



**GENERAL INFORMATION, INSTRUCTIONS, AND  
DEFINITIONS FOR COMMISSION QUESTIONNAIRES**

**CERTAIN ORANGE JUICE FROM BRAZIL**

**Investigation No. 731-TA-1089 (Final)**

*Further information.--If you have any questions concerning the enclosed questionnaire(s) or other matters related to this investigation, you may contact the following members of the Commission's staff (Fax 202-205-3205):*

*Elizabeth Haines, investigator (202-708-3200; E-mail [betsy.haines@USITC.GOV](mailto:betsy.haines@USITC.GOV)) regarding general questions and trade and related information;*

## GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS

### GENERAL INFORMATION

***Background.***--This investigation was instituted in response to a petition filed on December 27, 2004, on behalf of Florida Citrus Mutual, Lakeland, FL; A. Duda & Sons (d/b/a Citrus Belle) Oviedo, FL; Citrus World, Inc., Lake Wales, FL; Peace River Citrus Products, Inc., Arcadia, FL; and Southern Garden Citrus Processing Corp. (d/b/a Southern Gardens), Clewiston, FL. Antidumping duties may be assessed on the subject imports as a result of this investigation if the Commission makes an affirmative determination of injury, threat, or material retardation, and if the U.S. Department of Commerce makes an affirmative determination of dumping.

Additional questionnaires will be supplied promptly upon request, or photocopies of the enclosed questionnaire(s) may be used. Address all correspondence to the United States International Trade Commission, Washington, DC 20436. Hearing-impaired individuals can obtain information regarding this investigation via the Commission's TDD terminal (202-205-1810).

***Due date of questionnaire(s).***--Return the completed questionnaire(s) to the United States International Trade Commission by no later than **November 4, 2005**. Although the enclosed postpaid envelope may be used to return the completed questionnaire, use of an overnight mail service may be necessary to ensure that your response actually reaches the Commission by **November 4, 2005**. If you do not use the enclosed envelope, please make sure the completed questionnaire is sent to the attention of Elizabeth Haines. **Return only one copy of the completed questionnaire(s), but please keep a copy for your records so that you can refer to it if the Commission staff contacts you with any questions during the course of the investigation.**

***Service of questionnaire response(s).***--In the event that your firm is a party to this investigation, you are required to serve a copy of the questionnaire(s), once completed, on parties to the proceeding that are subject to administrative protective order (see 19 CFR § 207.7). A list of such parties is maintained by the Commission's Secretary and may be obtained by calling 202-205-1803. A certificate of service must accompany the copy of the completed questionnaire(s) you submit (see 19 CFR § 207.7).

***Confidentiality.***--The commercial and financial data furnished in response to the enclosed questionnaire(s) that reveal the individual operations of your firm will be treated as confidential by the Commission to the extent that such data are not otherwise available to the public and will not be disclosed except as may be required by law (see 19 U.S.C. § 1677f). Such confidential information will not be published in a manner that will reveal the individual operations of your firm; however, nonnumerical characterizations of numerical business proprietary information (such as discussion of trends) will be treated as confidential business information only at the request of the submitter for good cause shown.

***Verification.***--The information submitted in the enclosed questionnaire(s) is subject to audit and verification by the Commission. To facilitate possible verification of data, please keep all your workpapers and supporting documents used in the preparation of the questionnaire response(s).

## GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS--Continued

### GENERAL INFORMATION--Continued

**Release of information.**--The information provided by your firm in response to the questionnaire(s), as well as any other business proprietary information submitted by your firm to the Commission in connection with the investigation, may become subject to, and released under, the administrative protective order provisions of the Tariff Act of 1930 (19 U.S.C. § 1677f) and section 207.7 of the Commission's Rules of Practice and Procedure (19 CFR § 207.7). This means that certain lawyers and other authorized individuals may temporarily be given access to the information for use in connection with this investigation or other import-injury investigations conducted by the Commission on the same or similar merchandise; those individuals would be subject to severe penalties if the information were divulged to unauthorized individuals.

### INSTRUCTIONS

**Answer all questions.**--Do not leave any question or section blank unless a questionnaire expressly directs you to skip over certain questions or sections. If the answer to any question is "none," write "none." **If information is not readily available from your records in exactly the form requested, furnish carefully prepared estimates--designated as such by the letter "E"--and explain the basis of your estimates.** Answers to questions and any necessary comments or explanations should be supplied in the space provided or on separate sheets attached to the appropriate page of the questionnaire(s). If your firm is completing more than one questionnaire in connection with this investigation (i.e., a producer, importer, purchaser, and/or foreign producer questionnaire), you need not respond to duplicated questions in the questionnaires.

**Consolidate all establishments in Brazil.**--Report the requested data for your establishment(s) located in the Brazil. **Firms operating more than one establishment should combine the data for all establishments into a single report.**

## **GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS--Continued**

### **DEFINITIONS**

**Certain orange juice.**—includes both (1) frozen concentrated orange juice for manufacturing and (2) not-from-concentrate orange juice, both of which are defined below.

**Frozen concentrated orange juice for manufacturing (“FCOJM”).**—An industrial product, concentrated at 51 or greater degrees Brix in a frozen state. FCOJM is usually produced, imported, stored, or shipped in bulk containers (usually 55 gallon drums, tanker trucks, or tanker ships) at 65 degrees Brix. FCOJM is generally a six or seven-strength concentrate, meaning that it requires the addition of water in a six to seven-to-one ratio to produce single-strength, ready-to-drink orange juice.

**Not-from-concentrate orange juice (“NFCOJ”).**—Single-strength orange juice that is flash-heated to pasteurize it immediately after the fruit is squeezed. Orange juice made into NFC is de-oiled with a centrifuge, then either pasteurized, chilled, and packaged or stored for future sale and/or packaging. NFC is stored or shipped a number of ways including: (1) frozen as blocks, (2) frozen in 55-gallon drums, (3) pasteurized and chilled in large aseptic tanks, or (4) pasteurized and chilled in 4' x 4' wooden boxes containing a plastic bag which holds about 300 gallons of juice.

**Organic certain orange juice.**—FCOJM and NFCOJ that has been produced and handled (1) only by an operation or operations certified by a certifying agent duly accredited under the United States Department of Agriculture (“U.S.D.A.”) National Organic Program Regulations (7 C.F.R. § 205 et seq. (“the Regulations”), and (2) as employing a production and handling process fully compliant with the provisions of the Regulations relating to products intended for ultimate use in a final product sold to the consumer as U.S.D.A. certified “organic” or “100% organic.”

**Subject certain orange juice from Brazil.**—includes imports of both: (1) FCOJM manufactured/exported by Cargill Citrus Limitada (“Cargill”), Fischer S/A - Agroindustria (formerly Citrosuco Paulista S.A.) (“Fisher/Citrosuco”), Montecitrus Industria e Comercio Limitada (“Montecitrus”), and Sucocitrico Cutrale, S.A. (“Cutrale”) in Brazil, and (2) NFCOJ manufactured/exported by all firms in Brazil.

Certain orange juice is covered by subheadings 2009.11.00, 2009.12.25, 2009.12.45, and 2009.19.00 of the Harmonized Tariff Schedule of the United States (“HTS”). The HTS item numbers are provided for convenience and for customs purposes. The written description of the scope of this proceeding is dispositive.

## **GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS--Continued**

### **DEFINITIONS--Continued**

Excluded from the scope of this investigation are imports of: (1) reconstituted orange juice and frozen orange juice for retail and (2) imports of FCOJM from Brazilian manufacturers/exporters covered by the existing antidumping duty order on frozen concentrated orange juice from Brazil.

**Reconstituted orange juice**.--Orange juice that is produced through further manufacture of FCOJM, by adding water, oils and essences to the orange juice concentrate.

**Frozen concentrated orange juice for retail (“FCOJR”)**.--FCOJR is concentrated orange juice, typically at 42E Brix, in a frozen state, packed in retail-sized containers ready for sale to consumers. FCOJR, a finished consumer product, is produced through further manufacture of FCOJM, a bulk manufacturer’s product.

**Nonsubject certain orange juice from Brazil**.--Imports of FCOJM from Brazil from firms OTHER THAN Cargill, Cutrale, Fisher/Citrosuco, and Montecitrus. This category includes the following subcategories of firms:

**COINBRA-Frutesp/Louis Dreyfus**.--The Department of Commerce is currently considering whether COINBRA-Frutesp and Louis Dreyfus Citrus Ltda (“Louis Dreyfus-Brazil”) are successors-in-interest to Coopercitrus Industrial Frutesp and Frutropic S.A. Should Commerce make an affirmative successor-in-interest determination, imports from these companies will be considered subject certain orange juice from Brazil.

**All other nonsubject sources**.--This category includes and all other firms not identified above.

**Single-strength equivalent (SSE)**.-- The volume of single-strength juice that can be reconstituted from concentrated orange juice.

**Fruit solids**.--Extracted orange solids regardless of their form, i.e., FCOJM, other FCOJ, single-strength orange juice (“SSOJ”), or other form.

**Brix degree**.-- Measurement for the level of concentration of fruit juices. A higher Brix degree means a higher concentration, i.e., more water has been removed from the juice and more fruit solids per unit of juice remains.

**Firm**.--An individual proprietorship, partnership, joint venture, association, corporation (including any subsidiary corporation), business trust, cooperative, trustee in bankruptcy, or receiver under decree of any court.

## **GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS--Continued**

### **DEFINITIONS--Continued**

***Related firm.***--A firm that your firm solely or jointly owned, managed, or otherwise controlled; a firm that solely or jointly owned, managed, or otherwise controlled your firm; and/or a firm that was solely or jointly owned, managed, or otherwise controlled by a firm that also solely or jointly owned, managed, or otherwise controlled your firm.

***Establishment.***--Each facility of a firm in Brazil involved in the production of certain orange juice (as defined above), including auxiliary facilities operated in conjunction with (whether or not physically separate from) such facilities.

***United States.***--For purposes of this review, the 50 States, Puerto Rico, the U.S. Virgin Islands, and the District of Columbia.

***Importer.***--Any person or firm engaged, either directly or through a parent company or subsidiary, in importing certain orange juice (as defined above) into the United States from a foreign manufacturer or through its selling agent.

***Average production capacity.***--The level of production that your establishment(s) could reasonably have expected to attain during the specified periods. Assume normal operating conditions (i.e., using equipment and machinery in place and ready to operate; normal operating levels (hours per week/weeks per year) and time for downtime, maintenance, repair, and cleanup; and a typical or representative product mix).

***Production.***--All production in your establishment(s) in Brazil, including production consumed internally within your firm.

***Shipments.***--Shipments of products produced in your establishment(s) in Brazil.

***Shipment quantities.***--Quantities reported should be net of returns.

***Shipment values.***--Values reported should be net values (i.e., gross sales values less all discounts, allowances, rebates, prepaid freight, and the value of returned goods), in U.S. dollars, f.o.b. your point of shipment in Brazil.

***Home market commercial shipments.***--Shipments, other than internal consumption and transfers to related firms, within Brazil.

***Home market internal consumption/transfers to related firms.***--Shipments made to related firms in Brazil, including product consumed internally by your firm.

**GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS--Continued**

**DEFINITIONS--Continued**

***Export shipments***--Shipments to destinations outside Brazil, including shipments to related firms.

***Inventories***--Finished goods inventory, not raw materials or work-in-progress.