

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731-TA-1560-1562 and 1564 (Final)]

Raw Honey From Argentina, Brazil, India, and Vietnam

Determinations

On the basis of the record¹ developed in the subject investigations, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that an industry in the United States is materially injured by reason of imports of raw honey from Argentina, Brazil, India, and Vietnam, provided for in subheading 0409.00.00 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce (“Commerce”) to be sold in the United States at less than fair value (“LTFV”).^{2,3}

Background

The Commission instituted these investigations effective April 21, 2021, following receipt of petitions filed with the Commission and Commerce by the American Honey Producers Association (“AHPA”), Bruce, South Dakota, and the Sioux Honey Association (“SHA”), Sioux City, Iowa. The Commission scheduled the final phase of the investigations following notification of preliminary determinations by Commerce that imports of raw honey from Argentina, Brazil, India, Ukraine, and Vietnam were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)).⁴ Notice of the scheduling of the final phase of the Commission’s investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by

publishing the notice in the **Federal Register** of December 9, 2021 (86 FR 70144). The Commission conducted its hearing on April 11, 2022. All persons who requested the opportunity were permitted to participate.

The Commission made these determinations pursuant to § 735(b) of the Act (19 U.S.C. 1673d(b)). It completed and filed its determinations in these investigations on May 27, 2022. The views of the Commission are contained in USITC Publication 5327 (May 2022), entitled *Raw Honey from Argentina, Brazil, India, and Vietnam: Investigation Nos. 731-TA-1560-1562 and 1564 (Final)*.

By order of the Commission.

Issued: May 24, 2022.

Lisa Barton,

Secretary to the Commission.

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1269]

Certain Electrolyte Containing Beverages and Labeling and Packaging Thereof; Notice of Commission Request for Written Submissions on Remedy, the Public Interest, and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to request written submissions from the parties, interested government agencies, and interested persons, under the schedule set forth below, on remedy, the public interest, and bonding.

FOR FURTHER INFORMATION CONTACT:

Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708-4716. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: On July 6, 2021, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on a complaint filed by CAB Enterprises, Inc. of Houston, Texas and Sueros y Bebidas Rehidratantes, S.A. de C.V. of Mexico (collectively, “Complainants”). See 86 FR 35532-33 (July 6, 2021). The complaint, as supplemented, alleges a violation of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electrolyte containing beverages and labeling and packaging thereof by reason of infringement of U.S. Trademark Registration Nos. 4,222,726; 4,833,885; 4,717,350; and 4,717,232 (collectively, “the Asserted Trademarks”). See *id.* The notice of investigation names the following respondents (all of Mexico): (1) Carbonera Los Asadores de C.V.; Comercial Treviño de Reynosa, S.A. de C.V.; Distribuidora Mercatto S.A. de C.V.; H & F Tech International S.A. de C.V.; Leticia Angélica Saenz Fernandez; Yoselen Susana Martinez Tirado; Grupo Comercial Lux del Norte S.A. de C.V.; and Caribe Agencia Express, S.A. de C.V. (collectively, “the Defaulting Respondents”); and (2) Flexicompuestos S.A. de C.V.; Comercializadora Degu S.A. de C.V.; MPC Foods S.A. de C.V.; Myrna Guadalupe Perez Martinez; Comercializadora Embers S.A. de C.V.; and Manuel Bautista Nogales (collectively, “the Remaining Respondents”). See *id.* The Office of Unfair Import Investigations (“OUII”) is also a party to the investigation. See *id.*

On September 14, 2021, and April 7, 2022, the presiding administrative law judge (“ALJ”) issued initial determinations (Order Nos. 8 & 19) finding the Defaulting Respondents in default pursuant to Commission Rule 210.16 (19 CFR 210.16), for failure to respond to the complaint and notice of investigation and to orders to show cause (Order Nos. 7 & 9). See Order No. 8 (Sept. 14, 2021), *unreviewed by Comm’n Notice* (Oct. 6, 2021); Order No. 19 (Apr. 7, 2022), *unreviewed by Comm’n Notice* (Apr. 26, 2022).

On April 6, 2022, Complainants filed a motion for partial termination of the investigation as to the Remaining Respondents based on the withdrawal of the allegations in the complaint as to those respondents under 19 CFR 210.21(a). On April 7, 2022, OUII filed a response in support of the motion.

On April 18, 2022, Complainants filed a declaration under Commission Rule 210.16 (19 CFR 210.16) requesting the immediate entry of limited exclusion

¹ The record is defined in § 207.2(f) of the Commission’s Rules of Practice and Procedure (19 CFR 207.2(f)).

² 87 FR 22179, 87 FR 22182, 87 FR 22188, 87 FR 22184 (April 14, 2022).

³ The Commission also finds that imports subject to Commerce’s affirmative critical circumstances determination are not likely to undermine seriously the remedial effect of the antidumping duty order on Argentina. The Commission finds that imports subject to Commerce’s affirmative critical circumstances determination are likely to undermine seriously the remedial effect of the antidumping duty order on Vietnam.

⁴ On March 24, 2022, counsel for petitioners filed with Commerce and the Commission a withdrawal of their petition regarding imports of raw honey from Ukraine. Accordingly, the antidumping duty investigation concerning raw honey from Ukraine (Investigation No. 731-TA-1563 (Final)) was terminated. 87 FR 19855 (April 6, 2022), 87 FR 20462 (April 07, 2022).