

MESSAGE NO: 8337203 MESSAGE DATE: 12/02/2008  
MESSAGE STATUS: Active CATEGORY: Antidumping  
TYPE: LIQ-Liquidation PUBLIC  NON-PUBLIC   
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE  
MESSAGE #  
(s):

CASE #(s): A-570-886

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 01/26/2004 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQUIDATION INSTRUCTION FROM SCOPE RULING ON MAJESTIC  
INTERNATIONAL LLC POLYETHYLENE RETAIL CARRIER BAGS FROM CHINA (NOT WITHIN  
SCOPE) (A-570-886)

MESSAGE NO: 8337203

DATE: 12 02 2008

CATEGORY: ADA

TYPE: LIQ

REFERENCE:

REFERENCE DATE:

CASES: A - 570 - 886

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PERIOD COVERED: 01 26 2004 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTION FROM SCOPE RULING ON MAJESTIC  
INTERNATIONAL LLC POLYETHYLENE RETAIL CARRIER BAGS FROM  
CHINA (NOT WITHIN SCOPE) (A-570-886)

1. THE COMMERCE DEPARTMENT RECEIVED A SCOPE RULING REQUEST FROM MAJESTIC INTERNATIONAL LLC (MAJESTIC). COMMERCE ISSUED A FINAL SCOPE RULING ON 10/20/2008 THAT MAJESTIC GIFT BAGS ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING POLYETHYLENE RETAIL CARRIER BAGS FROM THE PEOPLES REPUBLIC OF CHINA (PRC)(A-570-886).

2. COMMERCE DETERMINED THAT THESE GIFT BAGS IMPORTED BY

MAJESTIC ARE OUTSIDE THE SCOPE OF THE ORDER BECAUSE THE EXPECTATIONS OF ULTIMATE USERS OF MAJESTIC'S GIFT BAGS ARE DIFFERENT FROM THE EXPECTATIONS OF THOSE CUSTOMERS PURCHASING PRCBS COVERED BY THE ORDER, THE BAGS ARE NOT GIVEN OUT FREE TO RETAIL CUSTOMERS AND DO NOT HAVE LOGOS OR STORE NAMES, IT IS CLEAR THAT THESE BAGS ARE GENERALLY USED FOR THE PRESENTATION OF GIFTS AND ARE DIFFERENT FROM THOSE INTENDED TO BE WITHIN THE SCOPE OF THE ORDER, ARE DISTRIBUTED IN A MANNER COMPLETELY DIFFERENT FROM THAT OF PRCBS COVERED BY THE SCOPE OF THIS ORDER, AND ARE NOT ADVERTISED OR DISPLAYED IN THE SAME MANNER AS THE MERCHANDISE SUBJECT TO THE ANTIDUMPING DUTY ORDER COVERING POLYETHYLENE RETAIL CARRIER BAGS FROM PRC.

THEREFORE, CERTAIN GIFT BAGS IMPORTED BY MAJESTIC, LISTED BELOW BY UPC NUMBER, ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING POLYETHYLENE RETAIL CARRIER BAGS FROM PRC:

8-5160300075-7, 8-5160300300-0, 8-5160300230-0, 8-5160300300-7,  
8-5160300302-4, 8-5160300303-1, 8-5160300304-8, 8-5160300034-4,  
8-5160300305-5, 8-5160300306-2, 8-5160300307-9, 8-5160300308-6,  
8-5160300309-3, 8-5160300156-3, 8-5160300231-7, 8-5160300165-5,  
8-5160300066-5, 8-5160300226-3, 8-5160300310-9, 8-5160300311-6,  
8-5160300311-6, 8-5160300312-3, 8-5160300160-0, 8-5160300003-0,  
8-5160300350-5, 8-5160300351-2, 8-5160300352-9, 8-5160300353-6,  
8-5160300353-6, 8-5160300405-6, 8-5160300098-6, 8-5160300093-1,  
8-5160300175-4, 8-5160300131-0, 8-5160300140-2, 8-5160300141-9,  
8-5160300374-1, 8-5160300153-2, 8-5160300181-5, 8-5160300350-5,  
8-5160300246-1, 8-5160300363-5, 8-5160300076-4, 8-5160300176-1,  
8-5160300133-4, 8-5160300262-1, 8-5160300262-1, 8-5160300263-8,  
8-5160300252-2, 8-5160300259-1, 8-5160300368-0, 8-5160300077-1,  
8-5160300362-8, 8-5160300260-7, 8-5160300363-5, 8-5160300155-6,  
8-5160300486-3, 8-516030036-2, 8-5160300365-9, 8-5160300033-7,  
8-5160300034-4, 8-5160300071-9, 8-5160300367-3, 8-5160300094-8,  
8-5160300080-1, 8-5160300372-7, 8-5160300136-5, 8-5160300045-0,  
8-5160300373-4, 8-5160300092-4, 8-5160300253-9, 8-5160300151-8,  
8-5160300150-1, 8-5160300069-6, 8-5160300070-2, 8-5160300165-5.

3. EFFECTIVE 10/20/2008, TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR

CONSUMPTION ON OR AFTER 01/26/2004 OF THE MAJESTIC GIFT BAGS LISTED ABOVE.

4. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO THE MAJESTIC GIFT BAGS LISTED ABOVE.

5. THESE INSTRUCTIONS CONSTITUTE NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF CERTAIN GIFT BAGS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 01/26/2004.

6. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CUSTOMS AND BORDER PROTECTION ON 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 WHICH IS 06/18/2004. 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. CONTINUE TO SUSPEND LIQUIDATION OF ENTRIES OF POLYETHYLENE RETAIL CARRIER BAGS SUBJECT TO THE ANTIDUMPING DUTY ORDER ON POLYETHYLENE RETAIL CARRIER BAGS FROM THE PRC.

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 OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE

ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O5: HP).

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

DAVID M. GENOVESE

## Company Details

\*Party Indicator Value:

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