

MESSAGE NO: 5045203 MESSAGE DATE: 02/14/2005
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: INI-Initiation of Review PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-351-840

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 02/11/2005 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: INITIATION OF ANTIDUMPING DUTY INVESTIGATION ON CERTAIN ORANGE JUICE FROM BRAZIL (A-351-840)

MESSAGE NO: 5045203 DATE: 02 14 2005

CATEGORY: ADA TYPE: INI

REFERENCE: REFERENCE DATE:

CASES: A - 351 - 840 - -

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PERIOD COVERED: 02 11 2005 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: INITIATION OF ANTIDUMPING DUTY INVESTIGATION ON CERTAIN ORANGE JUICE FROM BRAZIL (A-351-840)

1. ON FEBRUARY 11, 2005, THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER ITS INITIATION OF THE ANTIDUMPING DUTY INVESTIGATION ON CERTAIN ORANGE JUICE FROM BRAZIL.

2. THE SCOPE OF THIS INVESTIGATION INCLUDES CERTAIN ORANGE JUICE FOR TRANSPORT AND/OR FURTHER MANUFACTURING, PRODUCED IN TWO DIFFERENT FORMS: (1) FROZEN ORANGE JUICE IN A HIGHLY CONCENTRATED FORM, SOMETIMES REFERRED TO AS FROZEN CONCENTRATED ORANGE JUICE

FOR FURTHER MANUFACTURING (FCOJM); AND (2) PASTEURIZED SINGLE-STRENGTH ORANGE JUICE WHICH HAS NOT BEEN CONCENTRATED, REFERRED TO AS NOT-FROM-CONCENTRATE (NFC).

THERE IS AN EXISTING ANTIDUMPING DUTY ORDER ON FROZEN CONCENTRATED ORANGE JUICE (FCOJ) FROM BRAZIL. SEE ANTIDUMPING DUTY ORDER; FROZEN CONCENTRATED ORANGE JUICE FROM BRAZIL, 52 FR 16426 (MAY 5, 1987). THEREFORE, THE SCOPE WITH REGARD TO FCOJM COVERS ONLY FCOJM PRODUCED AND/OR EXPORTED BY THOSE COMPANIES WHO WERE EXCLUDED OR REVOKED FROM THE EXISTING ANTIDUMPING ORDER ON FCOJ FROM BRAZIL AS OF DECEMBER 27, 2004. THOSE COMPANIES ARE CARGILL CITRUS LIMITADA, CITROSUCO PAULISTA S.A., MONTECITRUS INDUSTRIA E COMERCIO LIMITADA, AND SUCOCITRICO CUTRALE SA (CUTRALE).

THE DEPARTMENT ALSO REVOKED THE EXISTING ANTIDUMPING DUTY ORDER ON FCOJ WITH REGARD TO TWO ADDITIONAL COMPANIES, COOPERCITRUS INDUSTRIAL FRUTESP (FRUTESP) AND FRUTROPIC S.A. (FRUTROPIC). SEE FROZEN CONCENTRATED ORANGE JUICE; FINAL RESULTS AND TERMINATION IN PART OF ANTIDUMPING DUTY ADMINISTRATIVE REVIEW; REVOCATION IN

PART OF THE ANTIDUMPING DUTY ORDER, 56 FR 52510 (OCT. 21, 1991) AND FROZEN CONCENTRATED ORANGE JUICE; FINAL RESULTS OF ANTIDUMPING DUTY ADMINISTRATIVE REVIEW AND REVOCATION OF ORDER IN PART, 59 FR 53137 (OCT. 21, 1994). THE DEPARTMENT HAS INITIATED A CHANGED CIRCUMSTANCES REVIEW IN THE CONTEXT OF THE ORIGINAL ORDER AS REQUESTED BY LOUIS DREYFUS CITRUS IN ORDER TO DETERMINE WHETHER COINBRA-FRUTESP IS THE SUCCESSOR-IN-INTEREST TO FRUTESP. THE DEPARTMENT WILL ALSO EXAMINE THE SUCCESSOR-IN-INTEREST ISSUES FOR BOTH FRUTESP AND FRUTROPIC IN THE CONTEXT OF THIS PROCEEDING.

EXCLUDED FROM THE SCOPE OF THE INVESTIGATION ARE RECONSTITUTED ORANGE JUICE AND FROZEN ORANGE JUICE FOR RETAIL (FCOJR).

RECONSTITUTED ORANGE JUICE IS PRODUCED THROUGH FURTHER MANUFACTURE OF FCOJM, BY ADDING WATER, OILS AND ESSENCES TO THE ORANGE JUICE CONCENTRATE. FCOJR IS CONCENTRATED ORANGE JUICE,

TYPICALLY AT 42 BRIX, IN A FROZEN STATE, PACKED IN RETAIL SIZED CONTAINERS READY FOR SALE TO CONSUMERS. FCOJR, A FINISHED CONSUMER PRODUCT, IS PRODUCED THROUGH FURTHER MANUFACTURE OF FCOJM, A BULK MANUFACTURER'S PRODUCT.

THE SUBJECT MERCHANDISE IS CURRENTLY CLASSIFIABLE UNDER ITEMS 2009.11.00, 2009.12.25, 2009.12.45, AND 2009.19.00 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS). THESE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND FOR CUSTOMS PURPOSES ONLY AND ARE NOT DISPOSITIVE, BUT RATHER THE WRITTEN DESCRIPTION OF THE SCOPE OF THIS INVESTIGATION IS DISPOSITIVE.

3. FOR FURTHER REPORTING PURPOSES THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER A-351-840.

4. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS AND BORDER PROTECTION OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O2:NKZ).

5. 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