

MESSAGE NO: 9282209 MESSAGE DATE: 10/09/2009
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 8200201
MESSAGE #
(s):
CASE #(s): A-570-831

EFFECTIVE DATE: COURT CASE #:
PERIOD OF REVIEW: TO
PERIOD COVERED: 11/01/2005 TO 10/31/2006

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQUIDATION INSTRUCTIONS FOR FRESH GARLIC FROM CHINA PRODUCED BY
HENAN XIANGCHENG SUNNY FOODSTUFF AND EXPT BY SHANGHAI LJ INT'L (A-570-831)
CT # 08-00211

MESSAGE NO: 9282209

DATE: 10 09 2009

CATEGORY: ADA

TYPE: LIQ

REFERENCE: 8200201

REFERENCE DATE: 07 18 2008

CASES: A - 570 - 831

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PERIOD COVERED: 11 01 2005 TO 10 31 2006

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS FOR FRESH GARLIC FROM CHINA
PRODUCED BY HENAN XIANGCHENG SUNNY FOODSTUFF AND EXPT
BY SHANGHAI LJ INT'L (A-570-831) CT # 08-00211

1. ON 09/25/2009, THE U.S. COURT OF INTERNATIONAL TRADE (CIT)
DISMISSED THE CASES OF SHANGHAI LJ INTERNATIONAL TRADING CO., &
HENAN XIANGCHENG SUNNY FOODSTUFF FACTORY, V. UNITED STATES,
COURT NO. 08-00215, AND CONSOL. COURT NO. 08-00211 WITH RESPECT
TO THE AFOREMENTIONED COMPANIES.

AS A RESULT OF THIS DECISION, THE INJUNCTIONS TO WHICH MESSAGE
8200201 REFER ENJOINING LIQUIDATION OF ENTRIES WHICH ARE SUBJECT

TO THE ANTIDUMPING DUTY ORDER ON FRESH GARLIC FROM THE PEOPLE'S
REPUBLIC OF CHINA FOR THE PERIOD 11/01/2005 THROUGH 10/31/2006
PRODUCED BY HENAN XIANGCHENG SUNNY FOODSTUFF FACTORY AND
EXPORTED
BY SHANGHAI LJ INTERNATIONAL TRADING CO., DISSOLVED ON
09/25/2009.

2. FOR ALL SHIPMENTS OF FRESH GARLIC FROM THE PEOPLES REPUBLIC
OF CHINA PRODUCED BY HENAN XIANGCHENG SUNNY FOODSTUFF FACTORY
AND EXPORTED BY SHANGHAI LJ INTERNATIONAL TRADING CO., IMPORTED
BY THE FIRMS LISTED BELOW AND ENTERED, OR WITHDRAWN FROM
WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 11/01/2005 THROUGH
10/31/2006, ASSESS ANTIDUMPING LIABILITY OF THE PER UNIT AMOUNT
LISTED BELOW.

PRODUCER: HENAN XIANGCHENG SUNNY FOODSTUFF FACTORY
EXPORTER: SHANGHAI LJ INTERNATIONAL TRADING CO.
IMPORTER: HYT INTERNATIONAL, INC.
FINAL RATE: \$0.40 (U.S. DOLLARS PER KILOGRAM)

3. THESE INSTRUCTIONS CONSTITUTE NOTICE OF THE LIFTING OF
SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE
DURING THE PERIOD 11/01/2005 THROUGH 10/31/2006.

FOR ALL OTHER SHIPMENTS OF FRESH GARLIC FROM THE PEOPLE'S
REPUBLIC OF CHINA YOU SHALL, UNLESS OTHERWISE INSTRUCTED,
CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES
FOR THE MERCHANDISE AT THE CURRENT RATES.

4. THERE ARE NO OTHER INJUNCTIONS APPLICABLE TO THE ENTRIES
COVERED BY THIS INSTRUCTION.

5. 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.

6. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF COMMERCE REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION OF THE ENTRY.

IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE MANUFACTURER, PRODUCER, SELLER, OR EXPORTER, TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

7. 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 09:AV).

8. 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