

MESSAGE NO: 5039112 MESSAGE DATE: 02/08/1995
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: 01/13/1995 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 TWO'S COMPANY, INC.

MESSAGE NO: 5039112 DATE: 02 08 1995

CATEGORY: ADA TYPE: SCO

REFERENCE: REFERENCE DATE:

CASES: A - 570 - 504 - -

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PERIOD COVERED: 01 13 1995 TO

LIQ SUSPENSION DATE:

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

FROM: DIRECTOR, TRADE COMPLIANCE DIVISION

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

1. ON JANUARY 13, 1995, IN RESPONSE TO A REQUEST BY TWO'S COMPANY, INC., (TWO'S COMPANY), THE DEPARTMENT OF COMMERCE ISSUED A FINAL SCOPE RULING THAT TWO'S COMPANY'S RED TAPER CANDLE WITH A GOLD ANGEL ATTACHED, #1279-08, IS NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER ON PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA (PRC) (A-570-504).

2. THE COMMERCE DEPARTMENT DETERMINED THAT TWO'S COMPANY'S RED TAPER CANDLE WITH A GOLD ANGEL ATTACHED, #1279-08, IS A FIGURINE NOVELTY CANDLE THAT CLEARLY MEETS THE DESCRIPTION OF MERCHANDISE SPECIFICALLY EXCLUDED FROM THE SCOPE OF THE ANTIDUMPING DUTY ORDER ON PETROLEUM WAX CANDLES FROM THE PRC.
3. EFFECTIVE IMMEDIATELY, TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTIRES, REGARDLESS OF ENTRY DATE, OF THE TWO'S COMPANY'S RED TAPER CANDLE WITH A GOLD ANGEL ATTACHED, #1279-08.
4. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO TWO'S COMPANY'S RED TAPER CANDLE WITH A GOLD ANGEL ATTACHED, #1279-08.
5. 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 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 OF PAYMENT OF ESTIMATED ANTIDUMPING DUTIES 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. ALSO ON JANUARY 13, 1995, IN RESPONSE TO THE ABOVE-REFERENCED REQUEST THE DEPARTMENT OF COMMERCE FOUND THAT TWO'S COMPANY'S DECORATED PILLAR CANDLES, #1230 ("ROUND JEWELS"), #1231 ("SQUARE JEWELS"), #1232/1233 ("PEARLS"), #1234 ("CELESTIAL"), #1236/1237 ("ROSES"), #1248/1250/1256 ("STARS"), #1251 ("SQUARES"), #1252 ("DOTS"), #1254 ("DIAMOND DESIGN"), #1255 ("HEARTS"), #1258 ("JINGLE BELLS"), ARE

WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER ON PETROLEUM WAX CANDLES FROM THE PRC.

7. BECAUSE TWO'S COMPANY'S DECORATED PILLAR CANDLES LISTED ABOVE DO NOT SYMBOLIZE ANY SPECIFIC EVENT OR HOLIDAY AND THE ORNAMENTS CAN BE REMOVED FROM THE CANDLES WITHOUT DAMAGE TO THE PILLARS, THE COMMERCE DEPARTMENT FOUND TWO'S COMPANY'S DECORATED PILLAR CANDLES, LISTED ABOVE, SUBJECT TO THE ANTIDUMPING DUTY ORDER COVERING PETROLEUM WAX CANDLES FROM THE PRC.
8. CONTINUE TO SUSPEND LIQUIDATION OF PETROLEUM WAX CANDLES, INCLUDING TWO'S COMPANY'S DECORATED PILLAR CANDLES LISTED ABOVE, SUBJECT TO THE ANTIDUMPING DUTY ORDER ON PETROLEIUM WAX CANDLES FROM THE PRC.
9. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT, THROUGH THE REGIONAL ANTIDUMPING/COUNTERVAILING DUTY COORDINATOR, THE TRADE COMPLIANCE DIVISION, ANTIDUMPING/COUNTERVAILING DUTY BRANCH, USING THE ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND INTERESTED PARTIES SHOULD CONTACT RON TRENTAM ON 202-482-3931, OFFICE OF ANTIDUMPING COMPLIANCE, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE.
10. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

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Company Details

*Party Indicator Value:

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