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7  
8 UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10  
11 UNITED STATES OF AMERICA ) No. CR. 98 - 00302  
12 )  
13 v. ) INFORMATION  
14 EASTMAN CHEMICAL COMPANY, ) VIOLATION:  
15 ) Title 15, United States Code,  
16 Defendant. ) Section 1 (Price Fixing)  
17 ) Filed: 09/30/98

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

19 I.

20 DESCRIPTION OF THE OFFENSE

21 1. EASTMAN CHEMICAL COMPANY ("EASTMAN") is made a defendant on the  
22 charge stated below.

23 2. From in or about January 1995 until in or about June 1997, the defendant EASTMAN  
24 and co-conspirators participated in a combination and conspiracy to suppress and eliminate  
25 competition by fixing the price of sorbates to be sold in the United States and elsewhere. The  
26 combination and conspiracy engaged in by the defendant and co-conspirators was in unreasonable

1 restraint of interstate trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. §  
2 1).

3 3. The charged combination and conspiracy consisted of a continuing agreement,  
4 understanding, and concert of action among the conspirators, the substantial terms of which were to  
5 agree to fix and maintain prices and to coordinate price increases for the sale of sorbates in the  
6 United States and elsewhere.

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

- 10 (a) participating in conversations to discuss the prices of sorbates sold in the United  
11 States;
- 12 (b) agreeing, during those conversations, to charge prices at certain levels and otherwise  
13 to increase and maintain prices of sorbates sold in the United States; and
- 14 (c) issuing price announcements and price quotations in accordance with the agreements  
15 reached.

## 16 II.

### 17 DEFENDANT AND CO-CONSPIRATORS

18 5. EASTMAN is a corporation organized and existing under the laws of the State of  
19 Delaware. During the period covered by this Information, EASTMAN was engaged in the business  
20 of producing and selling sorbates to customers in the United States and elsewhere.

21 6. Various corporations and individuals, not made defendants in this Information,  
22 participated as co-conspirators in the offense charged herein and performed acts and made  
23 statements in furtherance of it.

24 7. Whenever in this Information reference is made to any act, deed, or transaction of any  
25 corporation, the allegation means that the corporation engaged in the act, deed, or transaction by or  
26

1 through its officers, directors, employees, agents, or other representatives while they were actively  
2 engaged in the management, direction, control, or transaction of its business or affairs.

3 III.

4 TRADE AND COMMERCE

5 8. Sorbates are chemical preservatives used primarily as mold inhibitors in high-  
6 moisture and high-sugar food products. All references to sorbates in this Information include the  
7 products potassium sorbate and sorbic acid.

8 9. During the period covered by this Information, the defendant and co-conspirators  
9 sold and distributed sorbates in a continuous and uninterrupted flow of interstate commerce to  
10 customers located in states or countries other than the states or countries in which the defendant and  
11 co-conspirators produced sorbates.

12 10. The business activities of the defendant and co-conspirators that are the subject of  
13 this Information were within the flow of, and substantially affected, interstate trade and commerce.

14  
15 IV.

16 JURISDICTION AND VENUE

17 11. The combination and conspiracy charged in this Information was carried out, in part,  
18 in the Northern District of California, within the five years preceding the filing of this Information.  
19 ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

20 Dated:

21  
22 \_\_\_\_\_”/s/”  
23 Joel I. Klein  
24 Assistant Attorney General

\_\_\_\_\_”/s/”  
Christopher S Crook  
Chief, San Francisco Office

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\_\_\_\_\_/s/\_\_\_\_\_  
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Deputy Assistant Attorney General

\_\_\_\_\_/s/\_\_\_\_\_  
John T. Orr  
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