

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA	)	Criminal No.
	)	
v.	)	Filed: 8/23/01
	)	
TAMON TANABE,	)	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. Tamon Tanabe is hereby indicted and made defendant on the charge stated below.
2. Beginning at least as early as August 1994 and continuing until at least August 28, 1996, the exact dates being unknown to the Grand Jury, the defendant and others engaged in a combination and conspiracy to suppress and restrain competition in the sale of nucleotides 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 Japan. During the period covered by this Indictment, Tamon Tanabe was the Associate General Manager of the Seasoning and Related Products Department, Seasoning and Edible Oil Division, of Ajinomoto Co., Inc. (Ajinomoto), a corporation organized and existing under the laws of Japan, and was engaged in the sale and distribution of nucleotides 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 nucleotides in the United States and elsewhere, and to allocate among the corporate conspirators customers for nucleotides 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 nucleotides 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 nucleotides sold in the United States and elsewhere;
 - (c) agreed, during those meetings and conversations, to allocate among the corporate conspirators customers for nucleotides in the United States and elsewhere;
 - (d) sold nucleotides 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. During the period covered by this Indictment, the defendant and/or co-conspirators sold a substantial quantity of nucleotides in a continuous and uninterrupted flow of interstate and foreign trade and commerce to customers located in states or countries other than the states or countries in which the nucleotides were produced, including customers in the Northern District of Texas.

9. 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

10. The combination and conspiracy charged in this indictment was carried out, in part, within the Northern District of Texas, within the five years preceding the return of this Indictment.

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

DATED this _____ day of _____, 2001.

A TRUE BILL

FOREPERSON

CHARLES A. JAMES
Assistant Attorney General

ALAN A. PASON
Chief, Dallas Office
Antitrust Division

JAMES M. GRIFFIN
Deputy Assistant Attorney General

MITCHELL R. CHITWOOD

SCOTT D. HAMMOND
Director of Criminal Enforcement

GLENN A. HARRISON

Antitrust Division
U.S. Department of Justice

Attorneys
U.S. Department of Justice
Antitrust Division
Thanksgiving Tower
1601 Elm Street, Suite 4950
Dallas, Texas 75201-4717
(214) 880-9401