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13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**

15 UNITED STATES OF AMERICA,
16 Plaintiff,

17 v.

18 KENNETH WORSHAM,
19 Defendant.

20 **CR 16 535**
21 Case No. 16 CR _____

22 **INFORMATION**

23 **CRB**

24 15 U.S.C. § 1 — Price Fixing

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

26 I.

27 **DESCRIPTION OF THE OFFENSE**

28 1. KENNETH WORSHAM (“defendant”) is hereby made defendant on the
charge contained in this Information.

2. Beginning as early as 2011 and continuing until in or about 2013, the exact
dates being unknown to the United States, in the Northern District of California and
elsewhere, the defendant and his coconspirators knowingly entered into and engaged in a
combination and conspiracy to fix, raise, and maintain the prices of packaged seafood sold in
the United States. The combination and conspiracy engaged in by the defendant and

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1 coconspirators was an unreasonable restraint of interstate commerce in violation of Section 1
2 of the Sherman Antitrust Act (15 U.S.C. § 1).

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

6 4. Packaged seafood includes shelf-stable tuna fish.

7 II.

8 DEFENDANT AND COCONSPIRATORS

9 5. During the time period covered by this Information, the defendant was a
10 resident of California and a citizen of the United States. From at least as early as May 2000
11 until at least as late as December 2016, the defendant was employed by Company A as a
12 Senior Vice President of Trade Marketing.

13 6. Company A, an unindicted coconspirator company, is an entity organized and
14 existing under the laws of Delaware with its principal place of business in San Diego,
15 California.

16 7. During the period covered by this Information, Company A was a producer of
17 packaged seafood and was engaged in the sale of packaged seafood in the United States and
18 elsewhere.

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

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

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1 III.

2 MEANS AND METHODS OF THE CONSPIRACY

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

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

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

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

13 IV.

14 TRADE AND COMMERCE

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

19 12. During the period covered by this Information, the business activities of
20 Company A and its coconspirators in connection with the sale of packaged seafood were
21 within the flow of, and substantially affected, interstate commerce.

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INFORMATION

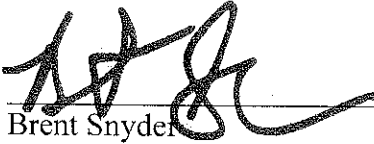
1 ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

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4 Renata B. Hesse
Acting Assistant Attorney General



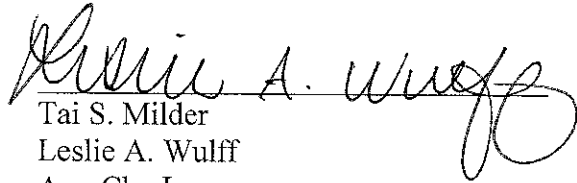
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6 E. Kate Patchen
Chief, San Francisco Office

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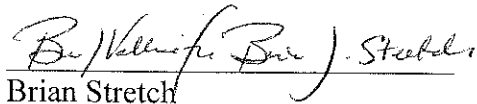
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