

MESSAGE NO: 3084301 MESSAGE DATE: 03/25/2013  
MESSAGE STATUS: Active CATEGORY: Antidumping  
TYPE: LIQ-Liquidation PUBLIC  NON-PUBLIC   
SUB-TYPE: OUTSCO-Out of Scope

FR CITE: FR CITE DATE:

REFERENCE 2005304  
MESSAGE #  
(s):

CASE #(s): A-570-504

EFFECTIVE DATE: 02/19/1986 COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 03/25/2013

TO: { Directors Of Field Operations, Port Directors }

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

RE: Antidumping duty scope determination on petroleum wax candles from the People's Republic of China (A-570-504)

Notice of the lifting of suspension occurred on the message date of these instructions. See paragraph 5 below.

1. Commerce received a scope ruling request from Signature Brands LLC. Commerce issued a final scope determination on 3/07/2013 that five of the candles which Signature Brands LLC imports are not within the scope of the antidumping duty order on petroleum wax candles from the People's Republic of China (A-570-504).

2. Commerce determined that the following five of the requester's 22 products are birthday candles and therefore outside the scope of the order:

Cupcake Birthday Candles (Barcode 0-71169-79969-2)

Happy Birthday Candles (Barcode 0-71169-20895-8)

Party Musical Birthday Candle (Barcode 0-71169-15700-3)

Pencil Birthday Candles (Barcode 0-71169-15640-2)

Sparkling Daisy Birthday Candles (Barcode 0-71169-81416-6)

These five candle models satisfy the four criteria under 19 CFR 351.225(k)(2) that the Department found relevant for this scope ruling, as outlined below.

Physical Characteristics:

- a. These candle models are small, thin and lightweight and, thus, suitable for placing on top of a cake, cupcake, or other confection for the birthday occasion.
- b. These candle models have a burn time of one hour or less.
- c. These candle models are unscented.
- d. The height of these candle models does not exceed 4.25 inches.
- e. The diameter or thickness of the candle's stem portion does not exceed 3/8 or 0.375 inches.
- f. The weight of each of these candle models does not exceed 8.13 grams.
- g. The candles are sold in multiple candle packages containing three-24 candles.

- h. These five candles are clearly labeled as birthday candles.
- i. These candle models do not contain stearic acid (stearin).
- j. These candle models are food-safe in accordance with federal guidelines.
  - These candles are in compliance with the federal ban on cadmium content.
  - These candles are in compliance with the federal ban on lead content.
  - For the candle models that use a candle holder, these use a plastic that is food-safe in compliance with FDA regulation.

Expectation of the Ultimate Purchasers:

- k. These five candle models are clearly labeled as “birthday candles.”
- l. Consumers expect that these five candle models would be placed on a birthday confection for a one-time celebration.

Ultimate Use of the Product:

- m. Consumers use these five candle models for the specific purpose of decorating a birthday cake, cupcake, or other birthday confection, as demonstrated by the birthday candle label.

Manner in Which the Product is Advertised and Displayed:

- n. These birthday and cake-top candle models are advertised and displayed in the baking section of grocery stores and supermarkets.
- o. These birthday and cake-top candle models may also be advertised and displayed in the birthday or baking sections of party stores.
- p. When these birthday and cake-top candle models are sold in other retail establishments (e.g. drug stores, etc.) they are advertised and displayed in the birthday or baking sections (i.e., separated from other subject candles which are advertised and displayed in the home decoration section).
- q. Record evidence shows that these five candle models are clearly advertised and displayed as “birthday candles” when sold online.
- r. These five candle models, in any of the channels of trade discussed above, are labeled as birthday candles and are advertised and displayed along with other birthday items (e.g. cake decoration materials, decorative icing, birthday cards, etc.).

Therefore, five of Signature Brands LLC’s products are not within the scope of the antidumping duty order on petroleum wax candles from the People’s Republic of China (A-570-504).

This scope ruling and the analysis under 19 CFR 351.225(k)(2) above do not pertain to birthday numeral candles, which remain excluded according to message number 2005304, dated 01/05/2012.

3. For all entries of petroleum wax candles not within scope that remain unliquidated on or after 02/19/1986, CBP shall terminate suspension and liquidate entries of product not within scope which were entered, or withdrawn from warehouse, for consumption.
4. Refund any cash deposits and release any bonds relating to the product not within the scope described above.
5. These instructions constitute notice of the lifting of suspension of liquidation of entries of product not within scope entered, or withdrawn from warehouse, for consumption on or after 02/19/1986.
6. The assessment of antidumping duties by CBP on shipments or entries of this merchandise is subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778 requires that CBP pay interest on overpayments or assess interest on underpayments 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.
7. Unless instructed otherwise, for all other shipments of petroleum wax candles from the People's Republic of China not covered by paragraph 2 above, you shall continue to collect cash deposits of estimated antidumping duties for the merchandise at the current rates.
8. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by O9: RMR).
9. There are no restrictions on the release of this information.

Michael B. Walsh

## Company Details

\*Party Indicator Value:

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