

By Certified Mail, Return Receipt Requested

On January 12, 1993, Garrett Hewitt International (Garrett) requested that the Department of Commerce (the Department) issue a scope ruling that the Giorgio candle it imports be found outside the scope of the antidumping duty order on petroleum wax candles from the People's Republic of China.

We evaluated Garrett's application in accordance with 19 C.F.R. 353.29(i)(1). Based on the product descriptions contained in the petition, the initial investigation, and the determinations of the Department and the International Trade Commission, the Department determines that the Giorgio candle has no distinguishing features that would exclude it from the order on Petroleum Wax Candles from the People's Republic of China. Consequently, the Giorgio candle is determined to be within the scope of the order. Enclosed is a memorandum explaining our decision.

We will notify Customs of this decision. If you have any questions, please contact Sandra Yacura or Zev Primor at (202) 482-4851.

Sincerely,

Laurie A. Lucksinger
Division Director
Office of Antidumping Compliance

4/9/93

(date)

APR 9, 1993

A-570-504
Scope
Review
Public Document
QADC: SLY

MEMORANDUM Joseph A. Spetrini
FOR: Deputy Assistant Secretary for Compliance
THROUGH: Roland L. MacDonald, Director
 Office of Agreements Compliance
FROM: Holly A. Kuga, Director
 Office of Antidumping Compliance
SUBJECT: Final Scope Ruling -- Antidumping Duty Order on
 Petroleum wax Candles from the People's Republic of
 China: Garrett Hewitt International

1. SUMMARY

On January 12, 1993, Garrett Hewitt International (Garrett) requested that the Department of Commerce (the Department) issue a ruling that the "Giorgio" candle it imports be found outside the scope of the antidumping duty order on petroleum wax candles from the People's Republic of China.

The product descriptions contained in the petition, the initial investigation, and the determinations of the Department and the International Trade Commission (ITC), are dispositive concerning whether the merchandise in question is within the scope of the order. Therefore, a formal investigation was not initiated.

Based on an analysis of the information on the record, and in accordance with 19 CFR 353.29(i)(1), the Department determines that the Giorgio candles are petroleum wax candles from the People's Republic of China that are within the scope of the antidumping duty order.

2. BACKGROUND

On January 12, 1993, Garrett filed a letter with the Department requesting a scope determination to ascertain whether its Giorgio candles fall within the scope of the order on candles from the People's Republic of China. The candles are made of petroleum wax with a cotton wick. Garrett stated that the candles should be found outside the order because they are not manufactured by convicts or prisoners, and because this manufacturing is not subsidized by the Chinese government. (See letter from Garrett to the Department, January 12, 1993.)

In conjunction with its letter, Garrett sent a detailed description and drawing of the candle, an affidavit from the trading company, an inspection report and specification sheet. The candles are made of red petroleum wax with cotton wicks and are designed to float on water.

3. ANALYSIS

In accordance with 19 CFR 353.29(i)(1), in analyzing the scope request in this proceeding, the Department took into account the descriptions of the merchandise contained in the petition, the initial investigation, and the determinations of the Department and the ITC.

The products covered by this order are "certain scented or unscented petroleum wax candles made from petroleum wax and having fiber or paper-cored wicks. They are sold in the following shapes: tapers, spirals, and straight-sided dinner candles; rounds, columns, pillars, votives; and various wax-

filled containers." (See Antidumping Duty Order: Petroleum Wax Candles from the People's Republic of China, August 28, 1986 (Order).)

The candles submitted to the Department by Garrett are made of petroleum wax and contain a cotton wick. Thus, on their face, these candles would appear to fall within the scope of this order. Accordingly, the Department must determine whether there are any other distinguishing characteristics that provide a basis for their exclusion.

Garrett argues that its candles should be found outside the order because its manufacturer "does not have convicts/prisoners as any part of its work force and is not subsidized by the China [sic] government." (See Letter from Garrett to the Department, January 12, 1993.)

Garrett misunderstands the purpose of the scope clarification process as applicable to the antidumping duty order. Scope procedures are requested by interested parties when an interpretation of the language of an order is necessary to determine the applicability of the order to a specific product. Allegations of human rights violations and government subsidies are unconnected to the scope process. As the Giorgio candles have no other distinguishing characteristics to provide a basis for their exclusion, they are found to be within the scope of the order.

4. CONCLUSION

The product descriptions contained in the petition, the initial investigation, and the determinations of the Department and the ITC are dispositive concerning whether the merchandise in question is within the scope of the order. The Giorgio candles are petroleum wax candles with cotton wicks, and are manufactured in the People's Republic of China. The two assertions that Giorgio candles are not made by prisoners and are also not subsidized are immaterial. As the candles have no additional distinguishing characteristics which would provide a basis for their exclusion, they are found within the scope of the antidumping duty order on petroleum wax candles from the People's Republic of China.

5. RECOMMENDATION

That the Department find Giorgio candles, which are imported through Garrett Hewitt International, within the scope of the antidumping duty order on petroleum wax candles from the People's Republic of China.

Agree Disagree

If you agree, we recommend sending the attached letter to interested parties.

Agree Disagree

Joseph A. Spetrini
Deputy Assistant Secretary for Compliance

4/9/93

date

Attachment