

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

**In the Matter of**

**CERTAIN FOOD PROCESSING  
EQUIPMENT AND PACKAGING  
MATERIALS THEREOF**

**Investigation No. 337-TA-1161**

**GENERAL EXCLUSION ORDER**

The United States International Trade Commission (“Commission”) has determined that there is a violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the unlawful importation, sale for importation, or sale within the United States after importation of certain food processing equipment and packaging materials thereof that are falsely advertised through the unlicensed use of one or more certification marks of U.S. Trademark Registration No. 1,976,117; U.S. Trademark Registration No. 5,189,919; or U.S. Trademark Registration No. 5,554,628 (collectively, “Asserted Certification Marks”).

Having reviewed the record in this investigation, including the written submissions of the parties, the Commission has made its determination on the issues of remedy, the public interest, and bonding. The Commission has determined that a general exclusion from entry for consumption is necessary to prevent circumvention of an exclusion order limited to products of named persons and because there is a pattern of violation of Section 337 and it is difficult to identify the source of the unlicensed products. Accordingly, the Commission has determined to issue a general exclusion order prohibiting the unauthorized importation of certain food processing equipment and packaging materials thereof that are falsely advertised through the unlicensed use of one or more Asserted Certification Marks.

The Commission has also determined that the public interest factors enumerated in 19 U.S.C. § 1337(g) do not preclude the issuance of the general exclusion order, and that the bond during the period of Presidential review shall be in the amount of 100 percent of the entered value of the articles in question.

Accordingly, the Commission hereby **ORDERS** that:

1. Certain food processing equipment and packaging materials thereof that are falsely advertised, including but not limited to online advertisements, print advertisements, packaging, and/or data sheets, through the misrepresentation of the unauthorized use of one or more Asserted Certification Marks (“covered articles”) are excluded from entry for consumption into the United States, entry for consumption from a foreign trade zone, or withdrawal from a warehouse for consumption, for the remaining term of the trademarks, except under license from, or with the permission of, the trademark owner or as provided by law, until such date as the Asserted Certification Marks are abandoned, canceled, or rendered invalid or unenforceable.
2. Notwithstanding paragraph 1 of this Order, covered articles are entitled to entry into the United States for consumption, entry for consumption from a foreign-trade zone, or withdrawal from a warehouse for consumption under bond in the amount of 100 percent of the entered value of the products, pursuant to subsection (j) of Section 337 (19 U.S.C. § 1337(j)) and the Presidential Memorandum for the United States Trade Representative of July 21, 2005 (70 *Fed. Reg.* 43,251), from the day after this Order is received by the United States Trade Representative until such time as the United States Trade Representative

notifies the Commission that this Order is approved or disapproved but, in any event, not later than sixty (60) days after the date of receipt of this Order. All entries of covered articles made pursuant to this paragraph are to be reported to U.S. Customs and Border Protection (“CBP”), in advance of the date of the entry, pursuant to procedures CBP establishes.

3. At the discretion of CBP and pursuant to the procedures it establishes, persons seeking to import covered articles that are potentially subject to this Order may be required to certify that they are familiar with the terms of this Order, that they have made appropriate inquiry, and thereupon state that, to the best of their knowledge and belief, the products being imported are not excluded from entry under paragraph 1 of this Order. At its discretion, CBP may require persons who have provided the certification described in this paragraph to furnish records or analyses as are necessary to substantiate the certification.
4. This Order does not exempt infringing articles from seizures under the trademark laws enforced by CBP, most notably 19 U.S.C. § 1526(e) and 19 U.S.C. § 1595a(c)(2)(C) for a violation of 15 U.S.C. § 1124.
5. The Commission may modify this Order in accordance with the procedures described in section 210.76 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.76).
6. The Secretary shall serve copies of this Order upon each party of record in this investigation and upon CBP.
7. Notice of this Order shall be published in the Federal Register.

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton' in a cursive style.

Lisa R. Barton  
Secretary to the Commission

Issued: June 15, 2020

**PUBLIC CERTIFICATE OF SERVICE**

I, Lisa R. Barton, hereby certify that the attached **ORDER** has been served via EDIS upon the Commission Investigative Attorney, Todd Taylor, Esq., and the following parties as indicated, on **June 15, 2020**.



Lisa R. Barton, Secretary  
U.S. International Trade Commission  
500 E Street, SW, Room 112  
Washington, DC 20436

**On Behalf of Complainant 3-A Sanitary Standards, Inc.:**

Gregory L. Ewing, Esq.  
**Potomac Law Group PLLC**  
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- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

**Respondents:**

Wenzhou QiMing Stainless Co., Ltd.  
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Wenzhou Zhejiang, 325025  
China

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed by Complainants

High MPa Valve Manufacturing Co., Ltd.  
No. 97, Road 15, Avenue 4, Economic and Technological Zone  
Wenzhou Zhejiang, 325024  
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- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed by Complainants

Wenzhou Sinco Steel Co, Ltd  
167Ningcheng West Road, Ningcheng Industry ZoneYongzhong  
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Wenzhou, 325024  
China

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed by Complainants

Wenzhou Kasin Valve Pipe Fitting Co., Ltd. 1  
Binhai Industry Zone Wenzhou Economy & Technology  
Development Zone, E,

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail

**CERTAIN FOOD PROCESSING EQUIPMENT AND  
PACKAGING MATERIALS THEREOF**

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Certificate of Service – Page 2

Wenzhou, 325000  
China

Wenzhou Fuchuang Machinery Co., Ltd.  
Binhai Industrial Park Shacheng Town,  
Longwang District, Wenzhou  
Zhejiang 325024  
China

Other: Service to Be  
Completed by Complainants

Via Hand Delivery  
 Via Express Delivery  
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