UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA	)	**Criminal No.: 3-95-CR-292-D**
	)	
v.	)	**Filed: [9/28/95]**
	)	
CHARLES W. JOHNSON,	)	**Violation:**
	)	**18 U.S.C. § 1623**
Defendant.	)	
		Judge Fitzwater

INFORMATION

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

FALSE DECLARATIONS
(18 U.S.C. § 1623)

1. Charles W. Johnson is hereby made a defendant on the charge stated below.

2. From 1986 until April, 1993, Charles W. Johnson was the President of the Dallas bakery location operated by Campbell Taggart Baking Companies, Inc. and its predecessor corporation Manor Baking Company of Dallas (hereinafter referred to as "the Dallas Rainbo bakery"), and was engaged in the manufacture, sale and distribution of bread and bread products from the Dallas Rainbo bakery.

3. On June 29, 1995, in the Northern District of Texas, Charles W. Johnson testified under oath as a witness before a grand jury of the United States District Court for the Northern District of Texas, sitting in Dallas, Texas, and knowingly made

false material declarations concerning matters the grand jury was investigating, in violation of 18 U.S.C. § 1623.

4. At that time and place the grand jury was conducting an investigation to determine, among other things, whether any person or company engaged in the business of manufacturing and distributing bread and bread products, or their employees, had violated or was violating the Sherman Act (15 U.S.C. § 1), or other federal criminal laws, in the Northern District of Texas and elsewhere.

5. It was material to the grand jury's investigation to determine whether Charles W. Johnson, as former President of the Dallas Rainbo bakery:

(a) discussed the prices being charged, or to be charged, for bread and bread products sold by the Dallas Rainbo bakery, or any of its competitors, with any employee of a competitor of the Dallas Rainbo bakery;

(b) discussed coordinating or raising the prices to be charged for bread and bread products by the Dallas Rainbo bakery, or any competing bakery, with any employee of a competitor of the Dallas Rainbo bakery; or

(c) agreed to raise, fix or maintain prices for bread and bread products sold by the Dallas Rainbo bakery, or any of its competitors, with any employee of a competitor of the Dallas Rainbo bakery.

6. On June 29, 1995, Charles W. Johnson, while under oath, knowingly declared falsely before the grand jury with respect to the material matters set out in paragraph 5 above, as illustrated in the following examples of his testimony:

(Page and line references are to the official grand jury transcript of Charles Johnson, dated June 29, 1995. Declarations charged as false are underscored.)

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Page 70, Lines 11-13

Q Did you ever discuss with Mr. Oler about increasing prices in the marketplace?

A No.

****

Page 81, Lines 2-4

Q Did you ever have conversations with Mr. Oler about what Mrs. Bairds was going to be doing on its price?

A No.

****

Page 106, Lines 11-13

Q Did you ever have any discussions with Mr. Oler about Baird's prices or Rainbo's prices?

A No.

****

Page 121, Lines 1-9

Q Did you at any time during your tenure as president of the Dallas bakery have any conversations with Stanley Oler of Mrs. Bairds Bread where you asked Mr. Oler's assurance that Mrs. Bairds would follow a proposed price increase from your company? Do you follow my question?

A Yes.

Q What's your answer?

A The answer to that is no. I don't ever recall discussing anything like that with Stanley Oler.

****

Page 121, Lines 19-23

Q During your tenure at any time did Mr. Oler either call you or meet with you and ask whether your company, Rainbo, was going to match a proposed Mrs. Baird's price increase?

A No.

7. These declarations of Charles W. Johnson, as he then and there knew, were false in that (1) Charles W. Johnson did in fact discuss the prices being charged, and to be charged, for

bread and bread products sold by the Dallas Rainbo bakery, and its competitors with competitors of the Dallas Rainbo bakery; and (2) Charles W. Johnson did in fact discuss raising and coordinating the prices to be charged for bread and bread products by the Dallas Rainbo bakery and its competitors with employees of competitors of the Dallas Rainbo bakery.

ALL IN VIOLATION OF TITLE 18, UNITED STATES CODE, SECTION 1623.

DATED this _____ day of _____, 1995.

_____"/s/"_____
ANNE K. BINGAMAN
Assistant Attorney General

_____"/s/"_____
DUNCAN S. CURRIE

_____"/s/"_____
GARY R. SPRATLING
Deputy Assistant Attorney General

_____"/s/"_____
DAVID B. SHAPIRO

_____"/s/"_____
ALAN A. PASON
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Antitrust Division

_____"/s/"_____
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