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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA	)	FILED: 9/24/97
	)	
v.	)	CRIM. NO.: CR97-00284FMS
	)	
MARCEL L. VAN EEKHOUT,	)	JUDGE SMITH
	)	
Defendant.	)	INFORMATION
	)	
	)	VIOLATION:
	)	Title 15, United States Code,
	)	Section 1 (Price Fixing)
	)	

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

I.

DESCRIPTION OF THE OFFENSE

1. MARCEL L. VAN EEKHOUT is made a defendant on the charge stated below.
2. Beginning in or about August 1993 until June 1995, the defendant and co-conspirators entered into and engaged in a combination and conspiracy to suppress and eliminate competition by fixing the price and allocating the market shares of sodium gluconate offered for sale to customers in the United States and elsewhere. The

combination and conspiracy, engaged in by the defendant and co-conspirators, was in unreasonable restraint of interstate 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 conspirators, the substantial terms of which were:

- (a) to agree to fix and maintain prices and to coordinate price increases for the sale of sodium gluconate in the United States and elsewhere; and
- (b) to agree to allocate market shares among major producers of sodium gluconate 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 market shares of sodium gluconate sold in the United States and elsewhere;
- (b) agreeing, during those meetings and conversations, to charge prices at certain levels and otherwise to increase and maintain prices of sodium gluconate sold in the United States and elsewhere;
- (c) agreeing, during those meetings and conversations, to allocate market shares among major producers of sodium gluconate in the United States and elsewhere;
- (d) issuing price announcements and price quotations in accordance with the agreements reached; and
- (e) participating in meetings and conversations to discuss prices and sales of sodium gluconate sold in the United States and elsewhere, and exchanging information on sales of sodium gluconate in the United States and elsewhere,

for the purpose of monitoring and enforcing adherence to the agreed-upon prices and market shares.

## II.

### DEFENDANT AND CO-CONSPIRATORS

5. During the period covered by this Information, MARCEL L. VAN EEKHOUT was the managing director of Glucona v.o.f., a Dutch partnership, which was engaged in the business of producing sodium gluconate and importing it into the United States and elsewhere.

6. Various corporations and individuals, not made defendants in this Information, participated as co-conspirators in the offense charged herein and performed acts and made statements in furtherance of it.

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

## III.

### TRADE AND COMMERCE

8. Sodium gluconate is an organic chemical used as an industrial cleaning agent. All references to sodium gluconate in this Information include the product gluconic acid.

9. During the period covered by this Information, the defendant and co-conspirators sold and distributed sodium gluconate in a continuous and uninterrupted flow of interstate commerce to customers located in states other than the states or countries in which the defendant and co-conspirators produced sodium gluconate.

10. The business activities of the defendant and co-conspirators that are the subject of this Information were within the flow of, and substantially affected, interstate trade and commerce.

IV.

JURISDICTION AND VENUE

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

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

Dated:

\_\_\_\_\_/s/\_\_\_\_\_  
Joel I. Klein  
Assistant Attorney General

\_\_\_\_\_/s/\_\_\_\_\_  
Gary R. Spratling  
Deputy Assistant Attorney General

\_\_\_\_\_/s/\_\_\_\_\_  
John T. Orr  
Director of Criminal Enforcement

\_\_\_\_\_/s/\_\_\_\_\_  
Christopher S Crook  
Chief, San Francisco Office

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