

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X
UNITED STATES OF AMERICA : **Criminal No.: 95CR1065(MGC)**
v. : **Filed: [12/14/95]**
HARVEY SHAYEW, : **Violation:**
 : **15 U.S.C. §1**
Defendant. :
- - - - - X **Judge: Cedarbaum**

INFORMATION

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

DESCRIPTION OF THE OFFENSE

1. Harvey Shayew ("Shayew") is hereby made a defendant on the charge stated below.
2. Beginning in approximately 1989 and continuing until mid-1991, the exact dates being unknown to the United States, the defendant and co-conspirators engaged in a combination and conspiracy in unreasonable restraint of interstate trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. §1).
3. The aforesaid combination and conspiracy consisted of an agreement, understanding, and concert of action among the defendant and co-conspirators, the substantial terms of which were to rig bids and allocate contracts for the supply of display materials

awarded by Heublein, Inc.

4. For the purpose of forming and effectuating the aforesaid combination and conspiracy, the defendant and co-conspirators did those things which they combined and conspired to do, including, among other things:

(a) designating which supplier of display materials would be the low bidder on contracts awarded by Heublein, Inc.; and

(b) arranging for one or more higher, noncompetitive price quotations or bids from other suppliers to be submitted to Heublein, Inc.

DEFENDANT AND CO-CONSPIRATORS

5. Shayew resides in Bay Shore, New York. From approximately 1986 to the present, Shayew has been the owner and president of Harvey Shayew, Inc., ("HSI"), a broker of point-of-purchase display materials now located in Bay Shore, New York. During the period covered by this Information, HSI's major customer was Heublein, Inc. and Shayew was the company's principal sales representative to Heublein, Inc.

6. Whenever in this Information reference is made to any act, deed, or transaction of any corporation, such allegation shall be deemed to mean that the corporation engaged in such act, deed, or transaction by or through its officers, directors, agents, employees, or representatives while they were actively engaged in the management, direction, control, or transaction of its business or affairs.

7. Various persons and firms, not made defendants herein, participated as co-conspirators in the offense charged herein and performed acts and made statements in furtherance thereof.

TRADE AND COMMERCE

8. Display materials are used by many manufacturers, among them cigarette, consumer health goods, food, liquor and cosmetic companies, as a means of promoting their products.

9. During the period covered by this Information, Heublein, Inc., a liquor company headquartered in Farmington, Connecticut, purchased substantial quantities of display materials from suppliers located throughout the United States. These purchases were often made by issuing a contract to a supplier after the supplier had submitted a written price quotation or bid pursuant to Heublein's practice to seek at least three competitive bids for sizable contracts.

10. Between 1989 and mid-1991, the defendant and co-conspirators obtained a substantial number of contracts for display materials from Heublein, Inc. as a result of the conspiracy charged herein. In that same period and as a result of the conspiracy charged herein, HSI obtained contracts for display materials from Heublein, Inc. worth approximately \$810,000.

11. During the period covered by this Information, the activities of the defendant and co-conspirators with respect to the sale of display materials to Heublein, Inc. were within the flow of, and substantially affected, interstate commerce.

DEFINITION

12. "Display materials" means the manufacture, assembly, or packaging of any printed point-of-purchase display materials, including but not limited to display stands, posters, banners, counter cards, or sell sheets, used for the advertising or promotion of consumer goods, primarily in retail stores.

JURISDICTION AND VENUE

13. The aforesaid combination and conspiracy was formed and carried out, in part, within the Southern District of New York within the five years preceding the filing of this Information.

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

Dated:

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

"/s/"
REBECCA MEIKLEJOHN

"/s/"
GARY R. SPRATLING

"/s/"
STEVEN TUGANDER

"/s/"
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"/s/"
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