

MESSAGE NO: 9333201 MESSAGE DATE: 11/29/1999
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: PRE-Preliminary PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-855

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 08/25/1999 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: NOTICE OF PRELIMINARY DETERMINATION IN THE ANTIDUMPING DUTY INVESTIGATION OF NON FROZEN APPLE JUICE CONCENTRATE FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-855)

MESSAGE NO: 9333201 DATE: 11 29 1999

CATEGORY: ADA TYPE: PRE

REFERENCE: REFERENCE DATE:

CASES: A - 570 - 855 - -

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PERIOD COVERED: 08 25 1999 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, TRADE ENFORCEMENT & CONTROL

RE: NOTICE OF PRELIMINARY DETERMINATION IN THE ANTIDUMPING DUTY INVESTIGATION OF NON FROZEN APPLE JUICE CONCENTRATE FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-855)

1. ON NOVEMBER 23, 1999, THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER ITS PRELIMINARY DETERMINATION OF SALES AT LESS THAN FAIR VALUE IN THE ANTIDUMPING DUTY INVESTIGATION OF NON-FROZEN APPLE JUICE CONCENTRATE FROM THE PEOPLE'S REPUBLIC OF CHINA.

2. THE PRODUCT COVERED BY THE SCOPE IS ALL NON-FROZEN CONCENTRATED APPLE JUICE HAVING A BRIX VALUE OF 40 OR GREATER,

WHETHER OR NOT CONTAINING ADDED SUGAR OR OTHER SWEETENING MATTER

AND WHETHER OR NOT FORTIFIED WITH VITAMINS OR MINERALS. EXCLUDED FROM THE SCOPE OF THIS INVESTIGATION ARE FROZEN CONCENTRATED APPLE JUICE, NON-FROZEN CONCENTRATED APPLE JUICE THAT HAS BEEN FERMENTED, AND NON-FROZEN CONCENTRATED APPLE JUICE TO WHICH SPIRITS HAVE BEEN ADDED. THE MERCHANDISE SUBJECT TO THIS INVESTIGATION IS CLASSIFIED IN THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES ("HTSUS") AT SUBHEADING 2009.70.20. ALTHOUGH THE HTSUS SUBHEADING IS PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, THE WRITTEN DESCRIPTION OF THE MERCHANDISE UNDER INVESTIGATION IS DISPOSITIVE.

3. FOR FURTHER REPORTING PURPOSES THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER A-570-855.

4. COMMERCE HAS PRELIMINARILY DETERMINED THAT CRITICAL CIRCUMSTANCES EXIST WITH RESPECT TO NON-FROZEN APPLE JUICE CONCENTRATE EXPORTED BY SHAANXI HAISHENG FRESH FRUIT JUICE CO., LTD. (HAISHENG), SANMENXIA LAKESIDE FRUIT JUICE CO., LTD. (LAKESIDE), QINGDAO NANNAN FOODS CO. LTD, (NANNAN), SHAANXI MACHINERY & EQUIPMENT IMPORT & EXPORT CORP. (SAAME), XIAN ASIA QIN FRUIT CO., LTD. (ASIA FRUIT), XIAN YANG FUAN JUICE CO., LTD (FUAN), CHANGSHA INDUSTRIAL PRODUCTS & MINERALS IMPORT AND EXPORT CO., LTD. (CHANGSHA), SHANDONG FOODSTUFFS IMPORTS AND EXPORT CORPORATION (SHANDONG FOODSTUFFS) AND ALL OTHER PRC FIRMS EXCEPT

SHANGDONG ZHONGLU CO. LTD. (ZHONGLU) AND YANTAI ORIENTAL JUICE CO., LTD (ORIENTAL). THEREFORE, FOR THE EIGHT COMPANIES NAMED ABOVE FOR WHICH COMMERCE HAS PRELIMINARILY FOUND CRITICAL CIRCUMSTANCES, THE CUSTOMS SERVICE SHALL SUSPEND LIQUIDATION OF SUCH SHIPMENTS ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER AUGUST 25, 1999, WHICH IS 90 DAYS PRIOR TO PUBLICATION OF THE PRELIMINARY DETERMINATION IN THE FEDERAL REGISTER.

5. COMMERCE HAS PRELIMINARILY DETERMINED THAT CRITICAL CIRCUMSTANCES DO NOT EXIST WITH RESPECT TO NON-FROZEN APPLE JUICE

CONCENTRATE EXPORTED BY ZHONGLU AND ORIENTAL. THEREFORE, FOR THESE TWO COMPANIES, THE CUSTOMS SERVICE SHALL SUSPEND LIQUIDATION OF SUCH SHIPMENTS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER NOVEMBER 23, 1999, WHICH IS THE DATE OF PUBLICATION OF THE PRELIMINARY DETERMINATION IN THE FEDERAL REGISTER.

6. FOR IMPORTS OF NON-FROZEN APPLE JUICE CONCENTRATE FROM THE PRC, EXCEPT FOR NON-FROZEN APPLE JUICE CONCENTRATE MANUFACTURED/EXPORTED BY YANTAI NORTH ANDRE (NORTH ANDRE), WHICH HAS A ZERO MARGIN, THE CUSTOMS SERVICE SHALL SUSPEND LIQUIDATION OF SUCH SHIPMENTS ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER THE DATES SPECIFIED IN PARAGRAPHS 4 AND 5 ABOVE, CUSTOMS SHALL REQUIRE A CASH DEPOSIT OR POSTING OF A BOND EQUAL TO THE RATES LISTED IN PARAGRAPH 7, BELOW.

7. EFFECTIVE IMMEDIATELY CUSTOMS SHALL REQUIRE A CASH DEPOSIT OR THE POSTING OF A BOND FOR ENTRIES OF NON-FROZEN APPLE JUICE CONCENTRATE FROM THE PRC EQUAL TO THE MARGINS SHOWN BELOW:

MFR/PRODUCER EXPORTER	CUSTOMS ID NUMBER	MARGIN PERCENT	CRITICAL CIRCUMSTANCES
NORTH ANDRE	A-570-855-001	0.00	N/A
HAISHENG	A-570-855-002	18.58	YES
LAKESIDE	A-570-855-003	54.55	YES
ZHONGLU	A-570-855-004	9.85	NO
ORIENTAL	A-570-855-005	14.97	NO
NANNAN	A-570-855-006	44.24	YES
SAAME	A-570-855-007	35.29	YES

ASIA FRUIT	A-570-855-008	28.71	YES
FUAN	A-570-855-009	28.71	YES
CHANGSHA	A-570-855-010	28.71	YES
SHANDONG			
FOODSTUFFS	A-570-855-011	28.71	YES
PRC-WIDE RATE	A-570-855-000	54.55	YES

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT, VIA E-MAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, OTHER GOVERNMENT AGENCY LIAISON, USING THE ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND OTHER INTERESTED PARTIES SHOULD CONTACT SALLY HASTINGS OR CRAIG MATNEY, OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S.

DEPARTMENT OF COMMERCE, AT (202) 482-3464 OR (202) 482-1778, RESPECTIVELY.

9. 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