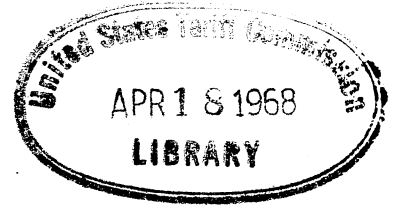


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UNITED STATES TARIFF COMMISSION



INVESTIGATIONS UNDER SECTION 337
OF THE TARIFF ACT OF 1930

Outcome or Current Status of Complaints
Filed with the United States Tariff Commission
Under the Provisions of Section 337 of the
Tariff Act of 1930 Between January 1, 1949,
and April 2, 1968



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UNITED STATES TARIFF COMMISSION

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INTRODUCTION

This compilation summarizes information on the outcome or current status of all complaints that the U.S. Tariff Commission has received under the provisions of section 337 of the Tariff Act of 1930 since January 1, 1949. 1/ The complaints, which in all instances requested that the specified commodity be excluded from entry into the United States, are listed in the order in which they were received.

Section 337 of the Tariff Act of 1930 2/ authorizes the Tariff Commission to investigate alleged unfair methods of competition and unfair acts in the importation of articles or in the sale of imported articles in the United States. When the effect or tendency of such methods or acts is to destroy or substantially injure a domestic industry, or to prevent the establishment of an industry, or to restrain or monopolize trade and commerce in the United States, the articles involved may by Executive order be excluded from entry into the United States.

1/ From 1930 through 1943 the Commission received a number of complaints under the provisions of sec. 337. Those complaints, however, are outside the scope of this compilation. From 1944 through 1948 the Commission received no complaints under the provisions of sec. 337.

2/ 46 Stat. 590.

(TC28418)

Outcome or current status of complaints received by the United States Tariff Commission under the provisions of sec. 337 of the Tariff Act of 1930, Jan. 1, 1949-July 1, 1964

Commodity <u>1/</u>	Status
Crisp rye wafers, imported under the name "Ry-King" (1949).	<u>Complainant:</u> Ralston Purina Co., St. Louis, Mo. <u>Complaint received:</u> Jan. 10, 1949. <u>Complaint dismissed after preliminary inquiry:</u> Mar. 29, 1949 (notice, Apr. 5, 1949).
Machines for manufacturing corrugated flexible metal tubing or hose, and corrugated flexible metal tubing or hose (1951).	<u>Complainant:</u> Chicago Metal Hose Corp., Maywood, Ill. <u>Complaint received:</u> Aug. 1, 1949. <u>Complaint dismissed after preliminary inquiry:</u> Apr. 25, 1951 (notice, May 1, 1951).
Pistol-simulating cigarette lighters (1950).	<u>Complainant:</u> Gunlite, Inc., New York, N.Y. <u>Complaint received:</u> July 26, 1950. <u>Complaint dismissed after preliminary inquiry:</u> Sept. 14, 1950 (notice, Sept. 15, 1950).
Rubber catheters (1950)-----	<u>Complainant:</u> Davol Rubber Co., Providence, R.I. <u>Complaint received:</u> July 26, 1950. <u>Complaint dismissed after preliminary inquiry:</u> Nov. 21, 1950 (notice, Nov. 28, 1950).
Multiple-compartment cooking pans (1953).	<u>Complainant:</u> Emco Sales Corp., Dayton, Ohio. <u>Complaint received:</u> Jan. 27, 1953. <u>Complaint dismissed after preliminary inquiry:</u> June 30, 1953 (Commissioner Brossard dissented) (notice, July 1, 1953).
Synthetic star sapphires and synthetic star rubies (1956).	<u>Complainant:</u> Linde Air Products Co. (a division of Union Carbide and Carbon Corp.), New York, N.Y. <u>Complaint received:</u> Aug. 11, 1953.

1/ Complaints are listed in the order of their receipt. The year shown in parentheses is the year that the Commission completed, or was due to complete, its action on the particular complaint.

Commodity	Status
<p>Synthetic star sapphires and synthetic star rubies (1956)--Continued</p>	<p><u>Investigation instituted: Sept. 16, 1953.</u> <u>Hearing held: Dec. 8-10, 1953.</u> <u>Investigation completed: Sept. 20, 1954.</u> <u>Finding of the Commission: The Commission held (Commissioners Ryder and Edminster dissenting) that unfair methods of competition and unfair acts existed in the importation of synthetic star sapphires and synthetic star rubies, and that the effect or tendency of these unfair methods and acts was to substantially injure an efficiently and economically operated U.S. industry.</u></p> <p><u>Appeal to U.S. Court of Customs and Patent Appeals filed by the importer: Nov. 18, 1954.</u></p> <p><u>Finding of the Commission upheld by Court of Customs and Patent Appeals; mandate finalizing court's decision received by the Commission: Feb. 29, 1956.</u></p> <p><u>Official record of investigation submitted to the President: Mar. 5, 1956.</u></p> <p>The official record included a recommendation that the President direct the Secretary of the Treasury to exclude from entry into the United States synthetic star sapphires and synthetic star rubies covered by claims of a patent owned by the complainant. After submitting the record to the President, the Commission received information with respect to an agreement between the complainant and the foreign manufacturer of the products involved in the Commission's findings. Inasmuch as the Commission was of the opinion that the aforementioned agreement had rendered the issue in this case moot, and that no basis existed for the issuance of the exclusion order previously recommended, the Commission--in view of the particular circumstances in this case--withdrew its recommendation to the President in a letter of Apr. 4, 1956, and suggested that he return the case to it for final disposition. Pursuant to this suggestion, the President returned the case to the Commission on Apr. 10, 1956.</p> <p><u>Investigation discontinued and dismissed: Apr. 10, 1956.</u></p>

Commodity	Status
Combination spray and spout plumbing fixtures (1954).	<u>Complainants:</u> Modern Faucet Co. and Sphinx Manufacturing Co., both of Los Angeles, Calif. <u>Complaint received:</u> Sept. 4, 1953. <u>Complaint dismissed after preliminary inquiry:</u> Jan. 11, 1954.
Pocket combination tool (1954).	<u>Complainant:</u> Latama Cutlery, Inc., New York, N.Y. <u>Complaint received:</u> May 20, 1954. <u>Complaint dismissed after preliminary inquiry:</u> Sept. 27, 1954 (notice, Sept. 28, 1954).
Knitted garments (1956)-----	<u>Complainant:</u> Renee Hall, Mount Vernon, N.Y., and others. <u>Complaint received:</u> July 1, 1955. <u>Investigation instituted:</u> Oct. 28, 1955. <u>Hearing scheduled:</u> Feb. 29, 1956; postponed to Mar. 20, 1956. <u>Investigation discontinued and dismissed and hearing canceled:</u> Mar. 13, 1956.
Apparatus for electrolytically treating metal surfaces (1955).	<u>Complainant:</u> Central Scientific Co., Chicago, Ill., and others. <u>Complaint received:</u> July 1, 1955. <u>Complaint dismissed after preliminary inquiry:</u> Dec. 16, 1955.
Electron tubes and component parts thereof (1957).	<u>Complainant:</u> Eitel-McCullough, Inc., San Bruno, Calif. <u>Complaint received:</u> July 7, 1955. <u>Action on complaint suspended after preliminary inquiry:</u> Nov. 16, 1955. The suspension of action on the complaint continued until a final decision was rendered in the case of <u>Eitel-McCullough, Inc. v. Wholesale Radio Parts Co., Inc., and Ampere Electronic Corp.</u> (Civil Action No. 8348), which was pending in the U.S. District Court for the District of Maryland. The court dismissed the aforementioned civil action on May 21, 1957. <u>Complaint dismissed:</u> June 26, 1957.

Commodity	Status
Household canisters (1958)---	<p><u>Complainant:</u> Kromex Corp., Cleveland, Ohio.</p> <p><u>Complaint received:</u> Dec. 29, 1955.</p> <p><u>Action on complaint suspended after preliminary inquiry:</u> Apr. 23, 1956.</p> <p>The suspension of action on the complaint continued until a final decision was rendered in the case of the <u>Kromex Corp. v. L. Batlin & Son, Inc.</u> (Civil Action No. 106-222), which was pending in the U.S. District Court for the Southern District of New York. The court dismissed the aforementioned civil action on June 26, 1957, on stipulation of the parties.</p> <p><u>Complaint dismissed:</u> Feb. 17, 1958.</p>
Sandals (1956)-----	<p><u>Complainant:</u> Ray J. Pastene, San Francisco, Calif.</p> <p><u>Complaint received:</u> Nov. 18, 1955.</p> <p><u>Complaint dismissed after preliminary inquiry:</u> Jan. 16, 1956 (notice, Jan. 17, 1956).</p>
Badminton rackets (1957)----	<p><u>Complainant:</u> George A. Allward, doing business as H. & A. Manufacturing Co., Lacombe, La.</p> <p><u>Complaint received:</u> June 11, 1956.</p> <p><u>Investigation instituted:</u> Aug. 14, 1956.</p> <p><u>Hearing held:</u> Dec. 11, 1956.</p> <p><u>Investigation completed:</u> Apr. 22, 1957.</p> <p><u>Finding of the Commission:</u> The Commission unanimously found no violation of sec. 337. The full Commission agreed that if unfair methods of competition or unfair acts were present, it had not been established that their effect or tendency was to substantially injure or destroy a domestic industry. The majority of the Commission (Commissioners Talbot, Sutton, Jones, and Dowling) did not rule on the question of whether or not the imported article was made in conformity with the claims of the patent. However, Commissioners Brossard and Schreiber were of the view that the imported articles were made in accordance with the claims of the patent in question and that, therefore, unfair methods of competition and unfair acts were present.</p>

Commodity	Status
Slip-resistant hanger covers (1956).	<p><u>Complainant:</u> L. M. Leathers' Sons, Athens, Ga. <u>Complaint received:</u> June 26, 1956. <u>Complaint dismissed after preliminary inquiry:</u> Oct. 23, 1956.</p>
Certain expansion brackets and parts thereof (1958).	<p><u>Complainant:</u> Speidel Corp., Providence, R.I. <u>Complaints received:</u> Oct. 23, 1956 (2 separate patents involved). <u>Action on complaints suspended, pending outcome of certain patent litigation:</u> Feb. 4, 1957. <u>Complaints dismissed after preliminary inquiry:</u> June 18, 1958.</p>
Phonograph pickup cartridges, elements, and needles (1959).	<p><u>Complainants:</u> Brush Electronics Co. (a division of Clevite Corp.), Cleveland, Ohio, and The Astatic Corp., Conneaut, Ohio. <u>Complaints received:</u> Feb. 25, 1957. <u>Preliminary inquiry ordered:</u> Mar. 15, 1957. <u>Investigation instituted:</u> Oct. 7, 1957. <u>Hearing held:</u> Feb. 4-14, 18-19, 21, 26-28, Mar. 3, 6-7, and 14, 1958. <u>Investigation completed:</u> May 4, 1959. <u>Finding of the Commission:</u> The Commission found that the evidence in the investigation did not establish that any industry in the United States was being, or was likely to be, destroyed or substantially injured by reason of the imports noted in the complaints, and that there was therefore no occasion for making findings regarding "infringement" or the existence of other unfair methods of competition or unfair acts.</p>

Commodity	Status
<p>Certain mapmaking instruments (stereoscopic photogrammetric projection instruments) and parts thereof (1959).</p>	<p><u>Complainant:</u> Kelsh Instrument Co., Inc., Baltimore, Md. <u>Complaint received:</u> Sept. 3, 1957. <u>Action on complaint suspended after preliminary inquiry:</u> Mar. 20, 1958. The Commission suspended action on the complaint, pending the outcome of certain patent litigation. The Commission's action was based in part on the fact that certain patents involved in the complaint were the subject of a pending patent suit in the Federal courts. <u>Complaint dismissed:</u> Oct. 26, 1959.</p>
<p>Certain steak knives and carving sets (1958).</p>	<p><u>Complainant:</u> Chas. B. Briddell, Inc., Crisfield, Md. <u>Complaint received:</u> Oct. 30, 1957. <u>Complaint dismissed after preliminary inquiry:</u> Feb. 10, 1958.</p>
<p>Certain pushbutton puppets (1958).</p>	<p><u>Complainant:</u> Kohner Bros., New York, N.Y., and Emanuel Merian, Basel, Switzerland. <u>Complaint received:</u> Aug. 7, 1958. <u>Complaint dismissed after preliminary inquiry:</u> Oct. 27, 1958.</p>
<p>Certain shower heads (1959).</p>	<p><u>Complainant:</u> Speakman Co., Riverview Works, Wilmington, Del. <u>Complaint received:</u> Nov. 10, 1958. <u>Complaint dismissed after preliminary inquiry:</u> Dec. 14, 1959.</p>
<p>Household automatic zigzag sewing machines and parts thereof (1963).</p>	<p><u>Complainant:</u> Singer Manufacturing Co., New York, N.Y. <u>Complaint received:</u> Jan. 15, 1959. <u>Preliminary inquiry ordered:</u> Jan. 21, 1959. <u>Investigation instituted:</u> Mar. 16, 1959. <u>Hearing held:</u> May 5-8 and 11-15, 1959. <u>Commission announced that it had decided to hold in abeyance its decision in the investigation pending outcome of anti-trust action filed on Dec. 22, 1959, by the Department of Justice against the Singer Manufacturing Co.:</u> Jan. 12, 1960.</p>

Commodity	Status
Household automatic zigzag sewing machines and parts thereof (1963)--Continued	<p><u>U.S. Supreme Court held the Singer Manufacturing Co. to have acted in violation of the Sherman Act: June 17, 1963 (United States v. Singer Manufacturing Co.; 374 U.S. 174).</u></p> <p><u>Commission received request from the Singer company for permission to withdraw its complaint and for dismissal of the investigation: June 24, 1963.</u></p> <p><u>Request for withdrawal of complaint and dismissal of investigation granted: June 25, 1963 (notice, June 26, 1963).</u></p>
Certain woven mats (1960)---	<p><u>Complainant: Chicago Weaving Corp., Chicago, Ill.</u></p> <p><u>Complaint received: Dec. 14, 1959.</u></p> <p><u>Complaint dismissed after preliminary inquiry: May 23, 1960.</u></p>
Self-closing containers (1962).	<p><u>Complainant: Quikey Manufacturing Co., Inc., Akron, Ohio.</u></p> <p><u>Complaint received: June 2, 1960.</u></p> <p><u>Motion to amend complaint received: June 15, 1960.</u></p> <p><u>Amendment of complaint granted and preliminary inquiry ordered: June 21, 1960.</u></p> <p><u>Investigation instituted: June 14, 1961.</u></p> <p><u>Commission transmitted a report to the President recommending a temporary exclusion order: June 22, 1961. (The President decided not to issue such an order.)</u></p> <p><u>Hearing held: Oct. 3, 1961.</u></p> <p><u>Investigation completed: Apr. 26, 1962.</u></p> <p><u>Findings of the Commission: The Commission found (Chairman Dorfman dissenting) that the importation and domestic sale of the coin purses in question were in violation of sec. 337. The Commission majority found that the imported coin purses in question embodied or contained the invention disclosed in a U.S. patent owned by the complainant and that the effect or tendency of their importation and domestic sale was to substantially injure an efficiently and economically operated domestic industry. Chairman Dorfman concluded that no substantial injury to a domestic industry had been established,</u></p>

Commodity	Status
Self-closing containers (1962)--Continued	<p>and therefore found no need to determine whether the imported purses were "infringements" of the patent in question. The majority recommended that the President issue an order excluding containers covered by the patent from entry into the United States during the lifetime of the patent except where the importation was made under license. No request for a rehearing was received by the Commission within the period prescribed, and no appeal was received by the U.S. Court of Customs and Patent Appeals within the period prescribed by statute; therefore, the Commission's findings were final.</p> <p><u>Official record of investigation submitted to the President: June 26, 1962.</u></p> <p><u>Recommendation of Commission majority rejected by the President: Oct. 16, 1962.</u></p>
Certain transfer valves (1961).	<p><u>Complainant: Modern Faucet Manufacturing Co., Los Angeles, Calif.</u></p> <p><u>Complaint received: Oct. 31, 1960.</u></p> <p><u>Complaint withdrawn and preliminary inquiry terminated: May 16, 1961.</u></p>
Certain folding doors (1963).	<p><u>Complainant: Clopay Corp., Cincinnati, Ohio.</u></p> <p><u>Complaint received: Feb. 4, 1963.</u></p> <p><u>Complaint dismissed after preliminary inquiry: June 7, 1963.</u></p>
Watches and watch movements (1964).	<p><u>Complainants: Elgin National Watch Co., Elgin, Ill., and Hamilton Watch Co., Lancaster, Pa.</u></p> <p><u>Complaint received: Apr. 17, 1964.</u></p> <p><u>Preliminary inquiry ordered: Apr. 23, 1964.</u></p> <p><u>Public notice of Commission request for amended complaint within 60 days: Oct. 28, 1964.</u></p> <p><u>Amended complaint received: Dec. 28, 1964.</u></p> <p><u>Amendment of complaint granted and preliminary inquiry ordered: Dec. 31, 1964.</u></p> <p><u>Investigation instituted: Apr. 23, 1965.</u></p> <p><u>Hearing held: July 19, 20, 1965.</u></p> <p><u>Hearing reconvened: Nov. 23, 1965.</u></p> <p><u>Investigation completed: June 8, 1966.</u></p>

Commodity	Status
Watches and watch movements (1964)--Continued	<p><u>Findings of the Commission:</u> The Commission found (three Commissioners participating out of five--one vacancy) that the respondents were not currently engaged in unfair methods of competition or unfair acts in the importation of watches, watch movements, or watch parts into the United States, or in their sale, of sufficient viability to bring them within the proscription of section 337 of the Tariff Act of 1930 and the application of its sanction.</p>
Walkie-talkie units (1965).	<p><u>Complainant:</u> Electrosolids Corporation, Los Angeles, Calif. <u>Complaint received:</u> June 11, 1965. <u>Preliminary inquiry ordered:</u> July 7, 1965. <u>Complaint dismissed after preliminary inquiry:</u> Dec. 1, 1965.</p>
Hearing aids (1965).	<p><u>Complainant:</u> Dahlberg Electronics, Inc., Minneapolis, Minn. <u>Complaint received:</u> June 15, 1965. <u>Preliminary inquiry ordered:</u> June 25, 1965. <u>Amended complaint received:</u> Sept. 3, 1965. <u>Second amendment to complaint received:</u> Sept. 21, 1965. <u>Investigation instituted:</u> Sept. 28, 1965. <u>Hearing held:</u> Jan. 18-20, 1966. <u>Investigation completed:</u> July 29, 1966. <u>Finding of the Commission:</u> The Commissioners participating unanimously held that the imported hearing aids were made in accordance with the patent claims and accordingly their importation and sale constituted an unfair method of competition within the meaning of section 337. However, they divided evenly on the question of whether the effect or tendency of the sales was to injure a domestic industry substantially.</p> <p>Since the participating Commissioners divided evenly, there was no Commission finding of violation of the statute and the case was submitted to the President for consideration under section 330(d)(1) of the Tariff Act of 1930, as amended. In such situations, the President is authorized by said section to "consider" the finding of either group of Commissioners in an</p>

Commodity	Status
Hearing aids (1965)-- Continued	<p>evenly divided-vote case as the "findings" of the Commission.</p> <p><u>Official record of investigation submitted to the President: July 29, 1966.</u></p> <p><u>The President decided not to exercise the option permitted by section 301(d)(1), thus leaving the investigation one in which there is no Tariff Commission finding of violation of section 337: Aug. 11, 1966.</u></p>
Vehicle seat suspension systems (1966).	<p><u>Complainant: Bostrom Corp., Milwaukee, Wis.</u></p> <p><u>Complaint received: Feb. 11, 1966.</u></p> <p><u>Preliminary inquiry ordered: Mar. 11, 1966.</u></p> <p><u>Complaint dismissed after preliminary inquiry: Sept. 22, 1966.</u></p>
Furazolidone (1968)-----	<p><u>Complainant: The Norwich Pharmacal Company, Norwich, N.Y.</u></p> <p><u>Complaint received: Mar. 19, 1968.</u></p> <p><u>Preliminary inquiry ordered: Apr. 2, 1968.</u></p> <p><u>Preliminary inquiry in progress.</u></p>