

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

In the Matter of

**CERTAIN ELECTROLYTE
CONTAINING BEVERAGES AND
LABELING AND PACKAGING
THEREOF (II)**

Investigation No. 337-TA-1435

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 electrolyte containing beverages and labeling and packaging thereof (as defined in paragraph 2 below) that infringe one or more of U.S. Trademark Registration No. 4,222,726; U.S. Trademark Registration No. 4,833,885; U.S. Trademark Registration No. 4,717,350; and U.S. Trademark Registration No. 4,717,232 (collectively, the “Asserted Trademarks”).

Having reviewed the record in this investigation, including the written submissions of the parties, the Commission has made its determinations on the issues of remedy, the public interest, and bonding. The Commission has determined that a general exclusion from entry for consumption is necessary (1) to prevent circumvention of an exclusion order limited to products of named persons and (2) because there is a pattern of violation of section 337 and it is difficult to identify the source of the infringing products. Accordingly, the Commission has determined to issue a general exclusion order prohibiting the unlicensed importation of infringing electrolyte containing beverages and labeling and packaging thereof.

The Commission has also determined that the public interest factors enumerated in 19 U.S.C. § 1337(d) 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 one hundred percent (100%) of the entered value of the articles subject to this Order.

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

1. Certain electrolyte containing beverages and labeling and packaging thereof (as defined in paragraph 2 below) that infringe one or more of the Asserted Trademarks 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, except under license of the trademark owner (Sueros y Bebidas Rehidratantes, S.A. de C.V.) or as provided by law until such date as the trademarks have been abandoned, canceled, or rendered invalid or unenforceable.

2. The electrolyte containing beverages and labeling and packaging thereof subject to this exclusion order (*i.e.*, “covered articles”) are as follows: electrolyte beverages and associated packaging and labels that bear the Asserted Trademarks.

3. For the purpose of assisting U.S. Customs and Border Protection (“CBP”) in the enforcement of this order, and without in any way limiting the scope of this Order, the Commission has attached to this Order a copy of the relevant trademark registrations as Exhibits 1-4.

4. 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 one hundred percent (100%) of their entered value, 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 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.

5. This Order does not exempt infringing articles from seizures under trademark laws enforced by CBP, most notably 19 U.S.C. § 1526(e) and 19 U.S.C. § 1595a(c)(2)(C) in connection with 15 U.S.C. § 1124.

6. At the discretion of CBP and pursuant to the procedures it establishes, persons seeking to import articles 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 such records or analyses as are necessary to substantiate the certification.

7. Complainants CAB Enterprises, Inc., Sueros y Bebidas Rehidratantes, S.A. de C.V., Brazos River Ventures LLC, and Electrolit Manufacturing USA Inc. (collectively, “Complainants”) shall file a written statement with the Commission, made under oath, each year on the anniversary of the issuance of this Order stating whether Complainants continue to use each of the Asserted Trademarks in commerce in the United States in connection with the products at issue and whether any of the Asserted Trademarks have been abandoned, canceled, or rendered invalid or unenforceable.

8. The Commission may modify this Order in accordance with the procedures described in Rule 210.76 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.76).

9. The Secretary shall serve copies of this Order upon each party of record in this investigation and upon CBP.

10. 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', enclosed within a large, loopy oval flourish.

Lisa R. Barton
Secretary to the Commission

Issued: March 26, 2026