

MESSAGE NO: 7080114 MESSAGE DATE: 03/21/1997
MESSAGE STATUS: Active CATEGORY: Antidumping
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SUB-TYPE:

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REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-504

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 02/14/1995 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 ANTIDUMPINGDUTY ORDER ON PETROLEUM WAX CNADLES FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-504)

MESSAGE NO: 7080114 DATE: 03 21 1997

CATEGORY: ADA TYPE: SCO

REFERENCE: REFERENCE DATE:

CASES: A - 570 - 504 - -

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PERIOD COVERED: 02 14 1995 TO

LIQ SUSPENSION DATE:

TO: CMC DIRECTORS,
PORT DIRECTORS

FROM: DIRECTOR, IMPORT OPERATIONS

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

1. ON FEBRUARY 14, 1995, IN RESPONSE TO A REQUEST BY SPRINGWATER COOKIE AND CONFECTIONS, INC., THE DEPARTMENT OF COMMERCE ISSUED A FINAL SCOPE RULING THAT SPRINGWATER'S SWEETHEART FEATHER TWIST CANDLES, CHRISTMAS FEATHER CANDLES, AND HOLLY FEATHER TWIST CANDLES ARE WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA, CASE NUMBER A-570-504 (SEE MESSAGE NUMBER 5108113, DATED APRIL 18, 1995). HOWEVER, ON SEPTEMBER 25, 1996, THE COURT OF INTERNATIONAL TRADE (CIT)

OVERTURNED OUR RULING THAT THE HOLLY FEATHER TWIST CANDLE IS WITHIN THE SCOPE OF THE ORDER.

2. THE CIT DETERMINED THAT SPRINGWATER'S HOLLY FEATHER TWIST CANDLE, DESCRIBED AS A WHITE SPIRAL CANDLE, 10-1/2 INCHES IN LENGTH, WITH MOLDED DESIGNS OF GREEN HOLLY LEAVES AND RED HOLLY BERRIES ALONG ITS LENGTH, IS NOT COVERED BY THE SCOPE OF THE ORDER. THE CIT RULED THAT THE INCLUSION OF THE MOLDED HOLLY SPRIG DESIGN QUALIFIED THE CANDLE AS A CHRISTMAS NOVELTY CANDLE, WHICH IS NOT COVERED BY THE SCOPE OF THE ORDER. AS NO PARTY HAS FILED AN APPEAL OF THE CIT'S RULING, SPRINGWATER'S HOLLY FEATHER TWIST CANDLE IS NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA.
3. EFFECTIVE 09/25/96, TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRY SUMMARIES, REGARDLESS OF ENTRY SUMMARY DATE, OF SPRINGWATER'S HOLLY FEATHER TWIST CANDLES LISTED ABOVE.
4. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO THE SPRINGWATER HOLLY FEATHER TWIST CANDLE LISTED ABOVE.
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 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 ENTRY SUMMARIES OF PETROLEUM WAX CANDLES, INCLUDING SPRINGWATER'S SWEETHEART FEATHER TWIST AND CHRISTMAS FEATHER TWIST CANDLES LISTED ABOVE, SUBJECT TO THE ANTIDUMPING DUTY ORDER COVERING PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA. THE SWEETHEART FEATHER TWIST CANDLE IS A WHITE SPIRAL CANDLE, 10-1/2 INCHES IN LENGTH, DECORATED WITH FOUR DECALS DEPICTING A HEART FRAMED WITH GREEN FOLIAGE. THE CHRISTMAS FEATHER TWIST CANDLE IS A SPIRAL CANDLE, 10-1/2 INCHES IN LENGTH, WITH ALTERNATING GREEN AND RED PANELS.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, IMPORT OPERATIONS, ANTIDUMPING/COUNTERVAILING DUTY USING THE ATTRIBUTE "HQ OAB". IMPORTING PUBLIC AND INTERESTED PARTIES SHOULD CONTACT ROBERT JAMES AT 202-482-5222, OF OFFICE EIGHT, ENFORCEMENT GROUP III, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE.

8. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

PAUL SCHWARTZ
(ACTING)

Company Details

*Party Indicator Value:

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