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RECEIVED
U.S. DISTRICT COURT
SAN FRANCISCO, CALIFORNIA

7
8 UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

CAL

10 CR - 99 - 0144

11 UNITED STATES OF AMERICA)

No. CR. 99 -

12 v.)

INFORMATION

13)
14 HOECHST AKTIENGESELLSCHAFT)

VIOLATION:
Title 15, United States Code,
Section 1 (Price Fixing)

15 and)

16 BERND ROMAHN,)

17 Defendants.)

San Francisco Venue

18
19 The United States of America, acting through its attorneys, charges:

20 I.

21 DESCRIPTION OF THE OFFENSE

22 1. HOECHST AKTIENGESELLSCHAFT ("HOECHST") and BERND
23 ROMAHN ("ROMAHN") are made defendants on the charge stated below.

24 2. From in or about January 1979 until in or about December 1996,
25 defendant HOECHST and co-conspirators, and from in or about August 1984 until in
26 or about December 1996, defendant ROMAHN and co-conspirators, participated in a

1 combination and conspiracy to suppress and eliminate competition by fixing the prices
2 and allocating the market shares of sorbates to be sold in the United States and
3 elsewhere. The combination and conspiracy engaged in by the defendants and
4 co-conspirators was in unreasonable restraint of interstate trade and commerce in
5 violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

6 3. The charged combination and conspiracy consisted of a continuing
7 agreement, understanding, and concert of action among the conspirators, the
8 substantial terms of which were:

- 9 (a) to agree to fix and maintain prices and to coordinate price increases
10 for the sale of sorbates in the United States and elsewhere; and
11 (b) to agree to allocate market shares among major producers of
12 sorbates in the United States and elsewhere.

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

- 16 (a) participating in meetings and conversations to discuss the prices of
17 sorbates to be sold in the United States and elsewhere;
18 (b) agreeing, during those meetings and conversations, to charge prices
19 at certain levels and otherwise to increase and maintain prices of
20 sorbates to be sold in the United States and elsewhere;
21 (c) agreeing, during those meetings and conversations, to allocate
22 market shares among major producers of sorbates in the United
23 States and elsewhere;
24 (d) issuing price announcements and price quotations in accordance
25 with the agreements reached; and
26

1 (e) participating in meetings and conversations to discuss prices and
2 sales of sorbates to be sold in the United States and elsewhere, and
3 exchanging information on sales of sorbates in the United States
4 and elsewhere, for the purpose of monitoring and enforcing
5 adherence to the agreed-upon prices and market shares.

6 II.

7 DEFENDANTS AND CO-CONSPIRATORS

8 5. HOECHST is a corporation organized and existing under the laws of
9 Germany. ROMAHN is the former Marketing Manager of HOECHST's Food
10 Ingredients Business Unit. During the periods covered by this Information,
11 HOECHST and ROMAHN were engaged in the business of producing and selling
12 sorbates to customers in the United States and elsewhere.

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

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

21 III.

22 TRADE AND COMMERCE

23 8. Sorbates are chemical preservatives used primarily as mold inhibitors in
24 high-moisture and high-sugar food products. All references to sorbates in this
25 Information include the products potassium sorbate and sorbic acid.

26 9. During the period covered by this Information, the defendants and

1 co-conspirators sold and distributed sorbates in a continuous and uninterrupted flow of
2 interstate commerce to customers located in states or countries other than the states or
3 countries in which the defendants and co-conspirators produced sorbates.

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

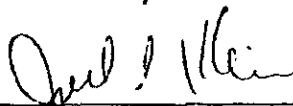
7 IV.


8 JURISDICTION AND VENUE

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

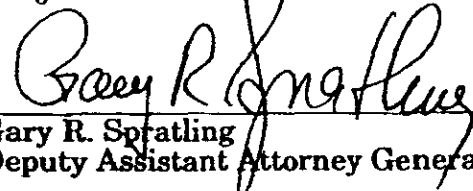
12 ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

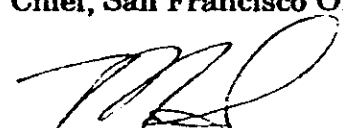
13 Dated: *May 3, 1999*

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15 _____
16 Joel I. Klein
17 Assistant Attorney General



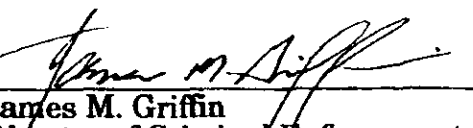
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