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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA	)	Filed: 2/25/98
	)	
v.	)	INFORMATION
	)	
FUJISAWA PHARMACEUTICAL CO., LTD.,	)	VIOLATION:
	)	Title 15, United States Code,
and	)	Section 1 (Price Fixing)
	)	
AKIRA NAKAO,	)	Crim No.: CR 98-0035
	)	
Defendants.	)	Judge Smith
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The United States of America, acting through its attorneys, charges:

I.

DESCRIPTION OF THE OFFENSE

1. FUJISAWA PHARMACEUTICAL CO., LTD. and AKIRA NAKAO are made defendants on the charge stated below.

2. From August 1993 until June 1995, the defendants and co-conspirators participated 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 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 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 defendants 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.

### DEFENDANTS AND CO-CONSPIRATORS

5. FUJISAWA PHARMACEUTICAL CO., LTD. ("FUJISAWA") is a corporation organized and existing under the laws of Japan. AKIRA NAKAO is the associate executive director of the Chemical Division of FUJISAWA. FUJISAWA produced and sold sodium gluconate in North America through its U.S. subsidiary, PMP Fermentation Products, Inc. During the period covered by this Information, FUJISAWA and AKIRA NAKAO were engaged in the business of producing, selling, and distributing sodium gluconate 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, 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 defendants and co-conspirators sold and distributed sodium gluconate in a continuous and uninterrupted flow of interstate and foreign commerce to customers located in states or countries other than the states or countries in which the defendants and co-conspirators produced the sodium gluconate.

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/\_\_\_\_\_  
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Assistant Attorney General

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

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

\_\_\_\_\_/s/\_\_\_\_\_  
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\_\_\_\_\_/s/\_\_\_\_\_  
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