

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

In the Matter of

**CERTAIN CHOCOLATE MILK
POWDER AND PACKAGING
THEREOF**

**Investigation No. 337-TA-1232
(Remand)**

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN
INITIAL DETERMINATION FINDING TWO RESPONDENTS IN DEFAULT**

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. 23) issued by the presiding administrative law judge (“ALJ”) finding two respondents in default for failure to respond to the amended complaint and notice of investigation.

FOR FURTHER INFORMATION CONTACT: Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, D.C. 20436, telephone (202) 708-5468. 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 (<http://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 December 1, 2020, the Commission instituted this investigation based on a complaint filed by Meenaxi Enterprise Inc. of Edison, New Jersey (“Meenaxi”). 85 FR 77237 (Dec. 1, 2020). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, due to the importation into the United States, sale for importation, or sale in the United States after importation of certain chocolate milk powder and packaging thereof that purportedly infringe U.S. Trademark Registration No. 4,206,026. *Id.* The complaint also alleges the existence of a domestic industry. *Id.* The notice of investigation names twenty-one respondents. The Office of Unfair Import Investigations (“OUII”) was also named as a party. *Id.*

On February 23, 2022, Meenaxi filed an unopposed motion for leave to amend the complaint and notice of investigation. The proposed amendments included substituting Organic Ingredients Inc. d/b/a Namaste Plaza Indian Super Market (“Organic Ingredients”) for Organic Food Inc. d/b/a Namaste Plaza Indian Super Market, and correcting the corporate address of New India Bazar Inc. d/b/a New India Bazar (“New India”). On March 11, 2022, the ALJ issued the ID and granted the motion. Order No. 18 (Mar. 11, 2022), *unreviewed* Notice (April 12, 2022). That same day, the ALJ ordered Organic Ingredients and New India to respond to the amended complaint and notice of investigation by April 11, 2022.

On April 19, 2022, Meenaxi moved for an order requiring Organic Ingredients and New India to show cause why they should not be found in default for failing to respond to the amended complaint and notice of investigation. On April 27, 2022, OUII filed a response in support of the motion.

On May 3, 2022, the ALJ ordered Organic Ingredients and New India to show cause why they should not be found in default for failing to respond to the amended complaint and notice of investigation. Order No. 21 (May 3, 2022). The order stated that, if Organic Ingredients and New India did not show cause by May 17, 2022, the ALJ would find those respondents in default.

On May 19, 2022, the ALJ issued the subject ID finding Organic Ingredients and New India in default for failing to respond to the amended complaint and notice of investigation. No petitions for review of the ID were received.

The Commission has determined not to review the subject ID. Organic Ingredients and New India are therefore in default.

The Commission vote for this determination took place on June 13, 2022.

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.



Lisa R. Barton
Secretary to the Commission

Issued: June 14, 2022