

MESSAGE NO: 3222111 MESSAGE DATE: 08/10/1993
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: SCO-Scope 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: 02/12/1993 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: SCOPE RULING ON PETROLEUM WAX CANDLES FROM PEOPLE'S REPUBLIC OF CHINA - SIMCHA CANDLE COMPANY

MESSAGE NO: 3222111 DATE: 08 10 1993

CATEGORY: ADA TYPE: SCO

REFERENCE: REFERENCE DATE:

CASES: A - 570 - 504 - -

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PERIOD COVERED: 02 12 1993 TO

LIQ SUSPENSION DATE:

TO: REGIONAL DIRECTORS, COMMERCIAL OPERATIONS
DISTRICT DIRECTORS, AREA AND PORT DIRECTORS

FROM: DIRECTOR, IMPORT SPECIALIST DIVISION

RE: SCOPE RULING ON PETROLEUM WAX CANDLES FROM PEOPLE'S
REPUBLIC OF CHINA - SIMCHA CANDLE COMPANY

1. ON FEBRUARY 12, 1993, IN RESPONSE TO A REQUEST BY SIMCHA CANDLE COMPANY, THE DEPARTMENT OF COMMERCE ISSUED A FINAL SCOPE RULING THAT CERTAIN SIMCHA HOUSEHOLD/UTILITY CANDLES ARE NOT WITHIN THE SCOPE OF THE ORDER, WHILE ALL OTHER SIMCHA CANDLES ARE WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING PETROLEUM

WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA.

2. THE DEPARTMENT DETERMINED THAT SHORT, WHITE CANDLES AND SMALL

COLOR CANDLES LESS THAN 6 INCHES IN HEIGHT AND APPROXIMATELY 3/4 INCHES IN DIAMETER CONSTITUTE HOUSEHOLD\UTILITY CANDLES. HOUSEHOLD\UTILITY CANDLES WERE SPECIFICALLY EXCLUDED FROM THE SCOPE OF THE ORDER. THEREFORE, SIMCHA'S HOUSEHOLD\UTILITY CANDLES ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA.

3. EFFECTIVE IMMEDIATELY, TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES, REGARDLESS OF ENTRY DATE, OF SIMCHA'S HOUSEHOLD\UTILITY CANDLES LISTED ABOVE. 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, WHICH REQUIRES INTEREST ON OVERPAYMENTS OR UNDERPAYMENTS OF THE AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES.

INTEREST SHALL BE CALCULATED FROM THE DATE OF PAYMENT OF ESTIMATED ANTIDUMPING DUTIES THROUGH THE DATE OF LIQUIDATION. THE RATE OF WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

4. REFUND ANY CASH DEPOSITS AND RELEASE ANY BONDS RELATING TO SIMCHA'S HOUSEHOLD\UTILITY CANDLES LISTED ABOVE.

5. THE DEPARTMENT DETERMINED THAT CERTAIN PETROLEUM WAX CANDLES CONTAINING A COTTON WICK AND STANDING 6 INCHES OR MORE IN HEIGHT FALL WITHIN THE SCOPE OF THE ORDER. FINALLY, THE DEPARTMENT DETERMINED THAT TEALIGHT CANDLES (THAT DO NOT HAVE ANY SPECIAL DECOR, SCENERY, OR LIMITATIONS RELATED TO THE CHRISTMAS HOLIDAY SEASON) CONTAINING A COTTON WICK SURROUNDED BY A THIN METAL CASING ON ALL BUT ONE SIDE ARE ALSO WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA.

6. CONTINUE TO SUSPEND LIQUIDATION ON THE REMAINDER OF SIMCHA'S

CANDLES AND ALL OTHER ENTRIES OF PETROLEUM WAX CANDELS FROM THE PEOPLE'S REPUBLIC OF CHINA.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS PLEASE CONTACT THE IMPORT SPECIALIST DIVISION, OTHER AGENCY BRANCH, VIA E-MAIL ATTRIBUTE HQ OAB. THE IMPORTING PUBLIC AND OTHER INTERESTED PARTIES SHOULD CONTACT MATT GAISFORD AT (202) 482-4851, OF THE OFFICE OF ANTIDUMPING COMPLIANCE, INTERNATIONAL TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE.

8. THERE ARE NO RESTRICTIONS ON RELEASE OF THIS INFORMATION.

NANCY MCTIERNAN

Company Details

*Party Indicator Value:

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