

MESSAGE NO: 9078207 MESSAGE DATE: 03/19/2009  
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-570-866

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 01/01/2008 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: ANTIDUMPING SCOPE RULING ON FOLDING GIFT BOXES FROM CHINA (A-570-866); IMP: FOOTSTAR, MANUF: FENG YUI

MESSAGE NO: 9078207 DATE: 03 19 2009

CATEGORY: ADA TYPE: LIQ

REFERENCE: REFERENCE DATE:

CASES: A - 570 - 866 - -

- - - -

- - - -

PERIOD COVERED: 01 01 2008 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS  
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: ANTIDUMPING SCOPE RULING ON FOLDING GIFT BOXES FROM  
CHINA (A-570-866); IMP: FOOTSTAR, MANUF: FENG YUI

1. COMMERCE RECEIVED A SCOPE RULING REQUEST FROM FOOTSTAR. COMMERCE ISSUED A FINAL SCOPE RULING ON 02/09/2009, THAT CERTAIN FOLDING BOXES ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING FOLDING GIFT BOXES FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-866).

2. COMMERCE DETERMINED THAT ALL OF THE FOLDING BOXES DESCRIBED IN FOOTSTAR'S REQUEST (I.E., FOLDING BOXES MANUFACTURED BY FENG YUI (H.K.) ENTERPRISE LTD OF A SINGLE COLOR AND COMPOSED OF 550

GRAM PAPERBOARD IN SIZES (IN LENGTH BY WIDTH BY DEPTH) OF:

- 5 INCHES BY 3 9/16 INCHES BY 2 INCHES;
- 7 INCHES BY 3 9/16 INCHES BY 2 INCHES;
- 12 1/8 INCHES BY 3 9/16 INCHES BY 2 INCHES; OR,
- 11 1/8 INCHES BY 8 5/8 INCHES BY 2 INCHES)

MEET THE CRITERIA OF THE SCOPE EXCLUSION THAT STATES THAT THE SCOPE OF THE INVESTIGATION EXCLUDES FOLDING GIFT BOXES WHERE BOTH THE OUTSIDE OF THE BOX IS A SINGLE COLOR AND THE BOX IS NOT PACKAGED IN SHRINKWRAP, CELLOPHANE, OTHER RESIN BASED PACKAGING FILMS, OR PAPERBOARD, BECAUSE FOOTSTAR'S NON-CORRUGATED FOLDING BOXES ARE ALL OF A SINGLE COLOR ON THE OUTSIDE AND ARE NOT PACKAGED IN SHRINKWRAP, CELLOPHANE, OTHER RESIN BASED PACKAGING FILMS, OR PAPERBOARD, BUT RATHER ARE HELD TOGETHER WITH A CORRUGATED PAPER STRIP.

FURTHER, TWO OF THE FOLDING BOXES DESCRIBED IN FOOTSTAR'S SCOPE RULING REQUEST MEET THE SCOPE EXCLUSION THAT STATES THAT THE

SCOPE OF THE ORDER EXCLUDES THOSE GIFT BOXES FOR WHICH NO SIDE OF THE BOX, WHEN ASSEMBLED, IS AT LEAST NINE INCHES IN LENGTH, BECAUSE THE LONGEST SIDE OF EACH OF THESE BOXES IS EITHER FIVE OR SEVEN INCHES. THEREFORE, THE FOLDING BOXES DESCRIBED IN FOOTSTAR'S SCOPE RULING REQUEST ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING FOLDING GIFT BOXES FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-866).

3. EFFECTIVE 01/01/2008, TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES ENTERED, OR WITHDRAWN FROM WAREHOUSE, OF THE FOLDING BOXES LISTED ABOVE.

4. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO THE FOLDING BOXES LISTED ABOVE.

5. THESE INSTRUCTIONS CONSTITUTE NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF THE FOLDING BOXES DESCRIBED IN FOOTSTAR'S SCOPE RULING REQUEST ENTERED, OR

WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 01/01/2008.

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 THE FOLDING GIFT BOXES FROM THE PEOPLE'S REPUBLIC OF CHINA NOT COVERED BY PARAGRAPH #2 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 O8:ED).

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