

MESSAGE NO: 0178206 MESSAGE DATE: 06/26/2000
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: SCO-Scope PUBLIC NON-PUBLIC
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REFERENCE
MESSAGE #
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CASE #(s): A-570-504

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 05/04/2000 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: SCOPE RULING ON PETROLEUM WAXCANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-504)

MESSAGE NO: 0178206 DATE: 06 26 2000

CATEGORY: ADA TYPE: SCO

REFERENCE: REFERENCE DATE:

CASES: A - 570 - 504 - -

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PERIOD COVERED: 05 04 2000 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, TRADE ENFORCEMENT & CONTROL

RE: SCOPE RULING ON PETROLEUM WAXCANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-504)

1. ON 05/04/2000, IN RESPONSE TO A REQUEST BY AMERICAN GREETINGS CORPORATION, THE DEPARTMENT OF COMMERCE ISSUED A FINAL SCOPE RULING THAT TEN MODELS OF CANDLES IMPORTED BY AMERICAN GREETINGS ARE WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-504).

2. BECAUSE THE TEN CANDLES ARE EITHER TAPERS OR PILLARS, SPECIFICALLY COVERED BY THE SCOPE OF THE ORDER, AND BECAUSE THE

CANDLES LACK ANY OF THE NECESSARY EXCLUSIONARY CHARACTERISTICS TO QUALIFY AS HOLIDAY NOVELTY CANDLES, THE DEPARTMENT FOUND THESE PRODUCTS TO BE WITHIN THE SCOPE OF THE ORDER.

SPECIFICALLY, THE DEPARTMENT FOUND THAT TAPERS WITH ATTACHED FIGURINES OR OTHER DECORATIONS ARE INCLUDED WITHIN THE SCOPE OF THE ORDER UNLESS: (1) THE FIGURINE OR DECORATION SPECIFICALLY LIMITS THE CANDLE TO USE ONLY IN CONNECTION WITH A PARTICULAR RELIGIOUS HOLIDAY OR OTHER SPECIAL EVENT, AND (2) THE FIGURINE OR DECORATION IS PERMANENTLY ATTACHED TO THE CANDLE SUCH THAT REMOVING THE HOLIDAY NOVELTY FIGURINE DAMAGES THE CANDLE. THE DEPARTMENT FOUND THAT TAPERS DECORATED WITH FIGURINES IN THE FORM OF HEARTS, "TEDDY BEARS," FLOWERS, AUTUMN LEAVES, AND "INDIAN CORN" DO NOT QUALIFY AS HOLIDAY NOVELTY FIGURINES. THUS, CANDLES SO ADORNED ARE COVERED BY THE SCOPE OF THE ORDER.

THE DEPARTMENT FURTHER DETERMINED THAT CANDLES SUCH AS TAPERS OR PILLARS DECORATED WITH SNOWFLAKES OR STARS DO NOT CONSTITUTE CHRISTMAS HOLIDAY NOVELTY CANDLES BECAUSE THE SNOWFLAKES OR STARS DO NOT LIMIT THE CANDLES TO USE SOLELY IN CONNECTION WITH THE CHRISTMAS HOLIDAY SEASON. THEREFORE, THESE CANDLES ARE WITHIN THE SCOPE OF THE ORDER.

FINALLY, THE DEPARTMENT CONCLUDED THAT TWO OF AMERICAN GREETINGS' CANDLES WERE NOT "SHAPED IN THE FORM OF AN IDENTIFIABLE OBJECT," A CATEGORY OF MERCHANDISE PREVIOUSLY EXCLUDED FROM THE ORDER. THE DEPARTMENT FURTHER DETERMINED THAT NEITHER CANDLE CONSTITUTES

A HOLIDAY NOVELTY CANDLE BECAUSE THE INTEGRAL DECORATIONS DO NOT LIMIT THE CANDLE TO USE ONLY IN CONNECTION WITH A PARTICULAR RELIGIOUS HOLIDAY OR OTHER SPECIAL EVENT. THUS, AMERICAN GREETINGS' TAPER CANDLE WITH AN INTEGRAL SNOWMAN FIGURINE AT ITS BASE, AND A TAPER WITH AN ETCHED DESIGN RESEMBLING KERNELS OF "INDIAN CORN" ARE COVERED BY THE SCOPE OF THE ORDER BECAUSE BOTH

CANDLES ARE TAPERS WHICH ARE NEITHER SHAPED IN THE FORM OF AN IDENTIFIABLE OBJECT NOR ARE LIMITED TO USE SOLELY IN CONNECTION WITH A PARTICULAR HOLIDAY (CHRISTMAS OR THANKSGIVING, RESPECTIVELY) OR SPECIAL EVENT.

3. CONTINUE TO SUSPEND LIQUIDATION OF ENTRIES OF PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA, INCLUDING AMERICAN GREETINGS' CANDLES DESCRIBED ABOVE, SUBJECT TO THE ANTIDUMPING DUTY ORDER COVERING PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-504). PETROLEUM WAX CANDLES ARE CURRENTLY CLASSIFIABLE UNDER SUBHEADING 3506.00.00.00 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES, ANNOTATED.

4. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, OTHER GOVERNMENT AGENCY LIAISON, USING THE ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND INTERESTED PARTIES SHOULD CONTACT THOMAS KILLIAM AT 202-482-5222 OR SEAN CAREY AT 202-482-3964, AD/CVD ENFORCEMENT GROUP III, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE.

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

PAUL SCHWARTZ

Company Details

*Party Indicator Value:

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