

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI

UNITED STATES OF AMERICA)	
)	Criminal No. 4:03CR567RWS
v.)	
)	Filed: 9/18/03
RHÔNE-POULENC BIOCHIMIE S.A.,)	
)	Violation: 15 U.S.C. § 1
Defendant.)	
)	Judge: Sippel

INFORMATION

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

I

DESCRIPTION OF THE OFFENSE

1. Rhône-Poulenc Biochimie S.A. (“RP Biochimie”), a corporation organized and existing under the laws of France, is made a defendant on the charge stated below.
2. Beginning at least as early as November 1990 and continuing until at least December 31, 1999, the exact dates being unknown to the United States, RP Biochimie and co-conspirators entered into and participated in a combination and conspiracy to suppress and eliminate competition by fixing the price of and allocating customers for pharmaceutical grade methyl glucamine sold in the United States and elsewhere. The combination and conspiracy engaged in by RP Biochimie and its 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).

3. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action between RP Biochimie and its co-conspirators regarding pharmaceutical grade methyl glucamine sold in the United States and elsewhere, the substantial terms of which were to fix, increase, and maintain prices and to coordinate price increases for the sale of pharmaceutical grade methyl glucamine in the United States and elsewhere, and to allocate among the corporate conspirators customers for pharmaceutical grade methyl glucamine in the United States and elsewhere.

4. For the purpose of forming and carrying out the charged combination and conspiracy, RP Biochimie and its co-conspirators performed the following acts, among others:

- (a) participated in meetings and conversations to discuss the prices and volumes of pharmaceutical grade methyl glucamine 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 pharmaceutical grade methyl glucamine sold in the United States and elsewhere;
- (c) agreed, during those meetings and conversations, to allocate among the corporate conspirators customers for pharmaceutical grade methyl glucamine in the United States and elsewhere;
- (d) sold pharmaceutical grade methyl glucamine 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.

II

BACKGROUND

5. Pharmaceutical grade methyl glucamine is a chemical compound used to decrease the rate at which x-ray contrasting agents disperse throughout the body during imaging procedures.

6. RP Biochimie and its corporate co-conspirators sold pharmaceutical grade methyl glucamine to businesses that used it to manufacture x-ray media products.

III

RP BIOCHIMIE AND ITS CO-CONSPIRATORS

7. During the period covered by this Information, RP Biochimie was a corporation organized and existing under the laws of France, with its principal place of business in Elbeuf, France. During this period, RP Biochimie was engaged in the manufacture of pharmaceutical grade methyl glucamine in France and sale of pharmaceutical grade methyl glucamine in the United States and elsewhere, including to customers with their principal place of business in the Eastern District of Missouri.

8. Other corporations and individuals not made defendants herein participated as co-conspirators in the offense charged herein and performed acts and made statements in furtherance thereof.

9. Wherever in this Information reference is made to any act, deed, or transaction of a corporation, the allegation means that the corporation engaged in the act, deed, or transaction by or through its officers, directors, agents, employees, or representatives while they were actively engaged in the management, direction, control, or transaction of its business or affairs.

IV

TRADE AND COMMERCE

10. During the period covered by this Information, RP Biochimie and its corporate co-conspirator sold and distributed a substantial quantity of pharmaceutical grade methyl glucamine into the United States and across state lines in a continuous and uninterrupted flow of interstate and foreign trade and commerce.

11. During the period covered by this Information, the activities of RP Biochimie and its co-conspirators that are the subject of this Information were within the flow of, and substantially affected, interstate and foreign trade and commerce.

JURISDICTION AND VENUE

12. The combination and conspiracy charged in this Information was carried out, in part, within the Eastern District of Missouri within the five years preceding the filing of this Information.

ALL IN VIOLATION OF 15 U.S.C. § 1.

Dated:

_____/s/_____
R. HEWITT PATE
Assistant Attorney General

_____/s/_____
DUNCAN S. CURRIE
Chief, Dallas Field Office

_____/s/_____
JAMES M. GRIFFIN
Deputy Assistant Attorney General

_____/s/_____
GLENN A. HARRISON
Attorney

_____/s/_____
SCOTT D. HAMMOND
Director of Criminal Enforcement

_____/s/_____
WILLIAM M. MARTIN
Attorney

Antitrust Division
U.S. Department of Justice
Washington, D.C.

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