

Antitrust Enforcement Actions*

Centre for Competition Law and Policy

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U.S. Antitrust Law Penalties

Criminal:

- Company: \$100 million or 2X monetary harm
 - Individual: \$1 million per count
 - Probation for company
 - Up to 10 years in prison for individuals
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Civil:

- Triple damages
- Attorneys' fees, costs
- Joint and several liability

Violations Yielding a Corporate Fine of \$10 Million or More

Defendant (FY)	Product	Fine (\$ Millions)	Geographic Scope	Country
F. Hoffmann-La Roche, Ltd. (1999)	Vitamins	\$500	International	Switzerland
Société Air France and Koninklijke Luchtvaart Maatschappij, N.v. (2008)	Air Transportation (Cargo)	\$350	International	France(Société Air France) The Netherlands (KLM)
Korean Air Lines Co., Ltd. (2007)	Air Transportation (Cargo & Passenger)	\$300	International	Korea
British Airways PLC (2007)	Air Transportation (Cargo & Passenger)	\$300	International	UK
Samsung Electronics Company, Ltd. Samsung Semiconductor, Inc. (2006)	DRAM	\$300	International	Korea
BASF AG (1999)	Vitamins	\$225	International	Germany
Hynix Semiconductor Inc. (2005)	DRAM	\$185	International	Korea
Infineon Technologies AG (2004)	DRAM	\$160	International	Germany
SGL Carbon AG (1999)	Graphite Electrodes	\$135	International	Germany
Mitsubishi Corp. (2001)	Graphite Electrodes	\$134	International	Japan
Japan Airlines International Co. LTD (2008)	Air Transportation (Cargo)	\$110	International	Japan
UCAR International, Inc. (1998)	Graphite Electrodes	\$110	International	U.S.
Archer Daniels Midland Co. (1996)	Lysine & Citric Acid	\$100	International	U.S.
Elpida Memory, Inc. (2006)	DRAM	\$84	International	Japan

Dupont Dow Elastomers L.L.C. (2005)	Chloroprene Rubber	\$84	International	U.S.
Takeda Chemical Industries, Ltd. (1999)	Vitamins	\$72	International	Japan
Bayer AG (2004)	Rubber Chemicals	\$66	International	Germany
Qantas Airways Limited (2008)	Air Transportation (Cargo)	\$61	International	Australia
Cathay Pacific Airways Limited (2008)	Air Transportation (Cargo)	\$60	International	Hong Kong/ Republic of China
Billhar International Establishment (2002)	Construction	\$54	International	Liechtenstein
Daicel Chemical Industries, Ltd. (2000)	Sorbates	\$53	International	Japan
ABB Middle East & Africa Participations AG (2001)	Construction	\$53	International	Switzerland
SAS Cargo Group, A/S (2008)	Air Transportation (Cargo)	\$52	International	Denmark
Crompton (2004)	Rubber Chemicals	\$50	International	U.S.
Haarmann & Reimer Corp. (1997)	Citric Acid	\$50	International	German Parent
HeereMac v.o.f. (1998)	Marine Construction	\$49	International	Netherlands
Sotheby's Holdings Inc. (2001)	Fine Arts Auctions	\$45	International	U.S.
Odfjell Seachem AS (2003)	Parcel Tanker Shipping	\$42.5	International	Norway

Martinair Holland N.V. (2008)	Air Transportation (Cargo)	\$42	International	The Netherlands
Solvay S.A. (2006)	Hydrogen Peroxide	\$40.8	International	Belgian
Eisai Co., Ltd. (1999)	Vitamins	\$40	International	Japan
Hoechst AG (1999)	Sorbates	\$36	International	Germany
Bayer Corporation (2004)	Polyester Polyols	\$33	International	German Parent
Showa Denko Carbon, Inc. (1998)	Graphite Electrodes	\$32.5	International	Japan
Akzo Nobel Chemicals International B.V. (2006)	Hydrogen Peroxide	\$32	International	Dutch
Philipp Holzmann AG (2000)	Construction	\$30	International	Germany
Irving Materials, Inc. (2005)	Ready Mix Concrete	\$29.2	Domestic	U.S.
Arteva Specialties (2003)	Polyester Staple	\$28.5	International	Luxembourg
Daiichi Pharmaceutical Co., Ltd. (1999)	Vitamins	\$25	International	Japan
Nippon Gobsei (1999)	Sorbates	\$21	International	Japan
Pfizer Inc. (1999)	Maltol/Sodium Erythorbate	\$20	International	U.S.
Fujiisawa Pharmaceuticals Co. (1998)	Sodium Gluconate	\$20	International	Japan
Jo Tankers, B.V. (2004)	Parcel Tanker Shipping	\$19.5	International	Netherlands
Dockwise N.V. (1998)	Marine Transportation	\$15	International	Belgium

Dyno Nobel (1995)	Explosives	\$15	Domestic	Norwegian parent
F. Hoffmann-La Roche, Ltd. (1997)	Citric Acid	\$14	International	Switzerland
Merck KgaA (2000)	Vitamins	\$14	International	Germany
Degussa-Huls AG (2000)	Vitamins	\$13	International	Germany
Akzo Novel Chemicals, BV (2001)	Monochloracetic Acid	\$12	International	Netherlands
Hoechst Aktiengesellschaft (2003)	Monochloracetic Acid	\$12	International	Germany
Uemo Fine Chemicals Industry, Ltd. (2001)	Sorbates	\$11	International	Japan
Eastman Chemical Co. (1998)	Sorbates	\$11	International	U.S.
Jungbunzlauer International AG (1997)	Citric Acid	\$11	International	Switzerland
Zeon Chemicals L.P. (2005)	NBR	\$10.5	International	Japanese Parent
Lonza AG (1998)	Vitamins	\$10.5	International	Switzerland
De Beers Centenary AG (2004)	Industrial Diamonds	\$10	International	Switzerland
Morganite, Inc. (2003)	Carbon products	\$10	International	British Parent
Akzo Nobel Chemicals, BV & Glucona, BV (1997)	Sodium Gluconate	\$10	International	Netherlands
ICI Explosives (1995)	Explosives	\$10	Domestic	British Parent
Mrs. Baird's Bakeries (1996)	Bread	\$10	Domestic	U.S.
Ajinomoto Co., Inc. (1996)	Lysine	\$10	International	Japan
Kyowa Hakko Kogyo, Co., Ltd. (1996)	Lysine	\$10	International	Japan

Violations Yielding a Corporate Fine of \$100 Million or More

Defendant	Product	Fine (\$ Millions)
F. Hoffmann-La Roche, Ltd. (1999)	Vitamins	\$500
Korean Air Lines Co., Ltd. (2007)	Air Transportation	\$300
British Airways (2007)	Air Transportation	\$300
Samsung Electronics Company, Ltd.; Samsung Semiconductor, Inc. (2006)	DRAM	\$300
BASF AG (1999)	Vitamins	\$225
Hynix Semiconductor, Inc. (2005)	DRAM	\$185
Infineon Technologies AG (2004)	DRAM	\$160
SGL Carbon AG (1999)	Graphite Electrodes	\$135
Mitsubishi Corp. (2001)	Graphite Electrodes	\$134
UCAR International, Inc. (1998)	Graphite Electrodes	\$110
Archer Daniels Midland Co. (1996)	Lysine & Citric Acid	\$100

ANTITRUST DIVISION WORKLOAD STATISTICS FY 1998 - 2007

INVESTIGATIONS

Total Investigations Initiated, by Primary Type of Conduct*	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Sherman §1 - Restraint of Trade	109	74	85	84	95	137	79	118	104	78
Sherman §2 - Monopoly	11	6	10	10	13	11	7	8	3	6
Clayton §7 - Mergers	284	287	221	178	127	124	106	138	114	118
Others	4	6	11	10	8	11	22	9	24	19

*Reflects the primary type of conduct under investigation at the outset. See "District Court Antitrust Cases" for numbers of cases by offense. Does not include business reviews or premerger notifications, but includes investigations initiated as a result of premerger notifications.

INVESTIGATIONS (cont'd)

Hart-Scott-Rodino (HSR) Premerger Notifications	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Received	4,728	4,642	4,926	2,376	1,187	1,014	1,454	1,695	1,768	2,201
HSR Investigations Initiated	170	172	137	106	76	70	76	90	77	81
Number of Cases Filed	14	19	20	7	4	7	5	2	10	2

CIVIL INVESTIGATIONS

Merger Investigations	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Total Number (HSR and Non-HSR Investigations)	230	230	178	147	102	95	89	106	97	101
HSR Investigations	176	175	137	106	76	70	76	90	77	81
- HSR Investigations: Second Requests	102	68	55	43	22	20	15	25	17	32
Non-HSR Investigations	54	55	41	41	26	25	13	16	20	20
- Non-HSR Investigations: CIDs Issued	20	13	7	2	8	10	4	4	6	1
Merger CIDs Issued	876	690	783	658	399	460	158	369	271	395

CIVIL INVESTIGATIONS (cont'd)

Civil Investigation Results	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Merger Investigations: Total Number of Public Challenges	51	46	48	32	10	15	9	4	16	12
- Actions filed in District Court*	15	20	21	8	4	9	6	3	10	4
- Transactions Restructured or Abandoned Prior to Filing a Complaint as Result of an Announced Challenge	36	25	27	24	6	6	3	1	6	8
Non-Merger Investigations: Actions Filed in District Court	5	7	2	-	3	5	2	8	2	2

*These statistics are the same as those reported under "District Court Antitrust Cases - Merger Cases Filed."

CRIMINAL INVESTIGATIONS AND CASES

Grand Jury Investigations	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Initiated	30	19	26	26	26	48	21	38	38	34
Terminated	16	30	35	19	17	19	29	27	42	22
Pending	101	90	81	88	97	126	118	128	123	135

Criminal Cases Filed	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Total Cases Filed	62	57	63	44	33	41	42	32	34	40
Individuals Charged	52	46	60	39	32	28	39	47	37	47
Corporations Charged	19	17	40	22	14	16	20	27	24	10

DISTRICT COURT ANTITRUST CASES

RESTRAINT OF TRADE - CIVIL (SHERMAN §1)	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Filed	5	5	1	1	1	3	-	7	1	1
Terminated	8	7	-	-	-	2	2	1	8	1
- Won	7	7	-	-	-	2	1	1	8	1
- Lost	-	-	-	-	-	-	-	-	-	-
- Dismissed	1	-	-	-	-	-	1	-	-	-

MONOPOLY - CIVIL (SHERMAN §2)	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Filed	2	2	1	-	1	-	-	-	-	-
Terminated	-	1	-	-	-	-	-	-	2	1
- Won	-	1	-	-	-	-	-	-	-	1
- Lost	-	-	-	-	-	-	1	-	1	-
- Dismissed	-	-	-	-	-	-	-	-	1	-

DISTRICT COURT ANTITRUST CASES (cont'd)

MERGER CASES (CLAYTON §7)	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Filed	15	20	21	8	4	9	6	3	10	4
Terminated	17	9	12	23	14	8	7	4	6	6
- Won	16	9	12	23	13	8	7	4	5	6
- Lost	1	-	-	-	1	0	-	-	1	-
- Dismissed	-	-	-	-	-	-	-	-	-	-

TOTAL CRIMINAL CASES	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Filed	62	57	63	44	33	41	42	32	34	40
Won	64	48	52	38	37	32	35	36	31	31
Lost	1	2	-	2	1	1	1	1	-	1
Pending ²	17	24	35	39	34	42	48	43	46	54
Appeal Decisions	6	-	-	5	1	2	7	4	5	1

DISTRICT COURT ANTITRUST CASES (cont'd)

RESTRAINT OF TRADE - CRIMINAL (SHERMAN §1)	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Filed	57	53	52	37	23	23	28	23	21	23
Won	59	45	44	29	28	19	17	31	20	19
Lost	1	2	-	1	1	1	1	1	-	1
Pending	16	22	30	37	31	34	44	35	36	41

CASE RESULTS

FINES IMPOSED*	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Individual: Total Individual Fines (\$000)	2,499	12,273	5,180	2,019	8,685	470	644	4,483	3,650	15,109
Number of Individuals Fined	20	50	43	20	19	16	15	22	17	25
Corporate: Total Corporate Fines (\$000)	241,645	959,866	303,241	270,778	93,826	63,752	140,586	595,966	469,805	615,671
Number of Corporations Fined	18	25	26	14	17	17	13	18	18	12
Total Fines Imposed (\$000)	244,144	972,138	308,421	272,797	102,511	64,222	141,230	600,449	473,455	630,780

*Does not include fines "agreed to" by defendants in plea agreements during the fiscal year but not yet imposed by the court.

CASE RESULTS (cont'd)

OTHER CASE RESULTS	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Restitution Imposed in Connection with Criminal Cases ¹³ (\$000)	4,250	2,343	1,713	31,083	7,278	15,545	18,776	10,371	2,165	4,790
Number of Defendants	3	12	20	17	21	21	16	15	7	23
HSR Penalties (\$000)	500	3,285	-	-	4,000	6,314	1,800	2,000	2,150	250
Number of Corporations	2	4	-	2	2	3	1	1	1	1
Number of Individuals	-	1	-	-	-	-	1	-	1	-

Concrete Executive Gets 14 Months in Price Fixing Case

- The president of the company doing business as Carmel Concrete Products was sentenced to 14 months in federal prison for his role in a conspiracy to fix ready-mix concrete prices in central Indiana.
- Scott D. Hughey, 52, of Hughey Inc., also was ordered Thursday to pay a \$30,000 fine and will spend a year on supervised release after serving his sentence.
- Prosecutors had recommended that Hughey serve the maximum two-year sentence, but U.S. District Judge Larry J. McKinney declined, citing Hughey's unusually high level of cooperation with the FBI and Justice Department antitrust investigators.

Bayer to plead guilty in NBR price-fixing case; Rubber producer gets \$4.7 million fine - its third large penalty for price-fixing this year

- Bayer AG is to plead guilty and pay a \$4.7 million fine for conspiring to fix the prices of nitrile rubber in 2002.
- According to the one-count felony charge filed in the U.S. District Court for the Northern District of California, Bayer conspired with "unnamed co-conspirators to suppress and eliminate competition" for NBR in the U.S. and elsewhere from May to December 2002.
- Under this agreement, which must be approved by the Court, Bayer has agreed to assist the government in its ongoing investigation, said the Department of Justice, which said this case is the first in an ongoing investigation of price fixing in NBR.

- This is the third price-fixing case in which Bayer has agreed to plead guilty. Earlier this year it agreed to pay a fine of \$66 million for charges related to the sale of rubber chemicals during 1995-2001, and \$33 million for participating in a conspiracy from 1998 to 2002 to fix prices of aliphatic polyester polyols.

Odfjell executives agree to jail terms in price-fixing case

- The president and vice-president of Odfjell Seachem, a Norwegian tanker group, yesterday agreed to jail sentences while their company accepted a \$42.5 million fine as part of a settlement with the U.S. authorities over price-fixing charges.
- The president and chief executive officer, Bjorn Sjaastad, faces 4 months in prison, probably starting next January, and vice-president, Erik Nilsen, faces 3 months in prison.
- The jail terms and fines stem from a plea bargaining agreement with the U.S. Department of Justice. They follow an investigation into possible antitrust violations in the chemical tanker industry. Odfjell said it had pleaded to one count of fixing the prices of certain long-term shipping contracts between 1998 and 2002.

Auction houses agree to settle more claims; in a price-fixing case, Christie's and Sotheby's would each pay \$20 million to resolve cases of customers outside the United States.

- In what could be the last chapter of years of legal trouble, Christie's and Sotheby's, the world's largest auction houses, have agreed to pay \$20 million each to resolve antitrust claims by customers outside the United States.
- The proposed settlement, which must be approved by U.S. courts, stems from a criminal case in which former Sotheby's Chairman, A. Alfred Taubman, was convicted of conspiring with former Christie's chief, Anthony J. Tennant to fix commissions and premiums on auctions conducted between 1993 and 1999.

- Their collusion, the court said, could have cost their clients an estimated \$400 million. The houses have already agreed to pay \$512 million to U.S. customers harmed by the deal.
- Taubman, convicted in 2001, is serving a prison sentence, and Tennant, who refused to come to the U.S. to be tried, lives in England. He cannot be extradited on antitrust charges.

Pfizer Inc. fined C\$1.5M in Canadian price-fixing investigation

- KIRKLAND, Que. -(Dow Jones)- Pfizer Inc. (PFE) pleaded guilty to a price-fixing charge under Canada's Competition Act and was sentenced to pay a C\$1.5 million fine (\$1.2 million USD).
- In a news release, Pfizer Canada Inc. said the Canadian Competition Bureau investigation involved activities in the early 1990's of Pfizer's small Food Sciences Group, which was sold by the company in 1996.
- Pfizer Canada said the activities didn't involve any of the current businesses of Pfizer Inc. or Pfizer Canada and none of its current employees had been charged with any wrongdoing.
- The company said the inquiry involved the pricing of sodium erythorbate, a chemical used mainly as a food preservative agent. It was a product of Pfizer's Food Sciences Group and represented less than 1% of Pfizer's annual sales.

Vitamin makers to settle price-fixing class action for \$1 billion

- Seven vitamin makers who sold almost all of the most popular vitamins in the U.S. from 1990 to 1998 are expected to settle a price-fixing class action lawsuit for \$1.05 billion.
- The settlement, the largest ever in an antitrust class-action lawsuit, follows 14 prosecutions by the U.S. Department of Justice's antitrust division that led to \$875 million in criminal fines. Companies involved in the expected settlement are: Hoffmann-La Roche, BASF, Rhone-Poulenc, Hoechst Marion Roussel, Daiichi, Eisai and Takeda.
- Reports say the drugmakers will settle claims that they fixed prices on bulk vitamins that were sold to such firms as Land O'Lakes and Kraft Foods. About 40% of the vitamins were used in vitamin products or other foods for consumers; the rest were used in animal feed.

SEC fines 28 brokerage firms \$26 million in price-fixing case

- WASHINGTON - Closing a 5-year-old case in which big Wall Street firms were accused of cheating investors out of billions of dollars, federal regulators are fining 28 brokerages more than \$26 million for what is believed to be price-fixing on the Nasdaq Stock Market.
- The Securities and Exchange Commission has been negotiating the industrywide settlement with the brokerage firms for months. The agreement announced yesterday involves many of Wall Street's biggest names, including PaineWebber, J.P. Morgan & Co., and Merrill Lynch & Co.
- The case stretches back to 1994, when the SEC and the Department of Justice alleged that major dealers on the electronic Nasdaq market conspired in the form of price-fixing that cost ordinary investors billions of dollars on their stock trades.

Reebok agrees to pay \$9.5 million to settle charges of price fixing; FTC trumpets proposed settlement as example of newly aggressive antitrust stance.

- Reebok International and its Rockport subsidiary agreed Thursday to pay \$9.5 million to settle charges that the world's second-largest shoe company fixed prices and penalized retailers who discounted its shoes.
- Most of the funds from the agreement with the Federal Trade Commission and the nation's 50 Attorneys General are earmarked for sprucing up public athletic facilities and providing athletic equipment to "deserving organizations."

- California will get the biggest share of the proposed settlement, about \$919,000, which will be used to refurbish athletic facilities in urban areas.
- “By conspiring to fix the prices of its products, Reebok violated our basic belief in fair play, and forced customers to pay millions of dollars more for their products,” New York Atty. Gen. Dennis C. Vacco said.

Shippers Fined for Price Fixing; Shippers' Fines Largest Under Sherman Act

- Seven transatlantic shipping lines were fined a total of \$5.45 million and 13 shipping executives \$650,000 after they pleaded no contest to federal charges that they illegally conspired to fix shipping rates on routes between Europe and America.
- The fines, imposed by U.S. District Court Judge June L. Green and based on recommendations by Justice Department prosecutors, were the largest ever levied in a criminal case brought under the regulations of the 89-year-old Sherman Antitrust Act.
- A grand jury had indicted the shippers and their top executives but Elliott M. Seiden, chief of the Department of Justice's transportation section, said that plea bargaining in the case had begun about two weeks earlier.

Antitrust Actions: Private Damages

Zurich American to pay policyholders \$122M

- HARRISBURG, Pa. - Zurich American Insurance Co. will pay \$122 million to resolve claims of bid-rigging and price-fixing in the commercial insurance market under a nationwide settlement negotiated by Florida and 10 other states, Pennsylvania Attorney General Tom Corbett said Monday.
- The amount to be paid to policyholders in all 50 states reflects the final terms of a settlement that was filed in state courts, said Nils Frederiksen, a spokesman for Corbett.

- The states discovered that Zurich American failed to disclose that it paid "contingent commissions" to insurance brokers and conspired with brokers in a scheme to overcharge commercial policyholders, Corbett said.
- Zurich American also will pay an additional \$20 million to the investigating states for costs and fees.

ADM settles corn syrup price-fixing case for \$400M

- SAN FRANCISCO (CBS.MW) - Archer Daniels Midland said that it had settled a federal antitrust suit for \$400 million that accused the company of fixing the price of high-fructose corn syrup.
- Customers such as PepsiCo (PEP) and Coca-Cola (KO), who bought the sweetener from the agriculture company in the early 1990s, alleged damages of \$1.6 billion. A jury trial was scheduled. ADM could have faced damages of up to \$5 billion.

- The corn syrup suit civil suit grew out of a federal investigation into alleged price fixing of lysine, a livestock feed supplement, and citric acid, the Associated Press reported. The company admitted guilt in the lysine-citric acid case and was fined \$100 million, the AP reported. Three former ADM executives received prison sentences in 1999 as a result of that scandal, the AP said. Archer Daniels Midland never was convicted of fixing corn syrup prices, the AP said.

Jury awards growers \$56 million in price-fixing suit

- A Maine state court jury awarded a class of wild blueberry growers who sold the berries to defendant processing companies, Cherryfield Foods Inc., Jasper Wyman & Son Inc. and Allen's Blueberry Freezer Inc., \$56 million. The jury found the processing companies liable for a price-fixing conspiracy to fix the base price paid to an estimated 800 growers.
- The jury ordered the processors to pay \$18.6 million in damages. Under Maine antitrust law, the damages award was tripled. The three processors were jointly and severally liable for the damages.

Cardboard manufacturers agree to \$68 million settlement in price-fixing case

- Three of the world's largest forest-products companies have agreed to pay \$68 million collectively to settle two class action lawsuits that alleged they conspired to fix prices for containerboard.
- The companies, International Paper, Weyerhaeuser Co. and Georgia-Pacific Corp., admit no wrongdoing in the settlement, but wanted to avoid litigation, the companies said.
- The agreement, submitted to the U.S. District Court for the Eastern District of Pennsylvania for preliminary approval, seeks to resolve two lawsuits filed in May 1999 that alleged price-fixing among several producers of containerboard or cardboard.

Vitamin producers pay \$850,000 to settle price-fixing case in Massachusetts

- DuPont and three other companies will pay \$850,000 to settle a vitamin price fixing class action suit brought by consumers in Massachusetts. DuPont, Bioproducts Inc. (Fairlawn, OH), Chinook Group (Toronto), and ConAgra (Omaha) had small shares in the bulk vitamin market. The money will go to state charities for food and nutrition programs, says law firm Ellis & Rapacki (Boston), which represented the plaintiffs. A state court has granted preliminary approval, the firm says. Payment terms were not disclosed.

- The settlement follows a class action suit brought by consumers in June 1999 against the 14 firms. Ten others companies settled for \$22 million last year. The lawsuit alleged that companies engaged in a widespread international conspiracy over a 10-year period to fix prices and divvy up markets for bulk vitamins, which are used in processed products such as milk, cereals, and pet food. ConAgra and DuPont had a joint venture, DuCoa, to sell bulk vitamins, which has since been dissolved. DuCoa paid \$500,000 last year to settle federal charges of price fixing brought by the Department of Justice.

Aventis to pay \$178 million dollars to settle price-fixing claims

- Franco-German giant Aventis SA said it will pay \$178 million dollars to settle lawsuits alleging illegal price-fixing in the market for the animal feed methionine.
- The suits alleged that Rhone-Poulenc Animal Nutrition, a former unit of Aventis, and other companies engaged in concerted pricing practices in violation of antitrust laws.
- The plaintiffs are about 60 companies that had purchased methionine directly from Rhone-Poulenc Animal Nutrition and other defendants in the U.S. from 1985-2000.
- The health products group said it does not expect the settlement to affect current earnings, as the amount had been previously provisioned.

Carpet makers Shaw, Mohawk will settle price-fixing lawsuit

- CALHOUN, Ga.-Two Georgia carpet makers, Mohawk Industries Inc. and Shaw Industries Inc., agreed to pay \$41 million to settle a class action lawsuit that alleged price-fixing during the early 1990s.
- The lawsuit, filed in 1995, alleged that the carpet makers fixed prices for polypropylene and nylon carpet.
- Mohawk will pay \$13.5 million to a settlement fund and take a one-time pretax charge of \$7 million for the third quarter. Shaw will pay \$27.5 million to the fund. Both denied any wrongdoing.
- Atlanta attorney Martin Chitwood, who represented the plaintiffs, said he will begin the process of alerting consumers who bought the carpet between 1991 and 1995. The lawsuit was filed in U.S. District Court for the Northern District of Georgia.

Marco Island Cable wins \$3,268,392 verdict over giant Comcast

- July 21, 2006: Jury determined Comcast had violated the Florida Deceptive and Unfair Trade Practices Act and awarded MIC \$3,268,392.
- Marco Island Cable, Inc. alleged that Comcast Cablevision of the South Inc. committed unfair competition and anti-competitive acts, prohibiting MIC from expanding its operations.
- MIC claimed Comcast used its monopoly power to charge about \$30 per month for its services for Collier County residents, and as little as \$11.50 per month on Marco Island and threatened to sue associations who wanted to change, offering exclusive contracts and deep discounts not to change, which prevented MIC from expanding its operations.
- MIC originally sued Comcast in Collier County 20th Judicial Cir. Ct. The case was removed to U.S. District Court for the Middle District of Florida.

Prosecution of International Cartels

Beginning in 1995, the Antitrust Division made the prosecution of international cartels that victimize U.S. businesses and consumers one of its highest priorities. Investigations have uncovered meetings of international cartels in over 100 cities and in over 35 countries, including most of the far east and nearly every country in western Europe. In the last five years, the Antitrust Division has obtained over \$1.5 billion in fines – more than the total obtained in the previous 110-year history of the Sherman Act.

THE LYSINE CASE

The Lysine Case (cont'd)