

MESSAGE NO: 5327111 MESSAGE DATE: 11/23/1994  
MESSAGE STATUS: Active CATEGORY: Antidumping  
TYPE: ORD-Order PUBLIC  NON-PUBLIC   
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE  
MESSAGE #  
(s):

CASE #(s): A-570-831

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 11/16/1994 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: ANTIDUMPING DUTY ORDER FOR FRESH GARLIC FM THE PRC (A-570-831)

MESSAGE NO: 5327111

DATE: 11 23 1994

CATEGORY: ADA

TYPE: ORD

REFERENCE:

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CASES: A - 570 - 831

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PERIOD COVERED: 11 16 1994 TO

LIQ SUSPENSION DATE:

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

FROM: DIRECTOR, TRADE COMPLIANCE DIVISION

RE: ANTIDUMPING DUTY ORDER FOR FRESH GARLIC FM THE PRC  
(A-570-831)

1. THE DEPARTMENT OF COMMERCE HAS PUBLISHED IN THE FEDERAL REGISTER ON NOVEMBER 16, 1994, THE NOTICE OF ITS ANTIDUMPING DUTY ORDER OF FRESH GARLIC FROM THE PEOPLE'S REPUBLIC OF CHINA (PRC).

2. THE PRODUCTS SUBJECT TO THIS ANTIDUMPING DUTY ORDER ARE ALL GRADES OF GARLIC, WHOLE OR SEPARATED INTO CONSTITUENT CLOVES, WHETHER OR NOT PEELED, FRESH, CHILLED, FROZEN, PROVISIONALLY PRESERVED, OR PACKED IN WATER OR OTHER NEUTRAL SUBSTANCE, BUT NOT PREPARED OR PRESERVED BY THE ADDITION OF OTHER INGREDIENTS OR HEAT PROCESSING. THE DIFFERENCES BETWEEN GRADES ARE BASED ON

COLOR, SIZE, SHEATHING AND LEVEL OF DECAY.

THE SCOPE OF THIS ORDER DOES NOT INCLUDE:

(A) GARLIC THAT HAS BEEN MECHANICALLY HARVESTED AND THAT IS PRIMARILY, BUT NOT EXCLUSIVELY, DESTINED FOR NON-FRESH USE; OR

(B) GARLIC THAT HAS BEEN SPECIALLY PREPARED AND CULTIVATED PRIOR TO PLANTING AND THEN HARVESTED AND OTHERWISE PREPARED FOR USE AS SEED.

HOWEVER, UNTIL SUCH TIME THAT THE DEPARTMENT OF COMMERCE PREPARES

CERTIFICATION LANGUAGE WHICH WILL BE REQUIRED BY PARTIES IN ORDER TO EXCLUDE ENTRIES OF GARLIC NOT COVERED BY THIS ANTIDUMPING DUTY ORDER, THE CUSTOMS SERVICE SHALL CONTINUE TO SUSPEND LIQUIDATION ON ALL GARLIC FROM THE PEOPLE'S REPUBLIC OF CHINA. THE DEPARTMENT OF COMMERCE IS CURRENTLY PREPARING THE CERTIFICATION LANGUAGE.

THE SUBJECT MERCHANDISE IS USED PRINCIPALLY AS A FOOD PRODUCT AND FOR SEASONING. THE SUBJECT GARLIC IS CURRENTLY CLASSIFIABLE UNDER SUBHEADINGS 0703.20.0000, 0710.80.7060, 0710.80.9750, 0711.90.6000, AND 2005.90.9500 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS). ALTHOUGH THE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, OUR WRITTEN DESCRIPTION OF THE SCOPE OF THIS PROCEEDING IS DISPOSITIVE.

3. FOR FURTHER REPORTING PURPOSES THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER A-570-831.

4. THE U.S. INTERNATIONAL TRADE COMMISSION (ITC) DETERMINED THAT CRITICAL CIRCUMSTANCES DO NOT EXIST WITH RESPECT TO SUBJECT

IMPORTS FROM THE PEOPLE'S REPUBLIC OF CHINA. AS A RESULT OF THE COMMISSION'S NEGATIVE CRITICAL CIRCUMSTANCES DETERMINATION, THE CUSTOMS SERVICE WILL REFUND ALL CASH DEPOSITS AND RELEASE ALL BONDS COLLECTED ON FRESH GARLIC FROM THE PEOPLE'S REPUBLIC OF CHINA ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER APRIL 12, 1994, AND BEFORE JULY 11, 1994.

INTEREST PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930 DO NOT APPLY.

FOR IMPORTS OF FRESH GARLIC FROM THE PEOPLE'S REPUBLIC OF CHINA THE CUSTOMS SERVICE SHALL SUSPEND LIQUIDATION OF SUCH PRODUCTS THAT ARE ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON JULY 11, 1994. EFFECTIVE NOVEMBER 16, 1994 CUSTOMS SHALL REQUIRE A CASH DEPOSIT EQUAL TO THE MARGINS SHOWN BELOW.

MANUFACTURER/PRODUCER/ EXPORTER	IDENTIFICATION NUMBER	WEIGHTED-AVERAGE MARGIN PERCENTAGE
ALL OTHERS	A570-831-000	376.67%

5. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, THEY SHOULD BE REFERRED VIA E-MAIL, THROUGH THE REGIONAL ANTIDUMPING/COUNTERVAILING DUTY COORDINATOR, TO THE TRADE COMPLIANCE DIVISION, ANTIDUMPING/COUNTERVAILING DUTY BRANCH, USING ATTRIBUTE "HQ OAB". THE IMPORTING PUBLIC AND OTHER INTERESTED PARTIES SHOULD CONTACT JOHN BECK OF THE OFFICE OF ANTIDUMPING INVESTIGATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, TELEPHONE (202) 482-3464.

6. 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