

# **FACT SHEET**

## **Preliminary Determination in the Antidumping Duty Investigation on Imports of Orange Juice from Brazil (A-351-840)**

On August 17, the Department of Commerce announced its preliminary determination in the antidumping duty investigation of certain orange juice from Brazil. The Department preliminarily found that producers/exporters in Brazil, sold orange juice in the U.S. market at less than fair value, with margins ranging from 24.62 to 60.29 percent. As a result of this preliminary determination, the Department will instruct U.S. Customs and Border Protection to collect a cash deposit or bond at the rate of the preliminary margins on imports of merchandise subject to this investigation.

**Next Steps:** The Department will consider all submitted comments from interested parties along with other record evidence before making its final determination in January 2006. If the Department makes a final determination that imports were sold below fair value in this investigation, and the International Trade Commission (ITC) makes a final affirmative determination that imports from Brazil materially injure, or threaten material injury to, the domestic industry, the Department will issue an antidumping duty order and instruct U.S. Customs and Border Protection to collect cash deposits on imports of subject merchandise.

**Adverse Facts Available:** The antidumping margin of 60.29 percent for one of the mandatory respondents, Montecitrus Industria e Comercio Limitada, is based on total adverse facts available as the company withdrew its participation from the investigation.

**Critical Circumstances:** The petitioners alleged that critical circumstances exist with respect to imports of subject merchandise from Brazil. The Department has preliminarily determined that there is sufficient evidence to warrant a finding that critical circumstances exist with respect to imports from producers/exporters subject to this investigation.

**Petitioners:** The petitioners in this investigation are Florida Citrus Mutual; A. Duda & Sons (dba Citrus Belle); Citrus World, Inc.; and Southern Garden Citrus Processing Corp., (dba Southern Gardens). All petitioners are located in Florida.

**Product Description:** The product under investigation is certain orange juice for transport and/or further manufacturing, produced in two different forms: (1) frozen concentrated orange juice (FCOJ) and (2) pasteurized single-strength orange juice which has not been concentrated, referred to as Not-From-Concentrate (NFC).

**Previous Antidumping Order:** There was an order on FCOJ from Brazil that was revoked in April 2005 at the completion of a five-year sunset review. The current investigation covers both FCOJ and NFC. Because the initiation of this investigation preceded the revocation of that order, this investigation is somewhat limited in coverage: with respect to FCOJ, it covers only those companies that were excluded or revoked from the previous FCOJ order (*i.e.*, Cargill Citrus Limitada; Sucocitrico Cutrale, S.A.; Fischer S/A - Agroindustria; and Montecitrus

Industria e Comercio Limitada)<sup>1</sup>; with respect to NFC, it is countrywide and includes all companies that produce NFC.

**Preliminary Dumping Margins:**

<b>Producer/Exporter</b>	<b>Margin</b>
<b>Fischer S/A - Agroindustria</b>	<b>31.04%</b>
<b>Montecitrus Industria e Comercio Limitada</b>	<b>60.29%</b>
<b>Sucocitrico Cutrale, S.A.</b>	<b>24.62%</b>
<b>All Others</b>	<b>27.16%</b>

**Case Calendar:**

<b>EVENT</b>	<b>AD INVESTIGATION</b>
<b>Petition Filed</b>	<b>December 27, 2004</b>
<b>DOC Initiation Date</b>	<b>February 7, 2005</b>
<b>ITC Preliminary Determination</b>	<b>March 3, 2005</b>
<b>DOC Preliminary Determination</b>	<b>August 16, 2005</b>
<b>DOC Final Determination (estimated)</b>	<b>January 4, 2006</b>
<b>ITC Final Determination* (estimated)</b>	<b>February 20, 2006</b>
<b>Issuance of Order** (estimated)</b>	<b>February 27, 2006</b>

\* This will take place only in the event of a final affirmative determination by the Department of Commerce.

\*\* This will take place only in the event of final affirmative determinations by both the Department and the ITC.

**Import Statistics\*:**

	<b>2002</b>	<b>2003</b>	<b>2004</b>
<b>Volume (liters)</b>	<b>446,649,835</b>	<b>867,398,111</b>	<b>606,543,444</b>
<b>Value (\$US)</b>	<b>\$74,366,862</b>	<b>\$158,041,309</b>	<b>\$98,582,017</b>

Source: U.S. ITC Trade DataWeb for HTS categories 20091100, 20091225, 20091245, and 20091900

\* These values include imports from all Brazilian companies, not just those specifically covered by the investigation

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<sup>1</sup> Two additional companies, Coopercitrus Industrial Frutesp and Frutropic S.A., were revoked from the order. Because these companies changed ownership prior to the initiation of this case, the Department is currently considering whether the exports of the "new" company, COINBRA-Frutesp, are included within the scope of this investigation. The Department will issue a ruling on this matter no later than the final determination.