

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

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN
INITIAL DETERMINATION TERMINATING THE INVESTIGATION
WITH RESPECT TO A RESPONDENT BASED ON CONSENT ORDER
STIPULATION; ISSUANCE OF CONSENT ORDER**

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. 10) of the presiding administrative law judge (“ALJ”) granting a joint motion to terminate the investigation with respect to one respondent based on a consent order stipulation.

FOR FURTHER INFORMATION CONTACT: Edward S. Jou, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3316. 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, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on February 3, 2025, based upon a complaint, as supplemented, filed on behalf of CAB Enterprises, Inc. of Houston, Texas; Sueros y Bebidas Rehidratantes, S.A. de C.V. of Guadalajara, Mexico; Brazos River Ventures LLC of Albany, New York; and Electrolit Manufacturing USA Inc. of Albany, New York (collectively, “Complainants”). 90 FR 8811-12 (Feb. 3, 2025). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended (“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 electrolyte containing beverages and labeling and packaging thereof by reason of infringement of one of 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. *Id.* The complaint, as supplemented, further alleges that an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337. *Id.* at 8811. The Commission’s notice of investigation named as respondents: Empacadora Torres Mora, S. de R.L. de C.V. of Monterrey, Mexico; Version Expotaciones, S.R.L. de C.V. of Tijuana, Mexico; Mabel Distribuciones, S.A. de C.V. of Matamoros, Mexico; Salfe International Trade, S. de R.L. de C.V. of Garza Garcia, Mexico; Exportadora de Abarrotes del Pacifico, S.A. de C.V. (“Pacifico”) of Torreon, Mexico; Centro de Distribucion de Carbon Allende, S.A. de C.V. of Allende, Mexico; Wenceslao Colunga Ruiz (“Ruiz”) of Camargo, Mexico; and Distribuidora de Productos Heres, S.A. de C.V. (“Heres”) of Allende, Mexico. The Office of Unfair Import Investigations is also a party to this investigation. *Id.* at 8812.

The investigation was terminated with respect to respondents Ruiz and Heres based on withdrawal of the complaint. Order No. 7 (Mar. 11, 2025), *unreviewed by* Comm’n Notice (Apr. 9, 2025).

On May 14, 2025, Complainants and respondent Pacifico filed a joint motion to terminate the investigation as to Pacifico based on a consent order stipulation. The motion included a proposed consent order, and a corrected version of the proposed consent order was filed on May 21, 2025. No responses to the motion were filed.

On May 23, 2025, the ALJ issued the subject ID granting the motion. The ALJ found that the consent order stipulation complied with the requirements of Commission Rule 210.21(c)(3) (19 CFR 210.21(c)(3)) and the proposed consent order complied with the requirements of Commission Rule 210.21(c)(4) (19 CFR 210.21(c)(4)). *Id.* at 5-10. No petitions for review of the ID were filed.

The Commission has determined not to review the subject ID and to issue a consent order to Pacifico. The investigation is hereby terminated with respect to Pacifico.

The Commission vote for this determination took place on June 17, 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 rectangular box.

Lisa R. Barton
Secretary to the Commission

Issued: June 17, 2025