

MESSAGE NO: 2059304 MESSAGE DATE: 02/28/2012
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE: OUTSCO-Out of Scope

FR CITE: FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-918

EFFECTIVE DATE: 03/25/2008 COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 02/28/2012

TO: { Directors Of Field Operations, Port Directors }

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

RE: ANTIDUMPING DUTY FINAL OUTSIDE-OF-SCOPE SCOPE RULING ON STEEL WIRE GARMENT HANGERS FROM THE PEOPLE'S REPUBLIC OF CHINA ("PRC") (A-570-918)

NOTE: NOTICE OF LIFTING OF SUSPENSION OCCURRED ON THE MESSAGE DATE LISTED IN THESE INSTRUCTIONS. SEE PARAGRAPH 5 BELOW.

1. COMMERCE RECEIVED A SCOPE RULING REQUEST FROM GREAT AMERICAN HANGER COMPANY ("GREAT AMERICAN"). COMMERCE ISSUED A FINAL SCOPE DETERMINATION ON 02/16/2012, THAT THE FOLLOWING HANGERS WHICH GREAT AMERICAN IMPORTS ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER ON STEEL WIRE GARMENT HANGERS FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-918): (1) WOOD COMBO HANGER WITH CLIPS, (2) WOOD BOTTOM MOUNT HANGER WITH CLIPS, (3) WOOD PANT/SKIRT HANGER (WALNUT BRASS), (4) WOOD PANT SKIRT HANGER WITH CURVED ENDS (4 LINE CUPS, CHERRY/BRUSHED CHROME), (5) POLISHED CHROME TOP HANGER WITH LOOPED NECK, (6) POLISHED CHROME BOTTOM HANGER WITH CLIPS AND LOOPED NECK, (7) POLISHED CHROME TOP HANGER WITH NOTCHES AND LOOPED NECK, AND (8) VINYL KNITWEAR SHIRT-DRESS HANGER WITH WHITE RUBBERIZED VINYL/CHROME HANGERS.

2. COMMERCE DETERMINED THAT GREAT AMERICAN'S HANGERS IDENTIFIED IN PARAGRAPH 1 ARE OUTSIDE THE SCOPE OF THE ORDER. FIRST, OUR ANALYSIS OF THE SCOPE LANGUAGE FINDS GREAT AMERICAN'S WOODEN AND VINYL HANGERS TO BE EXPLICITLY EXCLUDED FROM THE SCOPE OF THE ORDER. SECOND, BASED UPON OUR ANALYSIS OF CRITERIA LISTED UNDER 19 CFR 351.225 (K)(1) (I.E., DESCRIPTIONS OF THE MERCHANDISE CONTAINED IN THE PETITION, THE INITIAL INVESTIGATION, THE ITC REPORT, AND THE PRIOR SCOPE DETERMINATIONS OF THE DEPARTMENT), WE FIND THAT THE POLISHED CHROME BOTTOM HANGER WITH CLIPS AND LOOPED NECK HANGER FALLS OUTSIDE THE SCOPE OF THE ORDER. SPECIFICALLY, BECAUSE TWO DISTINCT PIECES OF WIRE (THE TOP HOOK AND THE BOTTOM HORIZONTAL BAR) OF THIS HANGER ARE WELDED TOGETHER, WITH CLIPS AFFIXED TO THE BOTTOM BAR, RESULTS IN A UNIQUE DESIGN INTENDED FOR HIGH-END RESIDENTIAL AND RETAIL USE THAT RENDER IT UNSUITABLE FOR THE APPLICATIONS OF THE SUBJECT

MERCHANDISE. FINALLY, BASED UPON OUR ANALYSIS OF THE ADDITIONAL CRITERIA LISTED UNDER 19 CFR 351.225 (K)(2), WE FIND THAT THE POLISHED CHROME TOP HANGER WITH LOOPED NECK HANGER AND THE POLISHED CHROME TOP HANGER WITH NOTCHES AND LOOPED NECK HANGER FALL OUTSIDE THE SCOPE OF THE ORDER. SPECIFICALLY, THE PHYSICAL CHARACTERISTICS OF THESE TWO STEEL WIRE SWIVEL, LOOPED-NECK HANGERS INDICATE A UNIQUE DESIGN INTENDED FOR LONG-TERM HIGH-END RESIDENTIAL AND/OR RETAIL USE AND CONSTRUCTED WITH A LOOPED-NECK FEATURE TO PERMIT SUSPENSION OF ADDITIONAL GARMENTS, ALL OF WHICH REQUIRES STURDIER CONSTRUCTION TO WITHSTAND SUCH USES. MOREOVER, GREAT AMERICAN'S STEEL WIRE SWIVEL, LOOPED-NECK HANGERS AND THE IN-SCOPE HANGERS DO NOT PROVIDE THE SAME EXPECTATIONS TO ULTIMATE PURCHASERS, SHARE SIMILAR ULTIMATE USES, ENTER THE MARKET IN THE SAME CHANNELS OF TRADE, OR APPEAR IN SIMILAR ADVERTISEMENTS AND DISPLAYS. THEREFORE, GREAT AMERICAN'S HANGERS IDENTIFIED IN PARAGRAPH 1 ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING/ DUTY ORDER ON STEEL WIRE GARMENT HANGERS FROM THE PEOPLE'S REPUBLIC OF CHINA.

3. EFFECTIVE 03/25/2008, CBP SHALL TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES OF THE HANGERS IDENTIFIED IN PARAGRAPH 1, DESCRIBED ABOVE WHICH WERE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION.

4. REFUND ANY CASH DEPOSITS AND RELEASE ANY BONDS RELATING TO THE PRODUCTS DESCRIBED ABOVE IN PARAGRAPH 1.

5. THESE INSTRUCTIONS CONSTITUTE NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF THE PRODUCTS IDENTIFIED IN PARAGRAPH 1 FROM THE PRC ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 03/25/08.

6. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CBP ON SHIPMENTS OR 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 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.

7. FOR ALL OTHER SHIPMENTS OF STEEL WIRE GARMENT HANGERS FROM THE PRC NOT COVERED BY PARAGRAPH 1 ABOVE, YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

8. 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 THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O9:IG).

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

MICHAEL B. WALSH

Company Details

*Party Indicator Value:

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