IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA	)	
	)	Criminal No.
v.	)	
	)	Filed: 8/27/2001
	)	
DAESANG JAPAN, INC.,	)	Violation: 15 U.S.C. § 1
	)	
Defendant.	)	Judge:

INFORMATION

The United States of America, acting through its attorneys, charges:

I

DESCRIPTION OF THE OFFENSE

1. Daesang Japan, Inc., ("the defendant"), a corporation organized and existing under the laws of Japan, is made a defendant on the charge stated below.

2. Beginning at least as early as July 1992 and continuing into August 1996, the exact dates being unknown to the United States, the defendant and co-conspirators entered into and participated in a combination and conspiracy to suppress and eliminate competition by fixing the price of and allocating customers for nucleotides in the United States and elsewhere. The combination and conspiracy engaged in by the defendant and its co-conspirators was in unreasonable restraint of interstate and foreign trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

3. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among the defendant and co-conspirators regarding nucleotides sold in the United States and elsewhere, the substantial terms of which were:

(a) to agree to fix, increase, and maintain prices and to coordinate price increases for the sale of nucleotides in the United States and elsewhere; and,

(b) to agree to allocate among the corporate conspirators customers for nucleotides in the United States and elsewhere.

4. For the purpose of forming and carrying out the charged combination and conspiracy, the defendant and co-conspirators did those things that they combined and conspired to do, including, among other things:

(a) participating in meetings and conversations to discuss the prices and volumes of nucleotides sold in the United States and elsewhere;

(b) agreeing, during those meetings and conversations, to charge prices at specified levels and otherwise to fix, increase, and maintain prices of nucleotides sold in the United States and elsewhere;

(c) agreeing, during those meetings and conversations, to allocate among the corporate conspirators customers for nucleotides in the United States and elsewhere;

(d) selling nucleotides at the agreed-upon prices and in accordance with the agreed-upon customer allocations in the United States and elsewhere;

(e) exchanging sales and customer information for the purpose of monitoring and enforcing adherence to the agreements reached; and,

(f) issuing price announcements and price quotations in accordance with the above-described agreements.

II

BACKGROUND

5. Nucleotides are organic compounds used in the food flavor enhancer industry. While not as well known as monosodium glutamate (MSG), nucleotides have gained wide acceptance as a flavor enhancer in a variety of food products.

6. Large quantities of nucleotides are sold to customers in the human food industry.

III

DEFENDANT AND CO-CONSPIRATORS

7. During the period covered by this Information, the defendant, as Miwon Japan, Inc., was a corporation organized and existing under the laws of Japan, with its principal place of business in Tokyo, Japan, and was owned, in part, by Miwon Co., Ltd., a business entity that, during the period covered by this Information, was organized and existing under the laws of Korea, with its principal

place of business in Seoul, Korea. During the period covered by this Information, the defendant was engaged in the sale of nucleotides outside the United States and conspired with other co-conspirators who were engaged in the manufacture and sale of nucleotides in the United States and elsewhere.

8. Various corporations and individuals not made defendants herein participated as co-conspirators in the offense charged herein and performed acts and made statements in furtherance thereof.

9. Wherever in this Information reference is made to any act, deed, or transaction of a corporation, the allegation means that the corporation engaged in the act, deed, or transaction by or through its officers, directors, agents, employees, or representatives while they were actively engaged in the management, direction, control, or transaction of its business or affairs.

IV

TRADE AND COMMERCE

10. During the period covered by this Information, the conspirators sold and distributed a substantial quantity of nucleotides across state lines and into the United States in a continuous and uninterrupted flow of interstate and foreign trade and commerce.

11. During the period covered by this Information, the activities of the conspirators that are the subject of this Information were within the flow of, and substantially affected, interstate and foreign trade and commerce.

V

JURISDICTION AND VENUE

12. The combination and conspiracy charged in this Information was carried out, in part, within the Northern District of Texas within the five years preceding the filing of this Information.

ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

Dated:

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