

IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF MISSOURI

ST. LOUIS DIVISION

UNITED STATES OF AMERICA)	Criminal No. 4:03CR572CAS
)	
v.)	Filed: 9/18/03
)	
ERIC DESCOURAUX,)	Violation:
)	15 U.S.C. § 1
Defendant.)	

INDICTMENT

The Grand Jury charges:

CONSPIRACY TO RESTRAIN TRADE

(15 U.S.C. § 1)

I

DESCRIPTION OF THE OFFENSE

1. Eric Descouraux is hereby indicted and made a defendant on the charge stated below.
2. Beginning at least as early as November 1990 and continuing until at least December 31, 1999, the exact dates being unknown to the Grand Jury, the defendant and co-conspirators engaged in a combination and conspiracy to suppress and restrain competition by fixing the price of and allocating customers for pharmaceutical grade methyl glucamine sold in the United States and elsewhere. The combination and conspiracy engaged in by the defendant and co-

conspirators was in unreasonable restraint of interstate and foreign trade and commerce in violation of Section One of the Sherman Act (15 U.S.C. § 1).

II

DEFENDANT AND CO-CONSPIRATORS

3. The defendant is a resident and citizen of France. During the period covered by this Indictment, Eric Descouraux was Sales and Marketing Director for Active Pharmaceutical Ingredients, World Industrial Operations/Third Party Relations of Rhone-Poulenc Rorer S.A., a corporation organized and existing under the laws of France. During the period covered by this Indictment, Rhone-Poulenc Rorer S.A., functioned as sales affiliate for Rhone-Poulenc Biochimie S.A., a corporation organized and existing under the laws of France. During the period covered by this Indictment, Rhone-Poulenc Biochimie S.A. was engaged in the sale and distribution of pharmaceutical grade methyl glucamine in the United States and elsewhere.

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

5. Whenever in this Indictment 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

THE CONSPIRACY

6. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among the defendant and co-conspirators, the substantial terms of which were to fix, increase, and maintain prices and to coordinate price increases for the sale of pharmaceutical grade methyl glucamine in the United States and elsewhere, and to allocate among the corporate conspirators customers for pharmaceutical grade methyl glucamine in the United States and elsewhere.

7. For the purpose of forming and carrying out the charged combination and conspiracy, the defendant and co-conspirators performed the following acts, among others:

- (a) participated in meetings and conversations to discuss the prices and volumes of pharmaceutical grade methyl glucamine sold in the United States and elsewhere;
- (b) agreed, during those meetings and conversations, to charge prices at specified levels and otherwise to fix, increase, and maintain prices of pharmaceutical grade methyl glucamine sold in the United States and elsewhere;
- (c) agreed, during those meetings and conversations, to allocate among the corporate conspirators customers for pharmaceutical grade methyl glucamine in the United States and elsewhere;
- (d) sold pharmaceutical grade methyl glucamine at the agreed-upon prices and in accordance with the agreed-upon customer allocations in the United States and elsewhere;

- (e) exchanged sales and customer information for the purpose of monitoring and enforcing adherence to the agreements reached; and,
- (f) issued price announcements and price quotations in accordance with the agreements reached.

IV

INTERSTATE AND FOREIGN TRADE AND COMMERCE

8. Pharmaceutical grade methyl glucamine is a chemical compound used to decrease the rate at which x-ray contrasting agents disperse throughout the body during imaging procedures. RP Biochimie and its corporate co-conspirator sold pharmaceutical grade methyl glucamine to businesses that used it to manufacture x-ray media products.

9. During the period covered by this Indictment, the defendant and/or his co-conspirators sold a substantial quantity of pharmaceutical grade methyl glucamine across state lines and into the United States in a continuous and uninterrupted flow of interstate and foreign trade and commerce, including to customers in the Eastern District of Missouri.

10. During the period covered by this Indictment, the business activities of the defendant and co-conspirators that are the subject of this Indictment were within the flow of, and substantially affected, interstate and foreign trade and commerce.

V

JURISDICTION AND VENUE

11. The combination and conspiracy charged in this Indictment was carried out, in part, within the Eastern District of Missouri, within the five years preceding the return of this Indictment.

ALL IN VIOLATION OF TITLE 15 U.S.C. § 1.

DATED this _____ day of _____, 2003.

A TRUE BILL

_____/s/
FOREPERSON

_____/s/
R. HEWITT PATE
Assistant Attorney General

_____/s/
JAMES M. GRIFFIN
Deputy Assistant Attorney General

_____/s/
SCOTT D. HAMMOND
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