

MESSAGE NO: 3337202 MESSAGE DATE: 12/03/2003
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: 11/17/2003 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: ANTIDUMPING SCOPE RULING ON PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-504) FOR AVON PRODUCT'S INC.

MESSAGE NO: 3337202 DATE: 12 03 2003

CATEGORY: ADA TYPE: LIQ

REFERENCE: REFERENCE DATE:

CASES: A - 570 - 504 - -

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PERIOD COVERED: 11 17 2003 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: ANTIDUMPING SCOPE RULING ON PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-504) FOR AVON PRODUCT'S INC.

1. ON NOVEMBER 17, 2003, IN RESPONSE TO A REQUEST FROM AVON PRODUCTS, INC., THE DEPARTMENT OF COMMERCE ISSUED A FINAL SCOPE RULING THAT FIVE OF AVON'S CANDLES, "JEWELLED FRUIT PILLAR" (PRODUCT PROFILE NUMBER 239209), "SWEET COUNTRY HARVEST" (PRODUCT PROFILE 239091), "HALLOWEEN PUMPKIN CANDLE" (PRODUCT PROFILE 228336-PUMPKIN), "HALLOWEEN GHOST" (PRODUCT PROFILE 238336-GHOST), AND "JEWELLED HOME FRAGRANCED Poured CANDLE" (PRODUCT PROFILE 239217) ARE NOT WITHIN THE SCOPE OF THE ORDER COVERING PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-

504).

2. THE DEPARTMENT OF COMMERCE DETERMINED THAT AVON'S "JEWELLED FRUIT PILLAR" (PRODUCT PROFILE NUMBER 239209), "SWEET COUNTRY HARVEST" (PRODUCT PROFILE 239091), "HALLOWEEN PUMPKIN CANDLE" (PRODUCT PROFILE 238336-PUMPKIN), "HALLOWEEN GHOST" (PRODUCT PROFILE 238336-GHOST), AND "JEWELLED HOME FRAGRANCED Poured CANDLE" (PRODUCT PROFILE 239217) ARE OUTSIDE OF THE SCOPE BECAUSE THE MAJORITY OF THE WAX CONTAINED IN THESE CANDLES CONSISTS OF FATTY ACIDS DERIVED FROM VEGETABLE OR ANIMAL FATS AND THE PETROLEUM WAX CONTENT IS LESS THAN 50 PERCENT.

3. EFFECTIVE 11/17/2003, TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES, REGARDLESS OF ENTRY DATE, OF AVON'S "JEWELLED FRUIT PILLAR" (PRODUCT PROFILE NUMBER 239209), "SWEET COUNTRY HARVEST" (PRODUCT PROFILE 239091), "HALLOWEEN PUMPKIN CANDLE" (PRODUCT PROFILE 238336-PUMPKIN), "HALLOWEEN GHOST" (PRODUCT PROFILE 238336-GHOST), AND "JEWELLED HOME FRAGRANCED Poured CANDLE" (PRODUCT PROFILE 239217) LISTED ABOVE.

4. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO AVON'S "JEWELLED FRUIT PILLAR" (PRODUCT PROFILE NUMBER 239209), "SWEET COUNTRY HARVEST" (PRODUCT PROFILE 239091), "HALLOWEEN PUMPKIN CANDLE" (PRODUCT PROFILE 238336-PUMPKIN), "HALLOWEEN GHOST" (PRODUCT PROFILE 238336-GHOST), AND "JEWELLED HOME FRAGRANCED Poured CANDLE" (PRODUCT PROFILE 239217) LISTED ABOVE.

5. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CUSTOMS AND BORDER PROTECTION (BCP) ON ENTRIES OF THIS MERCHANDISE 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 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.

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

7. WITH RESPECT TO THESE FIVE AVON CANDLES LISTED ABOVE IN PARAGRAPH 1, THE COMMERCE DEPARTMENT NOTES THAT THE TEST RESULTS

SUBMITTED BY AVON FROM AN INDEPENDENT TESTING FACILITY INDICATE THAT THE MAJORITY WAX COMPONENT FOR THESE CANDLES IS NOT PETROLEUM WAX. HOWEVER, THE COMMERCE DEPARTMENT NOTES THAT THE

AFOREMENTIONED TEST RESULTS MAY NOT BE DISPOSITIVE OF THE EXACT COMPOSITION OF CANDLES OF THIS ITEM NUMBER WHEN SUCH CANDLES ARE PRESENTED AT A FUTURE TIME FOR ENTRY. THEREFORE, THE COMMERCE DEPARTMENT ENCOURAGES BCP PORTS OF ENTRY TO CONTINUE FOLLOWING

BCP TESTING PROCEDURES PREVIOUSLY IN PLACE FOR IMPORTS OF PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA.

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI AT OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 (GENERATED BY G307:JA).

9. 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