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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA)	No. CR 98- 00144
)	Filed: 06/23/98
v.)	INFORMATION
)	VIOLATION:
CERESTAR BIOPRODUCTS BV)	Title 15 United States Code,
)	Section 1 (Price Fixing)
and)	Judge: Smith
SILVIO KLUZER,)	
)	
Defendants.)	

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

I.

DESCRIPTION OF THE OFFENSE

1. CERESTAR BIOPRODUCTS BV and SILVIO KLUZER are made defendants on the charge stated below.

2. From November 1992 until April 1994, the defendants and co-conspirators participated in a combination and conspiracy to suppress and eliminate competition by fixing and maintaining the price and allocating the market shares of citric acid in the United States and elsewhere. The combination and conspiracy, engaged in by the defendants 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 citric acid in the United States and elsewhere; and
- (b) to agree to allocate market share among major producers of citric acid in the United States and elsewhere.

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

- (a) participating in meetings and conversations, including a meeting in Chicago, Illinois, to discuss the prices and sales of citric acid 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 citric acid sold in the United States and elsewhere;
- (c) agreeing, during those meetings and conversations, to allocate market shares among major producers of citric acid in the United States and elsewhere, including allocating a share to defendant CERESTAR

BIOPRODUCTS BV, expressed as a percentage of the conspirators' total annual sales of citric acid;

- (d) issuing price announcements and price quotations in accordance with the agreements reached; and
- (e) exchanging information on sales of citric acid in the United States and elsewhere, for the purpose of monitoring and enforcing adherence to the agreed-upon prices and market shares.

II.

DEFENDANTS AND CO-CONSPIRATORS

5. CERESTAR BIOPRODUCTS BV ("CERESTAR") is a corporation organized and existing under the laws of The Netherlands. SILVIO KLUZER is the Managing Director (a position roughly equivalent to the Chairman of the Board of Directors of a U.S. corporation) of CERESTAR. In his capacity as Managing Director of CERESTAR, SILVIO KLUZER was responsible for oversight of citric acid operations worldwide. Between November 1992 and April 1994, CERESTAR exported to North America citric acid manufactured in Italy by a branch of CERESTAR. During the period covered by this Information, CERESTAR and SILVIO KLUZER were engaged in the business of producing, selling, and distributing citric acid to customers in 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,

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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. Citric acid is an organic acid used in various food products and beverages, cosmetics, medicine, detergents, chemicals, and textiles.

9. During the period covered by this Information, the defendants and co-conspirators sold and distributed citric acid in a continuous and uninterrupted flow of interstate commerce to customers located in states other than the states or countries in which the defendants and co-conspirators produced citric acid. During the conspiracy, CERESTAR sold citric acid to unaffiliated resellers in the United States for eventual sale to United States' customers. In addition, the defendants sent, or caused to be sent into the United States shipment reports, billing documents, and other documents essential to the shipment of citric acid, and received payment from purchasers in the United States.

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

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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/_____
Christopher S Crook
Chief, San Francisco Office

_____/s/_____
Gary R. Spratling
Deputy Assistant Attorney General

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