



INSTRUCTION BOOKLET

GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS FOR COMMISSION 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 members of the Commission's staff (Fax 202-205-3205):

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

*Justin Jee, auditor (202-205-3186; E-mail Justin.Jee@usitc.gov)
regarding financial information; and*

*Craig Thomsen, economist (202-205-3226; E-mail Craig.Thomsen@usitc.gov)
regarding pricing, market, and 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. 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 U.S. establishments.--Report the requested data for your establishment(s) located in the United States. **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, 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) in MS Word format and include a scanned copy of the signed certification page (page 1).¹

• **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.

¹ 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.

Full participation plan.-- Contract arrangement in which a nonmember of cooperative (grower) agrees to deliver all oranges produced from a given grove to a cooperative or corporate processor. The return to buyer and seller is determined after harvest and is based upon an agreed-upon percentage.

Partial participation plan.-- Contract arrangement in which grower sells oranges at a guaranteed floor-price.

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.

DEFINITIONS--Continued

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

Extractor-- A firm that extracts orange juice from U.S. oranges.

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

Crop year--For the purposes of this questionnaire crop year means the U.S. processing year, the 12-month period that begins on October 1 of any year and ends on September 30 of the following year.

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.

Imports--Those products identified for Customs purposes as imports for consumption for which your firm was the importer of record (i.e., was responsible for paying any import duty) or consignee (i.e., to which the merchandise was first delivered).

Import quantities--Quantities reported should be net of returns.

Import values--Values reported should be landed, duty-paid values (but not including antidumping and/or countervailing duties) at the U.S. port of entry, including ocean freight and insurance costs, brokerage charges, and normal import duties (i.e., including all charges except inland freight in the United States and antidumping and/or countervailing duties).

Purchaser--Any person or firm engaged, either directly or through a parent company or subsidiary, in purchasing certain orange juice (as defined above) from another firm that produces, imports, or otherwise distributes certain orange juice. A retail firm that is the importer of record may be considered a purchaser.

Purchases--Purchases from all sources, NOT including direct imports from foreign sources located outside of the United States (which should be reported in an importer questionnaire).

Purchase quantities--Quantities reported should be net of returns.

Purchase values--Values reported should be net values (i.e., gross purchase values less all discounts, allowances, rebates, and the value of returned goods), delivered to your U.S. receiving point.

DEFINITIONS--Continued

Shipments.--Shipments of products produced in or imported by your U.S. establishment(s). Include shipments to the contracting firm of product produced by your firm under a toll agreement.

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), f.o.b. your U.S. point of shipment. The value of domestic shipments to the contracting firm under a toll agreement is the conversion fee (including profit).

Types of shipments:

U.S. shipments.--Commercial shipments, internal consumption, and transfers to related firms within the United States.

Commercial shipments.--Shipments, other than internal consumption and transfers to related firms, within the United States.

Internal consumption.--Product consumed internally by your firm.

Transfers to related firms.--Shipments made to related domestic firms.

Export shipments.--Shipments to destinations outside the United States, including shipments to related firms.

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

The following definitions apply only to the PRODUCER QUESTIONNAIRE.

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).

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.

Production.--All production in your U.S. establishment(s), including production consumed internally within your firm and production for another firm under a toll agreement.

DEFINITIONS--Continued

PRWs.--Production and related workers, including working supervisors and all nonsupervisory workers (including group leaders and trainees) engaged in fabricating, processing, assembling, inspecting, receiving, storage, handling, packing, warehousing, shipping, trucking, hauling, maintenance, repair, janitorial and guard services, product development, auxiliary production for plant's own use (e.g., power plant), recordkeeping, and other services closely associated with the above production operations.

Average number employed.--Add the number of employees, both full-time and part-time, for the 12 pay periods ending closest to the 15th of the month and divide that total by 12.

Hours worked.--Include time paid for sick leave, holidays, and vacation time. Include overtime hours actually worked; do not convert overtime pay to its equivalent in straight-time hours.

Wages paid.--Total wages paid before deductions of any kind (e.g., withholding taxes, old-age and unemployment insurance, group insurance, union dues, bonds, etc.). Include wages paid directly by your firm for overtime, holidays, vacations, and sick leave.

Fiscal year.--The 12-month period between settlement of your firm's financial accounts.

Continued Dumping and Subsidy Offset Act (Byrd Amendment) funds received.--Funds disbursed by the Bureau of Customs and Border Protection under the Continued Dumping and Subsidy Offset Act of 2000 (the "Byrd Amendment"). The Byrd Amendment provides for the annual distribution of the duties collected pursuant to antidumping and countervailing duty orders. The distribution is available to "affected domestic producers for qualifying expenditures."

Purchases other than direct imports.--Purchases from U.S. producers, U.S. importers, and other U.S. sources.