

MESSAGE NO: 5109202 MESSAGE DATE: 04/19/2005
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: 06/21/2004 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 ANTIDUMPING DUTY ORDER ON PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-504)

MESSAGE NO: 5109202 DATE: 04 19 2005

CATEGORY: ADA TYPE: SCO

REFERENCE: REFERENCE DATE:

CASES: A - 570 - 504 - -

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PERIOD COVERED: 06 21 2004 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: SCOPE RULING ON ANTIDUMPING DUTY ORDER ON PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-504)

1. ON 02/12/2001, IN RESPONSE TO A REQUEST BY SAN FRANCISCO CANDLE COMPANY, INC. (SFCC), THE DEPARTMENT OF COMMERCE (THE DEPARTMENT) ISSUED A FINAL SCOPE RULING THAT ELEVEN OF SFCC'S PETROLEUM WAX CANDLES ARE WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-504).

2. ON 05/13/2001, THE DEPARTMENT'S SCOPE RULING WAS CHALLENGED BY SFCC IN THE U.S. COURT OF INTERNATIONAL TRADE (CIT). ON 04/19/2001, THE CIT ISSUED A PRELIMINARY INJUNCTION ENJOINING LIQUIDATION ON ENTRIES OF THE CANDLES AT ISSUE. ON 05/30/2002, THE CIT REMANDED PARTS OF THE DETERMINATION TO THE DEPARTMENT FOR RECONSIDERATION AND CLARIFICATION OF ITS SCOPE DETERMINATION ON ELEVEN OF SFCC'S CANDLES. ON 08/20/2002, THE DEPARTMENT FILED THE FINAL RESULTS OF ITS REMAND DETERMINATION WITH THE CIT. ON 05/14/2003, THE CIT ISSUED A DECISION AFFIRMING THE DEPARTMENT'S REMAND DETERMINATION. SFCC APPEALED THE CIT'S DECISION. ON 06/21/2004, THE CAFC UPHELD THE CIT'S AFFIRMATION IN PART AND REVERSAL IN PART.

3. IN ACCORDANCE WITH THE DEPARTMENT'S REMAND DETERMINATION, THE 05/14/2003 CIT DECISION AND THE 06/21/2004 CAFC DECISION, THE CANDLES LISTED BELOW DO NOT FULFILL THE REQUIREMENTS OF THE NOVELTY AND/OR HOLIDAY CANDLE EXCEPTION, AND ARE THEREFORE,

WITHIN THE SCOPE OF THE ORDER. CONTINUE TO SUSPEND LIQUIDATION OF AND COLLECT CASH DEPOSITS ON ENTRIES OF SUCH PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA, IMPORTED BY SFCC, SUBJECT TO THE ANTIDUMPING DUTY ORDER COVERING PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA:

CHRISTMAS HOLLY LEAF PILLAR (ITEM NO. 83136): THIS CANDLE HAS A HOLLY LEAF AND BERRY DESIGN EMBOSSED ON ITS OUTER SURFACE ROUGHLY CENTERED BETWEEN THE TOP AND THE BOTTOM OF THE CANDLE;

CHRISTMAS SOCK PILLAR (ITEM NO. 33036): THIS CANDLE IS SIMILAR TO THE PRECEDING CANDLE EXCEPT THAT A CHRISTMAS STOCKING BEARING A CHRISTMAS TREE AND THE STAR OF BETHLEHEM IS DRAWN OR EMBOSSED ON THE OUTSIDE SURFACE;

SANTA CLAUS PILLAR (ITEM NO. 82936): THIS CANDLE IS A TWELVE INCH, RED AND WHITE STRIPED COLUMN THAT BEARS AN IMAGE OF SANTA CLAUSE MOLDED INTO THE SIDE, FOUR INCHES FROM THE TOP OF THE COLUMN;

SANTA CLAUS CANDY CANE COLUMN (ITEM 00016): THIS CANDLE HAS RED AND WHITE DIAGONAL STRIPES ALONG THE BODY OF THE CANDLE, WITH A SMALL VISAGE OF SANTA CLAUS VISIBLE ON ONE FACE.

CHRISTMAS HOLLY LEAF WITH BERRIES CANDY CANE COLUMN (ITEM NO. 00016): THIS CANDLE IS SIMILAR TO THE PRECEDING CANDLE EXCEPT THAT IT BEARS AN IMAGE OF HOLLY LEAVES AND BERRIES MOLDED INTO THE SIDE;

CHRISTMAS TREE WITH STAR CANDY CANE COLUMN (ITEM NO. 00016): THIS CANDLE IS SIMILAR TO THE PRECEDING CANDLE EXCEPT THAT IT BEARS AN IMAGE OF A CHRISTMAS TREE AND THE STAR OF BETHLEHEM MOLDED INTO THE SIDE;

CHRISTMAS HOLLY LEAF WITH BERRIES PILLAR (ITEM NO. 166406): THE CANDLE IS RED IN COLOR, WITH NUMEROUS CARVED HOLLY LEAVES AND BERRIES DECORATING THE BODY OF THE CANDLE.

5. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S.A. DEPARTMENT OF COMMERCE AT (202) 482-0984 OR (202) 482-3577 (GENERATED BY G106:JA).

6. 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