

[Press Releases](#)

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ATTORNEY GENERAL MADIGAN ANNOUNCES \$25 MILLION SETTLEMENT FOR VITAMIN PRICE FIXING CONSPIRACY

CHICAGO - Illinois Attorney General Lisa Madigan announced today that Illinois and 22 other states have moved a step closer to settling a multi-state and class action lawsuit related to a vitamin price fixing conspiracy that violated federal and state antitrust laws. Late Tuesday, the states filed a motion for preliminary approval of the \$25.03 million settlement - which includes approximately \$3 million for Illinois - in the United States District Court for the District of Columbia. The court will review the settlement over the coming months and determine whether to approve it.

Attorney General Madigan and the other Attorneys General filed the motion on behalf of consumers and businesses in their states that purchased vitamins or any food item that had vitamins added to it such as ready-to-eat cereals, energy drinks and milk between 1988 and 2000.

"This conspiracy affected Illinois consumers by unfairly inflating prices for something as important as vitamins," said Illinois Attorney General Lisa Madigan. "The motion we have filed brings us closer to holding these companies accountable for the significant injury they caused."

The Attorneys General secured the settlement in conjunction with a class action lawsuit pending in the U.S. District Court for the District of Columbia. That lawsuit, Philip Richardson et al. v. Akzo Nobel Inc. et al., No. 1:09-cv-02112, is part of In re Vitamins Antitrust Litigation, No. 1:99-mc-00197-TFH and follows an earlier \$225 million settlement reached in 2000 involving different vitamin manufacturers.

Once the court approves the settlement, businesses in the settling states that indirectly purchased the vitamins between 1988 and 2000 may make a claim to obtain money from the portion of the settlement allocated to businesses. Given the extraordinary number of affected consumers, each Attorney General also will distribute settlement funds allocated to consumers in their state to government or not-for-profit organizations as approved by the Court.

In addition to Illinois, the states, districts, and commonwealths participating in this settlement are: Arizona, District of Columbia, Florida, Hawaii, Idaho, Kansas, Maine, Michigan, Minnesota, Nevada, New Mexico, New York, North Carolina, North Dakota, Puerto Rico, Rhode Island, South Dakota, Tennessee, Vermont, Washington, West Virginia and Wisconsin.

The companies that sold these vitamins and subject to the \$25.03 million settlement are: Akzo Nobel Inc.; Bioproducts Incorporated, Mitsui & Co., Ltd. and Mitsui & Co. (U.S.A.), Inc.; Chinook Global Limited and Chinook Group, Inc.; Evonik Degussa GmbH, successor to Degussa AG, and Evonik Degussa Corporation; Lonza AG; Merck KGaA, E. Merck and EM Industries, Inc.; Nepera, Inc.; Sumitomo Chemical America, Inc. and Sumitomo Chemical Co., Ltd.; Mitsubishi Tanabe Pharma Corporation and Tanabe U.S.A., Inc.; UCB Pharma, Inc.; and, Vertellus Specialties Inc. and Vertellus Chemicals SA.

The vitamins affected by this alleged price fixing conspiracy are: vitamin A, astaxanthin, vitamin B1 (thiamin), vitamin B2 (riboflavin), vitamin B3 (niacin), vitamin B4 (choline chloride), vitamin B5 (calpan), vitamin B6, vitamin B9 (folic acid), vitamin B12 (cyanocobalamine pharma), beta-carotene, vitamin C, canthaxanthin, vitamin E, and vitamin H (biotin), as well as all blends and forms of these vitamins. Also included is Premix, a product that contains one or more these vitamins in combination with other substances.

-30-

[Return to December 2009 Press Releases](#)



