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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 SAN FRANCISCO DIVISION

15 UNITED STATES OF AMERICA)

No. CR

16 v.)

INFORMATION

17 SOLVAY S.A.,)

18 VIOLATIONS:
19 Title 15, United States Code,
20 Section 1 (Price Fixing)

21 Defendant.)

22 San Francisco Venue

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

24 **COUNT ONE - CONSPIRACY TO RESTRAIN TRADE: HYDROGEN PEROXIDE**

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

26 I.

DESCRIPTION OF THE OFFENSE

27 2. Beginning on or about July 1, 1998 and continuing until on or about December 1,
28 2001, the defendant and coconspirators participated in a combination and conspiracy to suppress
29 and eliminate competition by fixing the price of hydrogen peroxide sold in the United States and
30 elsewhere. The combination and conspiracy engaged in by the defendant and coconspirators was
31 in unreasonable restraint of interstate and foreign trade and commerce in violation of Section 1 of

INFORMATION-SOLVAY

Page 1

1 the Sherman Act (15 U.S.C. § 1).

2 3. The charged combination and conspiracy consisted of a continuing agreement,
3 understanding, and concert of action among the defendant and coconspirators, the substantial
4 terms of which were to suppress and eliminate competition by fixing the price of hydrogen
5 peroxide in the United States and elsewhere.

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

- 9 (a) participating in conversations and meetings to discuss prices of hydrogen peroxide
10 to be sold in the United States and elsewhere;
- 11 (b) agreeing, during those conversations and meetings, to fix prices of hydrogen
12 peroxide to be sold in the United States and elsewhere;
- 13 (c) participating in conversations and attending meetings concerning implementation
14 of and adherence to the agreements reached;
- 15 (d) issuing price announcements and price quotations in accordance with the
16 agreements reached; and
- 17 (e) exchanging information on the sale of hydrogen peroxide in the United States and
18 elsewhere.

19 II.

20 DEFENDANT AND COCONSPIRATORS

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

25 6. Various corporations and individuals, not made defendants in this Count,
26 participated as coconspirators in the offense charged in this Count and performed acts and made

1 statements in furtherance of it.

2 7. Whenever in this Information reference is made to any act, deed, or transaction of
3 any corporation, the allegation means that the corporation engaged in the act, deed, or transaction
4 by or through its officers, directors, employees, agents, or other representatives while they were
5 actively engaged in the management, direction, control, or transaction of its business or affairs.

6 III.

7 TRADE AND COMMERCE

8 8. Hydrogen peroxide is a chemical compound with strong oxidizing properties that
9 is widely used as a bleaching agent. The same household chemical commonly used as a
10 disinfectant for cuts and scrapes, hydrogen peroxide also has multiple industrial uses, including
11 applications in the electronics, energy production, mining, cosmetics, food processing, textiles,
12 and pulp and paper manufacturing industries.

13 9. During the period covered by this Count, the defendant and coconspirators
14 manufactured, sold, and distributed hydrogen peroxide in a continuous and uninterrupted flow of
15 interstate and foreign trade and commerce to customers located in states or countries other than
16 the states or countries in which the defendant and coconspirators produced hydrogen peroxide.

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

19 IV.

20 JURISDICTION AND VENUE

21 11. The combination and conspiracy charged in this Count was carried out, in part, in
22 the Northern District of California within the five years preceding the filing of this Information.

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1 VI.

2 DEFENDANT AND COCONSPIRATORS

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

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

10 VII.

11 TRADE AND COMMERCE

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

16 19. During the period covered by this Count, the defendant and its coconspirator
17 manufactured, sold, and distributed sodium perborates in a continuous and uninterrupted flow of
18 interstate and foreign trade and commerce to customers located in states or countries other than
19 the states or countries in which the defendant and coconspirators produced sodium perborates.

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

22 VIII.

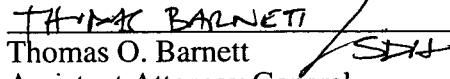
23 JURISDICTION

24 21. The combination and conspiracy charged in this Count was carried out in the
25 United States within the five years preceding the filing of this Information.

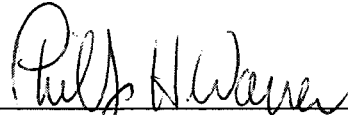
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1 ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

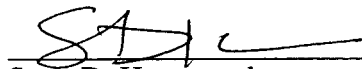
2 Dated: March 14, 2006

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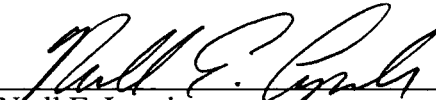
6 Thomas O. Barnett
7 Assistant Attorney General



8 Phillip H. Warren
9 Chief, San Francisco Office

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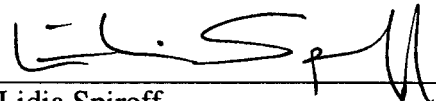
13 Scott D. Hammond
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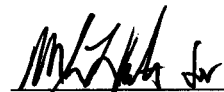
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