

COUNTERTOP MICROWAVE OVENS FROM JAPAN

**Determination of "A Reasonable
Indication of Material Injury"
in Investigation No. 731-TA-4
(Preliminary) Under Section
733(a) of the Tariff Act
of 1930, as Amended**

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UNITED STATES INTERNATIONAL TRADE COMMISSION

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Note.--Information which would disclose confidential operations of individual concerns may not be published and therefore has been deleted from this report. Deletions are indicated by asterisks.

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

Investigation No. 731-TA-4 (Preliminary)
Countertop Microwave Ovens from Japan

On the basis of the information developed during the course of investigation No. 731-TA-4 (Preliminary) (countertop microwave ovens from Japan), the Commission determines unanimously that there is a reasonable indication that an industry in the United States is materially injured 1/ by reason of the importation of countertop microwave ovens from Japan, provided for in item 684.25 of the Tariff Schedules of the United States, which are allegedly sold at less than fair value.

Section 102 of the Trade Agreements Act of 1979 requires the Commission to conduct preliminary antidumping investigations in cases where, on January 1, 1980, the Administering Authority has begun an investigation, but not yet made a preliminary determination, under section 732 of the Tariff Act of 1930 to determine whether the class or kind of merchandise described in the petition is being, or is likely to be, sold in the United States at less than fair value. On January 7, 1980, the Commission received advice from the Department of Commerce (the administering authority effective January 1, 1980) that such an investigation had been instituted prior to January 1, 1980, with respect to imported countertop microwave ovens from Japan. Accordingly, effective January 1, 1980, the Commission instituted a preliminary antidumping investigation under section 733(a) of the Tariff Act of 1930, as amended, to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of countertop microwave ovens from Japan.

1/ Commissioners Moore and Stern determined that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury.

Notice of the institution of the Commission's investigation and of the conference held in connection therewith was published in the Federal Register of January 14, 1980 (45 F.R. 2714). On January 28, 1980, a public conference was held in Washington, D.C., and all persons requesting the opportunity were permitted to appear in person or by counsel.

In arriving at its determination, the Commission gave due consideration to information provided by the Administering Authority, to all written submissions from interested parties, and information adduced at the conference and obtained by the Commission's staff from documented personal interviews, and other sources, all of which have been placed on the administrative record of this preliminary investigation.

VIEWS OF CHAIRMAN CATHERINE BEDELL, COMMISSIONERS, MICHAEL CALHOUN,
GEORGE MOORE, AND PAULA STERN

This preliminary investigation was instituted on January 1, 1980, by the Commission pursuant to section 733(a) of the Tariff Act of 1930 to determine whether, with respect to countertop microwave ovens from Japan, provided for in TSUS item 684.25, there is a reasonable indication that an industry is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of the merchandise allegedly sold or likely to be sold at less than fair value. In order for the Commission to make an affirmative determination under section 733 of the Tariff Act of 1930 (19 U.S.C. 1673(b)), it is necessary to find that information in the administrative record demonstrates the reasonable indication described above.

Determination

On the basis of the information obtained in this investigation, including the Commission's report on Countertop Microwave Ovens from Japan, 1/ we determine that there is a reasonable indication that an industry in the United States is materially injured or is threatened with material injury by reason of imports of countertop microwave ovens from Japan which are allegedly sold at less than fair value. 2/

The Trade Act of 1979 (sec. 733(a)) directs that the Commission "shall make a determination, based upon the best information available to it at the time of the determination" The Act further specifies in section 771(7) 771(7)(B) and (C) that the Commission shall consider, among other factors-- (i) the volume of imports of the merchandise which is the subject of this investigation, (ii) the effect of such imports of merchandise on prices for

1/ USITC Publication 1003, September 1979.

2/ Chairman Catherine Bedell and Commissioner Calhoun determined that there is a reasonable indication that an industry in the United States is materially injured.

like products, and (iii) the impact of imports of such merchandise on domestic producers of like products. In light of these directives, we base our decision on the following preliminary findings of fact and conclusions of law:

1. Imports of countertop microwave ovens from Japan increased from 530,000 units in 1976 to 765,000 units in 1978, or by 44 percent. During this period the market share of such imports increased by six percentage points. Although imports from Japan declined during 1979 by 3.3 percent compared with imports in 1978, market penetration remained at 29 percent. 3/
2. Capacity utilization in the domestic industry declined from 78 percent in 1976 to 50 percent in 1978. 4/
3. The number of production and related workers producing countertop microwave ovens declined steadily from 1976 through the first half of 1979 by 33 percent. 5/
4. The Commission was able to obtain profit-and-loss data information for only about 60 percent of the industry. The data obtained revealed that net profits as a share of net sales declined from 14.4 percent in 1976 to 10.1 percent in 1978 and dropped sharply during the first half of 1979 to 2.9 percent compared with the first half of 1978. This decline occurred during a period of expected growth for an industry of this type. 6/

Net sales for this portion of the industry increased steadily from 1976 through November 1979. However, the notable increase in January-November 1979 occurred at a time when imports from Japan declined both absolutely and relatively for the first time. 7/ The decline occurred while antidumping proceedings under the Antidumping Act, 1921 were underway. The Commission was able to obtain information giving a reasonable indication that domestic producers lost sales to imports from Japan allegedly sold at less

3/ Staff report, p. A-17.

4/ Ibid., p. A-9.

5/ Staff report, p. A-12.

6/ Ibid., p. A-14.

7/ Cumins Testimony, Conference Transcript, p. 29.

than fair value. ^{8/} However, the Commission has yet to obtain information confirming that these lost sales resulted from underselling by the suppliers of Japanese ovens.

5. Although the petitioner in this proceeding alleged that price suppression or depression resulted from imports sold at less than fair value, no evidence of price underselling or of other price effects was received by the Commission. Complex variations among different models of imported Japanese and U.S.-produced microwave ovens prevented any meaningful Commission survey of price comparisons during this 45-day preliminary inquiry. ^{9/}

Additional views of Commissioners Stern and Calhoun

In determining whether or not a reasonable indication of material injury or threat of material injury exists, the Commission is required to base its decision upon the best information available to it at the time. ^{10/} Unfortunately, the record is incomplete in this case, leaving unanswered important questions on profits and on pricing.

The report of the Senate Committee on Finance in the Trade Act of 1979 remarked that--

"While the committee recognizes that the ITC cannot conduct a full-scale investigation in 45 days, it expects the Commission to make every effort to conduct a thorough inquiry during that period. The nature of the inquiry may vary from case to case depending on the nature of the information available and the complexity of the issues."

However, it adds that--

"[t]he burden of proof under section 733(a) would be on the petitioner." ^{11/}

The report from the House Committee on Ways and Means further states that "[t]he petitioner will be expected to use reasonable efforts to collect information from public and industry sources." ^{12/}

^{8/} Staff report, p. A-18.

^{9/} Staff report, p. A-18.

^{10/} Sec. 733(a) of the Tariff Act of 1930 (19 U.S.C. 1637b(a)).

^{11/} Senate Finance Committee Report, p. 66.

^{12/} Report of the Committee on Ways and Means, House of Representatives, p. 60.

It is thus the stated intention of Congress that the petitioner be charged with a vital role in supplying the Commission with the information necessary in its determination, particularly with respect to the state of the domestic industry, as detailed in 771(7)(C)(iii) of the Act. Accordingly, it is expected that the petitioners and those parties supporting a petition will come forward with information of this nature as well as any information available to them on volume of imports and price effects (771(7)(C)(i) and (ii)). A failure to do so is inexcusable.

We do not interpret this language to require the petitioner to bear the burden of persuading the Commission. The Commission undertakes its own investigation, an obligation which it cannot shirk by concluding that a party has failed to persuade it of the correctness of its position. Rather, the burden of proof placed on the petitioner is the burden of coming forward with necessary information.

Clearly, additional profit-and-loss and pricing information would have been useful in reaching a determination in this investigation, a fact which was underscored several months ago during the Commission's previous investigation of this industry, conducted under the Antidumping Act of 1921. ^{13/} The petitioner, AHAM, representing a majority of the producers in this industry, failed to supply complete information. Furthermore, a significant producer in this industry, indeed a firm which--though not a member of AHAM--publicly supported the petition, failed to come forward or to supply upon request profit-and-loss data to the Commission. In both cases, this failure to act responsibly is highly questionable.

^{13/} See "Statement of Reasons of Commissioners Bill Alberger and Paula Stern," pp. 9-10, USITC Publication 1003, September 1979.

VIEWS OF VICE-CHAIRMAN BILL ALBERGER

On the basis of the record developed in investigation no. 731-TA-4 (Preliminary), I determine that there is a reasonable indication that an industry in the United States is materially injured, by reason of imports from Japan of countertop microwave ovens provided for under item number 684.25 of the Tariff Schedules of the United States, which are allegedly sold at less than fair value.

In this case, I adopt items 1, 3 and 4 of the attached "Supporting Statement by the Director of Operations for an Affirmative Determination on Countertop Microwave Ovens from Japan." Additionally, the following support my judgment that there is a reasonable indication of material injury by reason of these imports from Japan.

1. In a period of increasing consumption of countertop microwave ovens, domestic production remained stable. (See report at p. A-8.)

2. Price and lost sales data are inconclusive. Prices are not available for comparable models produced domestically and those exported from Japan. Our limited information indicates declining prices for both domestic and imported products. (See report Tables 13 and 14 at p. A-20.) It is possible that the imported product does not undersell the comparable domestic product, and thus technical dumping would occur.* It is also possible that the imported product is underselling the domestic product. This information will be critical if we have a final injury determination to make in this case.

* Trade Reform Act of 1974: Report of the Committee on Finance. . . , S. Rept. No. 93-1298, (93rd Cong., 2nd Sess.) 1974, p. 179.

SUPPORTING STATEMENT BY THE DIRECTOR OF OPERATIONS FOR AN
AFFIRMATIVE DETERMINATION ON COUNTERTOP MICROWAVE OVENS
FROM JAPAN (NO. 731-TA-4 (Preliminary))

1. The Commission recently conducted investigation No. AA1921-Inq.-28 concerning Countertop Microwave Ovens from Japan and reported to the Treasury the results of that investigation on September 24, 1979. The Commission, by a unanimous vote, determined that there was a reasonable indication that an industry in the United States is being or is likely to be, injured by reason of the importation of Countertop Microwave Ovens from Japan, allegedly sold at less than fair value as indicated by the Department of the Treasury. No new evidence of significantly changed circumstances since the Commission's prior investigation has been presented.

2. In the prior investigation the petitioner alleged significant margins of dumping and that this dumping had several injurious effects, including a substantial loss of market share, price suppression or depression, unemployment, declining profitability, and underutilization of capacity. The Commission's investigation revealed reasonable indications of such injury.

3. Imports of Countertop Microwave Ovens from Japan increased from 530,000 units in 1976 to 765,000 units in 1978, or by 44 percent. During this period the market share of such imports increased by six percentage points. Although imports from Japan declined during 1979 by three percent compared with imports in 1978, the market penetration remained at more than 30 percent.

4. Data submitted to the Commission during the investigation (AA1921-Inq.-28) indicates that U.S. capacity utilization declined from 78 percent in 1976 to 50 percent in 1978. Employment and profit in the industry also declined. The profit-and-loss experience of firms which reported to the Commission (60 percent of the industry) showed that profit declined steadily from 1976 to 1978 and was sharply lower during January-June 1979, compared with January-June 1978.

5. Although interested parties at the public conference on January 28, 1980, submitted information concerning increased sales by U.S. producers of microwave ovens in 1979 compared with earlier years, increased sales by these firms came at a time when imports from Japan had declined. There is a reasonable indication that the domestic producers lost sales to imports from Japan alleged to have been sold at less than fair value.

INFORMATION OBTAINED IN THE INVESTIGATION

Introduction

On August 24, 1979, the U.S. International Trade Commission received advice from the Department of the Treasury that there is substantial doubt that an industry in the United States is being or is likely to be injured by reason of the importation of countertop microwave ovens from Japan that may be sold in the United States at less than fair value (LTFV) within the meaning of the Antidumping Act, 1921. Accordingly, on August 30, 1979, the Commission instituted inquiry No. AA1921-Inq.-28 under section 201(c) of said act to determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

On September 24, 1979, the Commission notified the Secretary of the Treasury that the pending Treasury Department investigation on the nature and extent of sales at less than fair value of countertop microwave ovens from Japan under the Antidumping Act, 1921, should not be terminated.

As a result of the Commission's determination, the Treasury Department continued its investigation, which it instituted under the Antidumping Act pursuant to a complaint filed by counsel for the Association of Home Appliance Manufacturers alleging that firms in Japan are dumping their merchandise in the United States.

On the effective date of the antidumping provisions of title VII of the Tariff Act of 1930, the Treasury Department investigation was in progress and that department had not yet made a preliminary determination as to the question of less-than-fair-value sales. Accordingly, the provisions of Reorganization Plan No. 3 of 1979, and section 102 of the Trade Agreements Act of 1979 required that the subject matter of the antidumping act investigation become subject to the provisions of title VII of the Tariff Act of 1930 as if the Department of Commerce had commenced an investigation under section 732 of that act to determine whether the class or kind of merchandise described in the petition is being, or is likely to be, sold in the United States at less than fair value.

Accordingly, the Commission instituted the instant preliminary investigation pursuant to section 733(a) of the Tariff Act of 1930 to determine whether, with respect to countertop microwave ovens from Japan provided for in the Tariff Schedules of the United States (TSUS) item 684.25, there is a reasonable indication that an industry in the United States is materially injured, or threatened with material injury, or the establishment of an industry is materially retarded, by reason of imports of the merchandise allegedly sold or likely to be sold at less than fair value. By statute, the Commission must render its determination within 45 days of the effective date of title VII of the Tariff Act of 1930 or, by February 14, 1980.

In connection with the investigation, a public conference was held by the Director of Operations in Washington, D.C., on January 28, 1980, at which all

interested parties were afforded the opportunity to present information and data for consideration by the Commission. Notice of the institution of the investigation and the public conference was given by posting copies of the notice at the Office of the Secretary to the Commission in Washington, D.C., and at the Commission's office in New York City, and by publishing the original notice in the Federal Register on January 14, 1980 (45 F.R. 2715). 1/

The Product

Description and uses

Microwave ovens are electronic cooking devices which heat food by application of high-frequency energy. This high-frequency, or microwave, energy is attained by means of a magnetron tube, which converts 60-cycle-per-second household electricity to 2,350 million cycles per second. The microwave energy creates a strong electrical field, causing food molecules to polarize and align themselves in the direction of the field. As the field changes direction with each cycle (2,350 million times a second), the food molecules are agitated and generate frictional heat.

The two principal advantages of cooking with microwave ovens versus conventional gas or electric ovens are their cooking speed and their ability to heat the entire food mass uniformly. These features make microwave cooking particularly advantageous for defrosting and reheating purposes. In addition, microwave ovens are considerably more energy efficient than conventional ovens.

Approximately 90 percent of the microwave ovens sold to consumers in the United States currently are designed for use on kitchen countertops. Both domestic and Japanese manufacturers offer a wide variety of countertop models which are distinguishable primarily in terms of capacity and the types of features offered. Since their introduction in 1975, electronically controlled microwave ovens have captured an increasingly large share of the countertop market, which was formerly dominated by the less expensive mechanically controlled ovens.

In addition to countertop models, microwave ovens are sold as combination, built-in, and commercial units. 2/ Combination units (also referred to as high-low, over-and-under, or double-decker ranges), typically consist of a microwave oven mounted in a conventional freestanding gas or electric range, generally as a supplement to the standard oven. 3/ Built-in units are

1/ A copy of the Commission's notice of institution of Preliminary Anti-dumping Investigations and scheduling of conferences is presented in the appendix.

2/ In addition to these types of microwave ovens, a small number of microwave ovens for industrial use are custom made by firms other than those which produce countertop units. Such ovens are intended for large-scale heating, processing, and thawing of food, drying of industrial products, and so forth.

3/ Another variety of combination unit is frequently referred to as the common-cavity range. This unit is frequently a freestanding range in which the microwave section is common to the regular heat section.

designed in such a way as to allow for permanent installation in a kitchen wall or above a conventional range in the space normally occupied by the vent hood. Commercial units are specifically designed for commercial fast-food service and vending use. Such units tend to be large, very powerful, and durable, with different controls and fewer options, and cost 2 to 3 times more than the product designed for household use. These units are sold to restaurants, to vending stand operators, and to hospitals and schools for institutional feeding.

U.S. tariff treatment

Microwave ovens (other than industrial microwave ovens) are classifiable under the provisions of TSUS items 684.25 and 684.26. ^{1/} For TSUS item 684.25, the column 1 (most-favored-nation) rate of duty--4 percent ad valorem--has been in effect since January 1, 1972, when the final stage of the concessions granted in the Kennedy round of negotiations under the General Agreement on Tariffs and Trade became effective. Imports from the least developed developing countries (LDDC) are subject to the same duty, but imports from designated beneficiary countries are eligible for duty-free treatment under the Generalized System of Preferences (GSP). Microwave ovens certified for use in civil aircraft are classifiable under the provisions of item 684.26 and are duty free for column 1 and LDDC countries. The statutory rate of duty (col. 2) is 35 percent ad valorem for both TSUS items.

Nature and Extent of Alleged LTFV Sales

According to the petition filed with Treasury, the alleged dumping margins on microwave ovens imported from Japan range from 27 percent to 107 percent. The petition presented price comparisons on various models of microwave ovens produced by the seven Japanese manufacturers listed below:

Hitachi, Ltd.
Matsushita Electric Industrial Co., Ltd.
Mitsubishi Electric
Riccar Co., Ltd.
Sanyo Electric Co., Ltd.
Sharp Corp.
Toshiba Corp.

These seven manufacturers supply all or almost all microwave ovens imported from Japan.

The U.S. Market

Countertop microwave ovens designed for household use were first introduced to the U.S. market in the late 1960's by Amana Refrigeration, Inc. By

^{1/} From 1972 through 1979, microwave ovens were classifiable under TSUS item 684.30.

1970, two other U.S. producers and several Japanese firms had joined Amana in developing and supplying a growing U.S. demand for countertop microwave ovens. Apparent U.S. consumption of microwave ovens (almost entirely countertop models) increased rapidly from an estimated 60,000 units in 1970 to an estimated 1.1 million units in 1975.

Until 1975, all microwave ovens featured mechanical controls with only one or two power settings. In April 1975, Amana introduced an innovative model featuring an electronic touch panel and additional power settings. This model was considered the first of a new generation of microwave ovens, and was further developed by several U.S. and Japanese manufacturers in 1976. Largely as a result of the enthusiastic consumer response to the new electronic models, apparent U.S. consumption of all microwave ovens increased by approximately 60 percent in 1976 to 1.8 million units, and continued to climb to 2.3 million units in 1978 and about 2.6 million units in 1979.

There appears to be unanimous agreement that microwave oven sales will continue their marked growth. According to testimony in the Commission's public hearing, approximately 13 percent of all U.S. households currently contain a microwave oven. Market analysts predict an annual growth rate of 15 percent in microwave oven sales through 1985, at which time approximately one out of every two households would contain a microwave oven. Thus far, the replacement market for microwave ovens has been extremely limited, accounting for less than 5 percent of total sales. Industry officials expect the expansion of this market to be a major factor in market growth, however.

While sales of all types of microwave ovens have witnessed steady growth, combination range sales are setting the fastest pace. Such sales increased from less than 50,000 units in 1972 to an estimated 230,000 units ^{1/} in 1978, accounting for approximately 10 percent of total microwave oven sales in that year.

While all major U.S. producers and importers operate through nationwide distribution networks, a large volume of microwave oven sales appear to have been concentrated in the Western States, particularly California. According to some market observers, however, this regional concentration is rapidly disappearing. Several producers have indicated that microwave oven sales are seasonal to a considerable extent, with sales peaking during September through December.

The U.S. Industry

Microwave ovens are currently produced in the United States by 14 firms in 19 plants located primarily in the Midwestern and Southeastern States (table 1). Although microwave ovens have been produced by the Raytheon Corp. since the mid-1940's, no models were designed for home use until Tappan Co. introduced a combination unit in the mid-1950's. Amana Refrigeration, Inc., a subsidiary of the Raytheon Corp., introduced the first countertop microwave oven in 1967.

^{1/} According to estimates contained in Merchandising, March, 1979.

The number of firms producing countertop units grew to 3 in 1970 and to 11 by the end of 1978. 1/ The U.S. industry grew to 14 firms in January 1980, when Sharp Electronics Corporation began limited production of countertop microwave ovens. Of these 14 firms, 10 manufacture combination units while only 3 produce microwave ovens for commercial use. Accounting for the largest share of production of all microwave ovens in 1978 were * * *. The same firms accounted for roughly the same shares of all countertop microwave oven production. Producers of microwave ovens manufacture a wide variety of other household appliances including freezers, refrigerators, electric cooking equipment, room air-conditioners, heat pumps, waste compactors, and dryers.

With the exception of the Japanese-owned companies, no U.S. producers of microwave ovens are currently importing complete units from Japan. * * *. Most domestic producers currently import certain microwave oven components, particularly magnetron tubes, from Japan. Industry sources have reported that magnetron tubes account for between 8 and 15 percent of the total cost of producing a countertop unit.

Table 1.—Microwave ovens: U.S. producers of microwave ovens, year countertop oven production began, and plant locations

Firm	: Year countertop: : oven : : production began:	Plant location
Amana Refrigeration, Inc-----	: 1967	:(1) Amana, Iowa
General Electric Co-----	: 1973	:(1) Columbia, Md.
Hardwick Stove-----	: 1978	:(1) Cleveland, Ind.
Litton Microwave Cooking Products-----	: 1972	:(3) Minneapolis, Minn.
	:	:(1) Sioux Falls, S.Dak.
Magic Chef, Inc-----	: 1972	:(1) Anniston, Ala.
McGraw-Edison Co-----	: 1977	:(1) Chattanooga, Tenn.
Micro-tronics Industries, Inc-----	: 1977	:(1) Minneapolis, Minn.
Roper Corp-----	: 1969-70	:(1) Chattanooga, Tenn.
	:	:(1) Lafayette, La.
Tappan Co.-----	: 1973	:(1) Mansfield, Ohio
Thermador/Waste King Division of	:	:(1) Dalton, Ga.
Norris Industries-----	: 1970-71	:(1) Los Angeles, Calif.
Whirlpool Corp.-----	: 1977	:(1) Marion, Ohio
Matsushita Electric Corp. of America--	: 1979	:(1) Franklin Park, Ill.
Sanyo Manufacturing Co-----	: 1979	: (1) Forrest City, Ark.
Sharp Electronics Corp-----	: 1980	:(1) Memphis, Tenn.
	:	:

1/ One firm, Micro Electronics Appliances, Inc., a subsidiary of Welbilt Corp., left the industry in February 1978. * * *.

The four largest Japanese manufacturers of microwave ovens--Sharp, Sanyo, Toshiba, and Matsushita--which export to the United States, either have begun or have announced plans to begin production of microwave ovens in the United States. Matsushita began production of countertop microwave ovens on July 18, 1979, in Franklin Park, Ill. The firm plans to produce a projected * * * units in 1979, * * * units in 1980, and * * * units in 1981. Sanyo began limited production in late 1979 and expects to produce 146,000 units in 1980. Sharp began production in 1980 and projects an annual production of 360,000 units. Toshiba plans to produce 200,000 units annually at its plant in Lebanon, Tenn.

Japanese Producers

Most of the Japanese firms that produce microwave ovens (Hitachi, Matsushita, Mitsubishi, Riccar, Sanyo, Sharp, and Toshiba) are large multinational corporations that manufacture a wide variety of consumer-type electrical appliances. Six of the seven known producers (the exception being Riccar, a very small producer) also produce television receivers which are marketed in the United States through the same channels as those utilized in marketing microwave ovens.

Japanese producers utilize two principal methods of marketing their microwave ovens in the United States. The manufacturer, through a wholly owned or controlled sales company in Japan, transfers the merchandise to a U.S. sales subsidiary for subsequent arm's-length sale to an independent wholesaler or retailer. Two of the Japanese producers, Matsushita and Sharp, also utilize U.S. wholesale distributors which are owned by their U.S. sales subsidiaries. The other method of distribution is for the wholly owned or controlled sales company in Japan to sell directly to large purchasers of private-label sets such as Sears, Wards, Penney's, and so forth. Sales to these firms are generally made f.o.b. Japanese port with the U.S. purchaser responsible for entering the merchandise into the United States.

As shown in table 2, Japanese exports of microwave ovens, most of which are to the United States, increased substantially during 1974-78 despite a relatively stable level of production. The share of total Japanese shipments of microwave ovens accounted for by exports to the United States increased from 10 percent in 1974 to 40 percent in 1978.

Sharp and Sanyo, the two largest suppliers of private-label units, are the principal exporters of microwave ovens to the United States, accounting for * * * percent of total Japanese exports during January-June 1979 (table 3). Hitachi, which exported a negligible volume of microwave ovens to the United States during 1976-78, has indicated to Treasury that * * *.

Table 2.--Microwave ovens: Japanese production, shipments, and exports,
total and to the United States, 1974-78

Year	Production	Shipments	Total exports	Exports to the United States	Ratio of exports to the United States to total shipments
	<u>1,000 units</u>	<u>1,000 units</u>	<u>1,000 units</u>	<u>1,000 units</u>	<u>Percent</u>
1974-----	1,858	1,702	206	170	10.0
1975-----	1,516	1,547	271	229	14.8
1976-----	1,760	1,784	637	526	29.5
1977-----	1,697	1,689	785	593	35.1
1978-----	1,898	1,907	1,068	762	40.0

Source: Compiled from statistics published by the Japanese Ministry of Trade and Industry and the Japanese Ministry of Finance.

Table 3.--Microwave ovens: Percentage distribution of Japanese exports to the United States, by producers, January-June 1979

(In percent)	
Firm	Share of Japanese exports to the United States
Hitachi-----	***
Matsushita-----	***
Mitsubishi-----	***
Riccar-----	***
Sanyo-----	***
Sharp-----	***
Toshiba-----	***
Total-----	100

Source: Data obtained by the U.S. State Department from statistics of the Japanese Ministry of Finance.

Consideration of Injury or the Likelihood Thereof

U.S. production, capacity, and capacity utilization

As shown in table 4, U.S. production of all microwave ovens increased 4.5 percent, from 1.4 million units in 1976 to 1.5 million units in 1977, then increased 7 percent to 1.6 million units in 1978. A decline of 1.5 percent followed in January-June 1979 as compared with the corresponding period of 1978. Production of countertop microwave ovens was virtually unchanged in 1976 and 1977 (1.28 million units per year); it then increased to 1.34 million units in 1978. Production remained at the same level in January-June 1979 as that reported in the corresponding period of 1978.

Table 4.--Microwave ovens: U.S. production, by types, 1976-78, January-June 1978, and January-June 1979

(In thousands of units)		
Period	All microwave ovens	Countertop microwave ovens
1976-----	1,435	1,286
1977-----	1,499	1,282
1978-----	1,606	1,344
January-June--		
1978-----	806	649
1979-----	794	649

Source: Compiled from data submitted by 8 firms, accounting for an estimated 95 percent of U.S. production in 1978, in response to questionnaires of the U.S. International Trade Commission.

Indexed data submitted by the petitioner during Commission investigation AA1921-Inq.-28 indicate that U.S. capacity for producing microwave ovens increased by 53 percent in 1977 over the 1976 level, and by an additional 10 percent in 1978. Utilization of capacity declined during this period, from 78 percent in 1976 to approximately 50 percent in 1977 and 1978.

U.S. producers' shipments and exports

As shown in table 5, total U.S. producers' shipments of all microwave ovens increased 23 percent, from 1.3 million units in 1976 to 1.6 million units in 1978 and an estimated 1.8 million units in 1979. Shipments of countertop units by U.S. producers held constant at * * * units per year in 1976 and 1977 before increasing to * * * units in 1978 and * * * units in 1979.

Exports of all microwave ovens increased 46 percent, from 71,000 units in 1976 to 132,000 units in 1978, then declined to 102,000 units in 1979. Exports of countertop microwave ovens followed the same pattern.

Exports of microwave ovens are shipped to over 100 countries. Amana testified at the Commission's hearing that that firm's primary markets are the United Kingdom, West Germany, France, and Australia. This official further testified that Amana, at least, is exporting the same types of microwave ovens that it sells in the United States.

U.S. imports

Whether measured in terms of quantity or value, U.S. imports of microwave ovens, the bulk of which are from Japan, rose steadily from 1972 through 1979, (table 6). Imports from Japan, however, declined for the first time in 1979. U.S. imports from Japan rose from 142,000 units in 1972 to 765,000 units in 1978 before falling by 3 percent to 740,000 units in 1979.

Imports of microwave ovens from Singapore began entering the United States under the GSP in 1978 when such imports accounted for less than 2 percent of total imports. In 1979, imports from Singapore increased their share of total imports to 13 percent.

All U.S. imports of microwave ovens are believed to be countertop models. A small percentage of countertop units are imported for use in combination ranges. No imports of complete combination ranges or industrial ovens are known to have entered the United States from Japan. As with U.S. shipments, an increasingly large percentage of microwave oven imports from Japan are of the electronic touch panel variety.

Table 5.--Microwave ovens: U.S. producers' domestic shipments and exports, by types, 1976-79

Period	U.S. producers' domestic:		Exports		Total	
	shipments				shipments	
	All microwave ovens	Countertop microwave ovens	All microwave ovens	Countertop microwave ovens	All microwave ovens	Countertop microwave ovens
	Quantity (1,000 units)					
1976-----	1,263	***	71	***	1,334	***
1977-----	1,341	***	85	***	1,426	***
1978-----	1,494	***	132	***	1,626	***
1979 1/-----	1,700	***	102	***	1,802	***
	Value (1,000 dollars)					
1976-----	366,253	***	18,004	***	384,257	***
1977-----	431,699	***	20,890	***	452,589	***
1978-----	510,584	***	30,278	***	540,862	***
1979 1/-----	2/	***	24,616	***	2/	***

1/ Estimated.

2/ Not available.

Source: Data for 1976 through 1978 compiled from questionnaires submitted to the U.S. International Trade Commission. Estimates for 1979 based on information published by the U.S. Department of Commerce and the Association of Home Appliance Manufacturers.

Table 6.--Microwave ovens: U.S. imports for consumption,
by principal sources, 1972-79

Period	Total	Japan	Singapore	All other
Quantity (1,000 units)				
1972-----	143	142	-	2
1973-----	179	179	-	1/
1974-----	188	182	-	6
1975-----	215	214	-	1
1976-----	530	530	-	1/
1977-----	563	563	-	1/
1978-----	781	765	12	4
1979-----	850	740	108	2
Value (1,000 dollars)				
1972-----	20,324	20,088	-	236
1973-----	26,896	26,791	-	105
1974-----	29,014	28,148	-	866
1975-----	35,440	35,131	-	309
1976-----	81,531	81,507	-	24
1977-----	102,970	102,965	-	5
1978-----	162,540	159,797	1,603	1,140
1979-----	163,248	148,691	14,162	395

1/ Less than 500 units.

Source: Compiled from official statistics of the U.S. Department of Commerce.

With respect to future imports of microwave ovens from Japan, the Commission has been advised by the four Japanese producers which have built or are building productive facilities in the United States that their exports will decline or terminate as their U.S. capacity comes on stream. Sharp advised the Commission of its plan to produce approximately 360,000 countertop microwave ovens for household use annually in its U.S. facility, and of its intention to phase out all such imports. 1/ However, production on a limited scale did not begin until January 1980. Sanyo indicated that its U.S. plant will produce a minimum of 146,000 units in 1980, and that its future imports of microwave ovens from Japan will probably decline significantly. 2/ Toshiba advised the Commission that its new U.S. facility will have an annual production capacity of 200,000 units and that, once the factory is established, the company will cease exporting microwave ovens to the United

1/ Transcript of the hearing, p. 223.

2/ Ibid., pp. 249 and 255.

States. 1/ Matsushita informed the Commission by telephone of its plan to reduce its exports to the United States as its U.S. affiliate's production expands. Matsushita anticipates that its microwave oven exports to the United States will decline from a projected * * * units in 1979 to * * * units by 1981.

Employment

The number of production and related workers producing all microwave ovens declined from 4,580 employees in 1976 to 4,286 in 1978. A further drop of 10 percent in the number of workers was reported for January-June 1979 as compared with the corresponding period of 1978. The decline in the number of production and related workers producing countertop microwave ovens was steady from 1976 through January-June 1979, registering an overall decline of 33 percent (table 7).

In at least one domestic firm producing microwave ovens, some employees are involved exclusively in the production of countertop microwave ovens, while in at least one other firm it is a normal practice to shift workers from countertop microwave oven assembly lines to production lines for commercial or combination microwave ovens.

Table 7.—Average number of production and related workers producing microwave ovens, 1976-78, January-June 1978, and January-June 1979

Period	All microwave ovens 1/	Countertop microwave ovens
1976-----	4,580	3,916
1977-----	4,369	3,389
1978-----	4,286	3,288
January-June--		
1978-----	4,080	2,882
1979-----	3,644	2,617

1/ Data have been adjusted to include additional firms and do not agree with the data shown in USITC publication 1003.

Source: Compiled from data submitted by 8 firms, accounting for an estimated 95 percent of U.S. production in 1978, in response to questionnaires of the U.S. International Trade Commission.

Declines in employment are attributable in major part to increased worker productivity. The output per worker producing countertop microwave ovens increased from 1976 through January-June 1979, as shown in the following tabulation below:

1/ Ibid., p. 294.

<u>Period</u>	<u>Unit output per worker</u>
1977-----	378
1978-----	416
January-June--	
1978-----	1/ 450
1979-----	<u>1/</u> 496

1/ Annualized.

Inventories

U.S. producers' yearend inventories of all microwave ovens increased from 53,000 units in 1975 to 235,000 units in 1977, representing an increase of 343 percent. Inventories on December 31, 1977, were equal to 16.5 percent of U.S. producers' total shipments in that year. Inventories declined by 5 percent to 223,000 units in 1978 and then increased to 258,000 units on June 30, 1979. The June 30, 1979, inventory level, however, was 36 percent lower than it had been on June 30, 1978. As shown in table 8, the inventories of countertop microwave ovens closely followed the pattern reported for inventories of all microwave ovens.

Table 8.—Microwave ovens: U.S. producers' end-of-period inventories, by types, 1975-78, January-June 1978, and January-June 1979

(In thousands of units)				
Period	:	All microwave ovens	:	Countertop microwave ovens
1975-----	:	53	:	47
1976-----	:	161	:	138
1977-----	:	235	:	206
1978-----	:	223	:	180
January-June--	:		:	
1978-----	:	400	:	349
1979-----	:	258	:	210

Source: Compiled from data submitted by 8 firms, accounting for an estimated 95 percent of U.S. production in 1978, in response to questionnaires of the U.S. International Trade Commission.

Profit-and-loss experience

Profit-and-loss data were received from five firms representing 60 percent of total U.S. producers' shipments in 1978. Aggregated data for these firms' microwave oven operations show a steady increase in net sales from \$194.4 million in 1976 to \$308.3 million in 1978 (table 9). Net sales totaled \$140.8 million during January-June 1979, compared with \$126.9 million for the

Table 9.--Profit-and-loss experience of U.S. producers on their microwave oven operations only, 1976-78, January-June 1978, and January-June 1979

Period	Net sales	Cost of goods sold	Gross profit	General, selling, and administrative expenses	Net operating profit	Ratio of net operating profit to net sales
	<u>1,000</u> <u>dollars</u>	<u>1,000</u> <u>dollars</u>	<u>1,000</u> <u>dollars</u>	<u>1,000</u> <u>dollars</u>	<u>1,000</u> <u>dollars</u>	<u>Percent</u>
1976-----	194,442	132,769	61,673	33,710	27,903	14.4
1977-----	266,237	181,758	84,479	48,621	35,858	13.5
1978-----	308,295	211,111	97,184	66,089	31,095	10.1
January-June--						
1978-----	126,904	86,317	40,587	27,929	12,658	10.0
1979-----	140,793	103,588	37,205	33,185	4,020	2.9

Source: Compiled from data submitted by 5 firms, accounting for approximately 60 percent of U.S. producers' shipments in 1978, in response to questionnaires of the U.S. International Trade Commission.

corresponding period of 1978. The Commission unsuccessfully attempted to obtain profit-and-loss information from the two remaining significant producers.

Net operating profits for the five firms increased from \$27.9 million in 1976 to \$35.9 million in 1977, but then declined to \$31.1 million in 1978. During January-June 1979, net operating profits amounted to \$4.0 million, less than one-third of the profits recorded during the corresponding period of 1978. The ratio of net operating profits to net sales declined from 14.4 percent in 1976 to 10.1 percent in 1978. The ratio for January-June 1979 was 2.9 percent, compared with 10.0 percent for January-June 1978.

The primary reason for the severe drop in the reporting firms' net operating profits during January-June 1979 was because of a considerable increase in the cost of goods sold. During 1976, 1977, and January-June 1978, the cost of goods sold amounted to 68 percent of net sales. During January-June 1979, however, the cost of goods sold increased to 73 percent of net sales. Owing to the abbreviated nature of data received from the reporting firms, it is not possible to identify the particular elements of cost of goods sold that contributed most heavily to the January-June 1979 increase.

In testimony at the public hearing and in submissions made to the Commission and Treasury, importers and their representatives have quoted several excerpts from U.S. producers' annual reports and filings with the Securities and Exchange Commission, which indicate that U.S. microwave oven producers have been experiencing sustained or increasing profitability. It should be noted, however, that in no instance does the information cited relate exclusively to any firm's microwave oven operations.

Individual company data for the five reporting firms' profit-and-loss experience are shown in table 10.

Consideration of the Causal Relationship Between LTFV Imports From Japan and the Alleged Injury

Market penetration of LTFV imports from Japan

During 1972-78, U.S. imports of microwave ovens from Japan, all of which are believed to be countertop units, increased annually. The ratio of such imports to apparent U.S. consumption of countertop units declined from an estimated high of * * * percent in 1972 to an estimated low of * * * percent in 1975. The trend reversed in 1976, however, when the ratio of such imports to consumption reached * * * percent, and continued through 1978, when imports from Japan accounted for * * * percent of all countertop units sold in the United States. With a decline in imports from Japan while total imports and domestic shipments rose, import penetration in 1979 was estimated at * * * percent, a level lower than in 1977 and 1978 (table 11).

The ratio of imports from Japan to apparent U.S. consumption of all microwave ovens followed a pattern similar to that for countertop ovens only, increasing from 30 percent in 1976 to 34 percent in 1978 (table 12). The

Table 10.--Profit-and-loss experience of microwave oven producers on microwave oven operations only, 1976-78, January-June 1978, and January-June 1979

* * * * *

ratio dropped to 29 percent in 1979, a level lower than in the previous 3 years.

According to industry officials, imports from Japan have penetrated the entire line of countertop units. Some officials, however, have indicated that the import competition is particularly acute in the high end, electronic, models. Importers have also enjoyed marked success in capturing private-brand-dealer accounts.

Table 11.—Countertop microwave ovens: U.S. producers' shipments, exports, imports, total and from Japan, and apparent consumption, 1976-79

Period	Producers' shipments 1/	Exports 1/	Imports		Apparent consumption	Ratio of imports from Japan to consumption
			Total	From Japan		
			1,000 units			Percent
1976-----	***	***	530	530	***	***
1977-----	***	***	563	563	***	***
1978-----	***	***	781	765	***	***
1979-----	***	***	850	740	***	***

1/ Data reflect operations of 8 firms accounting for an estimated 95 percent of U.S. production in 1978.

2/ Estimated.

Source: Estimated or compiled from data submitted in response to questionnaires of the U.S. International Trade Commission, from official statistics of the U.S. Department of Commerce, and from information supplied by the Association of Home Appliance Manufacturers.

Table 12.—All microwave ovens: U.S. producers' shipments, exports, imports, total and from Japan, and apparent consumption, 1976-79

Period	Producers' shipments 1/	Exports 1/	Imports		Apparent consumption	Ratio of imports from Japan to consumption
			Total	From Japan		
			1,000 units			Percent
1976-----	1,333	71	530	530	1,792	29.6
1977-----	1,426	85	563	563	1,904	30.0
1978-----	1,626	132	781	765	2,275	33.6
1979-----	2/ 1,802	2/ 102	850	740	2/ 2,550	2/ 29.0

1/ Data reflect the operations of 8 firms accounting for an estimated 95 percent of U.S. production in 1978.

2/ Estimated.

Source: Estimated or compiled from data submitted in response to questionnaires of the U.S. International Trade Commission, from official statistics of the U.S. Department of Commerce, and from information supplied by the Association of Home Appliance Manufacturers.

Lost sales

Two U.S. producers, Litton and Tappan, advised the Commission that they had lost sales of countertop microwave ovens to imports from Japan.

* * * * *

In a written submission to the Commission, Sears advised that the primary reason for switching its purchases of microwave ovens to the Japanese supplier *** was because of the incidence of in-warranty service calls on the models produced by its domestic suppliers * * *. Such calls were two to three times greater on the domestically produced units than those on units made for the Japanese supplier. This resulted in greater expense for Sears as well as a difference in customer perception of both Sears microwave oven quality and Sears appliance quality in general.

* * * * *

Wards advised the Commission in a written statement that it began obtaining 100 percent of its countertop microwave ovens from a Japanese supplier in 1976 for the following reasons: (1) The firm's unsatisfactory experience with the quality of ovens procured from its U.S. supplier; (2) the inability of its U.S. supplier to supply ovens with the features Wards believed were required; and (3) the inferior quality of the ovens offered by the U.S. supplier when compared with those offered by the Japanese supplier.

* * * * *

Prices

Domestic producers have alleged that LTFV pricing of Japanese microwave ovens has resulted in price suppression and, in some cases, price depression. The petitioner claims that, on a weighted basis, the average price of microwave ovens declined between 1975 and 1978.

Data on lowest net selling prices received from five U.S. producers and three importers are largely inconclusive, owing to complex variations among models and several firms' inability to supply comprehensive price data. When viewed on a company-by-company basis, however, the data do indicate that in

several instances the lowest net selling price received for specified models declined during 1976 through January-June 1979 (tables 13 and 14).

Table 13.--Countertop microwave ovens: Net selling prices to independent distributors for specified models, by selling firms, by types, 1/ and by quarters, January 1976-June 1979

* * * * *

Table 14.—Countertop microwave ovens: Net selling prices to retailers for specified models, by selling firms, by types, 1/ and by quarters, January 1976-June 1979

* * * * *

APPENDIX
COMMISSION'S NOTICE OF INVESTIGATION
AND CONFERENCE

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

Notice of Institution of Preliminary Antidumping
Investigations and Scheduling of Conferences

AGENCY: United States International Trade Commission

ACTION: Institution of eight preliminary antidumping investigations under section 733(a) of the Tariff Act of 1930 to determine whether with respect to the articles involved there is a reasonable indication that an industry in the United States is materially injured, or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of the merchandise allegedly sold or likely to be sold at less than fair value.

EFFECTIVE DATE: January 1, 1980.

FOR FURTHER INFORMATION CONTACT: The supervisory investigator assigned by the Commission to the particular investigation for which the information is sought. The assignments of supervisory investigators and their telephone numbers at the Commission are designated below.

SUPPLEMENTARY INFORMATION: The Trade Agreements Act of 1979, section 102(b)(1), requires that the Commission conduct preliminary antidumping investigations in cases where on January 1, 1980, the Secretary of the Treasury has not made a preliminary determination under the Antidumping Act, 1921, as to the question of less-than-fair-value sales. Accordingly, the Commission hereby gives notice that, effective as of January 1, 1980, it is

instituting the following investigations pursuant to section 733(a) of the Tariff Act of 1930, as added by title I of the Trade Agreements Act of 1979. These investigations will be subject to the provisions of Part 207 of the Commission's Rules of Practice and Procedure (19 CFR 207, 44 FR 76457) and, particularly, Subpart B thereof, effective January 1, 1980.

Written submissions. Any person may submit to the Commission on or before the date specified below for the relevant investigation a written statement of information pertinent to the subject matter of the investigation. A signed original and nineteen true copies of such statements must be submitted.

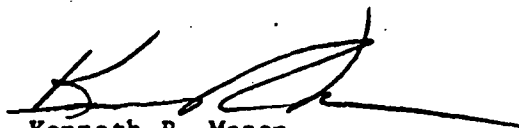
Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conferences. The Director of Operations of the Commission has scheduled a conference in each investigation on the date specified below. Parties wishing to participate in a conference should contact the appropriate supervisory investigator designated below. It is anticipated that parties in support of the petition for antidumping duties and parties opposed to such petition will each be collectively allocated one hour within which to make an oral presentation at the conference. Further details concerning the conduct of the conference will be provided by the supervisory investigator.

PRELIMINARY ANTIDUMPING INVESTIGATIONS

Inv. No.	Product/Country	Conference Date	Conference Location	Deadline for written submissions	Contact Person
731-TA-4 (Prelim.)	Counter top microwave ovens provided for in TSUS item 684.25/Japan	Jan. 28, 1980	ITC Bldg. Wash. DC	Jan. 31, 1980	Bruce Cates 523-0368
731-TA-5 (Prelim.)	Rail passenger cars & parts thereof, however provided for in the TSUS, intended for use as original equipment in the U.S./Italy	Jan. 29, 1980	ITC Bldg. Wash. DC	Feb. 1, 1980	Daniel Leahy 523-1369
731-TA-6 (Prelim.)	Rail passenger cars & parts thereof, however provided for in the TSUS, intended for use as original equipment in the U.S./Japan	Jan. 29, 1980	ITC Bldg. Wash. DC	Feb. 1, 1980	Daniel Leahy 523-1369
731-TA-7 (Prelim.)	AC, polyphase electric motors, over 5 horsepower but not over 500 horsepower, provided for in TSUS items 682.41 through 682.50/Japan	Jan. 30, 1980	ITC Bldg. Wash. DC	Feb. 4, 1980	Bruce Cates 523-0368
731-TA-8 (Prelim.)	Sodium hydroxide, in solution (liquid caustic soda), provided for in TSUS item 421.08/Federal Republic of Germany	Jan. 31, 1980	ITC Bldg. Wash. DC	Feb. 5, 1980	John MacHatton 523-0439
731-TA-9 (Prelim.)	Sodium hydroxide, in solution (liquid caustic soda), provided for in TSUS item 421.08/France	Jan. 31, 1980	ITC Bldg. Wash. DC	Feb. 5, 1980	John MacHatton 523-0439
731-TA-10 (Prelim.)	Sodium hydroxide, in solution (liquid caustic soda), provided for in TSUS item 421.08/Italy	Jan. 31, 1980	ITC Bldg. Wash. DC	Feb. 5, 1980	John MacHatton 523-0439
731-TA-11 (Prelim.)	Sodium hydroxide, in solution (liquid caustic soda), provided for in TSUS item 421.08/United Kingdom	Jan. 31, 1980	ITC Bldg. Wash. DC	Feb. 5, 1980	John MacHatton 523-0439

By order of the Commission.



Kenneth R. Mason
Secretary

Issued: January 9, 1980

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WASHINGTON, D.C. 20436

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