

MESSAGE NO: 2232207 MESSAGE DATE: 08/20/2002
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-504

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 05/04/2001 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: SCOPE RULINGS FOR DUMPING ORDER ON PETROLEUM WAX CANDLES FROM CHINA (A-570-504)

MESSAGE NO: 2232207

DATE: 08 20 2002

CATEGORY: ADA

TYPE: LIQ

REFERENCE:

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CASES: A - 570 - 504

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PERIOD COVERED: 05 04 2001 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: SCOPE RULINGS FOR DUMPING ORDER ON PETROLEUM WAX
CANDLES FROM CHINA (A-570-504)

1. ON MAY 4, 2001, IN RESPONSE TO A REQUEST BY AVON PRODUCTS (AVON), THE DEPARTMENT OF COMMERCE ISSUED A FINAL SCOPE RULING THAT AVON'S "PUZZLE HEART CANDLE" (PRODUCT PROFILE NO. 220595) IS NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-504).

2. THE COMMERCE DEPARTMENT DETERMINED THAT AVON'S "PUZZLE HEART

CANDLE" (PRODUCT PROFILE NO. 220595) IS IN THE SHAPE OF AN IDENTIFIABLE OBJECT AND, THUS, COVERED BY THE DEPARTMENT'S JULY 1987 NOVELTY CANDLE EXCEPTION. THEREFORE, THIS CANDLE IS NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA.

3. EFFECTIVE MAY 4, 2001, TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES, REGARDLESS OF ENTRY DATE, OF AVON'S "PUZZLE HEART CANDLE" (PRODUCT PROFILE NO. 220595) LISTED ABOVE.

4. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO AVON'S "PUZZLE HEART CANDLE" (PRODUCT PROFILE NO. 220595) LISTED ABOVE.

5. ON MAY 8, 2001, IN RESPONSE TO A REQUEST BY AVON, THE DEPARTMENT OF COMMERCE ISSUED A FINAL SCOPE RULING THAT AVON'S " HOLLY BERRY PILLAR CANDLE" (PRODUCT PROFILE NO. 221227) AND " HOLLY BERRY PILLAR CANDLE" (WITH BERRIES PAINTED RED) ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-504).

6. THE COMMERCE DEPARTMENT DETERMINED THAT AVON'S "HOLLY BERRY PILLAR CANDLE" (PRODUCT PROFILE NO. 221227) AND "HOLLY BERRY PILLAR CANDLE" (WITH BERRIES PAINTED RED) ARE HOLIDAY NOVELTY CANDLES AND, THUS, COVERED BY THE DEPARTMENT'S JULY 1987 NOVELTY CANDLE EXCEPTION. THEREFORE, THESE CANDLES ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA.

7. EFFECTIVE MAY 8, 2001, TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES, REGARDLESS OF ENTRY DATE, OF AVON'S "HOLLY BERRY PILLAR CANDLE" (PRODUCT PROFILE NO. 221227) AND "HOLLY BERRY PILLAR CANDLE" (WITH BERRIES PAINTED RED) LISTED ABOVE.

8. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO AVON'S "HOLLY BERRY PILLAR CANDLE" (PRODUCT PROFILE

NO. 221227) AND "HOLLY BERRY PILLAR CANDLE" (WITH BERRIES PAINTED RED) LISTED ABOVE.

9. ON MAY 21, 2001, IN RESPONSE TO A REQUEST BY JCPENNEY PURCHASING CORPORATION (JCPPC), THE DEPARTMENT OF COMMERCE ISSUED

A FINAL SCOPE RULING THAT 24 OF JCPPC'S CANDLES ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-504). THE 24 CANDLES ARE AS FOLLOWS: 1) DARK GREEN HOLLY PILLAR (STYLE #X0103(P6)36), 2) DARK GREEN "CRACKED" HOLLY PILLAR (STYLE #X0105(36)), 3) DARK RED SANTA CLAUS PILLAR (STYLE #X0103(P2)), 4) RED OVAL HOLLY PILLAR (STYLE #X0103(P6)O), 5) RED HOUSE CANDLE (STYLE #X5305), 6) CHOCOLATE HOUSE CANDLE (STYLE #X5304), 7) CHURCH CANDLE (STYLE #X7153), 8) RED SQUARE CANDLE WITH HOLLY (STYLE #X0103(P6)S), 9) BROWN "JOY," "PEACE," AND "NOEL" PILLAR (STYLE #X-3), 10) CREAM COLORED HOLLY PILLAR (STYLE #C-5312-2), 11) "HOLLOW CANDLE" (INCLUDED WITH TEA-LIGHT CANDLES) (STYLE #X0109(R)) (NOTE: WE HAVE DETERMINED THAT THE "HOLLOW CANDLE" IS NOT A PETROLEUM WAX CANDLE SUBJECT TO THIS ORDER BECAUSE IT IS HOLLOW AND DOES NOT CONTAIN A WICK; SEE CONCURRENT INSTRUCTIONS BEING ISSUED REGARDING THE ACCOMPANYING TEA-LIGHT CANDLES WHICH ARE CONSIDERED TO BE WITHIN THE SCOPE OF THIS ORDER), 12) PINECONE TEA-LIGHT CANDLE (STYLE #NX827G16T), 13) CHRISTMAS ORNAMENT CANDLE (STYLE #X16M), 14) PINECONE CANDLE (STYLE #X0113), 15) APPLE CANDLE (STYLE #X0110(S6)), 16) PUMPKIN CANDLE (STYLE #X0112(S6)), 17) GOURD CANDLE (STYLE #X0116(S6)), 18) GHOST FACE AND WEB PILLAR (STYLE #HC0105), 19) JACK-O'-LANTERN, WEB AND BAT PILLAR (STYLE #HC010(R)), 20) SET OF SIX JACK-O'-LANTERN TEA-LIGHT CANDLES (STYLE #HC0102), 21) SET OF FOUR GHOST TEA-LIGHT CANDLES (STYLE #HC0103), 22) PILLAR WITH CHRISTMAS TREES AND STARS AND ROSE PETAL TOP (STYLE #X0102), 23) "BUILD YOUR OWN CANDLE" SET (STYLE #CX61), 24) 58 PERCENT PALM OIL/42 PERCENT PETROLEUM WAX SQUARE CANDLE WITH SANTA FIGURES (STYLE #152133C).

10. THE COMMERCE DEPARTMENT DETERMINED THAT 23 OF THESE 24 CANDLES ARE EITHER HOLIDAY NOVELTY CANDLES OR ARE IN THE SHAPE OF

IDENTIFIABLE OBJECTS AND, THUS, COVERED BY THE DEPARTMENT'S JULY 1987 NOVELTY CANDLE EXCEPTION. ADDITIONALLY, THE COMMERCE DEPARTMENT DETERMINED THAT TWO OF JCPPC'S CANDLES, THE "BUILD YOUR OWN CANDLE" SET (STYLE #CX61) AND THE 58 PERCENT PALM OIL/42 PERCENT PETROLEUM WAX SQUARE CANDLE WITH SANTA FIGURES (STYLE # 152133C, ALSO COVERED BY THE NOVELTY CANDLE EXCEPTION), DID NOT CONSTITUTE PETROLEUM WAX CANDLES. THEREFORE, THESE CANDLES ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA.

11. EFFECTIVE MAY 21, 2001, TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES, REGARDLESS OF ENTRY DATE, OF JCPPC'S 24 CANDLES LISTED ABOVE IN PARAGRAPH 9.

12. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO JCPPC'S 24 CANDLES LISTED ABOVE IN PARAGRAPH 9.

13. ON JULY 11, 2001, IN RESPONSE TO A REQUEST BY AVON, THE DEPARTMENT OF COMMERCE ISSUED A FINAL SCOPE RULING THAT AVON'S " EASTER GARDEN CANDLES" (PRODUCT PROFILE NO. 226666) AND "PINE CONE CANDLE" (PRODUCT PROFILE NO. 223469) ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-504).

14. THE COMMERCE DEPARTMENT DETERMINED THAT AVON'S "EASTER GARDEN CANDLES" (PRODUCT PROFILE NO. 226666) AND "PINE CONE CANDLE" (PRODUCT PROFILE NO. 223469) ARE IN THE SHAPE OF IDENTIFIABLE OBJECTS AND, THUS, COVERED BY THE DEPARTMENT'S JULY 1987 NOVELTY CANDLE EXCEPTION. THEREFORE, THESE CANDLES ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA.

15. EFFECTIVE JULY 11, 2001, TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES, REGARDLESS OF ENTRY DATE, OF AVON'S " EASTER GARDEN CANDLES" (PRODUCT PROFILE NO. 226666) AND "PINE CONE CANDLE" (PRODUCT PROFILE NO. 223469) LISTED ABOVE.

16. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO AVON'S "EASTER GARDEN CANDLES" (PRODUCT PROFILE NO. 226666) AND "PINE CONE CANDLE" (PRODUCT PROFILE NO. 223469) LISTED ABOVE.

17. ON NOVEMBER 9, 2001, IN RESPONSE TO A REQUEST BY JCPPC, THE DEPARTMENT OF COMMERCE ISSUED A FINAL SCOPE RULING THAT JCPPC'S "FLOATING PINK ROSE BLOSSOM" (STYLE #D3201P), "FLOATING PINK ROSE BLOSSOM" (STYLE #C-1013A), AND "AUTUMN LEAF CANDLE" (LOT #3035) ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-504).

18. THE COMMERCE DEPARTMENT DETERMINED THAT JCPPC'S "FLOATING PINK ROSE BLOSSOM" (STYLE #D3201P), "FLOATING PINK ROSE BLOSSOM" (STYLE #C-1013A), AND "AUTUMN LEAF CANDLE" (LOT #3035) ARE IN THE SHAPE OF IDENTIFIABLE OBJECTS AND, THUS, COVERED BY THE DEPARTMENT'S JULY 1987 NOVELTY CANDLE EXCEPTION. THEREFORE, THESE CANDLES ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA.

19. EFFECTIVE NOVEMBER 9, 2001, TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES, REGARDLESS OF ENTRY DATE, OF JCPPC'S "FLOATING PINK ROSE BLOSSOM" (STYLE #D3201P), "FLOATING PINK ROSE BLOSSOM" (STYLE #C-1013A), AND "AUTUMN LEAF CANDLE" (LOT #3035) LISTED ABOVE.

20. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO JCPPC'S "FLOATING PINK ROSE BLOSSOM" (STYLE #D3201P), "FLOATING PINK ROSE BLOSSOM" (STYLE #C-1013A), AND "AUTUMN LEAF CANDLE" (LOT #3035) LISTED ABOVE.

21. THE ASSESSMENT OF ANTIDUMPING DUTIES BY THE CUSTOMS SERVICE ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CUSTOMS PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDER

PAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

22. CONTINUE TO SUSPEND LIQUIDATION OF ENTRIES OF PETROLEUM WAX CANDLES SUBJECT TO THE ANTIDUMPING DUTY ORDER COVERING PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA.

23. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, OTHER GOVERNMENT AGENCY LIAISON, USING THE ATTRIBUTE "HQ OAB." IMPORTING PUBLIC AND INTERESTED PARTIES SHOULD CONTACT SALLY GANNON AT 202-482-0162, AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE.

24. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party