

MESSAGE NO: 9204203 MESSAGE DATE: 07/23/2009
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-570-886

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 08/01/2007 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 AND LIQUIDATION ON POLYETHYLENE RETAIL CARRIER BAGS FROM CHINA (A-570-886)

MESSAGE NO: 9204203 DATE: 07 23 2009

CATEGORY: ADA TYPE: LIQ

REFERENCE: REFERENCE DATE:

CASES: A - 570 - 886 - -

- - - -

- - - -

PERIOD COVERED: 08 01 2007 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: ANTIDUMPING SCOPE RULING AND LIQUIDATION ON
POLYETHYLENE RETAIL CARRIER BAGS FROM CHINA
(A-570-886)

1. COMMERCE RECEIVED A SCOPE RULING REQUEST FROM MAJESTIC INTERNATIONAL LLC. COMMERCE ISSUED A FINAL SCOPE RULING ON 07/07/2009 THAT CERTAIN MAJESTIC GIFT BAGS ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER ON POLYETHYLENE RETAIL CARRIER BAGS FROM THE PEOPLE'S REPUBLIC OF CHINA (PRC)(A-570-886).

2. COMMERCE DETERMINED THAT THE GIFT BAGS IMPORTED BY MAJESTIC INTERNATIONAL LLC ARE OUTSIDE THE SCOPE OF THE ORDER BECAUSE

THEY ARE EITHER OF SIZES NOT COVERED BY THE SCOPE OF THE ORDER OR BECAUSE, IN ACCORDANCE WITH A PRIOR SCOPE DETERMINATION, THE EXPECTATIONS OF THE ULTIMATE USERS OF MAJESTIC'S GIFT BAGS ARE DIFFERENT FROM THE EXPECTATIONS OF THOSE CUSTOMERS PURCHASING POLYETHYLENE RETAIL CARRIER BAGS COVERED BY THE ORDER, THE BAGS ARE NOT GIVEN OUT FREE TO RETAIL CUTOMERS 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, THE BAGS ARE DISTRIBUTED IN A MANNER COMPLETELY DIFFERENT FROM THAT OF POLYETHYLENE RETAIL CARRIER BAGS COVERED BY THE SCOPE OF THE ORDER, AND THE BAGS ARE NOT ADVERTISED OR DISPLAYED IN THE SAME MANNER AS THE MERCHANDISE SUBJECT TO THE ANTIDUMPING DUTY ORDER ON POLYETHYLENE RETAIL CARRIER BAGS FROM THE PRC. THEREFORE, CERTAIN GIFT BAGS LISTED BELOW BY UPC NUMBER IMPORTED BY MAJESTIC ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER ON POLYETHYLENE RETAIL CARRIER BAGS FROM THE PRC:

8-51603-00001-6, 8-51603-00002-3, 8-51603-00003-0,
8-51603-00004-7, 8-51603-00021-4, 8-51603-00036-8,
8-51603-00037-5, 8-51603-00040-5, 8-51603-00041-2,
8-51603-00050-4, 8-51603-00058-0, 8-51603-00059-7,
8-51603-00060-3, 8-51603-00062-7, 8-51603-00063-4,
8-51603-00065-8, 8-51603-00068-9, 8-51603-00072-6,
8-51603-00079-5, 8-51603-00081-8, 8-51603-00082-5,
8-51603-00083-2, 8-51603-00084-9, 8-51603-00085-6,
8-51603-00086-3, 8-51603-00087-0, 8-51603-00095-5,
8-51603-00096-2, 8-51603-00099-3, 8-51603-00114-3,
8-51603-00115-0, 8-51603-00124-2, 8-51603-00125-9,
8-51603-00132-7, 8-51603-00134-1, 8-51603-00135-8,
8-51603-00137-2, 8-51603-00138-9, 8-51603-00139-6,
8-51603-00144-0, 8-51603-00145-7, 8-51603-00152-5,
8-51603-00154-9, 8-51603-00163-1, 8-51603-00166-2,
8-51603-00167-9, 8-51603-00180-8, 8-51603-00182-2,
8-51603-00210-2, 8-51603-00223-2, 8-51603-00239-3,
8-51603-00256-0, 8-51603-00257-7, 8-51603-00301-7,
8-51603-00354-3, 8-51603-00355-0, 8-51603-00356-7,

8-51603-00357-4, 8-51603-00358-1, 8-51603-00359-8,
8-51603-00360-4, 8-51603-00361-1, 8-51603-00364-2,
8-51603-00366-6, 8-51603-00369-7, 8-51603-00371-0,
8-51603-00375-8, 8-51603-00376-5.

3. EFFECTIVE 08/01/2007, TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION 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 MAJESTIC GIFT BAGS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 08/01/2007.

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 MAJESTIC GIFT BAGS FROM THE PRC 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 O5:MAR).

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

CHRISTINE FURGASON

Company Details

*Party Indicator Value:

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