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UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA v. HAARMANN & REIMER CORPORATION HANS HARTMANN, Defendants.	**No. CR 97-00019 TEH** **INFORMATION** **VIOLATION:** **Title 15, United States Code,** **Section 1 (Price Fixing)** **Filed: [1/29/97]**

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

I.

DESCRIPTION OF THE OFFENSE

1. HAARMANN & REIMER CORPORATION and HANS HARTMANN are made defendants on the charge stated below.

2. Beginning in or about July 1991 until June 27, 1995, the defendants and co-conspirators entered into and engaged in a combination and conspiracy to suppress and eliminate competition by fixing the price and allocating the sales volumes of citric acid 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 citric acid in the United States and elsewhere; and

(b) to agree to allocate the volumes of sales of citric acid among the corporate conspirators 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 volumes of 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 among the corporate conspirators the volumes of sales of citric acid to be sold by each corporate conspirator 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 volumes of sales of citric acid sold in the United States and elsewhere, and exchanging information on the volumes of sales of citric acid in the United States and elsewhere, for the purpose of monitoring and enforcing adherence to the agreed-upon prices and sales volumes.

II.

DEFENDANTS AND CO-CONSPIRATORS

5. HAARMANN & REIMER CORPORATION ("HAARMANN & REIMER") is a corporation organized and existing under the laws of Delaware. HANS HARTMANN is a former director of HAARMANN & REIMER. HAARMANN & REIMER produces citric acid at its Food Ingredients Division facility located in Elkhart, Indiana. During the period covered by this Information, HAARMANN & REIMER and HANS HARTMANN 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, 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.

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.

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.

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

Dated:

_____"/s/"_____
Joel I. Klein
Acting Assistant Attorney General

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

_____"/s/"_____
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