

**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 FINDING A VIOLATION OF SECTION
337; ISSUANCE OF A GENERAL EXCLUSION ORDER; TERMINATION OF THE
INVESTIGATION**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined to affirm, with supplemental findings and modified reasoning, an initial determination (“ID”) (Order No. 18) of the presiding administrative law judge (“ALJ”) granting a motion for summary determination of violation. The Commission has determined to issue a general exclusion order (“GEO”) prohibiting the importation of electrolyte containing beverages and labeling and packaging thereof 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”). The investigation is terminated.

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 (the “Complaint”), 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 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. *Id.* The Complaint 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 eight 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; Mated Distribuciones, S.A. de C.V. of Matamoros, Mexico; Salfe International Trade, S. de R.L. de C.V. ("Salfe") 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. *Id.* at 8812. The Office of Unfair Import Investigations ("OUII") is also a party to this investigation. *Id.*

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 April 18, 2025, the ALJ issued an order requiring the remaining respondents in the investigation to show cause why they should not be found in default for failure to respond to the complaint and notice of investigation. Order No. 9 (Apr. 18, 2025). Respondent Pacifico filed an answer to the Complaint on May 1, 2025, and the investigation was subsequently terminated with respect to Pacifico based on a consent order. Order No. 10 (May 23, 2025), *unreviewed by* Comm'n Notice (June 17, 2025). The investigation was also terminated with respect to respondent Salfe based on a consent order. Order No. 12 (June 25, 2025), *unreviewed by* Comm'n Notice (July 14, 2025). The remaining four respondents ("Defaulted Respondents") did not file any response to the complaint and notice of investigation or to the order to show cause for failure to do so.

On July 21, 2025, Complainants filed a motion for summary determination of violation, and on July 22, 2025, Complainants filed a motion for leave for acceptance of a corrected motion for summary determination, which was granted pursuant to Order No. 15 (July 22, 2025). On August 4, 2025, OUII filed a response in support of Complainants' motion.

On September 10, 2025, the ALJ issued the subject ID granting the motion for summary determination of violation and finding the remaining four respondents in default. The ID also included a recommended determination on remedy and bonding. No petitions for review of the ID were filed.

On December 15, 2025, the Commission determined to review the ID's findings with respect to the economic prong of the domestic industry requirement. 90 FR 59203-04. The Commission determined not to review the other findings in the ID. *Id.* The Commission requested briefing from the parties regarding the allocation of certain domestic industry expenditures and the foreign respondents' alleged domestic inventories and operations. *Id.*

On January 5, 2026, Complainants and OUII filed initial submissions in response to the Commission's notice. On January 12, 2026, OUII filed a reply submission.

Having reviewed the record of the investigation, including the ID, the pleadings, and the parties' submissions, the Commission has determined to affirm the ID's finding that the economic

prong of the domestic industry requirement has been satisfied with supplemental findings and modified reasoning. Accordingly, as set forth in the Commission's opinion, the Commission finds a violation of section 337 has occurred.

The Commission has determined that the appropriate remedy is a GEO prohibiting the unlicensed entry of electrolyte containing beverages and labeling and packaging thereof that infringe one or more of the Asserted Trademarks.

Chair Karpel would issue both the GEO and CDOs directed to the Defaulted Respondents pursuant to section 337(g)(1) because all of the criteria of subsection 337(g)(1)(A)-(E) are met. The four Defaulted Respondents were named in the Complaint and served with the Complaint and notice of investigation. *See* Order No. 9 (Apr. 18, 2025). The ALJ issued a show cause order ordering these respondents to show cause why they should not be held in default for failing to respond to the Complaint and notice of investigation. *Id.* None of those respondents filed a response to the show cause orders. *See* Order No. 18 at 4, *unreviewed in pertinent part by* Notice, 90 FR at 59203-04. These findings satisfy subsections 337(g)(1)(A)-(D). Complainants requested CDOs limited to each of these Defaulted Respondents (*Id.* at 58 (citing SD Mem. at 67), thus satisfying subsection 337(g)(1)(E). Given that subsections 337(g)(1)(A)-(E) are satisfied with respect to the Defaulted Respondents and Complainants requested CDOs directed to these Defaulted Respondents, the statute directs the Commission to issue the requested CDOs, subject to consideration of the public interest. Chair Karpel finds that the public interest factors as detailed in Part V(B) of the Opinion do not support a finding that the requested GEO and CDOs would be contrary to the public interest. Accordingly, in addition to the GEO, Chair Karpel would issue CDOs against the Defaulted Respondents under section 337(g)(1).

The Commission has determined that the public interest factors enumerated in subsections (d)(1), (f), and (g)(1) of section 337 do not preclude the issuance of the GEO. The Commission has further determined that the bond during the period of Presidential review pursuant to section 337(j) (19 U.S.C. 1337(j)) shall be set in the amount of one hundred percent (100%) of the entered value of the articles that are subject to the GEO. The Commission's remedial orders were delivered to the President and to the United States Trade Representative on the day of their issuance. The investigation is hereby terminated.

The Commission vote for this determination took place on March 26, 2026.

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: March 26, 2026