NIALL E. LYNCH (CSBN 157959)
LIDIA SPIROFF (CSBN 222253)
SIDNEY A. MAJALYA (CSBN 205047)
LARA M. KROOP (CSBN 239512)
Antitrust Division
U.S. Department of Justice
450 Golden Gate Avenue
Box 36046, Room 10-0101
San Francisco, CA 94102
Telephone: (415) 436-6660

Attorneys for the United States

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RICHARD W. WIEKING
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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

CR 06 0159 BZ

SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA v. SOLVAY S.A., **Defendant.**	No. CR **INFORMATION** VIOLATIONS: Title 15, United States Code, Section 1 (Price Fixing) San Francisco Venue

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

COUNT ONE - CONSPIRACY TO RESTRAIN TRADE: HYDROGEN PEROXIDE

1. SOLVAY S.A. is made a defendant on the charge stated below.

I.

DESCRIPTION OF THE OFFENSE

2. Beginning on or about July 1, 1998 and continuing until on or about December 1, 2001, the defendant and coconspirators participated in a combination and conspiracy to suppress and eliminate competition by fixing the price of hydrogen peroxide sold in the United States and elsewhere. The combination and conspiracy engaged in by the defendant and coconspirators was in unreasonable restraint of interstate and foreign 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 defendant and coconspirators, the substantial terms of which were to suppress and eliminate competition by fixing the price of hydrogen peroxide in the United States and elsewhere.

4. For the purpose of forming and carrying out the charged combination and conspiracy, the defendant and coconspirators did those things that they combined and conspired to do, including, among other things:

(a) participating in conversations and meetings to discuss prices of hydrogen peroxide to be sold in the United States and elsewhere;

(b) agreeing, during those conversations and meetings, to fix prices of hydrogen peroxide to be sold in the United States and elsewhere;

(c) participating in conversations and attending meetings concerning implementation of and adherence to the agreements reached;

(d) issuing price announcements and price quotations in accordance with the agreements reached; and

(e) exchanging information on the sale of hydrogen peroxide in the United States and elsewhere.

II.

DEFENDANT AND COCONSPIRATORS

5. The defendant is an entity organized and existing under the laws of Belgium, with its principal place of business in Brussels, Belgium. During the period covered by this Count, the defendant was engaged in the business of producing and selling hydrogen peroxide in the United States and elsewhere.

6. Various corporations and individuals, not made defendants in this Count, participated as coconspirators in the offense charged in this Count 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. Hydrogen peroxide is a chemical compound with strong oxidizing properties that is widely used as a bleaching agent. The same household chemical commonly used as a disinfectant for cuts and scrapes, hydrogen peroxide also has multiple industrial uses, including applications in the electronics, energy production, mining, cosmetics, food processing, textiles, and pulp and paper manufacturing industries.

9. During the period covered by this Count, the defendant and coconspirators manufactured, sold, and distributed hydrogen peroxide 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 defendant and coconspirators produced hydrogen peroxide.

10. The business activities of the defendant and coconspirators that are the subject of this Count were within the flow of, and substantially affected, interstate trade and commerce.

IV.

JURISDICTION AND VENUE

11. The combination and conspiracy charged in this Count 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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COUNT TWO - CONSPIRACY TO RESTRAIN TRADE: SODIUM PERBORATES

12. SOLVAY S.A. is made a defendant on the charge stated below.

V.

DESCRIPTION OF THE OFFENSE

13. Beginning on or about June 1, 2000 and continuing until on or about December 1, 2001, the defendant and its coconspirator participated in a combination and conspiracy to suppress and eliminate competition by fixing the price of sodium perborates sold to Procter & Gamble. The combination and conspiracy engaged in by the defendant and its coconspirator was in unreasonable restraint of interstate and foreign trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

14. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among the defendant and its coconspirator, the substantial terms of which were to suppress and eliminate competition by fixing the price of sodium perborates sold to Procter & Gamble.

15. For the purpose of forming and carrying out the charged combination and conspiracy, the defendant and its coconspirator did those things that they combined and conspired to do, including, among other things:

(a) participating in conversations and meetings to discuss prices of sodium perborates to be sold to Procter & Gamble;

(b) agreeing, during those conversations and meetings, to fix prices of sodium perborates to be sold to Procter & Gamble;

(c) participating in conversations and attending meetings concerning implementation of and adherence to the agreements reached;

(d) issuing price quotations in accordance with the agreements reached; and

(e) exchanging information on the sale of sodium perborates to be sold to Procter & Gamble.

VI.

DEFENDANT AND COCONSPIRATORS

16. The defendant is an entity organized and existing under the laws of Belgium, with its principal place of business in Brussels, Belgium. During the period covered by this Count, the defendant was engaged in the business of producing and selling sodium perborates to be sold in the United States and elsewhere.

17. Another corporation and various individuals, not made defendants in this Count, participated as coconspirators in the offense charged in this Count and performed acts and made statements in furtherance of it.

VII.

TRADE AND COMMERCE

18. The chemical compound sodium perborate is a strong oxidizing agent used to bleach, clean, and deodorize. The primary application of sodium perborates is in detergents, but it is also found in toothpaste, hair care products, and topical antiseptics and is used as a reactive agent in industrial processes.

19. During the period covered by this Count, the defendant and its coconspirator manufactured, sold, and distributed sodium perborates 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 defendant and coconspirators produced sodium perborates.

20. The business activities of the defendant and its coconspirator that are the subject of this Count were within the flow of, and substantially affected, interstate trade and commerce.

VIII.

JURISDICTION

21. The combination and conspiracy charged in this Count was carried out in the United States 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: March 14, 2006

Thomas O. Barnett
Assistant Attorney General

Phillip H. Warren
Chief, San Francisco Office

Scott D. Hammond
Deputy Assistant Attorney General

Niall E. Lynch
Assistant Chief, San Francisco Office

Marc Siegel
Director of Criminal Enforcement

United States Department of Justice
Antitrust Division

Lidia Spiroff
Sidney A. Majalya
Lara M. Kroop
Trial Attorneys

United States Department of Justice
Antitrust Division
450 Golden Gate Avenue
Box 36046, Room 10-0101
San Francisco, CA 94102
(415) 436-6660

Kevin V. Ryan
United States Attorney
Northern District of California