

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

In the Matter of

**CERTAIN HAZELNUTS AND
PRODUCTS CONTAINING THE SAME**

Investigation No. 337-TA-1337

**NOTICE OF COMMISSION DETERMINATION NOT TO
REVIEW AN INITIAL DETERMINATION TERMINATING THE
INVESTIGATION BASED ON WITHDRAWAL OF THE COMPLAINT;
TERMINATION OF THE INVESTIGATION**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Order No. 10) issued by the presiding administrative law judge (“ALJ”) in the above-captioned investigation, terminating the investigation in its entirety based on the complainant’s withdrawal of the complaint with respect to the last remaining respondent. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-2392. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: On October 21, 2022, the Commission instituted this investigation based on a complaint, as amended, filed on behalf of Pratum Farm, LLC of Salem, Oregon (“Pratum Farm”). 87 FR 64112-13 (Oct. 21, 2022). The complaint, as amended and supplemented, alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain hazelnuts and products containing the same by reason of false advertising, the threat or effect of which is to destroy or substantially injure an industry in the United States or to prevent the establishment of such an industry. *Id.* The Commission’s notice of investigation names as respondents Arslanturk Tarim Urunleri San Ihr Ve Ihr A.S. of Arakli, Turkey (“Arslanturk”); Balsu Gida San Ve Tic. A.S. of Istanbul, Turkey, and Balsu USA of Miami, Florida (together, “Balsu”); Farmeks Tarim Urunleri San Ve Tic. A.S. of Gaziemir, Turkey (“Farmeks”); Nimeks Organik Tarim Urun San Ve Tic Ltd. STI of Cigli, Turkey (“Nimeks”); Natural Food Source Inc. of Whitehall, Pennsylvania (“NFSI”); Progida

Tarim Urunleri San Ve Tic. A.S. of Istanbul, Turkey (“Progida”); and Ofi d/b/a/ Olam Edible Nuts of Fresno California (“OFI”). *Id.* At 64113. The Office of Unfair Import Investigations (“OUII”) is participating in this investigation.

On January 11, 2023, the Commission terminated the investigation with respect to respondents Farmeks, Balsu, Nimeks, and NFSI based on a partial withdrawal of the complaint. *See* Comm’n Notice (Jan. 11, 2023). On January 17, 2023, the Commission terminated the investigation with respect to Progida and OFI. *See* Comm’n Notice (Jan. 17, 2023). These terminations left Arslanturk as the sole remaining respondent in the investigation.

On December 23, 2022, Pratum Farm filed an unopposed motion to terminate the investigation with respect to Arslanturk based on withdrawal of the complaint. Pratum Farm noted that Arslanturk is the sole remaining respondent in the investigation and, thus, requested that the ALJ terminate the investigation in its entirety. On January 4, 2023, OUII filed a response in support of the motion.

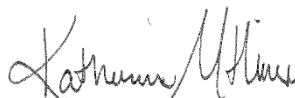
On January 12, 2023, the ALJ issued the subject ID (Order No. 10) pursuant to Commission Rule 210.21(a) (19 CFR 210.21(a)), granting the motion and terminating the investigation with respect to Arslanturk. The ID finds that the motion complies with Commission Rule 210.21(a) and that there are no extraordinary circumstances that would prevent the requested relief. Because Arslanturk is the sole remaining respondent in the investigation, the ID terminates the investigation in its entirety. No party petitioned for review of the subject ID.

The Commission has determined not to review the subject ID. This investigation is hereby terminated in its entirety.

The Commission vote for this determination took place on February 9, 2023.

The authority for the Commission’s determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission’s Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.



Katherine M. Hiner
Acting Secretary to the Commission

Issued: February 9, 2023