

FILED

OCT 18 2018

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EMC

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14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16 **CR18 0513**
17 **SAN FRANCISCO DIVISION**

18 UNITED STATES OF AMERICA,
19 Plaintiff,

Case No. 18 CR _____

20 v.

INFORMATION

21 STARKIST CO.,
22 Defendant.

15 U.S.C. § 1 — Price Fixing

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

24 I.

DESCRIPTION OF THE OFFENSE

- 25 1. STARKIST CO. ("defendant") is hereby made defendant on the charge
- 26 contained in this Information.
- 27 2. Beginning at least as early as November 2011 and continuing until at least as
- 28 late as December 2013, the exact dates being unknown to the United States, in the Northern
- District of California and elsewhere, the defendant and its coconspirators knowingly entered
- into and engaged in a combination and conspiracy to fix, raise, and maintain the prices of

1 packaged seafood sold in the United States. The combination and conspiracy engaged in by
2 the defendant and coconspirators was an unreasonable restraint of interstate commerce in
3 violation of Section 1 of the Sherman Antitrust Act (15 U.S.C. § 1).

4 3. The charged combination and conspiracy consisted of a continuing agreement,
5 understanding, and concert of action among the defendant and coconspirators, the substantial
6 terms of which were to fix, raise, and maintain prices of packaged seafood.

7 4. For purposes of this Information, packaged seafood consists of canned tuna
8 fish.

9 II.

10 DEFENDANT AND COCONSPIRATORS

11 5. During the time period covered by this Information, the defendant was a
12 corporation organized and existing under the laws of Delaware and had its principal place of
13 business in Pittsburgh, Pennsylvania.

14 6. During the time period covered by this Information, the defendant was a
15 producer of packaged seafood and was engaged in the sale of packaged seafood in the
16 United States.

17 7. Various business organizations and individuals, not made defendants in this
18 Information, participated as coconspirators in the offense charged in this Information and
19 performed acts and made statements in furtherance of it.

20 8. Whenever in this Information reference is made to any act, deed, or transaction
21 of any business organization, the allegation means that the business organization engaged in
22 the act, deed, or transaction by or through its officers, directors, employees, agents, or other
23 representatives while they were actively engaged in the management, direction, control, or
24 transaction of its business or affairs.

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INFORMATION

III.

MEANS AND METHODS OF THE CONSPIRACY

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

a. engaged in conversations and discussions and attended meetings with representatives of other major packaged-seafood-producing firms;

b. agreed and reached mutual understandings during these conversations, discussions, and meetings, to fix, raise, and maintain the prices of packaged seafood sold in the United States; and

c. negotiated prices with customers and issued price announcements for packaged seafood in accordance with the agreements and mutual understandings reached.

IV.

TRADE AND COMMERCE

10. During the time period covered by this Information, packaged seafood sold by the defendant and one or more of the coconspirator firms, and equipment and supplies necessary to the production and distribution of packaged seafood, as well as payments for packaged seafood, traveled in interstate commerce.

11. During the time period covered by this Information, the business activities of defendant and its coconspirators in connection with the sale of packaged seafood were within the flow of, and substantially affected, interstate commerce.

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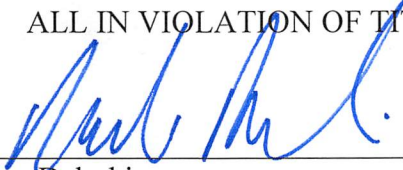
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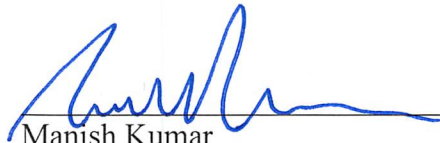
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1 ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

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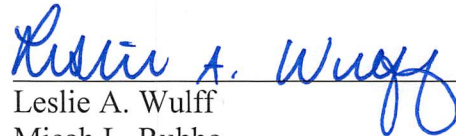
3
4 Makan Delrahim
Assistant Attorney General

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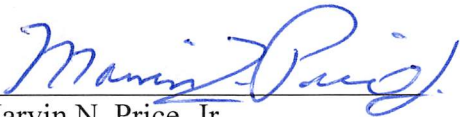
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