



## **INSTRUCTION BOOKLET**

### **GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS FOR COMMISSION FOREIGN PRODUCER/EXPORTER QUESTIONNAIRES**

#### **CERTAIN ORANGE JUICE FROM BRAZIL Investigation No. 731-TA-1089 (Review)**

*Further information.--If you have any questions concerning the enclosed questionnaire(s) or other matters related to this review, you may contact the following member of the Commission's staff (Fax 202-205-3205):*

*Amy Sherman, investigator (202-205-3289; E-mail [Amy.Sherman@usitc.gov](mailto:Amy.Sherman@usitc.gov))  
regarding general questions and trade and related information; and*

*Craig Thomsen, economist (202-205-3226; E-mail [Craig.Thomsen@usitc.gov](mailto:Craig.Thomsen@usitc.gov))  
regarding market related information.*

## **GENERAL INFORMATION**

***Background.***-- On March 9, 2006, the Department of Commerce issued an antidumping duty order on imports of certain orange juice from Brazil (71 FR 12183). On February 1, 2011, the Commission instituted a review pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. § 1675(c)) (the Act) to determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time (76 FR 5822). If the Commission makes an affirmative determination, the order will remain in place. If the Commission makes a negative determination, the Department of Commerce will revoke the order.

Questionnaires and other information pertinent to this review are available at [http://www.usitc.gov/trade\\_remedy/731\\_ad\\_701\\_cvd/investigations/2011/orange\\_juice/reviawphase.htm](http://www.usitc.gov/trade_remedy/731_ad_701_cvd/investigations/2011/orange_juice/reviawphase.htm). Address all correspondence to the United States International Trade Commission, Washington, DC 20436. Hearing-impaired individuals can obtain information regarding this review via the Commission's TDD terminal (202-205-1810).

***Due date of questionnaire(s).***--Please submit the completed questionnaire(s) to the United States International Trade Commission so as to be received by no later than **November 1, 2011**. Because Commission staff might contact you with questions during the course of the proceeding, save the final version of the document(s) and retain all files and worksheets associated with the completed questionnaire(s). Please also retain a copy of any paper original document that you submit.

***Service of questionnaire response(s).***--In the event that your firm is a party to this review, you are required to serve a copy of the questionnaire(s), once completed, on parties to the proceeding that are subject to administrative protective order (see 19 CFR § 207.7). A list of such parties is maintained by the Commission's Secretary and may be obtained by calling 202-205-1803. A certificate of service must accompany the copy of the completed questionnaire(s) you submit (see 19 CFR § 207.7).

***Confidentiality.***--The commercial and financial data furnished in response to the enclosed questionnaire(s) that reveal the individual operations of your firm will be treated as confidential by the Commission to the extent that such data are not otherwise available to the public and will not be disclosed except as may be required by law (see 19 U.S.C. § 1677f). Such confidential information will not be published in a manner that will reveal the individual operations of your firm; however, nonnumerical characterizations of numerical business proprietary information (such as discussion of trends) will be treated as confidential business information only at the request of the submitter for good cause shown.

## **GENERAL INFORMATION--Continued**

**Verification.**--The information submitted in the enclosed questionnaire(s) is subject to audit and verification by the Commission. To facilitate possible verification of data, please retain all files, worksheets, and supporting documents used in the preparation of the questionnaire response(s).

**Release of information.**--The information provided by your firm in response to the questionnaire(s), as well as any other business proprietary information submitted by your firm to the Commission in connection with the review, may become subject to, and released under, the administrative protective order provisions of the Tariff Act of 1930 (19 U.S.C. § 1677f) and section 207.7 of the Commission's Rules of Practice and Procedure (19 CFR § 207.7). This means that certain lawyers and other authorized individuals may temporarily be given access to the information for use in connection with this review or other import-injury proceedings or reviews conducted by the Commission on the same or similar merchandise; those individuals would be subject to severe penalties if the information were divulged to unauthorized individuals.

## **INSTRUCTIONS**

**Answer all questions.**--Do not leave any question or section blank unless a questionnaire expressly directs you to skip over certain questions or sections. **If information is not readily available from your records in exactly the form requested, furnish carefully prepared estimates.** Answers to questions and any necessary comments or explanations should be supplied in the space provided or in a separate attachment. If your firm is completing more than one questionnaire in connection with this review (i.e., a producer, importer, and/or purchaser questionnaire), you need not respond to duplicated questions in the questionnaires.

**Consolidate all establishments in Brazil.**--Report the requested data for your establishment(s) located in Brazil. **Firms operating more than one establishment should combine the data for all establishments into a single report.**

**Filing instructions.**— Questionnaires may be filed either electronically or in paper form.

**Electronic completion.**--Your firm is encouraged to complete the questionnaire electronically in MS Word format. The MS Word versions of all the questionnaires in this proceeding are available online at the ITC web page or may be obtained directly from the Commission's Investigator, Amy Sherman ([amy.sherman@usitc.gov](mailto:amy.sherman@usitc.gov), or 202-205-3289).

**Electronic submission.**--To the degree that it is possible and not overly burdensome, the Commission requests that responding firms submit their questionnaire responses electronically in MS Word format. The submission of questionnaire responses in the MS Word format allows the Commission to compile, assess, and analyze submitted data more promptly. There are three electronic submissions options detailed below. Paper submissions are also accepted.

## **INSTRUCTIONS--Continued**

### **SUBMISSION OPTIONS**

• **Upload via Secure Drop Box.**—Upload the completed questionnaire in MS Word format along with a scanned copy of the signed certification page (page 1) through the Commission’s secure upload facility:

*Web address:* <https://dropbox.usitc.gov/oinv/> *Pin:* OJ

• **E-mail.**— E-mail the completed questionnaire to Amy Sherman ([amy.sherman@usitc.gov](mailto:amy.sherman@usitc.gov)) in MS Word format and include a scanned copy of the signed certification page (page 1).<sup>1</sup>

• **Compact disc (CD).**—Copy your questionnaire onto a CD, include a signed certification page (page 1) (either in paper form or scanned PDF copied onto CD), and mail to the address below. *It is strongly recommended that you use an **overnight mail service**. U.S. mail sent to government offices undergoes additional processing which not only results in substantial delays in delivery but may also damage CDs.*

• **U.S. mail or overnight mail service.**—Mail to the following address:

**United States International Trade Commission  
Office of Investigations, Room 615  
500 E Street SW  
Washington, DC 20024 (overnight)  
Washington, DC 20436 (U.S. mail)**

• **Fax.**— Fax to 202.205.3205.

**Note to parties:** If you are a party to the proceeding, and service of the questionnaire is required, such service should be made in paper form pursuant to the applicable Commission rules for the purposes of service. However, all parties are instructed to encourage their clients to complete the questionnaires electronically and to forward any electronically completed questionnaires in the underlying MS Word format to the Commission’s Investigator (email or upload) at the time of service.

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<sup>1</sup> Please note that submitting your questionnaire by e-mail may subject your firm’s business proprietary information to transmission over an unsecure environment and to possible disclosure. If you choose this option, the Commission warns you that any risk involving possible disclosure of such information is assumed by the submitter and not by the Commission.

## **DEFINITIONS**

**Certain orange juice.**—includes both (1) frozen concentrated orange juice for manufacturing and (2) not-from-concentrate orange juice, both of which are defined below.

**Frozen concentrated orange juice for manufacturing (“FCOJM”).**—An industrial product, concentrated at 51 or greater degrees Brix in a frozen state. FCOJM is usually produced, imported, stored, or shipped in bulk containers (usually 55 gallon drums, tanker trucks, or tanker ships) at 65 degrees Brix. FCOJM is generally a six or seven-strength concentrate, meaning that it requires the addition of water in a six to seven-to-one ratio to produce single-strength, ready-to-drink orange juice.

**Not-from-concentrate orange juice (“NFCOJ”).**—Single-strength orange juice that is flash-heated to pasteurize it immediately after the fruit is squeezed. Orange juice made into NFC is de-oiled with a centrifuge, then either pasteurized, chilled, and packaged or stored for future sale and/or packaging. NFC is stored or shipped a number of ways including: (1) frozen as blocks, (2) frozen in 55-gallon drums, (3) pasteurized and chilled in large aseptic tanks, or (4) pasteurized and chilled in 4' x 4' wooden boxes containing a plastic bag which holds about 300 gallons of juice.

**Subject certain orange juice from Brazil.**—includes imports of both: (1) FCOJM manufactured/exported by Cargill Citrus Limitada (“Cargill”), Coinbra-Frutesp SA (“Coinbra-Frutesp”), Fischer S.A. Comercio, Industria, and Agricultura (“Fisher”), Montecitrus Trading S.A. (“Montecitrus”), and Sucocitrico Cutrale, S.A. (“Cutrale”) in Brazil, and (2) NFCOJ manufactured/exported by all firms in Brazil.

Certain orange juice is covered by subheadings 2009.11.00, 2009.12.25, 2009.12.45, and 2009.19.00 of the Harmonized Tariff Schedule of the United States (“HTS”). The HTS item numbers are provided for convenience and for customs purposes. The written description of the scope of this proceeding is dispositive.

## **DEFINITIONS--Continued**

Excluded from the scope of this review are imports of: (1) reconstituted orange juice and frozen orange juice for retail and (2) imports of FCOJM from Brazilian manufacturers/exporters that were not excluded from the pre-existing antidumping order on frozen concentrated orange juice from Brazil as of December 27, 2004.

**Reconstituted orange juice**.--Orange juice that is produced through further manufacture of FCOJM, by adding water, oils and essences to the orange juice concentrate.

**Frozen concentrated orange juice for retail ("FCOJR")**.--FCOJR is concentrated orange juice, typically at 42 Brix, in a frozen state, packed in retail-sized containers ready for sale to consumers. FCOJR, a finished consumer product, is produced through further manufacture of FCOJM, a bulk manufacturer's product.

**Nonsubject certain orange juice from Brazil**.--Imports of FCOJM from Brazil from firms OTHER THAN Cargill, Coinbra-Frutesp, Fisher, Montecitrus, and Cutrale.

**Single-strength equivalent (SSE)**.-- The volume of single-strength juice that can be reconstituted from concentrated orange juice.

**Fruit solids**.-- Orange solids that are extracted from any form of certain orange juice, i.e., FCOJM, other FCOJ, single-strength orange juice ("SSOJ"), or other form.

**Brix degree**.-- Measurement for the level of concentration of fruit juices. A higher Brix degree means a higher concentration, i.e., more water has been removed from the juice and more fruit solids per unit of juice remain.

**Firm**.--An individual proprietorship, partnership, joint venture, association, corporation (including any subsidiary corporation), business trust, cooperative, trustee in bankruptcy, or receiver under decree of any court.

**Related firm**.--A firm that your firm solely or jointly owned, managed, or otherwise controlled; a firm that solely or jointly owned, managed, or otherwise controlled your firm; and/or a firm that was solely or jointly owned, managed, or otherwise controlled by a firm that also solely or jointly owned, managed, or otherwise controlled your firm.

**Establishment**.--Each facility of a firm in Brazil involved in the production of certain orange juice (as defined above), including auxiliary facilities operated in conjunction with (whether or not physically separate from) such facilities.

**United States**.--For purposes of this review, the 50 States, Puerto Rico, the U.S. Virgin Islands, and the District of Columbia.

## **DEFINITIONS--Continued**

**Importer.**--Any person or firm engaged, either directly or through a parent company or subsidiary, in importing certain orange juice (as defined above) into the United States from a foreign manufacturer or through its selling agent.

**Average production capacity.**--The level of production that your establishment(s) could reasonably have expected to attain during the specified periods. Assume normal operating conditions (i.e., using equipment and machinery in place and ready to operate; normal operating levels (hours per week/weeks per year) and time for downtime, maintenance, repair, and cleanup; and a typical or representative product mix).

**Production.**--All production in your establishment(s) in Brazil, including production consumed internally within your firm.

**Shipments.**--Shipments of products produced in your establishment(s) in Brazil.

**Shipment quantities.**—Quantities reported should be net of returns.

**Shipment values.**—Values reported should be net values (i.e., gross sales values less all discounts, allowances, rebates, prepaid freight, and the value of returned goods) in U.S. dollars, f.o.b. your point of shipment in Brazil.

**Home market commercial shipments.**--Shipments, other than internal consumption and transfers to related firms, within Brazil.

**Home market internal consumption/transfers to related firms.**--Shipments made to related firms in Brazil, including product consumed internally by your firm.

**Export shipments.**--Shipments to destinations outside Brazil, including shipments to related firms.

**Inventories.**--Finished goods inventory, not raw materials or work-in-progress.

**Crop year.**--For the purposes of this questionnaire crop year means the Brazilian processing year, the 12-month period that begins on July 1 of any year and ends on June 30 of the following year.

**Toll agreement.**--Agreement between two firms whereby the first firm furnishes the raw materials and the second firm uses the raw materials to produce a product that it then returns to the first firm with a charge for processing costs, overhead, etc.