

MESSAGE NO: 7267113 MESSAGE DATE: 09/24/1997  
MESSAGE STATUS: Active CATEGORY: Countervailing  
TYPE: SCO-Scope PUBLIC  NON-PUBLIC   
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE  
MESSAGE #  
(s):

CASE #(s): C-475-819

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 08/25/1997 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: COUNTERVAILING DUTY SCOPE RULING ON CERTAIN PASTA FROM ITALY (C-475-819)

MESSAGE NO: 7267113 DATE: 09 24 1997

CATEGORY: CVD TYPE: SCO

REFERENCE: REFERENCE DATE:

CASES: C - 475 - 819 - -

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PERIOD COVERED: 08 25 1997 TO

LIQ SUSPENSION DATE:

TO: CMC DIRECTORS,  
PORT DIRECTORS

FROM: DIRECTOR, IMPORT OPERATIONS

RE: COUNTERVAILING DUTY SCOPE RULING ON CERTAIN  
PASTA FROM ITALY (C-475-819)

1. ON 08/25/97, IN RESPONSE TO A REQUEST BY SHONFELD'S (U.S.A.) INC., THE DEPARTMENT OF COMMERCE ISSUED A FINAL SCOPE RULING THAT MULTICOLORED PASTA IMPORTED IN KITCHEN DISPLAY BOTTLES OF DECORATIVE GLASS, WHICH ARE SEALED WITH CORK OR PARAFFIN AND BOUND WITH RAFFIA, IS NOT WITHIN THE SCOPE OF THE COUNTERVAILING DUTY ORDER/FINDINGS COVERING CERTAIN PASTA FROM ITALY (C-475-819).

2. THE COMMERCE DEPARTMENT DETERMINED THAT MULTICOLORED

PASTA IN DECORATIVE GLASS BOTTLES HAS DIFFERENT PHYSICAL CHARACTERISTICS, EXPECTATIONS OF THE ULTIMATE PURCHASERS, ULTIMATE USES OF THE PRODUCT, CHANNELS OF TRADE, AND ADVERTISING THAN THOSE OF STANDARD PASTA FOR CONSUMPTION. THEREFORE, MULTICOLORED PASTA IN DECORATIVE GLASS BOTTLES IS NOT WITHIN THE SCOPE OF THE COUNTERVAILING DUTY ORDER COVERING CERTAIN PASTA FROM ITALY.

3. EFFECTIVE IMMEDIATELY, TERMINATE SUSPENSION PURSUANT TO THE COUNTERVAILING DUTY ORDER AND LIQUIDATE ALL UNLIQUIDATED ENTRY SUMMARIES, REGARDLESS OF ENTRY SUMMARY DATE, OF MULTICOLORED PASTA IN DECORATIVE GLASS BOTTLES AS DESCRIBED ABOVE.

4. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO THE MULTICOLORED PASTA IN DECORATIVE GLASS BOTTLES AS DESCRIBED ABOVE.

5. THE ASSESSMENT OF COUNTERVAILING 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 COUNTERVAILING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED COUNTERVAILING DUTIES BEFORE THE DATE OF PUBLICATION OF THE COUNTERVAILING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED COUNTERVAILING 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 PASTA SUBJECT TO THE COUNTERVAILING DUTY ORDER COVERING CERTAIN PASTA FROM ITALY.

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." THE IMPORTING PUBLIC AND INTERESTED PARTIES SHOULD CONTACT EDWARD EASTON OF THE OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE, AT 202-482-1777.

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

PAUL SCHWARTZ

## Company Details

\*Party Indicator Value:

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