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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
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12 UNITED STATES OF AMERICA,  
13 Plaintiff,  
14 v.

CIVIL ACTION NO. C-82-810  
Filed: June 30, 1982  
(15 U.S.C. § 1)

15 C. ITOH & CO., LTD.;  
16 KYOKUYO CO., LTD.;  
17 MITSUI & CO., LTD.;  
18 NIPPON REIZO KAISHA, LTD.;  
19 NIPPON SUISAN KAISHA, LTD.;  
20 SHINKO SANGYO TRADING CO., LTD.;  
21 TAIYO FISHERY CO., LTD.; and  
22 TOSHOKU LTD.,  
23 Defendants.

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COMPLAINT

The United States of America, plaintiff, by its attorneys acting under the direction of the Attorney General of the United States, brings this action against the above-named defendants to obtain equitable relief and complains and alleges as follows:

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JURISDICTION AND VENUE

1. This complaint is filed and these proceedings are instituted under Section 4 of the Sherman Act (15 U.S.C. § 4)

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1 in order to prevent and restrain violations by the defendants of  
2 Section 1 of the Sherman Act (15 U.S.C. § 1).

3 2. Each of the defendants transacts business and is found  
4 in the Western District of Washington.

5 II

6 DEFENDANTS

7 3. Each of the corporations named in subparagraphs (a)-(h)  
8 below is made a defendant herein. Each defendant is incorporated  
9 and exists under the laws of Japan. During the period of time  
10 covered by this complaint, each defendant has been engaged in,  
11 among other things, the purchase and importation of processed  
12 Alaska seafood.

13 (a) C. Itoh & Co., Ltd. ("C. Itoh") is made a defendant  
14 herein. C. Itoh is one of the largest trading companies in Japan,  
15 with its principal office in Tokyo. Its wholly-owned U.S. subsi-  
16 diary, C. Itoh & Co. (America) Inc., is incorporated in New York  
17 and maintains its principal place of business in New York City  
18 with branch offices in thirteen U.S. cities, including a Seattle  
19 office that, among other things, purchases Alaska seafood on be-  
20 half of C. Itoh.

21 (b) Kyokuyo Co., Ltd. ("Kyokuyo") is made a defendant  
22 herein. Kyokuyo is a fishing and seafood processing company,  
23 with its principal office in Tokyo. Its wholly-owned U.S. subsi-  
24 diary, Kyokuyo U.S.A., Inc., is incorporated in Washington with a  
25 Seattle office that buys processed Alaska seafood on behalf of  
26 Kyokuyo.

27 (c) Mitsui & Co., Ltd. ("Mitsui") is made a defendant  
28 herein. Mitsui is Japan's second largest trading company and has

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1 its principal office in Tokyo. Mitsui's wholly-owned U.S.  
2 subsidiary, Mitsui & Co. (U.S.A.), Inc. ("Mitsui USA"), is a  
3 New York corporation with principal offices in New York City.  
4 Mitsui USA, which imports and exports products all over the world,  
5 has a number of branch offices, including one in Seattle that  
6 purchases, among other products, processed seafood from Alaska  
7 on behalf of Mitsui.

8 (d) Nippon Reizo Kaisha, Ltd. ("Nichirei") is made a  
9 defendant herein. Nichirei, which has its principal office in  
10 Tokyo, is one of Japan's leading manufacturers of frozen food  
11 products, including seafood products. Its wholly-owned U.S.  
12 subsidiary, Nichirei Corporation of Americas, incorporated in  
13 Washington with an office in Seattle, is engaged in, among other  
14 things, purchasing processed Alaska seafood on behalf of Nichirei.

15 (e) Nippon Suisan Kaisha, Ltd. ("Nissui") is made a  
16 defendant herein. Nissui is a diversified fishing company engaged  
17 in the harvesting, processing and marketing of seafood, with  
18 its principal office in Tokyo. Nissui is one of the world's  
19 largest fish harvesting companies and has subsidiary offices  
20 in several countries, including the United States. Its wholly-  
21 owned U.S. subsidiary, Nippon Suisan (USA), Inc., which is a  
22 Washington corporation with its principal office in Seattle,  
23 purchases processed Alaska seafood on behalf of Nissui.

24 (f) Shinko Sangyo Trading Co., Ltd. ("Shinko") is  
25 made a defendant herein. Shinko is a diversified Japanese  
26 trading company that buys and sells various products, including  
27 seafood. Its principal office is in Osaka. Primarily for pur-  
28 poses of purchasing processed Alaska seafood, Shinko maintains  
29 a buying office in Seattle.

1 (g) Taiyo Fishery Co., Ltd. ("Taiyo") is made a  
2 defendant herein. Taiyo, which is one of the largest fishing  
3 companies in Japan, is engaged in harvesting and processing,  
4 as well as buying and selling, seafood around the globe. Its  
5 principal office is in Tokyo. Taiyo directly owns 50% of  
6 Taiyo Americas, Inc. ("Taiyo USA"), a New York corporation,  
7 and controls the remaining 50% through two wholly-owned Panamanian  
8 corporations. It also owns, together with Taiyo USA, Western  
9 Alaska Fisheries, Inc., an Alaska corporation, which among other  
10 things, buys processed Alaska seafood on behalf of Taiyo.

11 (h) Toshoku Ltd. ("Toshoku") is made a defendant herein.  
12 Toshoku is a Tokyo-based trading company that principally buys  
13 and sells food products, including seafood products. Its wholly-  
14 owned U.S. subsidiary, Toshoku America, Inc., has its main office  
15 in New York City, and maintains a branch office in Seattle that  
16 buys processed Alaska seafood on behalf of Toshoku.

### 17 III

#### 18 CO-CONSPIRATORS

19 4. Various corporations, entities, and individuals not named  
20 as defendants in this complaint participated as co-conspirators  
21 and have performed acts and made statements in furtherance of  
22 the combination and conspiracy described below.

### 23 IV

#### 24 TRADE AND COMMERCE

25 5. Tanner crab is an edible salt water crustacean indige-  
26 nous to the waters along many parts of the Alaska shoreline, as  
27 well as several other parts of the world. The most commercially  
28 significant species of tanner crab harvested from Alaska's fishing  
29 grounds are the C. bairdi ("bairdi") and the somewhat smaller  
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1 C. opilio ("opilio") tanner crab. In 1980, U.S. fishermen  
2 harvested approximately 121 million pounds of tanner crab from  
3 waters within 200 miles of the Alaska shoreline and sold their  
4 catch to processing companies operating in various parts of  
5 Alaska, earning about \$55 million from such sales.

6 6. Tanner crab is processed for resale in several different  
7 ways. In order to produce frozen or canned crabmeat, a processor  
8 boils the crab in the shell, then extracts the meat for freezing  
9 in blocks or for canning. Most commonly, however, the crabmeat  
10 is left in the shell, frozen, and then sold as crab "sections."  
11 Various methods are used in processing crab sections. The most  
12 common method is to freeze 80 to 100 pound bulk packs of boiled  
13 crab sections by immersing them in a continuous super-chilled  
14 brine solution. Another processing method is to freeze 20 to  
15 25 pound packs of boiled crab sections in an air blast freezer.  
16 A third method, recently developed for the Japanese market, is  
17 to freeze uncooked sections in water containing chemical pre-  
18 servatives.

19 7. The primary markets for processed tanner crab are the  
20 United States and Japan. In 1980, approximately two-thirds of  
21 the tanner crab harvested from waters off Alaska were processed  
22 for export to Japan. Over twenty Japanese companies, principally  
23 through their U.S. subsidiaries, purchased such crab in 1980,  
24 paying a combined total of nearly \$48 million.

25 8. During the period of time covered by this complaint, the  
26 defendants have directly, or indirectly through their U.S. sub-  
27 sidiaries, purchased from Alaska processors large quantities of  
28 processed Alaska seafood, including processed tanner crab, for  
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2 importation to Japan. In 1980, the eight defendants accounted  
3 for more than fifty percent of the purchases made by Japanese  
4 firms of tanner crab processed in the Dutch Harbor-Akutan area  
5 of the Alaska Peninsula, the most important tanner crab pro-  
6 cessing region of Alaska. In all, the defendants' 1980 pur-  
7 chases of tanner crab from Alaska processors amounted to  
8 approximately \$24 million.

9 9. The defendants are members of the Japan Marine Products  
10 Importers Association ("JMPIA"), a trade association located  
11 in Tokyo, Japan, whose membership includes the major Japanese  
12 seafood importers. The JMPIA operates through a number of com-  
13 mittees, including a crab committee (dealing with both tanner  
14 and king crab). During the period of time covered by this com-  
15 plaint, the JMPIA's crab committee met periodically and operated  
16 as a forum for discussions concerning the importation to Japan  
17 of processed Alaska crab.

18 10. During the period of time covered by this complaint,  
19 the activities of the defendants as described herein have been  
20 within the flow of, and have substantially affected, the inter-  
21 state and foreign commerce of the United States.

22 V

23 VIOLATION ALLEGED

24 11. Beginning at least as early as 1979, and continuing  
25 thereafter, the exact dates being unknown to the plaintiff, the  
26 defendants and co-conspirators engaged in a combination and con-  
27 spiracy in unreasonable restraint of the aforementioned interstate  
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1 and foreign trade and commerce in processed Alaska tanner crab,  
2 in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

3 12. The unlawful combination and conspiracy consisted  
4 of a continuing agreement, understanding, and concert of  
5 action among the defendants and co-conspirators, the sub-  
6 stantial terms of which were to depress and fix the price  
7 paid by the defendants and co-conspirators for processed  
8 Alaska tanner crab.

9 13. In furtherance of the aforesaid combination and con-  
10 spiracy, the defendants and co-conspirators did those things  
11 that they combined and conspired to do, including, among other  
12 things:

- 13 a. using the JMPA as a forum to discuss,  
14 agree upon, and coordinate prices to be  
15 offered to and accepted from Alaska pro-  
16 cessors for processed tanner crab; and  
17 b. discussing, agreeing upon, and coordinating  
18 among themselves the conduct of price  
19 negotiations with, and the price offers  
20 to be made to, and accepted from Alaska  
21 processors for the purchase of processed  
22 tanner crab.

23 VI

24 EFFECTS

25 14. The aforesaid combination and conspiracy had the  
26 following effects, among others:  
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- 1 a. the prices paid for processed tanner crab  
2 have been fixed and depressed at arti-  
3 ficial and non-competitive levels;  
4 b. Alaska processors have been deprived of  
5 the benefits of free and open competition  
6 in the purchase of processed tanner crab;  
7 and  
8 c. competition in the purchase of processed  
9 tanner crab has been restrained.

10 VII

11 PRAYER

12 WHEREFORE, the plaintiff prays:

13 1. That the Court adjudge and decree that the defendants  
14 have combined and conspired to restrain interstate and foreign  
15 trade and commerce in violation of Section 1 of the Sherman  
16 Act.

17 2. That the defendants, their officers, directors, agents,  
18 employees and successors and all other persons acting or  
19 claiming to act on defendants' behalf be permanently enjoined  
20 and restrained from, in any manner, directly or indirectly,  
21 continuing, maintaining, or renewing the violation alleged  
22 in this complaint, or from engaging in any other combination,  
23 conspiracy, contract, agreement, understanding or concert  
24 of action having a similar purpose or effect, and from  
25 adopting or following any practice, plan, program, or device  
26 having a similar purpose or effect.  
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1           3. That the plaintiff have such other and further relief  
2 as the nature of the case may require and which the Court  
3 may deem just and proper.

4           4. That the plaintiff recover the costs of this suit.  
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6 Dated:

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