

MESSAGE NO: 5154212 MESSAGE DATE: 06/03/2005
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: 05/12/2005 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: 5154212 DATE: 06 03 2005

CATEGORY: ADA TYPE: LIQ

REFERENCE: REFERENCE DATE:

CASES: A - 570 - 504 - -

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PERIOD COVERED: 05 12 2005 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 05/12/2005, IN RESPONSE TO A REQUEST BY NEW SPECTRUM GIFT GALLERY, INC. (NEW SPECTRUM), THE DEPARTMENT OF COMMERCE (THE DEPARTMENT) ISSUED A FINAL SCOPE RULING THAT FOURTEEN CANDLE GROUPS, INCLUDING A TOTAL OF THIRTY PETROLEUM WAX CANDLES, LISTED BELOW ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-504):

CANDLE GROUP 7:

CITRONELLA SCENTED GARDEN TORCH CANDLE CORN ON THE COB ON A GARDEN STAKE (MT-217-C/MT-267-C);

CITRONELLA SCENTED GARDEN TORCH CANDLE-EGGPLANT ON A GARDEN STAKE (MT-217-E/MT-267-E);

CITRONELLA SCENTED GARDEN TORCH CANDLE-ORANGE PEPPER ON A GARDEN STAKE (MT-217-O/MT-267-O);

CITRONELLA SCENTED GARDEN TORCH CANDLE-GREEN PEPPER ON A GARDEN STAKE (MT-217-G/MT-267-G);

CITRONELLA SCENTED GARDEN TORCH CANDLE-RED PEPPER ON A GARDEN STAKE

(MT-217-R/MT-267-R);

CITRONELLA SCENTED GARDEN TORCH CANDLE-MIXED PEPPERS ON A GARDEN STAKE (MT-217-BP/MT-267-BP);

CITRONELLA SCENTED GARDEN TORCH CANDLE-MIXED FRUIT ON A GARDEN STAKE (MT-217-HP/MT-267-HP);

CANDLE GROUP 9: SET OF 3 GREEN FLOATING FROGS (MT-273);

CANDLE GROUP 14: GOLD DRAGON (DS-001);

CANDLE GROUP 15:

SET OF 3 WHITE DUCKS IN CRATE (L-09-M-W);

SET OF 3 YELLOW DUCKS IN CRATE (L-09-M-Y);

CANDLE GROUP 16:

SILVER SNAIL (MT-213S);

GOLD SNAIL (MT-213G);

CANDLE GROUP 18: BUNNY (MT-252);

CANDLE GROUP 22:

RED LADYBUG IN WOOD CRATE (MT-266);

SET OF 3 LADYBUGS (GREEN, YELLOW, AND RED) IN WOOD CRATE (MT-265);

SET OF 4 SMALL LADYBUGS (GREEN, PURPLE, ORANGE, AND RED) ON GOLD PLATE (MT-226);

SET OF 6 SMALL LADYBUGS (YELLOW, PINK, GREEN, PURPLE,

ORANGE, AND RED) (MT-262);

CANDLE GROUP 23: SET OF 3 VEGETABLES-CARROT, ONION, AND ASPARAGUS (MT-272);

CANDLE GROUP 27: SET OF 2 STRAWBERRIES DIPPED IN CHOCOLATE WITH STRAWBERRY CHOCOLATE SCENT (MT-258);

CANDLE GROUP 28:
VANILLA ICE CREAM IN PEACH BOWL WITH CHOCOLATE SYRUP AND SPRINKLES (MT-271 PH);
VANILLA ICE CREAM IN LIME BOWL WITH CHOCOLATE SYRUP AND SPRINKLES (MT-271-GR);

CANDLE GROUP 29:
ANGEL HOLDING FLOWERS (L-39);
ANGEL WITH LONG HARP (L-07-1);
ANGEL WITH SHORT HARP (L-07-2);

CANDLE GROUP 33:
WHITE CHRISTMAS TREE WITH GLITTER AND MULTI-COLORED DECORATIONS (MT-235C);
WHITE CHRISTMAS TREE WITH GLITTER AND MULTI-COLORED DECORATIONS (MT-235A);
PEARLIZED CHRISTMAS TREE WITH GLITTER AND MULTI-COLORED DECORATIONS (L-15-P);

CANDLE GROUP 34: SANTA CLAUS WITH TOYS AND DECORATIONS (MT-274);

CANDLE GROUP 35: GREEN DECORATED CHRISTMAS TREE (MT-236.)

2. THE DEPARTMENT DETERMINED THAT THE ABOVE CANDLES FULFILL THE REQUIREMENTS FOR THE DEPARTMENT'S JULY 1987 NOVELTY AND/OR HOLIDAY CANDLE EXCEPTION . THEREFORE, THE CANDLES LISTED ABOVE ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING

PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA.

3. EFFECTIVE 05/12/2005, TERMINATE SUSPENSION OF LIQUIDATION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES, REGARDLESS OF ENTRY DATE, FOR THE CANDLES LISTED ABOVE.

4. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO CANDLES LISTED ABOVE.

5. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CUSTOMS AND BORDER PROTECTION (CBP) ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP 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 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.

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

7. 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 06:JA).

8. 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