

**State of New Mexico
Office of Attorney General
Gary K. King**



NEWS RELEASE

Tuesday, December 1, 2009

Contact: Phil Sisneros 505-827-6792 Lynn Southard 505-222-9048

**AG King Announces \$25-Million Vitamin Price Fixing
Settlement**

NM Consumers & Businesses to Benefit

(ALBUQUERQUE)---Attorney General Gary King today released terms of a \$25.03 million multi-state and antitrust class action settlement involving a number of vitamin manufacturers for conspiring to fix prices and artificially inflate the cost of more than a dozen types of vitamins.

"This settlement is on behalf of consumers and businesses that purchased certain vitamins between 1988 and 2000 and reside in New Mexico or any of the other 22 settling states," says Attorney General King. "By working together with other states we increase our individual efforts to help protect our citizens, especially when it involves essential health products."

This settlement follows an earlier \$225 million settlement reached in 2000 involving the same vitamins but different vitamin manufacturers.

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.

The companies that sold these vitamins and subject to the 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.

Attorneys General in participating states secured this settlement in conjunction with a class action lawsuit pending in the U.S. District Court for the District of Columbia. That lawsuit is Philip Richardson et al. v. Akzo Nobel Inc. et al., No. 1:09-cv-02112, which is part of In re Vitamins Antitrust Litigation, No. 1:99-mc-00197-TFH. A motion for preliminary approval of the settlement is being filed today. Court approval of the settlement is pending.

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

The states, districts, and commonwealths participating in this settlement are: Arizona, District of Columbia, Florida, Hawaii, Idaho, Illinois, 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.

###