



A-570-863
Sunset Review
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September 24, 2012

MEMORANDUM TO: Paul Piquado
Assistant Secretary
for Import Administration

FROM: Christian Marsh
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

SUBJECT: Issues and Decision Memorandum for the Expedited Second
Sunset Review of the Antidumping Duty Order on Honey from the
People's Republic of China

Summary

In the sunset review of the antidumping duty order covering honey from the People's Republic of China ("PRC"), American Honey Producers Association ("AHPA") and the Sioux Honey Association ("SHA") (collectively, "the domestic interested parties"), submitted an adequate substantive response.¹ No respondent interested party submitted a substantive response. In accordance with our analysis of the domestic interested parties' substantive response, we recommend adopting the positions described in the instant memorandum. The following is a complete list of issues in this sunset review for which we received a substantive response:

1. Likelihood of continuation or recurrence of dumping; and
2. Magnitude of the dumping margin likely to prevail.

Background

On July 2, 2012, the Department of Commerce ("Department") published the notice of initiation of the second sunset review of the antidumping duty order on honey from the PRC, pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"), and 19 CFR 351.218(c)(2).² On July 17, 2012, pursuant to 19 CFR 351.218(d)(1)(i), the Department received timely and complete notices of intent to participate in the sunset review from domestic interested parties.³ On August 1, 2012, pursuant to 19 CFR 351.218(d)(3)(i), domestic interested parties filed timely

¹ See Letter from domestic interested parties, re: "Second Five-Year ("Sunset") Review of the Antidumping Order on Honey from the People's Republic of China: Petitioners' Substantive Response," dated August 1, 2012 ("Substantive Response").

² See Initiation of Five-Year ("Sunset") Review, 77 FR 39218 (July 2, 2012). ("Sunset Initiation").

³ See Letter from domestic interested parties, re: Honey from the People's Republic of China, dated July 17, 2012.

and adequate substantive responses within 30 days after the date of publication of the Sunset Initiation.⁴ The Department did not receive substantive responses from any respondent interested party. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department conducted an expedited (120-day) sunset review of the antidumping duty order on honey from the PRC.

History of the Order

On October 4, 2001, the Department published its final determination in the less than fair value (“LTFV”) investigation of honey from the PRC.⁵ On December 10, 2001, the Department published the antidumping duty order and amended final determination on honey from the PRC.⁶ In so doing, the Department found the following weighted-average dumping margins:

Exporter	Weight-Averaged Dumping Margins (%)
Inner Mongolia Autonomous Region Native Produce and Animal	57.13
Kunshan Foreign Trade Co., Ltd.	49.60
Zhejiang Native Produce and Animal By-Products Import and	25.88
High Hope International Group	45.46
Shanghai Eswell Enterprise Co., Ltd.	45.46
Anhui Native Produce Import and Export Corp.	45.46
Henan Native Produce Import and Export Corp.	45.46
PRC-Wide Rate	183.80

The Department has completed one prior sunset review of the antidumping duty order on honey from the PRC, in which it determined that revocation of the Order would likely lead to continuation or recurrence of dumping at the same rates of dumping as the agency determined in its amended final a affirmative determination in the original investigation.⁷

⁴ See Substantive Response.

⁵ See Notice of Final Determination of Sales at Less Than Fair Value: Honey from the People’s Republic of China, 66 FR 50608 (October 4, 2001) (“LTFV Investigation”).

⁶ See Notice Of Antidumping Duty Order And Amendment To Final Determination: Honey from the People’s Republic of China, 66 FR 59026 (December 10, 2001) (“LTFV Amended Final and Order”).

⁷ See Honey From Argentina and the People’s Republic of China: Final Results of the Expedited Five-Year (“Sunset”) Reviews of Antidumping Duty Orders, 72 FR 10150 (March 7, 2007).



Administrative Reviews and New Shipper Reviews

Since the issuance of the antidumping duty order, the Department has completed nine administrative reviews with respect to honey from the PRC.⁸ The tenth administrative review is ongoing.⁹ The Department has completed eleven new shipper reviews since the issuance of the antidumping duty order.¹⁰ The respondents, Suzhou Shanding Honey Product Co., Ltd. ("Suzhou Shanding") and Wuhu Fenglian Co., Ltd. ("Wuhu Fenglian") appealed the Department's determination in the eleventh new shipper review and the Court of International Trade ("CIT") remanded the case back to the Department. The Department issued its final results of redetermination on June 22, 2012, continuing to find that respondents' sales were non-*bona fide*.¹¹ The CIT's final decision is pending. Additionally, there is ongoing litigation before the CIT with regard to the Department's affirmative critical circumstances redetermination with regard the underlying investigation.¹²

⁸ See Honey from the People's Republic of China: Preliminary Results of First Antidumping Duty Administrative Review, 68 FR 69988 (December 16, 2003); Honey From the People's Republic of China: Final Results and Final Rescission In Part, of Antidumping Duty Administrative Review, 70 FR 38873 (July 6, 2005); Honey from the People's Republic of China: Final Results and Final Rescission, In Part, of Antidumping Duty Administrative Review, 71 FR 34893 (June 16, 2006); Honey from the People's Republic of China: Final Results and Final Rescission, In Part, of Antidumping Duty Administrative Review, 72 FR 37715 (July 11, 2007); Honey from the People's Republic of China: Final Results and Rescission in Part of Aligned Antidumping Duty Administrative Review and New Shipper Review, 73 FR 42321 (July 21, 2008); Honey From the People's Republic of China: Final Results and Partial Rescission of Antidumping Duty Administrative Review, 74 FR 796 (January 8, 2009); Administrative Review of Honey from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Rescission of Review, In Part, 75 FR 24880 (May 6, 2010); Honey from the People's Republic of China: Notice of Rescission of Antidumping Duty Administrative Review, 75 FR 16752 (April, 2, 2010); Honey From the People's Republic of China: Final Rescission of Antidumping Duty Administrative Review, 77 FR 34343 (June 11, 2012).

⁹ See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part, 77 FR 4759 (January 31, 2012).

¹⁰ See Honey from the People's Republic of China: Amended Final Results of Antidumping Duty New Shipper Review, 71 FR 4894 (January 30, 2006); Notice of Final Results of Antidumping Duty New Shipper Review: Honey From the People's Republic of China, 69 FR 24128 (May 3, 2004); Honey from the People's Republic of China: Notice of Final Results and Final Rescission In Part of Antidumping Duty New Shipper Review, 69 FR 64029 (November 3, 2004); Honey From the People's Republic of China: Notice of Final Results of Antidumping Duty New Shipper Reviews, 70 FR 9271 (February 25, 2005); Honey From the People's Republic of China: Rescission of Antidumping Duty New Shipper Review, 70 FR 7714 (February 15, 2005); Notice of Rescission of Antidumping Duty New Shipper Review: Honey from the People's Republic of China, 70 FR 59031 (October 11, 2005); Honey From the People's Republic of China: Rescission and Final Results of Antidumping Duty New Shipper Reviews, 71 FR 58579 (October 4, 2006); Honey from the People's Republic of China: Final Results and Rescission, In Part, of Antidumping Duty New Shipper Reviews, 72 FR 37713 (July 11, 2007); Honey from the People's Republic of China: Final Results of Antidumping Duty New Shipper Review, 72 FR 67702 (November 30, 2007); Honey from the People's Republic of China: Final Results and Rescission in Part, of Aligned Antidumping Duty Administrative Review and New Shipper Review, 73 FR 42321 (July 21, 2008); Honey From the People's Republic of China: Final Results and Rescission of Antidumping Duty New Shipper Reviews, 76 FR 4289 (January 25, 2011).

¹¹ See Final Results of Redetermination Pursuant to Court Remand: Wuhu Fenglian Co. Ltd. and Suzhou Shanding Honey Co. Ltd. v. United States and American Honey Producers Association, and Sioux Honey Associations, Ct. No. 11-00045 (June 22, 2012)

¹² See Zhejiang Native Produce & Animal By-Products Import & Export Corp., et al., v. United States, CIT Court No. 02-00057.

Scope Inquiries, Changed Circumstances Reviews, and Duty Absorption

On August 21, 2012, the Department published its final determination of circumvention of the antidumping duty order, in which it determined that blends of honey and rice syrup are later developed merchandise and are within the scope of the LTFV Amended Final and Order.¹³ There have been no duty absorption findings or changed circumstances determinations to date.

Discussion of the Issues

Legal Framework

In accordance with section 751(c)(1) of the Act, the Department is conducting this sunset review to determine whether revocation of the LTFV Amended Final and Order would likely to lead to a continuation or recurrence of dumping. Sections 752(c)(1)(A) and (B) of the Act provide that, in making this determination, the Department shall consider both the weighted-average dumping margin determined in the investigation and subsequent reviews, and the volume of imports of the subject merchandise for the periods before, and the periods after, the issuance of the antidumping duty order.¹⁴

As explained in the Statement of Administrative Action (“SAA”) accompanying the Uruguay Round Agreements Act, the Department normally determines that revocation of an antidumping duty order is likely to lead to continuation or recurrence of dumping when, among other scenarios: (a) imports of the subject merchandise ceased after issuance of the order; or (b) dumping was eliminated after the issuance of the order and import volumes for the subject merchandise declined significantly.¹⁵ Alternatively, the Department normally will determine that revocation of an antidumping duty order is not likely to lead to continuation or recurrence of dumping where dumping was eliminated after issuance of the order and import volumes remained steady or increased.¹⁶ In addition, as a base period of import volume comparison, it is the Department’s practice to use the one-year period immediately preceding the initiation of the

¹³ See Honey from the People’s Republic of China: Affirmative Final Determination of Circumvention of the Antidumping Duty Order, 77 FR 50464 (August 21, 2012).

¹⁴ In its recent announcement in Final Modification for Reviews, the Department modified its practice in sunset reviews, stating that it would “not rely on weighted-average dumping margins that were calculated using the methodology determined by the Appellate Body to be {World Trade Organization (“WTO”)}-inconsistent in US—Zeroing (EC), US—Zeroing (Japan), and US—Continued Zeroing (EC).” See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification, 77 FR 8101, 8103 (February 14, 2012) (“Final Modification for Reviews”). Consequently, the Department stated that it may rely on past dumping margins “that were not affected by the WTO-inconsistent methodology, such as dumping margins . . . determined based on the use of adverse facts available, and dumping margins where no offsets were denied because all comparison results were positive.” See id. The Department announced that the new policy will apply to all sunset reviews pending before the Department for which either preliminary results of sunset review, or expedited final results of sunset review are issued more than 60 days after the date of publication of the Department’s Final Modification for Reviews.” Id., 77 FR at 8109. Accordingly, Commerce’s new policy applies to this sunset review.

¹⁵ See SAA, H.R. Rep. No. 103-316, Vol. 1 (1994), at 889-90; see also Folding Gift Boxes from the People’s Republic of China: Final Results of the Expedited Sunset Review of the Antidumping Duty Order, 72 FR 16765 (April 5, 2007), and accompanying Issues and Decision Memorandum at Comment 1.

¹⁶ See SAA at 889-90, and House Report at 63.

investigation, rather than the level of pre-order import volumes, as the initiation of an investigation may dampen import volumes and, thus, skew comparison.¹⁷

Further, section 752(c)(3) of the Act states that the Department shall provide to the International Trade Commission (“ITC”) the magnitude of the margin of dumping likely to prevail if the order were revoked. Generally, the Department selects the dumping margin(s) from the final determination in the original investigation, as this is the only calculated rate that reflects the behavior of exporters without the discipline of an order in place.¹⁸

Section 751(a)(4) of the Act states that the Department will provide to the ITC its findings regarding duty absorption for reviews in which the Department conducted a duty absorption analysis. Where the Department has found duty absorption, the Department will normally: (a) determine that a company’s current dumping margin is not indicative of the margin likely to prevail if the order is revoke; and (b) provide the ITC the higher of the dumping margin that the Department would otherwise report to the ITC or the most recent dumping margin for that company adjusted to account for the Department’s findings on duty absorption.¹⁹ In light of the Department’s recent Final Modification of Review, the Department will only rely on the rates from the LTFV Amended Final and Order , which are consistent with the Final Modification of Review.²⁰

Finally, pursuant to section 752(c)(4)(A) of the Act, a dumping margin of “zero or de minimis shall not by itself require” the Department to determine that revocation of an antidumping duty order would not be likely to lead to a continuation or recurrence of sales at LTFV. Our analysis of the comments submitted by domestic interested parties’ follows.

Analysis

1. Likelihood of Continuation or Recurrence of Dumping

Domestic interested parties argue that revocation of the antidumping duty order on honey from the PRC would likely result in the continuation of dumping in the United States. Specifically, domestic interested parties contend that dumping has continued at rates exceeding de minimis levels since the order was imposed in 2001, in most cases at levels which exceed those found in the investigation.²¹ In addition, domestic interested parties assert that since the imposition of the order, the import volumes of honey into the United States from PRC producers and exporters have declined significantly, with the exception of certain periods wherein exporters used circumvention schemes in order to avoid paying dumping duties.²²

¹⁷ See, e.g., Stainless Steel Bar from Germany; Final Results of the Sunset Review of the Antidumping Duty Order, 72 FR 56985 (October 5, 2007), and accompanying Issues and Decision Memorandum at Comment 1.

¹⁸ See SAA at 890; see also Persulfates From the People’s Republic of China: Notice of Final Results of Expedited Second Sunset Review of Antidumping Duty Order, 73 FR 11868 (March 5, 2008), and accompanying Issues and Decision Memorandum at Comment 2.

¹⁹ See SAA at 885-86.

²⁰ See Final Modification of Reviews, 77 FR at 8109.

²¹ See Substantive Response at 37-38.

²² See Substantive Response at 40-43.

Department’s Position: As explained in the Legal Framework section above, the Department’s determination concerning whether revocation of an antidumping duty order is likely to lead to continuation or recurrence of dumping is based, in part, upon guidance provided by the legislative history accompanying the Uruguay Round Agreements Act (i.e., the SAA; House Report, H. Rep. No. 103-826, pt. 1 (1994) (“House Report”); and Senate Report, S. Rep. No. 103-412 (1994)). Consistent with the SAA, the Department will make its likelihood determination on an order-wide, rather than company-specific basis.²³ Further, when determining whether revocation of the order would be likely to lead to continuation of dumping, sections 752(c)(1)(A) and (B) of the Act instruct the Department to consider: (1) the weighted-average dumping margins determined in the investigation; and (2) the volume of imports of the subject merchandise for the period before and after the issuance of the antidumping duty order.

In the instant review, for the reasons stated below, we find that revocation of the antidumping duty order on honey from the PRC would likely result in the continuation of dumping in the United States. In this sunset proceeding, the Department has relied on certain dumping margins consistent with the Final Modification for Reviews.²⁴ We consider these rates from the LTFV Amended Final and Order to demonstrate a likelihood of continuation or recurrence of dumping, given that they are the only calculated rates that reflect the behavior of exporters without the discipline of an order in place and continue to be applicable during the sunset review period.²⁵ Additionally, as discussed in the Sunset BPI Memo, the margins calculated in the investigation were calculated without zeroing and are therefore consistent with the Final Modification for Reviews.²⁶ Moreover, the domestic interested parties provided import volume data from the Department from 1999 to 2011 showing imports of honey from the PRC fluctuated for the period following imposition of the order and have overall declined very significantly. Based on Harmonized Tariff Schedule of the United States (“HTSUS”) import data collected by Global Trade Atlas (“GTA”), the Department confirmed that import volumes from the PRC under the HTSUS numbers listed in the scope of the LTFV Amended Final and Order have declined and fluctuated over the period of this sunset review.²⁷ Specifically, according to the GTA data for U.S. imports of honey from the PRC (HTSUS 0409.00.00), the import volume in the year following issuance of the LTFV Amended Final and Order (i.e., 2002) was lower than import volumes in both years preceding issuance of the LTFV Amended Final and Order (i.e., 2000 and 2001).²⁸ For the years 2002 through 2006, import volumes of honey fluctuated, however, they have remained below pre-LTFV Amended Final and Order levels during the entire second sunset

²³ See SAA at 879, and House Report at 56.

²⁴ See Final Modification for Reviews, 77 FR at 8103.

²⁵ See SAA at 890; see also Persulfates From the People’s Republic of China: Notice of Final Results of Expedited Second Sunset Review of Antidumping Duty Order, 73 FR 11868 (March 5, 2008), and accompanying Issues and Decision Memorandum at Comment 2; Final Modification of Investigations.

²⁶ See Memorandum to The File, through Catherine Bertrand, Program Manager, Office 9, from Katie Marksberry, Case Analyst, Re: Second Honey Sunset – Placing BPI Analysis Memos on the Record and Analysis of BPI Margin Calculations, dated concurrently with this memorandum, at Attachments 1-3 (“Sunset BPI Memo”).

²⁷ The Department notes that the scope of the LTFV Amended Final and Order contains two basket categories; HTS 2016.90.00: Food preparations not elsewhere specified or included, not canned or frozen, and HTS 1702.90.90: Sugars and sugar syrups, and articles containing sugar, neosi. As there is no way to determine what portion of imports entered under these HTS numbers are subject merchandise, this analysis is based on imports entered under HTS 0409.00.00: Natural honey. Additionally, we have only included HTS categories for which imports were reported in Attachment I.

²⁸ See Attachment I to this memorandum.

review period, and in 2009 through 2011 import volumes have been 93 percent lower than pre-LTFV Amended Final and Order volumes.

The Department has completed six administrative reviews and four new shipper reviews during the second sunset review period. All of the margins calculated during these reviews were calculated using zeroing methodology; however, as none of the sale-specific margins were negative, no zeroing occurred. Therefore, we have analyzed the individually calculated, sale-specific margins to determine whether zeroing actually occurred. As discussed in the Sunset BPI Memo, the margin calculated for Anhui Native Produce Import & Export Corporation (“Anhui Native”) in the sixth administrative review was calculated without zeroing. This margin was calculated for Anhui Native, which was a significant exporter as it was selected because it was one of the two largest exporters during the period of review.²⁹ As this margin was calculated during the current sunset review period for a significant exporter, it is sufficient to demonstrate that non-zeroed dumping margins continue to be calculated at above de minimis levels. Therefore we have not analyzed any additional margins that were calculated during the second sunset review period.

Therefore, given that the Department has continued to calculate dumping margins at levels above de minimis and imports of honey from the PRC have declined significantly after the imposition of the order, we determine that dumping is likely to continue or recur if this order is revoked. Accordingly, based on the information on the record we find that revocation of the antidumping duty order on honey from the PRC would likely lead to a continuation or recurrence of dumping.

2. Magnitude of the Dumping Margin Likely to Prevail

Domestic interested parties contend that the Department’s recent modification of its practice for future sunset reviews in Final Modification for Reviews to no longer rely on dumping margins that were calculated using the “zeroing” methodology calls for the Department to rely on the 183.80 percent rate which was applied as the PRC-wide rate in the investigation and in the first and second administrative reviews. Domestic interested parties contend that although zeroing methodology was applied in the calculation of the individual weighted-average margins, the PRC-wide rate was based on a Petition rate and is a World Trade Organization-consistent rate which can be relied upon by the Department to demonstrate the magnitude of the dumping margin likely to prevail.

Department’s Position: Normally, the Department will provide to the ITC the company-specific, weighted-average dumping margin from the investigation for each company.³⁰ The Department’s preference for selecting a dumping margin from the investigation is based on the fact that it is the only calculated rate that reflects the behavior of manufacturers, and exporters without the discipline of an order or suspension agreement in place.³¹ For companies not investigated individually, or for companies that did not begin shipping until after the order was issued, the Department will normally provide a dumping margin based on the “All-Others” rate

²⁹ See Sixth Administrative Review of Honey from the People’s Republic of China: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review, 73 FR 66221 (November 7, 2008).

³⁰ See Eveready Battery Co., Inc. v. United States, 77 F. Supp. 2d 1327, 1333 (Ct. Int’l Trade 1999).

³¹ See id.; see also SAA at 890.

from the investigation.³² However, for the PRC, which the Department considers to be a non-market economy under section 771(18)(A) of the Act, the Department does not have an “All-Others” rate. Thus, in non-market economy cases, instead of an “All-Others” rate, the Department uses an established country-wide rate, which it applies to all imports from exporters that have not established their eligibility for a separate rate.³³

Additionally, although domestic interested parties assert that the margins calculated in the investigation are not usable because they were calculated using zeroing methodology,³⁴ the Department has analyzed the individually calculated, sale-specific margins from the investigation, and has determined that no zeroing occurred.³⁵ Therefore, consistent with Final Modification for Reviews, we have determined that the weighted-average dumping margins established in the investigation of honey from the PRC are the most likely to prevail if the order were revoked.

As discussed above, in this sunset proceeding, the Department has relied on weighted-average dumping margins that were not affected by the methodology addressed in the Final Modification for Reviews.³⁶ Accordingly, we find it appropriate to provide the ITC with the final determination rates from the LTFV Amended Final and Order of honey from the PRC for the following reasons: (1) import volumes initially declined after issuance of the LTFV Amended Final and Order and have fallen well below pre-LTFV Amended Final and Order levels during the second sunset review period; and (2) the final determination rates from the LTFV Amended Final and Order properly reflect the behavior of manufacturers, and exporters of honey without the discipline of an order in place.³⁷ Moreover, respondent interested parties have failed to submit any evidence to the contrary. As a result, we will report to the ITC the weighted-average dumping margins listed in the “Final Results of Reviews” section below.

Final Results of Review

We determine that revocation of the antidumping duty order on honey from the PRC would likely lead to continuation or recurrence of dumping at the following weighted-average dumping margins:

³² See Certain Hot-Rolled Carbon Steel Flat Products from Argentina, the People’s Republic of China, India, Indonesia, Kazakhstan, Romania, South Africa, Taiwan, Thailand, and Ukraine; Final Results of Expedited Sunset Reviews of the Antidumping Duty Orders, 71 FR 70506 (December 5, 2006), and accompanying Issues and Decision Memorandum at Comment 2.

³³ See Bristol Metals L.P. v. United States, 703 F. Supp. 2d 1370, 1378 (Ct. Int’l Trade 2010) (citation omitted); see also Amanda Foods (Vietnam) Ltd. v. United States, 647 F. Supp. 2d 1368, 1379 (Ct. Int’l Trade 2009) (citation omitted).

³⁴ See Substantive Response at 38-39.

³⁵ See Sunset BPI Memo.

³⁶ See Final Modification for Reviews, 77 FR at 8103.

³⁷ See Attachment I to this memorandum; see also SAA at 890; Persulfates From the People’s Republic of China: Notice of Final Results of Expedited Second Sunset Review of Antidumping Duty Order, 73 FR 11868 (March 5, 2008), and accompanying Issues and Decision Memorandum at Comment 2.

Exporter	Weight-Averaged Dumping Margins (%)
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Henan Native Produce Import and Export Corp.	45.46
PRC-Wide Rate	183.80

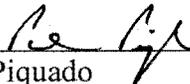
Recommendation

Based on our analysis of the substantive response received, we recommend adopting the above positions. If these recommendations are accepted, we will publish the final results of this sunset reviews in the Federal Register.

✓

 Agree

Disagree



 Paul Piquado
 Assistant Secretary
 for Import Administration

24 SEPTEMBER 2012
 (Date)

Attachment 1

First Unit of Quantity by Customs Value for China

U.S. Imports for Consumption Annual Data

HTS Number		1999	2000	2001	2007	2008	2009	2010	2011
		<i>In Actual Units of Quantity</i>							
		First Unit of Quantity where quantities are collected in kilograms							
4090000	Natural honey	23,129,265	26,633,103	17,824,844	17,513,414	11,234,472	66,976	1,546,796	1,530,525
409000025	Comb Honey and Honey Packaged for Retail Sale	66,805	118,480	121,456	34,510	0	10,091	3,996	23,352
17029090	Sugars and sugar syrops, and articles containing sugar, neosi	119,899	186,512	160,573	1,939,657	414,311	2,741,958	681,191	3,795,739
21069099	Food preparations not elsewhere specified or included, not canned or frozen	3,301,869	3,149,630	4,011,333	17,201,672	35,398,774	19,465,619	20,416,874	18,793,186

Sources: Data on this site have been compiled from tariff and trade data from the U.S. Department of Commerce and the U.S. International Trade Commission.