

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN CHOCOLATE MILK
POWDER AND PACKAGING
THEREOF**

**Investigation No. 337-TA-1232
(Enforcement II)**

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

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined not to review an initial determination (“ID”) (Order No. 6) of the presiding administrative law judge (“ALJ”) finding respondents Organic Ingredients Inc. d/b/a Namaste Plaza Indian Supermarket (“Organic Ingredients”), New India Bazar Inc. d/b/a New India Bazar (“New India”), Bharat Bazar Inc. (“Bharat Bazar”), and Coconut Hill Inc. d/b/a Coconut Hill (“Coconut Hill”) (collectively, “Enforcement Respondents”) to be in default.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 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: The Commission instituted the original investigation on December 1, 2020, based on a complaint filed on behalf of Meenaxi Enterprise Inc. (“Meenaxi”) of Edison, New Jersey. 85 FR 77237-38 (Dec. 1, 2020). The complaint alleged violations of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337 (“section 337”), based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain chocolate milk powder and packaging thereof by reason of infringement of U.S. Trademark Registration No. 4,206,026 (“the ’026 mark”). The Commission’s notice of investigation named several respondents, including but not limited to: Bharat Bazar of Union City, California; Coconut Hill of Sunnyvale, California; Organic Food d/b/a Namaste Plaza Indian Super Market of Fremont, California; and New India of San Jose, California. *Id.* at 77237. The Office of Unfair Import Investigations (“OUII”) was also a party to the investigation. *Id.*

In the underlying investigation, all respondents were found in default. *See* Order No. 6 (Feb. 10, 2021), *unreviewed by* Comm’n Notice (Mar. 2, 2021); Order No. 23 (May 19, 2022), *unreviewed by* Comm’n Notice (Jun. 14, 2022). On November 15, 2022, the Commission issued a final determination finding a violation, issued a general exclusion order (“GEO”) prohibiting the unlicensed importation of chocolate milk powder and packaging thereof that infringe the ‘026 mark, and terminated the investigation. *See* 87 FR 70864-66 (Nov. 21, 2022). In particular, the GEO, which is currently in effect, prohibits the unlicensed importation of “chocolate milk powder in consumer-sized container with the Bournvita label.” *Id.*; GEO at 2 (Nov. 15, 2022). On the same day, the Commission issued an opinion explaining the basis for its final determination. *See* Comm’n Op. (Nov. 15, 2022) (Conf. Ver.); Comm’n Op. (Dec. 9, 2022) (Pub. Ver.).

On October 9, 2023, Meenaxi filed a complaint with the Commission to enforce the GEO entered in the original investigation, seeking, *inter alia*, issuance of cease and desist orders (“CDOs”) for alleged violations of the GEO. On November 16, 2023, the Commission instituted an enforcement proceeding under Commission Rule 210.75(a), 19 CFR 210.75(a), to investigate alleged violations of the GEO by the Enforcement Respondents. *See* 88 FR 78786-87 (Nov. 16, 2023). OUII was also named as a party. *Id.* at 78787.

On March 14, 2024, the Commission found the Enforcement Respondents in default. *See* Order No. 8 (Feb. 13, 2024), *unreviewed by* Comm’n Notice (Mar. 15, 2024). On November 18, 2024, the Commission issued a final determination finding that the Enforcement Respondents violated the GEO and issued CDOs against each of them. 89 FR 92722-23. On the same day, the Commission issued an opinion explaining the basis for its final determination. *See* Comm’n Op. (Nov. 18, 2024) (Conf. Ver.); Comm’n Op. (Nov. 19, 2024) (Pub. Ver.).

On February 24, 2025, Meenaxi filed a second complaint requesting that the Commission institute an enforcement proceeding to investigate alleged violations of the GEO and the CDOs by the same Enforcement Respondents. Meenaxi asserted that the Enforcement Respondents have continued to import, sell for importation, advertise, market, distribute, and offer to sell “Bournvita” products that infringe the ‘026 mark despite the previously issued GEO and CDOs.

On April 1, 2025, the Commission determined to institute a second formal enforcement proceeding, pursuant to Commission Rule 210.75(a), to determine whether violations of the GEO, issued on November 15, 2022, and CDOs, issued on November 18, 2024, in the above-referenced investigation, have occurred and to determine what, if any, enforcement measures are appropriate. *See* 90 FR 14381-382 (Apr. 1, 2025) (“NOI”). The NOI named the Enforcement Respondents as the respondents. *Id.* OUII is also named as a party. *Id.*

On May 9, 2025, the presiding ALJ issued an order directing the Enforcement Respondents to show cause why they should not be found in default and why judgment should not be rendered against them for failing to respond to the enforcement complaint and notice of investigation. *See* Order No. 5 (May 9, 2025). Order No. 5 directed the Enforcement Respondents to make any showing of good cause by no later than June 13, 2025. *Id.* at 3. No party responded to Order No. 5. Order No. 5 (Order to Show Cause) (May 9, 2025) (citing EDIS

Doc. ID 847573 (certificate of service of enforcement complaint and NOI); *see also* EDIS Doc. ID 850830 (certificate of service of Order No. 5).

On June 16, 2025, the presiding ALJ issued the subject ID (Order No. 6) finding the Enforcement Respondents to be in default pursuant to Commission Rule 210.16 (19 CFR 210.16). *See* Order No. 6 at 1 (June 16, 2025). The ID explained, “[b]ecause the Enforcement Respondents have not responded to the order to show cause, they necessarily have failed to make the requisite showing of good cause to avoid default under the applicable rules.” *Id.* at 1-2.

The Commission has determined not to review the subject ID (Order No. 6). The following four respondents are found to be in default: 1) Organic Ingredients Inc. d/b/a Namaste Plaza Indian Supermarket; 2) New India Bazar Inc. d/b/a New India Bazar; 3) Bharat Bazar Inc.; and 4) Coconut Hill Inc. d/b/a Coconut Hill.

The Commission’s vote on this determination took place on July 14, 2025.

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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', enclosed within a large, loopy oval shape.

Lisa R. Barton
Secretary to the Commission

Issued: July 15, 2025