 28) (available at <https://www.sec.gov/Archives/edgar/data/86144/000008614415000004/swy-1315x10k.htm#s8CD5A973515FABD6469F561F683E304A>) vendor allowances totaled to \$2.5 billion in 2014, \$2.4 billion in 2013 and \$2.3 billion in 2012 and “[...] promotional allowances make up the vast majority of all allowances.”

that echoes casual evidence. Wholesale contracts can thus rely only on a wholesale price and a retrospective rebate earned when the retailer's promotional effort has induced a boost in demand for the manufacturer's product. The incentive role of such a rebate is clear: The retailer exerts enough promotional effort to boost demand and enjoys the rebate whenever such boost realizes.

**BELOW-COST PRICING.** The important issue is to determine how the manufacturer reconciles the twin objectives of extracting the retailer's profit and inducing promotional effort. Contractual limits, and more specifically the absence of fixed fees, certainly prevent making the retailer the residual claimant for his effort to boost sales. Our analysis unveils that an optimal wholesale contract induces below-cost pricing at the retail level by imposing a high wholesale price, raising the retailer's marginal cost. At the same time, the retailer is rewarded for his promotional effort by means of a significant rebate earned only when demand has been boosted.

The logic of the argument is intuitive. Below-cost pricing acts as a bonding device, forcing a negative base profit, thereby obliging the retailer to exert enough promotional effort to boost demand and cover his loss with the windfall profit that comes when effort has been successful. Hence, the manufacturer plays on a *stick and carrot strategy* to induce effort and reap downstream profits. The stick is the threat of only keeping negative base profits when demand remains at its base level. The carrot is the possibility to be rewarded with a rebate when effort has been successful in boosting demand. A rough yet useful analogy is that everything happens as if the good was marketed on two different markets. On the *base market*, the loss leader, the retailer sells below cost whereas on the *extra market*, the retailer pockets rebates.

**SALES-BELOW-COST LAWS.** Such a *stick and carrot* strategy is no longer available when the market is regulated by sales-below-cost laws. Sales-below-cost laws are often promoted explicitly to protect low-volume and high-price suppliers, notably smaller producers. These laws have a long history throughout the world, with mixed views on their overall impact. Several Member States in the European Union, as well as several States in the U.S., prohibit below-cost pricing, although the nature and the scope of such bans vary substantially (Keirsbilck, 2012; Calvani, 2001).<sup>3</sup>

Leaving aside the reasons why such laws are enacted in the first place, we analyze their impact on market conduct. When the manufacturer has no bargaining power vis-à-vis her retailer, the wholesale price is set at marginal cost; a ban on below-cost pricing has thus no bite. A ban on below-cost pricing imposes a binding constraint on the retail price only when the manufacturer has some bargaining power in the vertical relationship. Any shift in the wholesale price is now passed through, at least partly, to final consumers. A naive view could then argue that, when binding, such a ban forces the retail price to be equal to the wholesale price, and, thus leads to more allocative efficiency. This is actually an erroneous view. In fact, imposing such a law can only change market conduct when, in its absence, the retail price would be below the wholesale price. As stressed above,

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<sup>3</sup>Ireland and France are two cases in point. The Irish "Groceries Order" banned sales below net invoice prices, thereby prohibiting retailers from passing on to customers off-invoice discounts they receive from suppliers. The Irish Competition Agency has shown that, for the 2001-2005 period, food covered by Groceries Order have risen in price while food not covered have fallen (see Irish Competition Agency, 2005). Biscourp, Boutin and Vergé (2013) report a similar inflationary effect of the so-called *Loi Galland* in France, which prevents retailers from passing on to consumers anticipated rebates that come at the end of the year.

this arises precisely when the manufacturer has a strong market power.

Banning below-cost pricing significantly limits the ability of the manufacturer to extract the downstream profit. The wholesale contract can no longer play on a ‘stick’ to induce effort since the base profit can no longer be negative. In order to promote effort, the manufacturer must increase the rebate and give up a *moral hazard rent* to the retailer. Echoing a basic tenet of the Theory of Incentives,<sup>4</sup> the manufacturer must now reduce that rent and, to do so, induces a lower level of effort from the retailer at the optimum. At the same time, a ban on below-cost pricing limits the ability of the manufacturer to capture downstream profits. Overall, under weak specifications on preferences and technologies, we show that a ban on below-cost pricing increases the retail price and decreases the retailer’s effort.

APPLICATION AND EXTENSIONS. In 2014, several manufacturers of household and hygiene products have been condemned for collusion by the French Competition Authority. Collusion aimed both to maintain artificially high retail prices but also to limit the amount of retailers’ rebates and the levels of promotion. Since the *Loi Galland* prevented below-cost pricing, we use our analysis to sketch how the profit loss suffered by the concerned retailers should be computed. Two relevant extensions to our model are then considered: the case of competition by an integrated retailer that does not rely on the manufacturers’ product; the case of complementary products sold by the retailer. We show that our insights carry over naturally to these scenarios.

LITERATURE REVIEW. That retailers can increase the sales of manufacturers’ products is a central tenet of the literature on vertical relationships. With simple contracts between manufacturers and retailers, and when retailers cannot fully appropriate the benefits of their efforts because of free-riding or spillovers, vertical restraints find a possible pro-competitive rationale. That argument, first made by Tesler (1960), has been extended to more general settings by Mathewson and Winter (1984), Rey and Tirole (1986), Krishnan and Winter (2007), Kastl, Piccolo and Martimort (2011), and Hunold and Muthers (2017). We do not consider externalities across retailers and focus, as in Winter (1993), on a vertical externality between the retailer and the manufacturer. Our main point of departure is that we assume that the retailer’s effort has some observable, but random, impact on the demand for the manufacturers’ product. Incentive payments, such as rebates conditional on performance, can thus be used.<sup>5</sup>

Several explanations have been pushed forward to explain below-cost pricing. Loss leading emerges as an advertising strategy in Ellison (2005): When add-on prices are unobserved firms may advertise a base good at a low price so as to sell add-ons at high unadvertised prices. Bliss (1988) views loss leading as a cross-subsidization strategy between products with different demand elasticities, an idea further developed in Beard and Stern (2008) and Ambrus and Weinstein (2008). Chen and Rey (2012, 2016) show that, with asymmetric competition between retailers, loss leading facilitates screening of consumers according to their shopping costs. Finally, loss leading is a response to vertical opportunism in Allain and Chambolle (2011). In stark contrast with all these papers, loss leading emerges in our simpler setting (one retailer, one product, perfectly informed consumers) as a disciplinary device to solve a simple (but overlooked) moral hazard problem on the retailer’s side.

<sup>4</sup>See Laffont and Martimort (2002, Chapter 4).

<sup>5</sup>Lømo and Ulsaker (2016) view promotional allowances as fixed payments used discretionarily, in addition to two-part tariffs, by manufacturers in a relational contracting framework.

ORGANIZATION OF THE PAPER. Section 2 sets up the model and analyzes the polar case of perfectly competitive manufacturers. Section 3 presents a simple example that illustrates many of our results. Section 4 studies how a monopoly manufacturer uses rebates and wholesale payments to incentivize the retailer. Section 5 uses our analysis to study the impact of a ban on below-cost pricing. Section 6 extends our basic set-up to more complex scenarios where the retailer faces competition or sells other products on the final market. Section 7 concludes. All proof are relegated in the Appendix.

## 2. MODEL AND BENCHMARKS

MODEL. We consider the bilateral relationship between an upstream manufacturer  $M$ , who produces at marginal cost  $c$ , and a downstream retailer  $R$ , whose cost is normalized to 0 without loss of generality. Given a retail price  $p$ , the demand for the good is denoted by  $D(p)$ , with  $D'(p) < 0$  for all price  $p$  such that  $D(p) > 0$ .

The retailer exerts an effort  $e$  that might boost demand for the manufacturer's product. For instance, the demand for standard services and products can be increased by improving promotional services. For more complex products, retailers can improve customers' information and reduce search costs. We denote by  $\psi(e)$  the retailer's cost of exerting promotional effort  $e$ . We assume that  $\psi(\cdot)$  is strictly increasing and sufficiently convex to ensure interior solutions to all optimization problems ( $\psi'(\cdot) > 0$ ,  $\psi''(\cdot) > 0$ ) and  $\psi(0) = 0$ . For future reference, we also denote  $\eta = \psi'^{-1}$  the inverse marginal disutility of effort (with thus  $\eta' > 0$ ). Finally, we consider a scenario where effort  $e$  is non-verifiable so that the vertical relationship between the manufacturer and the retailer is plagued by moral hazard.

We normalize effort so that  $e$  belongs to  $[0, 1]$ . This normalization allows us to identify the retailer's effort with the probability that consumer demand jumps from  $D(p)$  to  $(1 + \theta)D(p)$  where  $\theta \geq 0$  is a scale parameter. With the complementary probability  $1 - e$ , the demand remains equal to its base level  $D(p)$ . Since it raises revenues from sales, a positive shock on demand is of course observable by the manufacturer.

The manufacturer offers a wholesale contract, which consists of a (per-unit) wholesale price  $w$  paid by the retailer and a rebate  $z$  paid by the manufacturer on all incremental sales that might arise when demand has been boosted by the promotional effort beyond the base level. This means that the retailer receives  $\theta D(p)z$  when demand goes beyond its base level. The retailer accepts or rejects that contract and, upon acceptance, exerts a promotional effort  $e$  and chooses a retail price  $p$ . When demand is high, the manufacturer pays the rebate  $z$  for all incremental units sold.<sup>6</sup>

THE VERTICALLY INTEGRATED STRUCTURE. Suppose that the manufacturer is vertically integrated with the retailer. We take the standard short-cut that integration gives access to information and facilitates control.<sup>7</sup> The manufacturer thus dictates the choice of promotional effort made by the retailer. The integrated outcome maximizes the overall industry profit

$$\Pi_I(p, e) = (1 + \theta e)\pi(p, c) - \psi(e),$$

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<sup>6</sup>An equivalent but more abstract formulation would be that the manufacturer offers two different wholesale prices, one when the demand remains at its base level  $D(p)$  and another one when the demand jumps at  $(1 + \theta)D(p)$ . In practice, this solution may be hard to implement because wholesale prices are set before demand realizes.

<sup>7</sup>See for instance Arrow (1975) and Riordan (1990).

where  $\pi(p, c) = (p - c)D(p)$  stands as the ‘base profit’ absent promotional effort.

Throughout, we shall assume that the following condition holds.

ASSUMPTION 1.

$$p + \frac{D(p)}{D'(p)} \text{ is increasing.}$$

Assumption 1 holds for most of usual demand specifications (linear, exponential, constant elasticity, etc.). It ensures that  $\pi(p, c)$  and  $\Pi_I(p, e)$  are both quasi-concave in  $p$ .

The monopoly outcome  $(p^m, e^m)$  that maximizes the profit of the vertically integrated structure is thus readily obtained as follows:

$$(2.1) \quad p^m - c = -\frac{D(p^m)}{D'(p^m)},$$

and

$$(2.2) \quad \psi'(e^m) = \theta\pi^m,$$

where  $\pi^m = \pi(p^m, c)$  stands for the monopoly base profit. Since the promotional effort boosts demand multiplicatively, the monopoly price always maximizes profit whether the demand has been scaled up or not. The optimal effort thus simply trades off the marginal benefit coming from enjoying some extra monopoly profit  $\theta\pi^m$  beyond the base level against the retailer’s marginal disutility of effort.

COMPETITIVE MANUFACTURERS. Assume that several manufacturers produce perfect substitutes and compete in wholesale contracts for the exclusivity of the retailer’s services. Head-to-head competition between manufacturers is akin to shifting all the bargaining power towards the retailer. Competition thus drives the manufacturers’ profit to zero, or

$$(2.3) \quad ((w - c)(1 + \theta e) - \theta e z) D(p) = 0.$$

It is straightforward to see that the simple wholesale contract with a wholesale price that just covers the manufacturer’s marginal cost and no rebate (i.e.,  $(w^d = c, z^d = 0)$ ) ensures that manufacturers make zero profit.<sup>8</sup> Moreover, this solution clearly aligns the retailer’s objectives with those of the vertically integrated structure.

PROPOSITION 1. *When manufacturers compete head-to-head for the retailer’s services, the industry achieves the vertically integrated outcome with a retail price and a promotional effort given by*

$$p^d = p^m \text{ and } e^d = e^m.$$

An immediate corollary is that rebates are useless in this setting. With upstream competition between manufacturers, the retailer ends up being residual claimant for the consequences of his promotional effort. From the perspective of the vertically integrated structure, the retailer has thus the right incentives to exert such an effort.<sup>9</sup> Importantly,

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<sup>8</sup>Superscript ‘d’ refers to the fact that with competitive manufacturers everything happens as if the downstream retailer had all the bargaining power.

<sup>9</sup>Observe that there are actually other equilibrium wholesale contracts that lead to the same retail price, effort level and allocation of surplus. Any pair  $(w, z)$  such that (2.3) is binding leads the retailer to perform effort  $e^m$  and to charge a price  $p^m$ . Introducing a small degree of risk-aversion on the retailer’s side selects  $(w^d = c, z^d = 0)$  as the unique optimum.

this outcome is such that<sup>10</sup>

$$p^m = p^d > w^d = c.$$

The retail price  $p^d$  is thus always above the wholesale price  $w^d$ . Imposing a ban on below-cost pricing would have no bite when manufacturers have no bargaining power.

**TWO-PART TARIFF.** It is well known, at least since Dixit (1983) and Mathewson and Winter (1984), that the vertically integrated profit is also achieved when the manufacturer and the retailer are two independent units as long as the manufacturer uses a two-part tariff  $(w, F)$  to regulate the relationship with her retailer. To see why in the context of our model, suppose that the manufacturer charges a wholesale price equal to her marginal cost,  $w = c$ . The retailer is again the residual claimant for the choice of retail price and promotional effort. If, furthermore, the rebate is null ( $z = 0$ ), the retailer *de facto* maximizes the industry overall profit (up to the constant fee), i.e.,

$$\Pi_I(p, e) - F.$$

The solution thus coincides with the integrated outcome  $(p^m, e^m)$ . The manufacturer then optimally sets the fixed fee

$$F^m = (1 + \theta e^m)\pi^m - \psi(e^m)$$

to capture the whole downstream profit of the retailer. An immediate corollary, but an important one in view of the rest of our analysis, is that when fixed fees are available, rebates are useless.

Using the price and effort levels given by (2.1) and (2.2), the retailer's profit, gross of the fixed fee, may be rewritten as  $\pi^m + R(e^m)$ , where  $R(e) = e\psi'(e) - \psi(e)$  is the retailer's *moral hazard rent* to use the jargon of the Theory of Incentives. This rent is the amount of profit that must be given up by the manufacturer to the retailer in order to induce a level of effort  $e$ .<sup>11</sup> Observe that, when failing to increase demand, the retailer only earns the base profit  $\pi^m$  and thus incurs a loss worth

$$(2.4) \quad \pi^m - F^m = -R(e^m) < 0.$$

The retailer's profit is thus fully extracted by the manufacturer because that loss is compensated by the positive payoff that the retailer receives following a boost in demand.

**RATIONALE FOR NOT USING FIXED FEES.** Suppose now that the retailer incurs a positive fixed cost  $K$  (which may stand for a specific investment in some contexts) whose value remains small enough so the base profit net of that cost remains positive. Optimal price and effort remain unchanged. Yet, the profit-extracting fee must now be adapted and reduced to compensate the retailer for that fixed cost. Had the fixed cost been private information for the retailer, new strategic opportunities would be opened. The retailer would like to manipulate the fixed cost so as to pay a lower fee and inflate net profits.<sup>12</sup> Within the framework of a full-fledged modeling of such asymmetric informa-

<sup>10</sup>Retrospective payments given at the end of the accounting year are typically not accounted for to evaluate whether the retailer sells below his cost. In terms of our model, the retailer is thus said to sell below his cost when  $p - w < 0$ .

<sup>11</sup>See Laffont and Martimort (2002, Chapter 4). From the assumptions on  $\psi(\cdot)$ , we immediately deduce that  $R(e) \geq 0$  with  $R'(e) \geq 0$  for all effort level  $e \in [0, 1]$ .

<sup>12</sup>This point is clearly reminiscent of an argument often found in Regulatory Economics to justify



tion, screening considerations suggest, at best, a limited role for such fixed fees. This in turn means that the lessons of our simple model, and in particular the prevalence of below-cost pricing, would carry over in such full-fledged model.

Observe also that fixed fees are necessarily paid *ex post*, i.e., once downstream demand and effort disutility are known and profits are realized, especially if the retailer is cash-constrained in the first place. In practice, various shocks, whose values may be hard to contract upon *ex ante*, may affect demand and cost. The retailer might take advantage of those contractual loopholes, behave opportunistically and renege on his earlier commitment to pay back those fees. Avoiding the use of fixed fees is thus a response to such opportunism. Our goal in the present paper is certainly not to develop full-fledged models along those lines. Nevertheless, the arguments just sketched would offer some strong motivation for looking at models where fixed fees are not available and wholesale contracts are thereby incomplete.

In practice, and as reported in the Introduction, much evidence also suggests that fixed fees (like slotting allowances) might not be as often used as theory predicts; an argument which again calls for analyzing the case of incomplete contracts which are solely based on price instruments (wholesale prices and rebates).

### 3. A SIMPLE EXAMPLE

To give some flavor on several of our results in a simple setting, consider the following specification of our model. The base level of demand for the manufacturer's product comes from a unit mass of homogeneous buyers with valuation  $v$ , with  $v > c$ . When the promotional effort is successful, demand is scaled up. The mass of consumers with valuation  $v$  is now  $1 + \theta > 1$ . The retailer's cost of effort is quadratic and given by  $\psi(e) = \frac{e^2}{2}$ .

In this setting, whether the demand has been boosted by the promotional effort or not, the retailer always charges the monopoly price downstream, namely  $p^m = v$ . In a vertically integrated structure, the overall profit of the industry is thus

$$(v - c)(1 + \theta e) - \frac{e^2}{2},$$

which is maximized at  $e^m = \theta(v - c)$ .<sup>13</sup> The corresponding integrated profit writes as  $v - c + \frac{1}{2}\theta^2(v - c)^2$ .

Consider now the scenario where the retailer and the manufacturer stand as two separate entities. Upon acceptance of the manufacturer's contract, the retailer also charges a retail price<sup>14</sup>

$$(3.1) \quad p^u = v$$

on the downstream market; exactly as what would be done by the vertically integrated

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that Ramsey-Boîteux pricing might have some appeal in some regulatory settings; see Laffont and Tirole (1993, Chapter 1).

<sup>13</sup>We assume that  $\theta(v - c) < 1$  to ensure that the demand-enhancing effort remains interior.

<sup>14</sup>Superscript 'u' stands for the fact that the manufacturer has all the bargaining power in the relationship with the retailer.

structure. The retailer's profit is then given by

$$(v - w)(1 + \theta e) + \theta e z - \frac{e^2}{2}.$$

This expression is strictly concave in  $e$  and the optimal effort (when interior) is characterized by the following first-order condition

$$(3.2) \quad e^u(w, z) = \theta(v - w + z).$$

On the effort's side, observe that offering a rebate on all incremental sales worth  $z = w - c$  would also align the retailer's effort choice with that of the vertically integrated structure.

Expressed in terms of the wholesale contract, the retailer's profit is finally worth

$$\Pi_R(w, z) = v - w + R(e^u(w, z)),$$

where  $R(e) = e\psi'(e) - \psi(e) = \frac{e^2}{2}$  stands for a moral hazard rent left to the retailer to induce promotional effort.

The manufacturer sets the wholesale price  $w$  and the rebate  $z$  so as to maximize her profit

$$\Pi_M(w, z) = (w - c)(1 + \theta e(w, z)) - e(w, z)\theta z,$$

anticipating that the retailer accepts the contract if he makes a non-negative profit

$$\Pi_R(w, z) \geq 0.$$

Next proposition summarizes our findings.

**PROPOSITION 2.** *Assume that buyers are homogeneous with valuation  $v > c$ .*

1. *The manufacturer offers  $(w^u, z^u)$  that maximizes the profit of the vertical structure:*

$$(3.3) \quad w^u = v + \frac{1}{2}\theta^2(v - c)^2 \text{ and } z^u = w^u - c.$$

2. *The retailer makes no profit, exerts the monopoly effort level and charges the monopoly retail price:*

$$(3.4) \quad \Pi_R(w^u, z^u) = 0,$$

$$(3.5) \quad e^u(w^u, z^u) = e^m \text{ and } p^u = p^m.$$

3. *The retailer's margin is strictly negative when demand remains at its base level, and strictly positive when demand is boosted:*

$$(3.6) \quad p^u - w^u < 0 < p^u - w^u + z^u.$$

First, and foremost, the manufacturer sets a high wholesale price  $w^u$  so that the retailer's profit ends up being negative if demand is not boosted by the promotional effort as shown on the left-hand side inequality of (3.6). Simultaneously, the manufacturer pays a substantial rebate  $z^u > 0$  so that the retailer makes a positive margin on all incremental sales as shown on the right-hand side of (3.6). The joint use of a wholesale price and

a positive rebate creates a wedge between the retailer's profit if his effort boosts the demand and his profit if demand stays at the base level. By setting  $z^u = w^u - c$ , the manufacturer fully transfers her margin to the retailer when effort has successfully increased the demand. This wedge aligns the retailer's incentives to exert a demand-enhancing effort with those of the vertically integrated structure.

To grasp the retailer's surplus, it is then enough to charge a sufficiently high wholesale price. Because the retailer continues to charge the monopoly price on the downstream market, raising the wholesale price has no impact on demand and acts thus as a pure extractive tool for the manufacturer.

**BAN ON BELOW-COST-PRICING.** Suppose now that pricing below-cost is banned. In our setting, this implies that the retailer's margin must always remain positive, or  $p - w \geq 0$ . Pricing incentives of the retailer are unchanged. The retailer continues to charge the monopoly price downstream, or  $p^b = v$ .<sup>15</sup> A ban on below-cost pricing acts thus as a cap on the wholesale price that can be charged by the manufacturer, or

$$w \leq p^b = v.$$

Mimicking the analysis performed earlier on, we obtain the following results.

**PROPOSITION 3.** *Assume that buyers on the downstream market are homogeneous with valuation  $v > c$  and that there is a ban on below-cost pricing. The optimal wholesale contract  $(w^b, z^b)$  offered by a monopoly manufacturer entails the following properties.*

1. *The constraint on the retailer's margin is binding:*

$$(3.7) \quad w^b = p^b = v.$$

2. *The promotional effort is distorted downwards:*

$$(3.8) \quad e^b = \frac{1}{2}e^m < e^u.$$

3. *Industry profit is not maximized and the retailer enjoys a strictly positive profit.*

Imposing a ban of below-cost-pricing is a significant constraint borne by the manufacturer to incentivize the retailer's effort. Boosting the retailer's incentives becomes now costly because creating a wedge between the wholesale price and the rebate is now constrained by the ban on below-cost-pricing. A familiar logic from Incentive Theory bites here.<sup>16</sup> Because only rewards can be used to provide incentives and punishments are banned, the retailer must receive a moral hazard liability rent to exert effort. This rent can no longer be fully grasped by the manufacturer. As a result, the promotional effort is reduced. A ban on below-cost-pricing has thus both an efficiency and a redistributive impact.

A key feature of the simple example developed in this section is that the retailer's price is not responsive to the manufacturer's wholesale price when demand is perfectly inelastic. As a result, the manufacturer can choose a wholesale price and a rebate to reach the two antagonistic objectives of providing incentives to boost demand and of capturing

<sup>15</sup>Superscript 'b' stands for a ban on below-cost-pricing.

<sup>16</sup>See Laffont and Martimort (2002, Chapter 4).

the retailer's profit, without creating any distortions on the final price. The wholesale price and the rebate act thus like non-distortionary quasi-transfers. In the sequel, we consider a more general demand function. We then show that the wholesale price and the rebate are still used as incentive devices, but they also suffer from costly distortions. Likewise, these distortions will be magnified under a ban on below-cost-pricing.

#### 4. MAIN ANALYSIS

The buyers' demand for the product when the retail price is  $p$  is given by  $D(p)$  with  $D'(p) < 0$  for all  $p$  such that  $D(p) > 0$ . With an elastic demand, and in contrast with Section 3 above, the retail price has both an allocative and a redistributive impact along the supply chain.

**THE RETAILER'S PROBLEM.** Suppose that the retailer operates under a wholesale contract  $(w, z)$ . The retail price  $p$  and promotional effort  $e$  are optimally chosen so as to maximize his expected profit  $(p - w)D(p) + e(p - w + z)\theta D(p) - \psi(e)$  that we now write as follows

$$(4.1) \quad (p - w)D(p)(1 + \theta e) + \theta e z D(p) - \psi(e).$$

This expression makes it clear that the retail price is chosen before the scale parameter  $\theta$  realizes. Implicitly, the retailer commits to that price beforehand but attracts further demand through promotional effort.

With more compact notations, the retailer's profit in (4.1) can be further rewritten as follows

$$\pi(p, w) + \theta e \pi(p, w - z) - \psi(e).$$

When Assumption 1 holds, this latter profit function is strictly concave in  $(p, e)$ . Focusing on interior solutions, the first-order optimality conditions associated to the optimal retail price  $p$  and effort  $e$  are thus respectively given by<sup>17</sup>

$$(4.2) \quad \pi_p(p, w) + \theta e \pi_p(p, w - z) = 0,$$

$$(4.3) \quad \theta \pi(p, w - z) = \psi'(e).$$

We may develop the first-order condition (4.2) and rewrite it as follows

$$(4.4) \quad \frac{1}{1 + \theta e} \frac{p - w}{p} + \frac{\theta e}{1 + \theta e} \frac{p - w + z}{p} = -\frac{D(p)}{pD'(p)}.$$

Condition (4.4) shows that the inverse price-elasticity of demand is actually an average of the retail price-cost markups with and without rebate. As the impact of the promotional effort  $e$  on demand increases, the retail price becomes more responsive to the rebate  $z$  earned on incremental sales and, as such, decreases.

Consider now to the optimality condition (4.3) in terms of effort. Observe that decreasing the wholesale price  $w$  and increasing the rebate  $z$  increase the retailer's profit from incremental sales (since  $\pi(p, w - z)$  is decreasing in its second argument), which boosts incentives to exert effort. Simultaneously, choosing a lower retail price maximizes this profit on incremental sales and also boosts effort.

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<sup>17</sup>Such a first-order approach is usual in Principal-Agent problems under asymmetric information. We discuss its validity in our setting in the Online Appendix.

REFORMULATION OF THE MANUFACTURER'S PROBLEM. The optimality conditions (4.2) and (4.3) also allow us to express the contracting variables  $(w, z)$  in terms of the pair  $(p, e)$  that the manufacturer induces from the retailer through the wholesale contract. This approach is reminiscent of the principal-agent literature where the focus is not necessarily on the contracting instruments used to implement a given effort profile from the agent but, instead, on this effort profile and on the cost for the principal of reaching it. So doing thus yields

$$(4.5) \quad w = p + \frac{D(p)}{D'(p)}(1 + \theta e) + \frac{e\psi'(e)}{D(p)},$$

$$(4.6) \quad z = (1 + \theta e) \left( \frac{\psi'(e)}{\theta D(p)} + \frac{D(p)}{D'(p)} \right).$$

Equation (4.5) is particularly important in view of our forthcoming analysis of the role of a ban on below-cost pricing. Indeed, this condition delineates the key restriction on implementable pairs  $(p, e)$  that ensures a positive margin  $p - w$ .

Taking stock of Equations (4.5) and (4.6), we may express the manufacturer's and the retailer's profits, still in terms of the pair  $(p, e)$  to be implemented, respectively as follows<sup>18</sup>

$$(4.7) \quad \Pi_M(p, e) = (\pi(p, c) - \varphi(p))(1 + \theta e),$$

and

$$(4.8) \quad \Pi_R(p, e) = (1 + \theta e)\varphi(p) - \psi(e).$$

The function  $\varphi(p) = -D^2(p)/D'(p)$  stems for the retail's base profit once the retailer has optimally chosen his retail price in response to the wholesale contract. This profit is expressed in terms of the retail price only, consistently with our approach that highlights retail decisions and not the wholesale contract that induces these decisions. When Assumption 1 holds, a higher retail price decreases retail profit ( $\varphi'(\cdot) < 0$ ).<sup>19</sup> On top, we shall further assume that  $\pi(p, c) - \varphi(p)$  is quasi-concave in  $p$  which requires a slightly stronger version of Assumption 1.

ASSUMPTION 2.

$$p + \frac{D(p)}{D'(p)} - (1 - \lambda) \frac{\varphi'(p)}{D'(p)} \text{ is increasing for any } \lambda \in [0, 1].$$

Again, this assumption, which we suppose to hold throughout, is satisfied for most of usual demand specifications (linear, exponential, constant elasticity, etc.).

To better understand the expressions of profits (4.7) and (4.8) and as a reference point for the forthcoming analysis, consider a scenario where the manufacturer does not use rebates. The retailer would maximize

$$(p - w)D(p)(1 + \theta e) - \psi(e).$$

<sup>18</sup>Notice that the profit of the vertically integrated structure is  $\Pi_M(p, e) + \Pi_R(p, e) = \pi(p, c)(1 + \theta e) - \psi(e)$ .

<sup>19</sup>Indeed, we may compute  $\varphi'(p) = -D(p) \left( 2 - \frac{D''(p)D(p)}{(D'(p))^2} \right) = -D(p) \frac{d}{dp} \left( p + \frac{D(p)}{D'(p)} \right) < 0$  where the right-hand side inequality follows from Assumption 1.

The optimal retail price  $p$  induced by a wholesale price  $w$  follows the familiar pass-through formula in the context of a double-marginalization scenario à la Spengler (1950), namely

$$w = p + \frac{D(p)}{D'(p)}.$$

When the manufacturer cannot use any fixed fee to reap the entirety of the retailer's profit, charging this wholesale price  $w$  would still leave to the retailer a positive profit that is worth

$$(4.9) \quad (1 + \theta e)\varphi(p) - \psi(e).$$

The optimal retail price  $\tilde{p}$  that the manufacturer would like to induce by a convenient choice of  $w$  would thus maximize the sole manufacturer's profit, namely  $(\pi(p, c) - \varphi(p))(1 + \theta e)$ . Assuming an interior solution, such  $\tilde{p}$  is thus defined as follows

$$\pi_p(\tilde{p}, c) = \varphi'(\tilde{p}).$$

From now on, we shall assume that the corresponding retail profit  $\varphi(\tilde{p})$  does not suffice to induce the maximal effort level  $e = 1$  that would then best serve the manufacturer's interest.

ASSUMPTION 3.

$$(1 + \theta)\varphi(\tilde{p}) < \psi(1).$$

When Assumption 3 holds, the manufacturer certainly wants to use a rebate to boost the retailer's incentives. Without a rebate, incentives provided by the sole share of the base profit that cannot be appropriated by the manufacturer do not suffice.

OPTIMAL WHOLESALE CONTRACT. This contract must maximize the manufacturer's profit  $\Pi_M(p, e)$  subject to the retailer's participation condition

$$(4.10) \quad \Pi_R(p, e) \geq 0.$$

We shall assume that this problem is quasi-concave in  $(p, e)$  and denote by  $(w^u, z^u)$  the optimal wholesale contract for the manufacturer. Let also  $(p^u, e^u)$  be the corresponding retail price and effort level induced by such contract.

PROPOSITION 4. *The optimal wholesale contract  $(w^u, z^u)$  satisfies the following properties.*

1. *The retailer makes zero profit*

$$(4.11) \quad \Pi_R(p^u, e^u) = (1 + \theta e^u)\varphi(p^u) - \psi(e^u) = 0.$$

2. *There is below-cost-pricing when demand remains at its base level*

$$(4.12) \quad p^u - w^u < 0.$$

3. *Rebates are strictly positive*

$$(4.13) \quad z^u > 0.$$

The manufacturer would ideally like to implement the highest possible promotional effort and induce the heavily distorted retail price  $\tilde{p}$  corresponding to the double-marginalization scenario as defined in (4.9). Unfortunately, doing so would induce the retailer to make negative profits when Assumption 5 holds. The optimal contract must instead ensure that the retailer's break-even constraint (4.10) holds. The optimal contract moves along the retailer's break-even condition towards a point that maximizes the manufacturer's profit. The wholesale price is used to extract profit whereas the rebate serves to induce the promotional effort. More precisely, using Equation (4.5) and the binding participation constraint (4.10), the retailer's base profit can be expressed as follows

$$(4.14) \quad (p^u - w^u)D(p^u) = -R(e^u) < 0.$$

This expression echoes the earlier formula (2.4) found in a scenario where fixed fees are available. In particular, Equation (4.14) implies below-cost pricing as stated in (4.12) and a negative base profit; the *stick* side of the mechanism. Instead, the rebate provides the moral hazard rent needed to induce effort; the *carrot* side. At the optimal wholesale contract, the retailer would not recover the loss on the base profit,  $(p^u - w^u)D(p^u) < 0$  without exerting at least effort  $e^u$ . The loss on base profit thus acts as a bonding device triggering the demand-expanding effort.

We now turn to some important comparative statics.

**PROPOSITION 5.** *In comparison with the vertically-integrated outcome, the retail price and the promotional effort both increase*

$$p^u > p^m \text{ and } e^u > e^m.$$

Even though fixed fees are no longer available, the manufacturer still needs to incentivize the retailer for the promotional effort on the one hand and extract the downstream profit on the other hand. Without a fixed fee, this extraction is incomplete but the residual  $\varphi(p)$  left to the retailer can also play an incentive role. Increasing  $p$  beyond the monopoly outcome increases the retailer profit and thus relax the break even condition.

The effort upward distortion beyond its level in the vertically-integrated structure is more subtle. To see why, it is useful to take as granted the result of Proposition 4 and denote by  $E(p)$  the decreasing function implicitly defined through the binding break-even condition (4.10). It is straightforward to show that the optimality condition on effort can be rewritten in terms of  $p$  only as follows

$$\psi'(e^u) = \theta\pi(p^u, c) + (1 + \theta e^u) \frac{\pi_p(p^u, c)}{E'(p^u)}.$$

There are thus two forces that determine the effort distortion. On the one hand, the first term on the right-hand side captures how increasing the retail price from  $p^m$  to  $p^u$  decreases overall profit ( $\pi(p^u, c) < \pi(p^m, c)$ ) and this tends to reduce the optimal effort. On the other hand, increasing the retail price along the break-even condition (4.10) also raises effort. This effect is captured in the second term above which is negative (since  $\pi_p(p^u, c) < 0$  for  $p^u > p^m$  and  $E'(p^u) < 0$ ). Proposition 5 shows that this second effect always dominates.

**COMPARATIVE STATICS.** We now provide some important comparative statics on the optimal contract. This exercise is generally difficult because of the significant nonlinear-

ities of the problem. Assuming a linear demand  $D(p) = 1 - p$  and a quadratic cost of effort  $\psi(e) = \frac{3}{2}e^2$  helps us on this front. Indeed, we then determine the optimal contract for  $\theta \in [1, 8]$  and vary  $\theta$  by an increment of .1 for a total of 80 simulations.<sup>20</sup> Figure 1 represents the optimal contract for the manufacturer, and the corresponding price and effort level chosen by the retailer.

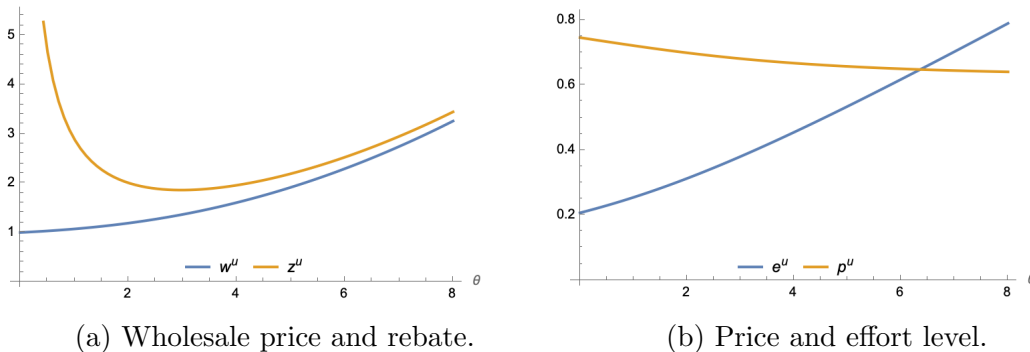


Figure 1: With a linear demand and a quadratic disutility of effort ( $D(p) = 1 - p$  and  $\psi(e) = \frac{3}{2}e^2$ ), the optimal contract for the manufacturer ( $w^u, z^u$ ) is represented in Panel (a) and the optimal price and effort level are depicted in Panel (b).

As the benefit of effort increases (i.e.,  $\theta$  increases), the wholesale price  $w^u$  and the bonus  $z^u$  become more similar (Figure 1 (a)). This result is intuitive. Under those circumstances, there is less need to enlarge the gap between the wholesale price and the rebate to induce effort. More subtle is the fact that the rebate  $z^u$  is non-monotonic in the scale parameter. Indeed, there are potentially two effects from raising that rebate. First, it boosts efforts and this first effect is more significant when effort is more valuable. Second, raising the bonus also decreases the retail price, depresses demand and thus reduces the residual profit left to the retailer. Figure 1 (a) shows that this second effect may dominate when effort has a relatively small marginal value.

An intuitive consequence of an increase in the benefits of effort, is that the equilibrium effort also increases (Figure 1 (b)). In turn, the fact that  $E'(p) < 0$  implies that the retail price decreases under those circumstances.

## 5. IMPACT OF SALES-BELOW-COST LAWS

We assume now that, by regulation, retail prices cannot be set below the retailer's cost. The following non-negativity constraint must thus always hold

$$(5.1) \quad p - w \geq 0.$$

Because the retail price margin satisfies the moral hazard incentive constraint (4.5), profits must at least cover the moral hazard rent needed to induce effort. The non-negativity constraint (5.1) becomes in fact a non-negative lower bound on the retailer's profit, or

$$(5.2) \quad \Pi_R(p, e) \geq R(e),$$

where the retailer's profit  $\Pi_R(p, e)$  is still given by (4.8).

<sup>20</sup>Simulations are performed using Mathematica and can be found on the second author's webpage.



Since the retailer's profit may also be written as  $(p-w)D(p)+R(e)$  (as we did to derive (4.14)), a first consequence of a ban of below-cost pricing appears immediately. The base profit  $(p-w)D(p)$  that accrues to the retailer must be non-negative and, therefore, can no longer be used to extract the retailer's overall profit. Put differently, the retailer can no longer run a loss if the promotional effort fails to increase demand. *Sticks* are no longer available and only *carrots* can be used. Implementing a large rebate becomes the only channel to reward effort, and this is obviously costly for the manufacturer.

The contractual constraint on retail price imposed by regulation refers to an argument familiar from the moral hazard literature.<sup>21</sup> When payments to the retailer cannot be negative, the manufacturer must give up a positive moral hazard rent  $R(e)$  to induce a positive level of effort  $e$  from the retailer. Of course, the retailer's participation constraint (5.2) is hardened in comparison with that that prevails in the absence of a ban, namely (4.10). As a result, Assumption 3 still ensures that this participation constraint is binding at the optimum, which we now characterize.

PROPOSITION 6. *Suppose there is a ban on below-cost pricing.*

1. *The retail price is equal to the wholesale price,*

$$p^b = w^b.$$

2. *The retailer makes a strictly positive profit equal to the moral hazard rent,*

$$(5.3) \quad \Pi_R(p^b, e^b) = R(e^b).$$

With a ban on below-cost pricing, the manufacturer's ability to extract the retailer's profit through the wholesale price is reduced because the base profit can no longer be negative. A moral hazard rent must be given up to the retailer.

Satisfying constraint (5.2) is thus clearly more demanding than satisfying the break-even condition (4.10) that prevails absent such a ban. A first intuition would then go as follows. Imposing a ban on below-cost pricing is akin to replacing the cost of effort  $\psi(e)$  by a *virtual* disutility of effort  $e\psi'(e) = \psi(e) + R(e)$  which is more costly. This calls for lowering the promotional effort. Moreover, lowering the retail price towards the monopoly level  $p^m$  also contributes to relaxing constraint (5.2). These are the direct effects of a ban on below-cost pricing.

Indirect effects come from the fact that reducing effort affects marginal incentives to change the retail price, and vice versa. More formally, the value of the Lagrange multiplier associated to the retailer's participation constraint changes as one moves from one institutional environment to the other. A priori, replacing the break-even condition (4.10) by the more stringent condition (5.2) calls for increasing the value of the Lagrange multiplier. This intuition may be misleading, though, since the value of the multiplier depends on the equilibrium choices of price and effort. These indirect effects make the comparison between  $(p^u, e^u)$  and  $(p^b, e^b)$  difficult. Comparative statics can nevertheless be further explored in some specific environments.

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<sup>21</sup>See Laffont and Martimort (2002, Chapter 4).

PROPOSITION 7. Suppose that demand is given by  $D(p) = (a - bp)^{\frac{1}{\delta}}$  (with  $\delta \geq 1$ )<sup>22</sup> and the disutility of effort is quadratic ( $\psi(e) = \frac{\mu}{2}e^2$ ,  $\mu > 0$ ). Imposing a ban on below-cost-pricing has the following consequences:

1. The effort decreases:  $e^b < e^u$ .
2. The retail price increases:  $p^b > p^u$ .
3. The value of the Lagrange multiplier of the retailer's participation constraint decreases:  $\lambda^b < \lambda^u$ .

Given that a linear demand ( $\delta = 1$ ) and a quadratic disutility of effort may be viewed as first-order approximations of more complex specifications of preferences and technologies, Proposition 7 strongly suggests that the retail price should increase following a ban of below-cost pricing. Far from promoting competition in the hypothetical scenario where below-cost pricing would be used for predatory purposes, such a law may well harm consumers and reduce overall welfare.

Figure 2 provides a comparison of price and effort as function of the demand shock  $\theta$ . It shows in particular that the effort level under a ban on below-cost pricing ( $e^b$ ) may be below or above the efficient level ( $e^m$ ). Keeping this in mind will be useful later on.

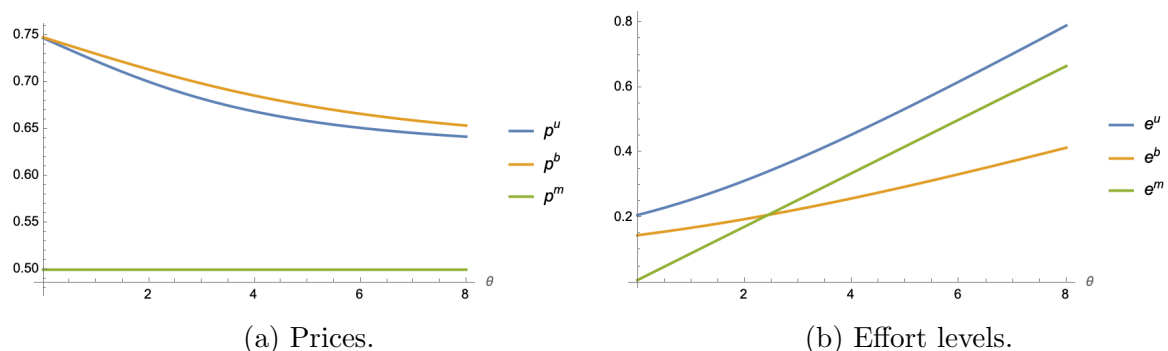


Figure 2: With a linear demand and a quadratic disutility of effort ( $D(p) = 1 - p$  and  $\psi(e) = \frac{3}{2}e^2$ ), comparison of the optimal price (Panel (a)) and effort level (Panel (b)) with no ban on below-cost pricing ( $p^u$  and  $e^u$ ), with a ban on below-cost pricing ( $p^b$  and  $e^b$ ), and under integration ( $p^m$  and  $e^m$ ).

## 6. APPLICATION AND EXTENSIONS

### 6.1. Quantifying Antitrust Damages in Upstream Collusion Cases.

In 2014, the French Competition Authority condemned several manufacturers of cleansing and hygiene products for collusion over the years 2003 to 2006. These producers were sanctioned with a fine approaching €1B.<sup>23</sup> Some of these manufacturers had

<sup>22</sup>This class of demand, first used by Bulow and Pfleiderer (1983), has the property that the cost pass-through is constant and given by  $1/(1 + \delta)$ .

<sup>23</sup>See “Décision n° 14-D-19 du 18 décembre 2014 relative à des pratiques mises en œuvre dans le secteur des produits d’entretien et des insecticides et dans le secteur des produits d’hygiène et de soins pour le corps,” available at [www.autoritedelaconurrence.fr/pdf/avis/14d19.pdf](http://www.autoritedelaconurrence.fr/pdf/avis/14d19.pdf). Two sanctions have been pronounced: €345.2M for manufacturers of cleansing products, and €605.9M for manufacturers of hygiene products.

already been sanctioned, in 2011, with a fine of €367.9M for colluding on the sales of consumer detergents, thereby confirming a decision taken by the European Commission.<sup>24</sup>

Collusion was meant not only to maintain artificially high retail prices for these products, but also to limit payments made to retailers for their promotion activities. Within that time frame, the *Loi Galland* was in place and prevented retailers from selling below the net invoice price. That threshold may include any rebates obtained at the date of contracting between the retailer and the manufacturer, but must exclude any retrospective payments earned after the contracting date such as promotional allowances. Last, according to industry experts, fixed payments such as slotting fees are negligible for these products. Although stylized, our model fits well with that case if one is ready to approximate collusive manufacturers with a monopoly. Our model thus gives some guidance on how to evaluate the damages suffered by retailers from such collusion between manufacturers.

Absent collusion, the retailer appropriates the whole profit of the vertically integrated structure while, with collusion and a ban on below-cost pricing, it only appropriates the corresponding moral hazard rent. Formally, the retailer's loss from the collusion between manufacturers  $\Delta$  is worth

$$\Delta \equiv \underbrace{(1 + \theta e^m)\pi^m - \psi(e^m)}_{\substack{\text{Retailer's profit} \\ \text{with upstream competition}}} - \underbrace{R(e^b)}_{\substack{\text{Moral hazard rent under manufacturers} \\ \text{collusion and no below-cost pricing}}}$$

which may be rewritten as follows (using Equation (2.2))

$$\Delta = \underbrace{\pi^m}_{\substack{\text{Monopoly} \\ \text{base profit}}} + \underbrace{R(e^m) - R(e^b)}_{\substack{\text{Difference in moral hazard rents} \\ \text{with and without collusion}}}$$

Damages are thus the sum of two terms. The first one is the monopoly level of the base profit that accrues to the retailer if, absent collusion, no effort was undertaken. The second term is the incremental value of the moral hazard rent as collusion would be deterred and effort would change from  $e^b$  to  $e^m$ , which may be positive or negative as illustrated in Figure 2.

Considering the specification  $D(p) = (a - bp)^{\frac{1}{\delta}}$  and  $\psi(e) = \frac{\mu}{2}e^2$ , it is remarkable that damages can be expressed only in terms of values of the demand function before and after collusion has been deterred, namely  $D(p^b)$  and  $D(p^m)$ . Indeed, the percentage of after-collusion profits that should be paid in terms of damages is worth

$$(6.1) \quad \frac{\Delta}{\pi^m} = 1 + \frac{4(\lambda^b)^2(1 + \delta(1 - \lambda^b))^\delta - (1 + \delta(1 - \lambda^b))^{-\delta}}{2(1 + \delta - (2 + \delta)\lambda^b)}$$

where the Lagrange multiplier of (5.2)  $\lambda^b$  is given by  $(1 + \delta(1 - \lambda^b))^{\frac{1}{\delta}} = \frac{D(p^m)}{D(p^b)}$ . In other words, the evaluation of damages, a task often viewed as informationally demanding, only

<sup>24</sup>See “Décision n° 11-D-17 du 8 décembre 2011 relative à des pratiques mises en œuvre dans le secteur des lessives,” available at [www.autoritedelaconcurrence.fr/pdf/avis/11d17.pdf](http://www.autoritedelaconcurrence.fr/pdf/avis/11d17.pdf) and “Commission Decision of 13.4.2011 relating to a proceeding under Article 101 of the Treaty on the Functioning of the European Union and Article 53 of the EEA Agreement (COMP/39579 – Consumer Detergents),” available at [http://ec.europa.eu/competition/antitrust/cases/dec\\_docs/39579/39579\\_2633\\_5.pdf](http://ec.europa.eu/competition/antitrust/cases/dec_docs/39579/39579_2633_5.pdf).

requires the pre- and post-collusion demand levels if one is ready to adopt the chosen specification of the model.

Adopting the same linear-quadratic specification as in Section 4, we can quantify the damages suffered by the retailer from upstream collusion between manufacturers using (6.1). These damages are obviously always strictly positive, but, perhaps less intuitively, non-monotonic with the demand shock  $\theta$ . This comes from the fact that, first, damages depend on the difference  $R(e^m) - R(e^b)$  as shown above and, second, that the difference  $e^m - e^b$  is positive for low demand shocks but negative for large ones.

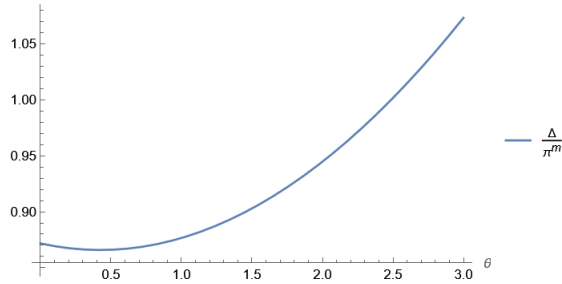


Figure 3: Damages  $\frac{\Delta}{\pi^m}$  as function of the demand shock  $\theta$  (with  $D(p) = 1 - p$ ,  $\psi(e) = \frac{3}{2}e^2$ ,  $c = 0$ ).

### 6.2. Competing Against an Integrated Retailer

We now study how the competitive pressure exerted downstream by an integrated retailer impacts on the incentives of a manufacturer to use below-cost pricing with her own non-integrated retailer. This case is of a particular relevance in view of the substantial development of so-called ‘*hard discounters*’ over the last past decades, one of their characteristics being that they mostly distribute their own brands or private labels.<sup>25</sup>

To do so, assume the non-integrated retailer (called retailer 1) faces a vertically-integrated competitor (called retailer 2), that is, retailer 2 produces and sells his own good. Retailers 1 and 2 produce differentiated products with demands  $D_i(p_i, p_{-i})$ ,  $i = 1, 2$ . For simplicity, demand functions are assumed to be symmetric:  $D_1(p_1, p_2) = D_2(p_2, p_1) \equiv D(p_1, p_2)$  for all prices  $(p_1, p_2)$ . Still to avoid unnecessary notational burden, goods 1 and 2 are produced at the same marginal cost  $c$ .

Let also assume, for simplicity, that the contract  $(w_1, z_1)$  that governs the relationship between the manufacturer and the non-integrated retailer 1 is secret. That contract has thus no commitment value to impact downstream competition. We therefore look for a Nash equilibrium in which the integrated competitor takes as given the contract offered by this vertical structure and the retail price charged by the non-integrated retailer. Denoting by  $p_1$  this price, the integrated retailer’s best response  $P_2(p_1)$  is then characterized as follows

$$(6.2) \quad P_2(p_1) - c = -\frac{D(P_2(p_1), p_1)}{\frac{\partial D}{\partial p_2}(P_2(p_1), p_1)}.$$

<sup>25</sup>See, for instance, Cleeren et al. (2010) for an account of the development of hard discount chains in Europe. In the U.S., the hard discount format has been relatively absent from the competitive landscape until recently, and is now quickly gaining market shares.

Under standard assumptions, which are detailed in the Appendix, the best response defined in (6.2) is upward-sloping with a slope smaller than 1.

COMPETITIVE MANUFACTURERS. We proceed as in our base scenario, the only change being that the vertical structure takes now the price  $p_2$  charged by the integrated competitor as given. Mimicking our earlier findings, the best response contract offered by competitive manufacturers entails marginal cost pricing and no rebates, i.e.  $w_1 = c$  and  $z_1 = 0$ . From this, it immediately follows that the best response in price  $P_1(p_2)$  for non-integrated retailer 1 satisfies the following condition

$$(6.3) \quad P_1(p_2) - c = -\frac{D(P_1(p_2), p_2)}{\frac{\partial D}{\partial p_1}(P_1(p_2), p_2)}.$$

Equations (6.2) and (6.3) define the familiar upward-sloping best responses  $P_2(p_1)$  and  $P_1(p_2)$ . Under familiar conditions, those best responses have slope less than 1. In other words, any increase in  $p_{-i}$  induces an increase in  $p_i$  along the best response that is of a lower magnitude. At a Nash equilibrium, both Equations (6.2) and (6.3) hold and the symmetric Nash equilibrium  $p_1^* = p_2^* = p^*$  solves

$$p^* - c = -\frac{D(p^*, p^*)}{\frac{\partial D}{\partial p_1}(p^*, p^*)}.$$

The optimal effort of the non-integrated retailer is then characterized as follows

$$\psi'(e^*) = \theta\pi^*,$$

where  $\pi^* \equiv (p^* - c)D(p^*, p^*)$ .

MONOPOLY MANUFACTURER. Suppose now that the manufacturer has all bargaining power in dealing with the retailer and behaves as an upstream monopoly, yet facing competition from the integrated retailer on the downstream market. The analysis again replicates some of our earlier findings but in an equilibrium context.

For future reference, we denote

$$\pi(p_1, p_2, c) = (p_1 - c)D(p_1, p_2)$$

and

$$\varphi(p_1, p_2) = -\frac{D^2(p_1, p_2)}{\frac{\partial D}{\partial p_1}(p_1, p_2)}.$$

Given the price  $p_2$  charged by the integrated competitor, the manufacturer maximizes her profit

$$\Pi_M(p_1, p_2, e_1) = (1 + \theta e_1) (\pi(p_1, p_2, c) - \varphi(p_1, p_2)),$$

subject to the retailer's participation constraint

$$(6.4) \quad \Pi_{R_1}(p_1, p_2, e_1) = (1 + \theta e_1)\varphi(p_1, p_2) - \psi(e_1) \geq 0.$$

The following assumption generalizes Assumption 5 to this competitive environment. This condition again ensures that the retailer's participation constraint (6.4) is binding at equilibrium.

ASSUMPTION 4. For all price  $p_2$ ,

$$(1 + \theta)\varphi(\tilde{P}_1(p_2), p_2) < \psi(1),$$

where  $\tilde{P}_1(p_2) = \arg \max_{p_1} \pi(p_1, p_2, c) - \varphi_1(p_1, p_2)$ .

The best response of the non-integrated structure  $P_1^u(p_2)$  is then defined as the solution to

$$(6.5) \quad \pi_{p_1}(p_1, p_2, c) - (1 - \lambda_1^u)\varphi_{p_1}(p_1, p_2) = 0,$$

where  $\lambda_1^u$  is the non-negative Lagrange multiplier associated to (6.4). That best response remains upward-sloping and has slope less than one despite the addition of the third term on the right-hand side of (6.5), provided that this term and its derivative are of a limited magnitude; an assumption that we will make from now on. Because  $\varphi_{p_1}(p_1, p_2) \leq 0$  and  $\lambda_1^u < 1$ , the best response  $P_1^u(p_2)$  defined by (6.5) lies above the best response  $P_1(p_2)$  obtained when manufacturers are competitive. It then follows that, with a monopoly manufacturer, all retail prices raise at equilibrium in comparison with the scenario of competitive manufacturers. Yet, the price increase is stronger for the non-integrated retailer than for the vertically-integrated competitor.

PROPOSITION 8. *With a monopoly manufacturer, all retail prices increase, but more so for the price charged by a non-integrated retailer:*

$$p_1^u > p_2^u > p^*.$$

BAN ON BELOW-COST-PRICING. The reasoning here should now be familiar from our previous analysis. The constraint on non-negative margin writes now as follows

$$p_1 \geq w_1.$$

This constraint still implies that the non-integrated retailer must receive a positive moral hazard rent  $R(e_1)$ . The latter's participation constraint writes thus as follows

$$(6.6) \quad \Pi_{R_1}(p_1, p_2, e_1) \geq R(e_1).$$

Observe that the moral hazard rent does not directly depend on the competitive pressure exerted by the integrated retailer. Denoting by  $\lambda_1^b$  the Lagrange multiplier of this constraint in the manufacturer's program, we can state the following proposition.

PROPOSITION 9. *Suppose there is a ban on below-cost pricing.*

1. *Provided that  $\lambda_1^b \leq \lambda_1^u$ , all retail prices increase, but more so for the non-integrated retailer's price:*

$$p_1^b > p_1^u > p_1^* \text{ and } p_2^b > p_2^u > p_2^*,$$

*with  $p_1^b > p_2^b$ .*

2. *Assuming linear demands and a quadratic cost of effort, we further obtain that*

$$\lambda_1^b < \lambda_1^u \text{ and } e_1^b < e_1^u.$$

These results are much in line with our main analysis with no downstream competition. The ban on below-cost pricing leads the integrated competitor to price higher; downstream competition is thus softened, to the detriment of final customers.

### 6.3. Multi-Product Retailer With Demand Complementarities

We now evaluate the importance of below-cost-pricing in the more traditional multi-product context where below-cost pricing has already been proved useful. To illustrate, suppose that the retailer can also sell another good, say good 2. For notational simplicity, we assume that good 2 is also produced at marginal cost  $c$ . Good 1, whose demand is still given by  $D(p_1)$  as before, is a loss leader in the following sense. Consumers may be eager to obtain the loss leader and, when doing so, they may also express a demand for good 2. Such complementarity is captured by assuming a simple multiplicative structure for the demand for good 2<sup>26</sup>

$$D_2(p_2, p_1) = D(p_1)\tilde{D}(p_2).$$

In this setting, the non-integrated structure stands ready to make a loss on the sales of good 1 if doing so sufficiently raises demand and profit on good 2.

The retailer's profit on good 2, conditional on selling good 1, writes then as follows

$$\tilde{\pi}(p_2, c) = (p_2 - c)\tilde{D}(p_2).$$

This profit is maximized at a monopoly price, independent of  $p_1$ , which is given by

$$\tilde{p}^m = \arg \max_{p_2} (p_2 - c)\tilde{D}(p_2).$$

Denoting by  $\tilde{\pi}^m$  the corresponding monopoly profit, we may rewrite the retailer's overall downstream profit as follows

$$(6.7) \quad (p_1 - w_1 + \tilde{\pi}^m)D(p_1)(1 + \theta e) + \theta e z_1 D(p_1) - \psi(e).$$

COMPETITIVE MANUFACTURERS. As in our previous analysis, the wholesale contract  $w_1 = c$  and  $z_1 = 0$  maximizes the retailer's profit subject to the manufacturer's break-even constraint. The optimal retail price  $p^m(\tilde{\pi}^m)$  and effort  $e^m(\tilde{\pi}^m)$  are readily obtained from our previous analysis as follows

$$(6.8) \quad p^m(\tilde{\pi}^m) - c + \tilde{\pi}^m = -\frac{D(p^m(\tilde{\pi}^m))}{D'(p^m(\tilde{\pi}^m))},$$

$$(6.9) \quad \psi'(e^m(\tilde{\pi}^m)) = \theta \pi^m(\tilde{\pi}^m),$$

where now  $\pi^m(\tilde{\pi}^m) = \pi(p^m, c - \tilde{\pi}^m)$  stands for the base monopoly profit on good 1.

The comparison with the retail price and effort found in the single-good scenario (see (2.1) and (2.2)) is straightforward. As before, the retailer extracts all the profit from competitive manufacturers with a wholesale price equal to marginal cost. Then,

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<sup>26</sup>For a model also featuring such a multiplicative demand structure, see Martimort, Pommey and Pouyet (2022) who develop a model of conditional sales. More complex demand structures could be entertained with no additional insight. The benefit of this multiplicative structure is that it allows us to import *mutatis mutandis* insights and techniques from our previous analysis.

conditionally on selling good 1, the retailer makes the monopoly profit on good 2. This profit acts as an implicit subsidy on the cost of producing good 1. This reduces the retail price, boosts the demand for and the profit earned on good 1, and raises in turn the promotional effort:  $p^m(\tilde{\pi}^m) < p^m$ ,  $\pi^m(\tilde{\pi}^m) > \pi^m$ , and  $e^m(\tilde{\pi}^m) > e^m$ .

**MONOPOLY MANUFACTURER.** Consider first a scenario where there is no restriction on the wholesale price  $w_1$  that can be charged by the manufacturer. The expression of the retailer's profits in (6.7) highlights that the retail price and effort level that are chosen by the retailer only depend on the *net* wholesale price

$$\tilde{w}_1 = w_1 - \tilde{\pi}^m,$$

which is the opportunity cost for the retailer of buying one extra unit of good 1. When not buying one extra unit of good 1, the retailer also foregoes the monopoly profit  $\tilde{\pi}^m$  made on good 2. This extra benefit can *in fine* be captured by the manufacturer whose perceived cost of producing good 1 is now

$$\tilde{c} = c - \tilde{\pi}^m.$$

From there, our previous analysis can be replicated *mutatis mutandis*. First, we need to modify Assumption 3 to account for this change of cost.

**ASSUMPTION 5.**

$$(1 + \theta)\varphi(\tilde{p}(\tilde{\pi}^m)) < \psi(1),$$

where  $\tilde{p}(\tilde{\pi}^m)$  is now defined as  $\pi_p(\tilde{p}(\tilde{\pi}^m), \tilde{c}) = \varphi'(\tilde{p}(\tilde{\pi}^m))$ .

Second, while the retailer's profit, when expressed in terms of the retail price and effort  $(p_1, e)$  implemented by the retailer, is kept unchanged as in (4.8), we observe that the manufacturer's profit accounts for the perceived cost of producing good 1 and can be written as follows

$$(6.10) \quad \Pi_M(p_1, e) = (\pi(p_1, \tilde{c}) - \varphi(p_1))(1 + \theta e).$$

The characterization of the optimal wholesale contract  $(w^u(\tilde{\pi}^m), z^u(\tilde{\pi}^m))$  is thus readily obtained by applying Proposition 4 for the perceived cost  $\tilde{c}$ . In particular, a positive rebate for expanding demand on good 1 is again warranted. With respect to the single-good scenario, because the perceived cost of good 1 is now reduced, the manufacturer offers a lower wholesale price which induces *in fine* a lower retail price. A lower retail price increases the retailer's profit which boosts effort.

**BAN ON BELOW-COST-PRICING.** The analysis here also mimics our earlier findings. A ban on below-cost pricing imposes the condition

$$p_1 - w_1 \geq 0.$$

It in turn implies that the retailer's break-even condition writes now as

$$(6.11) \quad \Pi_R(p_1, e) \geq \tilde{\pi}^m D(p_1) + R(e).$$

The monopoly manufacturer now maximizes its profit  $\Pi_M(p_1, e_1)$  as given in (6.10) subject to (6.11). Again, the retailer's participation constraint (6.11) is hardened and Assumption



5 suffices to ensure that this constraint is binding at the optimum. With respect to the single-good scenario, the main difference is that the rent that must be given up to the retailer depends directly both on the promotion effort (through the moral hazard rent  $R(e)$  in (6.11)) and on the price of the loss leader (the term  $\tilde{\pi}^m D(p_1)$  in (6.11)).

From the analysis of the single-good scenario performed in Section 5, we know that the comparison between price and effort levels with and without a ban on below-cost pricing is a priori ambiguous. That ambiguity remains with complementarity products. The new effect is that the price of the loss leader might be further increased in order to reduce the term  $\tilde{\pi}^m D(p_1)$  in (6.11).

To illustrate, let us perform some numerical simulations, using  $D(p) = 1 - p$ ,  $c = 0$  and  $\psi(e) = 5e^2$ . There are two parameters of interests,  $\theta$  and  $\tilde{\pi}^m$ . The profit on the complementary good 2,  $\tilde{\pi}^m$ , takes four values: 0, 0.25, 0.5 and 0.75. As before,  $\theta$  varies between 0.1 and 8 by increments of .1. We report below the corresponding simulations that help to understand the impact of a ban on below-cost pricing with complement goods.

When the profit on the complementary good  $\tilde{\pi}^m$  is null, we find the results of the single-good scenario. Both when below-cost pricing is allowed or not, the price decreases and the efforts increases when the promotion effort becomes more valuable (i.e.,  $\theta$  increases). The price increases and the effort decreases following a ban on below-cost pricing.

As the profit made on the complementary good increases, the same comparative statics emerge for the promotion effort. A closer look at the graphs also shows that the difference between the effort under no ban and the effort under a ban on below-cost pricing also increases when  $\tilde{\pi}^m$  increases. This comes from the fact that the participation constraint becomes more difficult to satisfy (see (6.11)) and requires, indirectly, a further downward distortion on the effort when a ban on below-cost pricing is in place.

Turning on to the price of good 1, the comparative statics are qualitatively impacted by the presence of a complementary good. As  $\tilde{\pi}^m$  remains small, imposing a ban still leads to a higher price for the loss leader. As  $\tilde{\pi}^m$  increases, however, the price of the loss leader under a ban on below-cost pricing may become smaller than the price with no ban. Again, this arises because constraint (6.11) is more difficult to satisfy. This is certainly an interesting consequence of a ban on below-cost pricing. Such a ban may indeed lead to a lower price for the loss leader when that product generates a substantial profit from complementary products. In those cases, consumer surplus may increase following a ban on below-cost pricing, depending on how consumers value the price decrease on the loss leader relative to the smaller promotion effort.

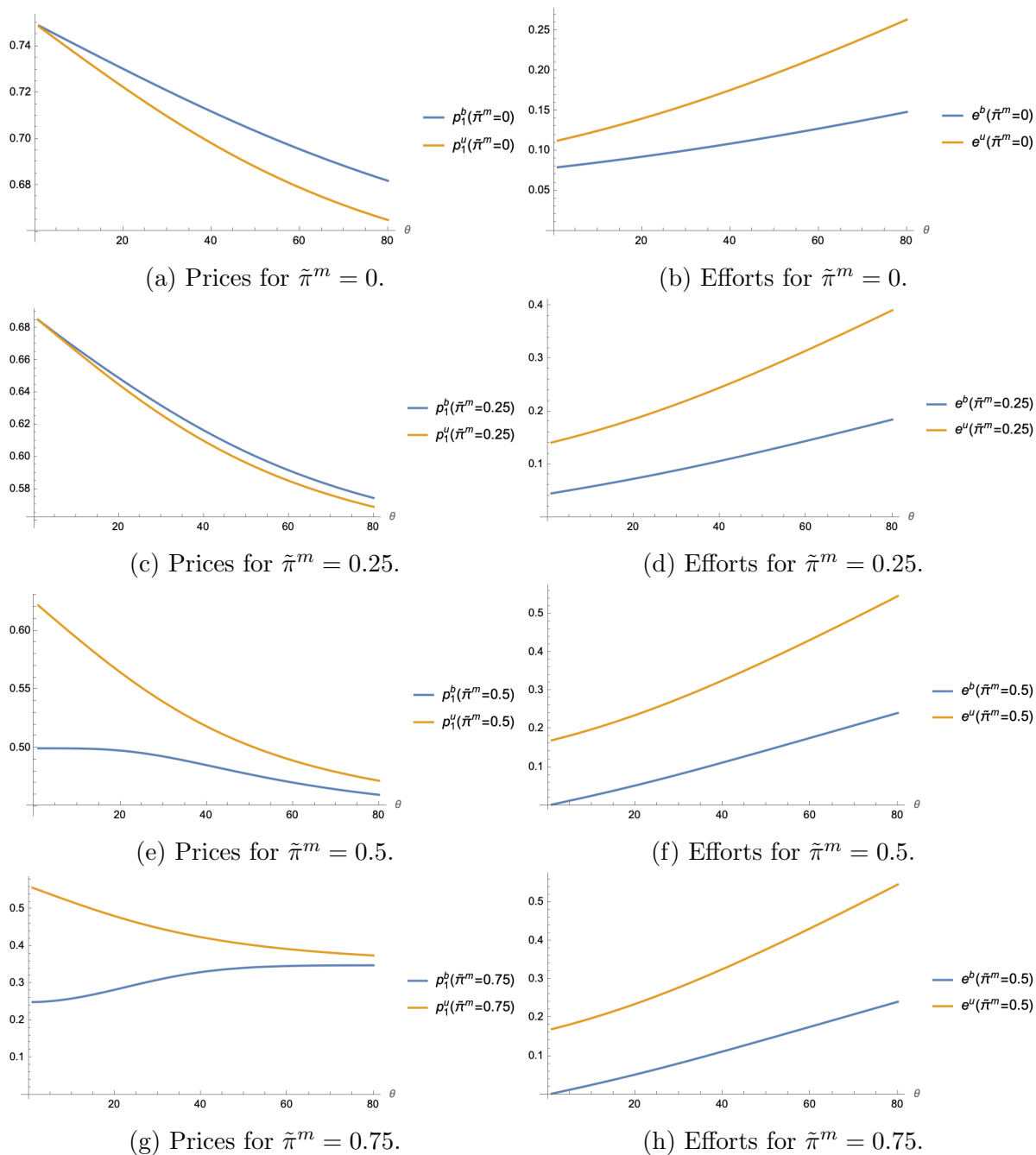


Figure 4: Price of the loss leader good and promotion effort with no ban ( $p^u$  and  $e^u$ ) and with a ban on below-cost pricing ( $p^b$  and  $e^b$ ) as function of  $\theta$  and for different values of  $\tilde{\pi}^m$ .

## 7. CONCLUSION

Our analysis sheds some lights on the economics of promotional allowances, an oft-neglected component of the relationship between manufacturers and retailers. These allowances are used to provide incentives to retailers to boost the demand of manufacturers' products. Our analysis analyze how wholesale prices and promotional allowances are used in conjunction to further that goal. We show in particular that manufacturers are willing to set high wholesale prices together with large rebates; this leads to losses for manufacturers whenever their promotion efforts are unsuccessful, and to large gains

when they manage to boost demand.

Our analysis could be extended in various ways. First, we have taken for granted that fixed fees cannot be used in the vertical relationship. A possible avenue of research consists in studying situations where slotting fees can be used but do not allow to perfectly capture the retailers' profits, because of adverse selection for instance. In such environments, there exists an interesting interplay between the moral hazard problem of incentivizing retailers to exert promotion efforts and the adverse selection problem of incentivizing retailers to reveal their private information.

Second, we did not consider imperfect competition between manufacturers and the possibility for retailers to threaten a manufacturer not to sell her product. Such a threat might limit the manufacturer's ability to use stick-and-carrot strategies to incentivize the retailer and lead to further distortions.

These extensions are left for future research.

## REFERENCES

- Allain, M-L. and C. Chambolle, 2011. "Anti-competitive Effects of Resale-Below-Cost Laws," *International Journal of Industrial Organization*, 29: 373-385.
- Allen, B., P. Farris, D. Mills and R. Sack, 2011. "Vendor Incentives: Out of the Shadows and into the Sunlight," *The CPA Journal*, June.
- Ambrus, A. and J. Weinstein, 2008. "Price Dispersion and Loss Leaders," *Theoretical Economics*, 3: 525-537.
- Arrow, K., 1975. "Vertical Integration and Communication." *The Bell Journal of Economics*, 173-183.
- Beard, R. and M. Stern, 2008. "Continuous Cross Subsidies and Quantity Restrictions," *Journal of Industrial Economics*, 56: 840-861.
- Biscourp, P., X. Boutin and T. Vergé, 2013. "The Effects of Retail Regulations on Prices: Evidence from the *Loi Galland*," *Economic Journal*, 123: 1279-1312.
- Bliss, C., 1988. "A Theory of Retail Pricing," *Journal of Industrial Economics*, 36: 375-391.
- Bulow, J. and P. Pfleiderer, 1983. "A Note on the Effect of Cost Changes on Prices," *Journal of Political Economy*, 91: 182-185.
- Calvani, T, 2001. "Predatory Pricing and State Below-Cost Sales Statutes in the United States: An Analysis," Report for the Competition Bureau, Canada, available at <http://www.competitionbureau.gc.ca/eic/site/cb-bc.nsf/eng/01292.html>
- Chen, Z., and P. Rey, 2012. "Loss Leading as an Exploitative Practice," *The American Economic Review*, 102: 3462-3482.
- Chen, Z. and P. Rey, 2013. "Competitive Cross-Subsidization," TSE Working Papers 13-450, Toulouse School of Economics (TSE), revised Dec 2016.
- Chu, W., 1992. "Demand Signaling and Screening in Channels of Distribution," *Marketing Science*, 11: 327-347

- Cleeren, K., F. Verboven, M. Dekimpe and K. Gielens, 2010. "Intra- and Inter-Format Competition among Discounters and Supermarkets," *Marketing Science*, 29: 456-473.
- Dixit, A., 1983. "Vertical Integration in a Monopolistically Competitive Industry," *International Journal of Industrial Organization*, 1: 63-78.
- Ellison, G., 2005. "A Model of Add-on Pricing," *The Quarterly Journal of Economics*, 120: 585-637.
- Foros, Ø., H. Kind and J. Sand, 2009. "Slotting Allowances and Manufacturers' Retail Sales Effort," *Southern Economic Journal*, 76: 226-282.
- Hunold, M. and J. Muthers, 2017. "Resale Price Maintenance and Manufacturer Competition for Retail Services," *The RAND Journal of Economics*, 48: 3-23.
- Irish Competition Agency, 2005. "Submission to the Minister for Enterprise, Trade and Employment on the Groceries Order," available at [http://ccpc.ie/sites/default/files/s\\_05\\_006%20Groceries%20Order.pdf](http://ccpc.ie/sites/default/files/s_05_006%20Groceries%20Order.pdf).
- Kastl, J., D. Martimort and S. Piccolo, 2011. "When Should Manufacturers Want Fair Trade? New Insights from Asymmetric Information and Non-Market Externalities when Supply Chains Compete," *Journal of Economics and Management Strategy*, 20: 648-678.
- Keirsbilck, B., 2012. "Does EU Economics Law Preclude National Prohibitions of Sales Below Cost?," *Erasmus Law Review*, 5: 253-266.
- Krishnan, H. and R. Winter, 2007. "Vertical Control of Price and Inventory," *The American Economic Review*, 97: 1840-1857.
- Kuksov, D. and A. Pazgal, 2007. "The Effects of Costs and Competition on Slotting Allowances," *Marketing Science*, 26: 259-267.
- Laffont, J.-J. and D. Martimort, 2002. *The Theory of Incentives: The Principal-Agent Model*, Princeton University Press.
- Laffont, J.-J. and J. Tirole, J., 1993. *A Theory of Incentives in Procurement and Regulation*. MIT press.
- Lømo, T. L. and S. Ulsaker, 2016. "Promotional Allowances," University of Bergen, Department of Economics, Working Papers in Economics 08/16.
- Martimort, D., G. Pommey and J. Pouyet, 2022. "Optimal Regulation Design of Airports: Investment Incentives and Impact of Commercial Services," *Transportation Research Part B: Methodological*, 164: 25-44.
- Marx, L and G. Shaffer, 2007. "Upfront Payments and Exclusion in Downstream Markets," *The RAND Journal of Economics*, 38: 823-843.
- Mathewson, F. and R. Winter, 1984. "An Economic Theory of Vertical Restraints." *The RAND Journal of Economics*, 15: 27-38.
- Rey, P. and T. Vergé, 2008. "Economics of Vertical Restraints," in *Handbook of Antitrust Economics*, Paolo Buccirossi (ed.), The MIT Press.
- Rey, P. and J. Tirole, 1986. "The Logic of Vertical Restraints," *The American Economic Review*, 76: 921-939.

- Riordan, M., 1990. "What Is Vertical Integration?," in *The Firm as a Nexus of Treaties*, O. Williamson, M. Aoki, B. Gustafsson (eds.), Sage Publishers.
- Shaffer, G., 1991. "Slotting Allowances and Resale Price Maintenance: A Comparison of Facilitating Practices," *The RAND Journal of Economics*, 22: 120-135.
- Shubik, M. and R. Levitan, 1980. *Market Structure and Behavior*, Harvard University Press.
- Spengler J., 1950. "Vertical Integration and Antitrust Policy," *Journal of Political Economy*, 58: 347-352.
- Telser, L., 1960. "Why Should Manufacturer Want Fair Trade," *Journal of Law and Economics*, 3: 86-105.
- Winter, R., 1993. "Vertical Control and Price versus Non-price Competition," *The Quarterly Journal of Economics*, 108: 61-76.

## APPENDIX

PROOF OF PROPOSITION 1. The optimization problem with competitive manufacturers writes as follows:

$$\max_{(w,z,p,e)} \pi(p,w)(1+\theta e) + \theta ez D(p) - \psi(e) \text{ subject to (2.3), (4.5), (4.6).}$$

Inserting the values of  $(w, z)$  obtained from (2.3) into the maximand allows to restate this maximization problem as follows:

$$\max_{(p,e)} \pi(p,c)(1+\theta e) - \psi(e) \text{ subject to (4.5) and (4.6).}$$

Observe that (4.5) and (4.6) define the wholesale price and the rebate in terms of the final retail price and the effort but the formers do not enter the maximand. The maximand is thus maximized for the monopoly outcome  $(p^m, e^m)$ . Inserting into (4.5) and (4.6) then gives the value of the wholesale price and the rebate that implement this outcome, namely  $(w^d = c, z^d = 0)$ . Finally, thanks to Assumption 1 and our assumption on the convexity of  $\psi(e)$ , the maximand is quasi-concave in  $(p, e)$  so that  $(p^m, e^m)$  is a global maximum.  $\square$

PROOF OF PROPOSITION 2. With an inelastic demand, the industry profit can be written as

$$(1+\theta e)(p-c) - \psi(e),$$

where we also assume  $\psi(e) = \frac{e^2}{2}$ . It is thus maximized for

$$p^m = v \text{ and } e^m = \theta(v-c).$$

The profits of the retailer and of the manufacturer are respectively given by

$$(p-w)(1+\theta e) + \theta ez - \frac{e^2}{2}$$

and

$$(w-c)(1+\theta e) - \theta ez.$$

For a given wholesale contract  $(w, z)$ , the retailer thus optimally chooses the effort level given by (3.2) and sets the monopoly price on the downstream market (3.1). Let us assume in first step that (i)  $z > 0$ , and (ii)  $v - w + z > 0$  so that  $e^u(w, z) > 0$ . We will check later that these conditions are indeed satisfied at the optimum. For future reference (and with a slight abuse of notations), let also define the manufacturer's and the retailer's profits in terms of the components of the wholesale contract as

$$\Pi_M(w, z) \equiv (w-c)(1+\theta e^u(w, z)) - \theta e^u(w, z)z,$$

and

$$\Pi_R(w, z) \equiv (v-w)(1+\theta e^u(w, z)) + \theta e^u(w, z)z - \frac{(e^u(w, z))^2}{2}.$$

The manufacturer's maximization problem is thus given by:

$$(A.1) \quad \begin{aligned} & \max_{(w,z)} \Pi_M(w, z) \\ & \text{subject to } \Pi_R(w, z) \geq 0. \end{aligned}$$

Denote by  $\lambda$  the non-negative Lagrange multiplier associated to (A.1). The Lagrangian is thus given by

$$\begin{aligned} \mathcal{L}(w, z, \lambda) = & (w - c)(1 + \theta e^u(w, z)) - \theta e^u(w, z)z \\ & + \lambda \left( (v - w)(1 + \theta e^u(w, z)) + \theta e^u(w, z)z - \frac{(e^u(w, z))^2}{2} \right). \end{aligned}$$

The Karush-Kuhn-Tucker first-order necessary conditions for optimality with respect to  $w$  and  $z$  respectively write as follows:

$$\begin{aligned} \text{(A.2)} \quad \frac{\partial \mathcal{L}}{\partial w}(w, z, \lambda) = & 0 \\ \Leftrightarrow 1 + \theta e^u(w, z) + \theta^2(w - c - z) + \lambda \left( -(1 + \theta e^u(w, z)) - \theta^2(w - c - z - e^u(w, z)) \right) = & 0, \end{aligned}$$

and

$$\begin{aligned} \text{(A.3)} \quad \frac{\partial \mathcal{L}}{\partial z}(w, z, \lambda) = & 0 \\ \Leftrightarrow -\theta e^u(w, z) + \theta^2(w - c) + \lambda \left( \theta e^u(w, z) + \theta^2(v - w + z) - \theta e^u(w, z) \right) = & 0, \end{aligned}$$

while the complementary slackness condition is

$$\text{(A.4)} \quad \lambda \left( (v - w)(1 + \theta e^u(w, z)) + \theta e^u(w, z)z - \frac{(e^u(w, z))^2}{2} \right) = 0.$$

Solving for the system (A.2)-(A.3)-(A.4) immediately gives (3.3) and  $\lambda = 1$ . The manufacturer's profit is given by  $\Pi_M^u = v - c + \frac{1}{2}\theta^2(v - c)^2$ .

Lastly, we have  $\frac{\partial^2 \mathcal{L}}{\partial w^2}(w, z, 1) = \frac{\partial^2 \mathcal{L}}{\partial z^2}(w, z, 1) = -\theta^2 < 0$ , and  $\frac{\partial^2 \mathcal{L}}{\partial w^2}(w, z, 1) \frac{\partial^2 \mathcal{L}}{\partial z^2}(w, z, 1) - \left( \frac{\partial^2 \mathcal{L}}{\partial w \partial z}(w, z, 1) \right)^2 = 0$ , so that the Lagrangean is concave at  $\lambda = 1$  and necessary conditions for optimality are also sufficient.  $\square$

**PROOF OF PROPOSITION 3.** From Proposition 2, the constraint  $p - w \geq 0$  must bind at the optimum. Moreover, pricing incentives of the retailer are unchanged so that  $p^b = v$ . Therefore,  $w^b = v$ . Accordingly, the retailer earns a profit worth  $e\theta z - \frac{e^2}{2}$ , which is maximized for the effort level  $e = \theta z$ . The retailer now enjoys a positive profit equal to  $R(e) = \frac{e^2}{2}$ .

Using  $w^b = v$  and  $e^b = \theta z$ , the manufacturer's profit may be rewritten as  $(v - c)(1 + \theta^2 z) - \theta^2 z^2$ , which is maximized for  $z^b = \frac{1}{2}(v - c)$ . At the optimum, the effort implemented by the retailer is  $e^b = \frac{1}{2}\theta(v - c) = \frac{1}{2}e^m$ . The retailer enjoys a profit  $R(e^b) = \frac{1}{8}\theta^2(v - c)^2 > 0$ . The manufacturer earns  $\Pi_M^b = v - c + \frac{1}{4}\theta^2(v - c)^2$ . The industry profit is  $v - c + \frac{1}{4}\theta^2(v - c)^2$ .

It then comes immediately that  $\Pi_M^u - \Pi_M^b = \frac{\theta^2(v - c)^2}{4}$ , which is positive, strictly increasing and strictly convex in  $\theta$ .  $\square$

**PROOF OF PROPOSITIONS 4 AND 5.** The monopoly manufacturer's optimization problem can be written as follows:

$$\max_{(p, e)} \Pi_M(p, e) \equiv (\pi(p, c) - \varphi(p)) (1 + \theta e) \text{ subject to (4.10).}$$

Let denote by  $\lambda^u$  the non-negative Lagrange multiplier of the retailer's break-even condition (4.10). The corresponding Lagrangian for this problem writes as follows:

$$\mathcal{L}(p, e, \lambda^u) = (\pi(p, c) - \varphi(p))(1 + \theta e) + \lambda^u (\varphi(p)(1 + \theta e) - \psi(e)).$$

The Karush-Kuhn-Tucker first-order necessary conditions for optimality with respect to  $p$  and  $e$  (for an interior solution) write respectively as

$$(A.5) \quad \pi_p(p^u, c) - (1 - \lambda^u)\varphi'(p^u) = 0,$$

$$(A.6) \quad \theta(\pi(p^u, c) - (1 - \lambda^u)\varphi(p^u)) = \lambda^u\psi'(e^u),$$

while the complementary slackness condition is

$$(A.7) \quad \lambda^u ((1 + \theta e^u)\varphi(p^u) - \psi(e^u)) = 0.$$

We now establish several properties of the optimum.

CLAIM 1.  $\lambda^u > 0$  and thus (4.10) is binding:

$$(A.8) \quad (1 + \theta e^u)\varphi(p^u) = \psi(e^u).$$

*Proof.* Suppose instead that  $\lambda^u = 0$ . Then (A.5) leads to  $p^u = \tilde{p}$ . Because  $\pi(\tilde{p}, c) > \varphi(\tilde{p})$ , the optimal effort choice that the manufacturer would like to implement would be  $e^u = 1$ . The retailer's profit would then be equal to  $(1 + \theta)\varphi(\tilde{p}) - \psi(1)$ , which is strictly negative when Assumption 3 holds; a contradiction. Therefore, at the optimum, it must be  $\lambda^u > 0$ . Condition (A.8) then follows from (A.7).  $\square$

CLAIM 2.  $\lambda^u < 1$ .

*Proof.* Suppose  $\lambda^u = 1$ . Then, from (A.5) and (A.6), we obtain  $p^u = p^m$  and  $e^u = e^m$ . Observe now that, by definition of the monopoly price  $p^m$ ,  $\varphi(p^m) = \pi^m$ , and  $e^m$  is such that  $\pi^m = \psi'(e^m)/\theta$ . Thus,

$$(A.9) \quad (1 + \theta e^m)\varphi(p^m) - \psi(e^m) = (1 + \theta e^m)\pi^m - \psi(e^m) = \pi^m + R(e^m) > 0.$$

(A.9) shows the retailer's participation constraint is strictly satisfied; a contradiction with Claim 1. Hence, by continuity, it must be that  $\lambda^u \in (0, 1)$ .  $\square$

Claim 2 together with Assumption 2 implies that the Lagrangian is quasi-concave in  $p$ , and thus in  $(p, e)$  given the convexity of  $\psi$  and Claim 1.

CLAIM 3.  $\tilde{p} > p^u > p^m$ .

*Proof.* Together with Claim 2, (A.5) implies

$$\pi_p(p^u, c) = (1 - \lambda^u)\varphi'(p^u) < 0.$$

Because  $\pi(p, c)$  is quasi-concave in  $p$  when Assumption 1 holds, we have

$$p^u > p^m.$$

Similarly, we have

$$\pi_p(p^u, c) - \varphi'(p^u) = -\lambda^u\varphi'(p^u) > 0.$$

Because  $\pi(p, c) - \varphi(p)$  is also quasi-concave in  $p$  when Assumption 2 holds, we have  $p^u < \tilde{p}$ .  $\square$



CLAIM 4.

$$(A.10) \quad z^u > 0$$

and

$$(A.11) \quad p^u - w^u = -R(e^u) < 0.$$

*Proof.* Let us rewrite the first-order condition (4.3) for the optimal solution  $(p^u, e^u)$  in a more explicit manner as

$$(A.12) \quad \theta(p^u - w^u + z^u)D(p^u) = \psi'(e^u).$$

From (A.12), we obtain:

$$p^u - w^u = \frac{\psi'(e^u)}{\theta D(p^u)} - z^u.$$

Inserting into (4.4) for the optimal solution  $(p^u, e^u)$  yields:

$$(A.13) \quad z^u \frac{D(p^u)}{1 + \theta e^u} = \frac{\psi'(e^u)}{\theta} - \varphi(p^u).$$

Using (A.5) and (A.6), we get:

$$(A.14) \quad \psi'(e^u) = \theta f(p^u)$$

where

$$f(p) = \pi(p, c) + \frac{\pi_p(p, c)}{\varphi'(p) - \pi_p(p, c)} (\pi(p, c) - \varphi(p)).$$

Using (A.14), (A.13) can be rewritten as follows:

$$z^u \frac{D(p^u)}{1 + \theta e^u} = \frac{\varphi'(p^u)(\pi(p^u, c) - \varphi(p^u))}{\varphi'(p^u) - \pi_p(p^u, c)}.$$

From Claim 1 and Equation (A.5), we get  $\varphi'(p^u) - \pi_p(p^u, c) < 0$ . Therefore, we have also  $\varphi'(p^u) < \pi_p(p^u, c) < 0$  since  $p^u > p^m$ . Moreover, notice that  $\pi(p, c) > \varphi(p) \Leftrightarrow p - c > -\frac{D(p)}{D'(p)} \Leftrightarrow p > p^m$ . Since  $p^u > p^m$ , we have  $\pi(p^u, c) > \varphi(p^u)$ . Hence, the right-hand side of (A.14) is positive and (A.10) holds.

Inserting now (A.13) into (4.4), we obtain

$$(p^u - w^u)D(p^u) = (1 + \theta e^u)\varphi(p^u) - e^u\psi'(e^u).$$

Using the binding participation constraint (4.10) and  $R(e) = e\psi'(e) - \psi(e)$ , we obtain (A.11).  $\square$

CLAIM 5.

$$(A.15) \quad e^u > e^m.$$

*Proof.* Observe that

$$(A.16) \quad \psi'(e^m) = \theta f(p^m).$$

Taken together with (A.14), Condition (A.15) will be proved (thanks for the convexity of  $\psi$ ) if

$f(p^u) > f(p^m)$ . We thus compute

$$f'(p) = (\pi(p, c) - \varphi(p)) \frac{d}{dp} \left( \frac{\pi_p(p, c)}{\varphi'(p) - \pi_p(p, c)} \right).$$

We may write

$$\frac{\pi_p(p, c)}{\varphi'(p) - \pi_p(p, c)} = \frac{p + \frac{D(p)}{D'(p)} - c}{- \left( p + \frac{D(p)}{D'(p)} - \frac{\varphi'(p)}{D'(p)} - c \right)}.$$

Assumption 1 (resp. Assumption 2) ensures that the numerator (resp. denominator) is non-decreasing (resp. non-increasing). Hence,  $f'(p) \geq 0$  whenever  $\pi(p, c) - \varphi(p) \geq 0$  which holds for  $p \geq p^m$  (with a strict inequality for  $p > p^m$ ). Since  $p^u > p^m$ , we then obtain  $f(p^u) > f(p^m)$  and thus  $e^u > e^m$ .  $\square$

This concludes the proof of Propositions 4 and 5.  $\square$

PROOF OF PROPOSITION 6. With a ban on below-cost pricing, the manufacturer's problem is to maximize  $\Pi_M(p, e)$  subject to (5.2). We rewrite (5.2) as follows:

$$(A.17) \quad (1 + \theta e)\varphi(p) - e\psi'(e) \geq 0,$$

so that the manufacturer's problem may be expressed in a more compact form as follows:

$$\max_{(p, e)} (\pi(p, c) - \varphi(p)) (1 + \theta e) \text{ subject to (A.17).}$$

Denote by  $\lambda^b$  the Lagrange multiplier for constraint (A.17). The Lagrangian writes as follows:

$$\mathcal{L}(p, e, \lambda^b) = (\pi(p, c) - \varphi(p)) (1 + \theta e) + \lambda^b ((1 + \theta e)\varphi(p) - e\psi'(e)).$$

Assuming concavity of this Lagrangian in  $(p, e)$  and optimizing with respect to  $p$  and  $e$  respectively yields the following Karush-Khün-Tucker first-order necessary conditions:

$$(A.18) \quad \pi_p(p^b) - (1 - \lambda^b)\varphi'(p^b) = 0,$$

$$(A.19) \quad \theta \left( \pi(p^b) - (1 - \lambda^b)\varphi(p^b) \right) = \lambda^b \left( \psi'(e^b) + e^b\psi''(e^b) \right).$$

We now prove that (A.17) is binding. We proceed by contradiction. Suppose not, that is,  $\lambda^b = 0$ . Then, we would have  $p^b = \tilde{p}$  and  $e^b = 1$ . These values do not satisfy the break-even condition (4.10) and, *a fortiori*, the more demanding constraint (5.2) when Assumption 5 holds. Therefore, (5.2), or equivalently (5.1), is binding at the optimum.

The last item in the proposition follows from observing that, when  $e^b > 0$ , we have  $(1 + \theta e^b)\varphi(p^b) = e^b\psi'(e^b) > \psi(e^b)$ .  $\square$

PROOF OF PROPOSITION 7. With  $D(p) = (a - bp)^{\frac{1}{\delta}}$ , (4.5) and (4.6) can respectively be expressed as

$$(A.20) \quad w = p + e^2\mu(a - bp)^{-\frac{1}{\delta}} - \frac{(a - bp)\delta(1 + \theta e)}{b},$$

$$(A.21) \quad z = (1 + \theta e) \left( \frac{e\mu(a - bp)^{-\frac{1}{\delta}}}{\theta} - \frac{(a - bp)\delta}{b} \right).$$

From this, we can express the manufacturer's and the retailer's profit as function of  $(p, e)$  respectively as follows:

$$(A.22) \quad \Pi_M(p, e) = \frac{(1 + \theta e)(a - bp)^{\frac{1}{\delta}}(b(-c + \delta p + p) - a\delta)}{b},$$

$$(A.23) \quad \Pi_R(p, e) = \frac{\delta(1 + \theta e)(a - bp)^{\frac{1}{\delta}+1}}{b} - \frac{\mu}{2}e^2.$$

Optimizing the Lagrangian with respect to  $p$  and  $e$  and solving yields the expressions of the price and the effort level as function of the multiplier  $\lambda^u$ , which we denote by  $P^u(\lambda^u)$  and  $E^u(\lambda^u)$ :

$$(A.24) \quad P^u(\lambda^u) = \frac{a}{b} - \frac{a - bc}{b(1 + \delta)(1 + \delta(1 - \lambda^u))},$$

$$(A.25) \quad E^u(\lambda^u) = \frac{\delta\theta}{b\mu} \left( \frac{a - bc}{\delta + 1} \right)^{\frac{1}{\delta}+1} \frac{1}{\lambda^u} \left( \frac{1}{1 + \delta(1 - \lambda^u)} \right)^{\frac{1}{\delta}}.$$

Plugging these expressions into the binding retailer's participation constraint, we obtain that  $\Pi_R(P^u(\lambda^u), E^u(\lambda^u)) = 0$  amounts to

$$(A.26) \quad \frac{\delta\theta^2}{2b\mu} \left( \frac{a - bc}{\delta + 1} \right)^{\frac{1}{\delta}+1} = \frac{(\lambda^u)^2(1 + \delta(1 - \lambda^u))^{\frac{1}{\delta}}}{1 + \delta - \lambda^u(2 + \delta)}.$$

The left-hand side in (A.26) is strictly positive. It can easily be shown that, for  $\lambda^u \in [0, \frac{1+\delta}{1+2\delta})$ , the right-hand side is strictly increasing in  $\lambda^u$  and takes values in  $[0, +\infty)$ . Therefore, there exists a unique  $\lambda^u \in [0, \frac{1+\delta}{1+2\delta})$  which satisfies (A.26).

Consider now that there is a ban on below-cost-pricing.  $(w, z)$  as functions of  $(p, e)$  are still given by (A.20) and (A.21). Profits of the retailer and the manufacturer are still given by (A.22) and (A.23).

The Karush-Khün-Tucker first-order condition with respect to price is the same as in the case with no ban on below-cost-pricing. Therefore,

$$(A.27) \quad P^b(\lambda^b) = P^u(\lambda^b),$$

where  $P^u$  is given by (A.24). The Karush-Khün-Tucker first-order condition with respect to effort leads to  $E^b(\lambda^b) = \frac{1}{2}E^u(\lambda^b)$  where  $E^u$  is given by (A.25). Replacing in the participation constraint (A.17), which must hold as an equality at the optimum, characterizes the Lagrange multiplier  $\lambda^b$ :

$$(A.28) \quad \frac{\delta\theta^2}{2b\mu} \left( \frac{a - bc}{\delta + 1} \right)^{\frac{1}{\delta}+1} = 2 \frac{(\lambda^b)^2(1 + \delta(1 - \lambda^b))^{\frac{1}{\delta}}}{1 + \delta(1 - \lambda^b) - 2\lambda^b}.$$

The left-hand side in (A.28) is strictly positive. The right-hand side in (A.28) is, for  $\lambda^b \in [0, \frac{1+\delta}{4+\delta})$ , strictly increasing and takes values in  $[0, +\infty)$ . Hence, there exists a unique  $\lambda^b \in (0, \frac{1+\delta}{4+\delta})$  such that (A.28) holds.

Comparing (A.26) and (A.28), it comes immediately that  $\lambda^u > \lambda^b$ . From (A.24), we obtain that  $(P^u)'(\lambda) < 0$ . Therefore, we have that:  $p^b = P^b(\lambda^b) = P^u(\lambda^b) > P^u(\lambda^u) = p^u$ .

It remains to compare effort levels. Remind that  $e^u = E^u(\lambda^u)$  and  $e^b = \frac{1}{2}E^u(\lambda^b)$ , where  $E^u(\cdot)$  is defined by (A.25). Since  $\lambda^u$  is implicitly defined by (A.26), we obtain the following

simplification:

$$(A.29) \quad E^u(\lambda^u) = \frac{1}{\theta} \frac{2\lambda^u}{(1+\delta) - (2+\delta)\lambda^u}.$$

Similarly, since  $\lambda^b$  is implicitly defined by (A.28), we obtain:

$$(A.30) \quad E^b(\lambda^b) = \frac{1}{2} E^u(\lambda^b) = \frac{1}{\theta} \frac{2\lambda^b}{(1+\delta) - (2+\delta)\lambda^b}.$$

Since  $\frac{2x}{(1+\delta)-(2+\delta)x}$  is strictly increasing in  $x$  and  $\lambda^u > \lambda^b$ , we have  $e^u > e^b$ .  $\square$

QUANTIFYING ANTITRUST DAMAGES IN UPSTREAM COLLUSION CASES. Simple computations lead to the following expressions:  $\pi^m = \frac{\delta}{b} \left(\frac{a-bc}{1+\delta}\right)^{1+\frac{1}{\delta}}$ ,  $D(p^m) = \left(\frac{a-bc}{1+\delta}\right)^{\frac{1}{\delta}}$ , and  $e^m = \frac{\theta}{\mu} \frac{\delta}{b} \left(\frac{a-bc}{1+\delta}\right)^{1+\frac{1}{\delta}}$ . When manufacturers collude under a ban on below-cost pricing, using the proof of Proposition 7, we obtain:

$$\begin{aligned} p^b &= \frac{a}{b} - \frac{a-bc}{b(1+\delta)(1+\delta(1-\lambda^b))}, \\ D(p^b) &= \left( \frac{a-bc}{(1+\delta)(1+\delta(1-\lambda^b))} \right)^{\frac{1}{\delta}}, \\ e^b &= \frac{\delta\theta}{2b\mu} \left( \frac{a-bc}{\delta+1} \right)^{\frac{1}{\delta}+1} \frac{1}{\lambda^b} \left( \frac{1}{1+\delta(1-\lambda^b)} \right)^{\frac{1}{\delta}}, \end{aligned}$$

where  $\lambda^b$  solves (A.28).

Then, the damage can be expressed as a function of  $\lambda^b$  only:

$$\frac{\Delta}{\pi^m} = 1 + \frac{4(\lambda^b)^2(1+\delta(1-\lambda^b))^\delta - (1+\delta(1-\lambda^b))^{-\delta}}{2(1+\delta - (2+\delta)\lambda^b)},$$

where  $\lambda^b$  depends only on the ratio of the demand with and without collusion:

$$(1+\delta(1-\lambda^b))^{\frac{1}{\delta}} = \frac{D(p^m)}{D(p^b)}.$$

This concludes the proof.  $\square$

PROOF OF PROPOSITIONS 8 AND 9. Let denote by  $\pi_1(p_1, p_2) = (p-c)D_1(p_1, p_2)$  and  $\varphi(p_1, p_2) = \frac{(D(p_1, p_2))^2}{-\frac{\partial D}{\partial p_1}(p_1, p_2)}$ . Let us assume that, for all relevant  $(p_1, p_2)$ ,  $\frac{\partial^2 \pi}{\partial p_1^2}(p_1, p_2) < 0$  and  $\frac{\partial^2 \pi}{\partial p_1 \partial p_2}(p_1, p_2) > 0$ .

This implies that the best response  $P_2(p_1)$  defined in (6.3) is upward-sloping. Let us further assume that that best response has a slope smaller than 1. Observe that  $\varphi_{p_1}(p_1, p_2) \leq 0$ , which is a familiar condition from our analysis of the single-product scenario, follows from assuming concavity of the demand function in its own price, that is,  $\frac{\partial^2 D}{\partial p_1^2}(p_1, p_2) \leq 0$ . As is the main analysis, we shall assume that  $\frac{\partial^2 \varphi}{\partial p_1^2}(p_1, p_2) \leq 0$ , and we further impose that  $\frac{\partial^2 \varphi}{\partial p_1 \partial p_2}(p_1, p_2) \geq 0$ ; these assumptions are satisfied with the linear demands system that we shall use later on.

NO BAN ON BELOW-COST-PRICING. With no ban on below-cost-pricing, the manufacturer maximizes  $\Pi_M(e_1, p_1, p_2) = (1+\theta e_1)(\pi_1(p_1, p_2) - \varphi(p_1, p_2))$  with respect to  $(e_1, p_1)$  and subject

to (6.4). The Lagrangian associated to this problem is  $(1 + \theta e_1)[\pi_1(p_1, p_2) - \varphi(p_1, p_2)] + \lambda_1^u[(1 + \theta e_1)\varphi(p_1, p_2) - \psi(e_1)]$ . Optimizing with respect to  $p_1$  leads to the following:

$$\pi_{p_1}(p_1, p_2) - (1 - \lambda_1^u)\varphi_{p_1}(p_1, p_2) = 0.$$

The solution of that equation defines the best response in price  $P_1^u(p_2)$ . It is straightforward to show that, in equilibrium,  $\lambda_1^u \in (0, 1)$ . Under our assumptions on  $\varphi(\cdot)$ , the best response  $P_1^u(p_2)$  remains upward-sloping and lies above  $P_1(p_2)$ . This allows to prove Proposition 8.

**BAN ON BELOW-COST-PRICING.** Consider now the case of a ban on below-cost-pricing. The participation constraint of the retailer is now given by (6.6). The Lagrangian associated to this problem is  $(1 + \theta e_1)[\pi_1(p_1, p_2) - \varphi(p_1, p_2)] + \lambda_1^b[(1 + \theta e_1)\varphi(p_1, p_2) - \psi(e_1) - R(e_1)]$ . Optimizing with respect to  $p_1$  leads to the following:

$$\pi_{p_1}(p_1, p_2) - (1 - \lambda_1^b)\varphi_{p_1}(p_1, p_2) = 0.$$

The solution of that equation defines the best response in price  $P_1^b(p_2)$ . Assuming that  $\lambda_1^b < \lambda_1^u$ , the best response  $P_1^b(p_2)$  lies above  $P_1^u(p_2)$ . This allows to prove the first item in Proposition 9.

**LINEAR-QUADRATIC SPECIFICATION.** Let us now consider the following linear-quadratic specification of the model. Demand functions are given by  $D_i(p_i, p_j) = \frac{1}{b^2 - \gamma^2}[b(a - p_i) - \gamma(a - p_j)]$  for  $i \neq j \in \{1, 2\}$ , with  $b > \gamma \geq 0$ . The cost of effort is given by  $\psi(e_1) = \frac{\mu}{2}e_1^2$ .

For a given  $p_2$ , the optimal price, effort level and Lagrange multiplier are given by

$$(A.31) \quad P_1^u(p_2, \lambda_1^u) = \frac{a(b - \gamma)(3 - 2\lambda_1^u) + bc + \gamma p_2(3 - 2\lambda_1^u)}{2b(2 - \lambda_1^u)},$$

$$(A.32) \quad E_1^u(\lambda) = \frac{2\lambda_1^u}{\theta(2 - 3\lambda_1^u)},$$

$$(A.33) \quad \frac{(b(a - c) - \gamma(a - p_2))^2 \theta^2}{8\mu b(b^2 - \gamma^2)} = \frac{(2 - \lambda_1^u)(\lambda_1^u)^2}{2 - 3\lambda_1^u}.$$

The best response of the integrated retailer is given by:

$$(A.34) \quad P_2(p_1) = \frac{1}{2b}(b(a + c) - \gamma(a - p_1)).$$

Combining (A.31) and (A.34) allows to obtain prices as function of the multiplier:

$$P_1(\lambda_1^u) = \frac{a(3 - 2\lambda_1^u)(b - \gamma)(2b + \gamma) + bc(\gamma(3 - 2\lambda_1^u) + 2b)}{4b^2(2 - \lambda_1^u) - \gamma^2(3 - 2\lambda_1^u)},$$

$$P_2(\lambda_1^u) = \frac{a(b - \gamma)(4b + 3\gamma - 2\lambda_1^u(b + \gamma)) + bc(2b(2 - \lambda_1^u) + \gamma)}{4b^2(2 - \lambda_1^u) - \gamma^2(3 - 2\lambda_1^u)}.$$

$P_2(\lambda_1^u)$  can be replaced in (A.33) to obtain the multiplier:

$$(A.35) \quad \frac{(\lambda_1^u)^2 (4b^2(2 - \lambda_1^u) - \gamma^2(3 - 2\lambda_1^u))^2}{(2 - \lambda_1^u)(2 - 3\lambda_1^u)} = \frac{b\theta^2(a - c)^2(b - \gamma)(2b + \gamma)^2}{2\mu(b + \gamma)}.$$

The right-hand side in (A.35) is strictly positive. Notice that  $\lambda_1^u \in (0, 1)$  and  $b > \gamma > 0$  implies that  $4b^2(2 - \lambda_1^u) - \gamma^2(3 - 2\lambda_1^u) > 0$ . It is then straightforward to show that the left-hand side in (A.35) is strictly increasing in  $\lambda_1^u$  for  $\lambda_1^u \in (0, \frac{2}{3})$  and takes values in  $(0, +\infty)$ . To summarize, there exists a unique  $\lambda_1^u \in (0, \frac{2}{3})$  such that the participation constraint (6.4) is binding at equilibrium.

Consider now a ban on below-cost-pricing. We shall not detail the computations in that

case as they are similar to the ones performed in the previous case. Simply notice that the binding participation writes at equilibrium as follows:

$$(A.36) \quad \frac{(\lambda_1^b)^2 (4b^2(2 - \lambda_1^b) - \gamma^2(3 - 2\lambda_1^b))^2}{(2 - \lambda_1^b)(2 - 3\lambda_1^b)} = \frac{b\theta^2(a - c)^2(b - \gamma)(2b + \gamma)^2}{4\mu(b + \gamma)}.$$

Comparing (A.35) and (A.36) immediately leads to  $\lambda_1^b < \lambda_1^u$ . □

## ONLINE APPENDIX

We discuss the validity of the first-order approach used in the main analysis. When Assumption 1 holds, the retailer's profit function  $\Pi_R(p, e) = \pi(p, w) + \theta e\pi(p, w - z) - \psi(e)$  is strictly concave in  $(p, e)$ . The first-order conditions (4.2) and (4.3) characterize the retailer's choices of price and promotion effort, assuming that the promotion effort is strictly positive.

A possible deviation for the retailer is to choose  $e = 0$  and to set the corresponding price, namely  $\bar{p}(w) = \arg \max_p (p - w)D(p)$ . Choosing  $e = 0$  and  $p = \bar{p}(w)$  provides the retailer with a profit worth  $\bar{\Pi}_R(w) = (\bar{p}(w) - w)D(\bar{p}(w))$ . Observe that  $\bar{p}(w)$  is the solution of  $h(\bar{p}(w)) = w$  with  $h(\bar{p}(w)) = \bar{p}(w) + \frac{D(\bar{p}(w))}{D'(\bar{p}(w))}$ . Under our assumptions on  $D(\cdot)$ , we have  $h'(\cdot) > 0$  and thus  $(h^{-1})' = \frac{1}{h'} > 0$ . Hence, we have  $\bar{p}(w) = h^{-1}(w)$  and  $\bar{\Pi}_R(w) = \varphi(h^{-1}(w))$ .

In the sequel, we show two results. First, for the class of demand functions  $D(p) = (a - bp)^{\frac{1}{\delta}}$  with  $\delta > 0$  and  $a - bp \geq 0$ , such a deviation towards no effort and the corresponding price is never profitable for the retailer if  $\delta \geq 1$ . Second, for an exponential demand function  $D(p) = e^{a-bp}$  (which corresponds to the limit case of  $D(p) = (a - bp)^{\frac{1}{\delta}}$  when  $\delta$  goes to 0), the deviation towards no effort must be taken into account; but this does not change qualitatively our main results.

Consider that demand is given by  $D(p) = (a - bp)^{\frac{1}{\delta}}$ . It is immediate to show that  $\bar{p}(w) = \frac{a\delta + bw}{b(1 + \delta)}$ , so that  $D(\bar{p}(w)) = (\frac{a - bw}{1 + \delta})^{\frac{1}{\delta}}$ . Using (A.20)-(A.21) and (A.24)-(A.25), we can reconstruct the optimal wholesale price and rebate as functions of the multiplier  $\lambda^u$ , which we denote by  $W^u(\lambda^u)$  and  $Z^u(\lambda^u)$ . Therefore, at the manufacturer's optimum, the retailer has no incentives to deviate towards no effort and the corresponding price if and only if  $\bar{p}(W^u(\lambda^u)) - W^u(\lambda^u) \leq 0$  (or equivalently  $D(\bar{p}(W^u(\lambda^u))) \leq 0$ ), which can be rewritten as follows:

$$(B.1) \quad \frac{1}{1 + \delta(1 - \lambda^u)} \left( a - bc - \frac{\delta^2 \theta^2 (1 - \lambda^u) ((\delta + 1)(1 + \delta(1 - \lambda^u)))^{-\frac{1}{\delta}} (a - bc)^{\frac{1}{\delta} + 2}}{b(\delta + 1)(\lambda^u)^2 \mu} \right) \leq 0.$$

Since the multiplier  $\lambda^u$  is given by (A.26), (B.1) can be simplified to:

$$(B.2) \quad \frac{1 - \delta(1 - \lambda^u) - 2\lambda^u}{1 + \delta(\delta + 2)(1 - \lambda^u)^2 - 2\lambda^u} \leq 0.$$

The left-hand side term in (B.2) is strictly decreasing in  $\lambda^u$ . Hence, a sufficient condition for (B.2) to always hold is that this inequality is satisfied for  $\lambda^u = 0$ , or  $\frac{1 - \delta}{(\delta + 1)^2} \leq 0$ , or  $\delta \geq 1$ .

Notice that (B.2) is never satisfied for  $\delta = 0$ . Our demand function  $D(p) = (a - bp)^{\frac{1}{\delta}}$  is defined for  $\delta > 0$  and gives at the limit case  $\delta \rightarrow 0$  the log-linear/exponential demand. We now consider this case and assume that demand is given by  $D(p) = e^{a-bp}$ .

We can then adapt the methodology used in the proof of Propositions 4 and 5 to show that the manufacturer's problem writes as follows:

$$\max_{(p, e)} (\pi(p, e) - \varphi(p)) (1 + \theta e) \text{ subject to } (1 + \theta e)\varphi(p) - \psi(e) \geq \varphi(\bar{p}(W(p, e))),$$

where  $w$  can be expressed as function of the pair  $(p, e)$  that the manufacturer wants to implement using (4.5), which leads to  $\varphi(\bar{p}(W(p, e))) = \varphi \left( h^{-1} \left( h(p) + \frac{D(p)}{D'(p)} \theta e + \frac{e\psi'(e)}{D(p)} \right) \right)$ .

Closed-form solutions of the optimum are not possible. We therefore rely on simulations using the following values of parameters:  $a = b = 1$ ,  $c = 0$ ,  $\mu = 15$  and  $\theta \in [.1, 8]$ . We vary  $\theta$  with an increment of .1 to obtain 80 simulations. For each simulation, we determine numerically

the optimum using Mathematica.<sup>27</sup> While both the price and effort level are now chosen to limit the retailer's profit if it exerts no effort, those distortions do not appear to change qualitatively our results. Under a ban on below-cost pricing, simulations also show that the possibility to exert no effort and set the corresponding price is never relevant in equilibrium.

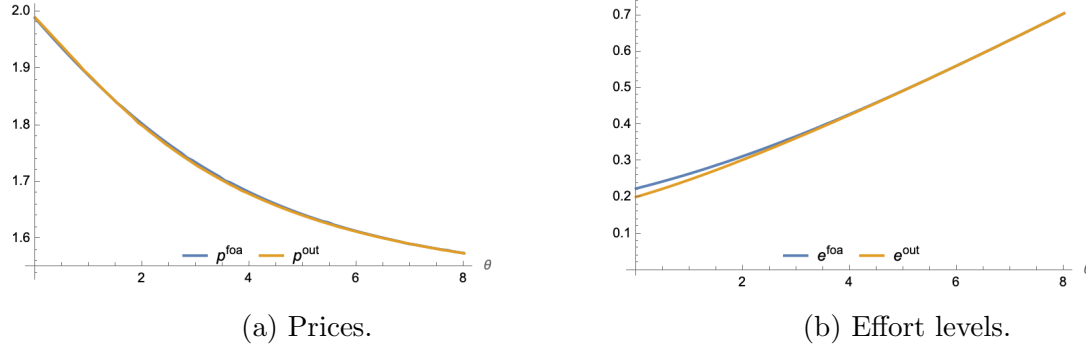


Figure B.1: With an exponential demand and a quadratic disutility of effort ( $D(p) = e^{1-p}$  and  $\psi(e) = \frac{15}{2}e^2$ ,  $c = 0$ ), comparison of the optimal price (Panel (a)) and effort level (Panel (b)) under the first-order approach ( $p^{\text{foa}}$  and  $e^{\text{foa}}$ ) and when the retailer can choose no effort ( $p^{\text{out}}$  and  $e^{\text{out}}$ ).

<sup>27</sup>The file used for these numerical simulations is available on the second author's webpage.