

FEDERAL COURT OF CANADA
(TRIAL DIVISION)

BETWEEN:

HER MAJESTY THE QUEEN

and

DAICEL CHEMICAL INDUSTRIES, LTD.

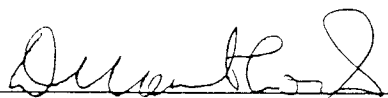
Accused

INDICTMENT

THE ACCUSED, Daicel Chemical Industries, Ltd., stands charged:

THAT IT DID, between approximately January, 1979 and September, 1996, the exact dates being unknown, at locations outside Canada, unlawfully conspire, combine, agree or arrange with Eastman Chemical Company, Hoechst AG, Cheminova Agro A/S, Ueno Fine Chemicals Industry, Ltd., Chisso Corporation and The Nippon Synthetic Chemical Industry Co., Ltd., the one with the other or others of them, together and with a person or persons known and unknown, to prevent or lessen, unduly, competition in the production, manufacture, purchase, barter, sale, storage, rental, transportation or supply of a product, namely, sorbates, in Canada, contrary to paragraph 45(1)(c) of the *Competition Act*, R.S.C. 1985, c. C-34.

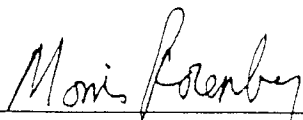
Dated at Ottawa, this 6th day of September, 2000



D. Martin Low, Q.C./Manon Lapointe
For the Attorney General of Canada

I hereby consent to the preferment of this indictment pursuant to section 577 of the *Criminal Code of Canada*, R.S.C. 1985, c. C-46.

Dated at Ottawa this 8th day of September, 2000



Morris Rosenberg
Deputy Attorney General of Canada

FEDERAL COURT OF CANADA
(TRIAL DIVISION)

IN THE MATTER OF section 45 of the
Competition Act, R.S.C. 1985, c. C-34
(as amended)

BETWEEN:

HER MAJESTY THE QUEEN

- and -

DAICEL CHEMICAL INDUSTRIES, LTD.

Accused

INDICTMENT

D. Martin Low, Q.C.
Manon Lapointe
Counsel for the Attorney General of Canada
Department of Justice
Industry Canada Legal Services
Competition Law Division
Place du Portage, Phase 1
50 Victoria Street, 22nd Fl.
Hull, Quebec K1A 0C9

Telephone: (819) 997-3325
Facsimile: (819) 953-9267

FEDERAL COURT OF CANADA
COUR FÉDÉRALE DU CANADA
Court of Appeal
Chambre d'appel
Federal Court Registry
Bureau du Greffe

Date:

September 14, 2000

C. H. Beaulieu
Registry Officer
Agent du Greffe