

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20436

In the Matter of

**CERTAIN PRODUCTS ADVERTISED AS
CONTAINING CREATINE ETHYL ESTER**

Investigation No. 337-TA-679

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION EXTENDING THE TARGET DATE FOR
COMPLETION OF THE INVESTIGATION BY SEVEN MONTHS AND MODIFYING
THE PROCEDURAL SCHEDULE**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Order No. 10) extending the target date for completion of the investigation by seven months and modifying the procedural schedule.

FOR FURTHER INFORMATION CONTACT: James A. Worth, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3065. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.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: This investigation was instituted on June 23, 2009, based upon a complaint filed on behalf of UneMed Corp. of Omaha, Nebraska (“UneMed”) on June 5, 2009, and supplemented on June 8 and 10, 2009. 74 *Fed. Reg.* 29717 (June 23, 2009). The complaint alleged violations of section 337(a)(1)(A) of the Tariff Act of 1930 (19 U.S.C. § 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain products advertised as containing creatine ethyl ester by reason of false advertising in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a)(1)(B) and the Nebraska Uniform Deceptive Trade Practices Act, R.R.S. Neb. § 87-302 (2008). The complaint named as respondents Bodyonics, Ltd. of Hicksville, New York (“Bodyonics”); Engineered Sports Technology, Inc. of Oviedo, Florida (“EST”); Proviant Technologies, Inc. of Champagne, Illinois (“Proviant”); NRG-X Labs. of Bentonville, Arkansas (“NRG-X”); and San Corporation of Oxnard, California.

On September 29, 2009, the Commission issued notice of its decision not to review an ID terminating the investigation with respect to San Corporation on the basis of a consent order.

On October 19, 2009, the Commission issued notice of its decision not to review an ID finding Bodyonics, NRG-X, and Proviant in default.

On October 13, 2009, UneMed and the Commission investigative attorney filed a joint motion to extend the procedural schedule in the investigation give EST time to respond to the complaint, which was not effectively served on EST at the beginning of the investigation. On October 20, 2009, the ALJ issued the subject ID extending the target date by seven months to May 25, 2011, and modifying the procedural schedule accordingly. No petitions for review were filed.

The Commission has determined not to review the subject ID.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and of sections 210.42(h), 210.51 of the Commission's Rules of Practice and Procedure (19 CFR §§ 210.42(h), 210.51).

By order of the Commission.

/s/
Marilyn R. Abbott
Secretary to the Commission

Issued: November 19, 2009