



**U.S. Customs and  
Border Protection**

**PUBLIC VERSION**

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Re: Notice of Initiation of Investigation and Interim Measures - EAPA Consolidated Case 7950

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To the Counsel and Representatives of the above-referenced entities:

This letter is to inform you that U.S. Customs and Border Protection (CBP) has commenced a formal investigation under Title IV, Section 421 of the Trade Facilitation and Trade Enforcement Act of 2015, commonly referred to as the Enforce and Protect Act (EAPA), against CPF Legacy, LLC, doing business as C. Pacific Foods (CPF); Handylee Enterprises (USA) Corp. (Handylee); Jefi Enterprise (USA) Inc. (Jefi); and Highland USA International Inc. (Highland USA) (hereinafter collectively referred to as, the Importers). CBP is investigating whether the Importers evaded antidumping (AD) duty order A-570-992 on monosodium glutamate (MSG) from the People's Republic of China (China) and/or AD duty order A-560-826 on MSG from the

Republic of Indonesia (Indonesia).<sup>1</sup> CBP finds that reasonable suspicion exists that the Importers entered covered merchandise into the customs territory of the United States through evasion, and CBP has imposed interim measures.<sup>2</sup>

### **Period of Investigation**

Pursuant to 19 C.F.R. § 165.2, entries covered by an EAPA investigation are “those entries of allegedly covered merchandise made within one year before the receipt of an allegation...” Entry is defined as an “entry, or withdrawal from warehouse for consumption, of merchandise into the customs territory of the United States.”<sup>3</sup> CBP acknowledged receipt of the properly filed allegations against the Importers on March 11, 2024.<sup>4</sup> The entries covered by this investigation are those entered for consumption, or withdrawn from warehouse for consumption, from March 11, 2023, through the pendency of this investigation.<sup>5</sup>

### **Background**

#### *Initiation*

On April 1, 2024, based on record evidence, the Trade Remedy Law Enforcement Directorate (TRLED) within CBP’s Office of Trade initiated this investigation under EAPA as a result of allegations<sup>6</sup> submitted by Ajinomoto Health & Nutrition North America, Inc. (Alleger)<sup>7</sup> concerning the evasion of AD duties by the Importers.<sup>8</sup> The Allegations assert that the Importers evaded the *MSG Orders* by importing MSG from China and Indonesia into the United States that was transhipped through Malaysia and failed to declare the correct country of origin at the time of entry.<sup>9</sup>

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<sup>1</sup> See *Monosodium Glutamate from the People’s Republic of China, and the Republic of Indonesia: Antidumping Duty Orders; and Monosodium Glutamate from the People’s Republic of China: Amended Final Determination of Sales at Less Than Fair Value*, 79 Fed. Reg. 70505, at 70505 (November 26, 2014) (*MSG Orders*).

<sup>2</sup> See 19 U.S.C. § 1517(e); see also 19 C.F.R. § 165.24.

<sup>3</sup> See 19 U.S.C. § 1517(a)(4); see also 19 C.F.R. § 165.1.

<sup>4</sup> See Email from CBP, “EAPA 7950, 7951, 7952, 7953, 7964, 7965, 7966 and 7967 – Official Receipt of Properly Filed Allegations,” dated March 11, 2024.

<sup>5</sup> See 19 C.F.R. § 165.2.

<sup>6</sup> See the allegation letters dated January 31, 2024, and February 22, 2024, entitled, “Enforce and Protect Act (EAPA) Allegation: Highland USA (7953/7967),” “Enforce and Protect Act Allegation: C. Pacific Foods (7950/7965),” “Enforce and Protect Act Allegation: Handylee Enterprises (USA) Corp. (7951/7966)” (Highland USA Allegations), and “Enforce and Protect Act Allegation: Jefe Enterprise (USA) Inc. (7952/7964)” (collectively, the Allegations).

<sup>7</sup> Pursuant to 19 U.S.C. § 1517(a)(6) and 19 C.F.R. § 165.1(2), the Alleger, formerly named Ajinomoto North America, Inc. (AJINA), is a manufacturer of a domestic like product, is the sole U.S. producer of MSG, and was the petitioner in the antidumping proceedings that led to the *MSG Orders* at issue in this allegation; therefore, the Alleger qualifies as an interested party.

<sup>8</sup> See CBP Memorandum, “Initiation of Investigation for EAPA 7950, 7951, 7952, 7953, 7964, 7965, 7966 and 7967 (Consolidated Case 7950 (Cons. 7950)),” dated April 1, 2024 (Initiation Notice).

<sup>9</sup> See Allegations.

The Alleger contends that the Importers received MSG shipments from Ajinoriki Msg (Malaysia) SDN BHD (Malaysia Ajinoriki) and/or Habita Food Industries SDN BHD (Habita Food). In support of its claims, the Alleger provided two exhibits of trade data detailing import activities between the Importers and these two Malaysian suppliers. The first exhibit shows that the quantity of MSG imports from Malaysia to the United States, classified under HTS 2922.42.1000, totaled 4,406,528 kg, as of October 2023.<sup>10</sup> The second exhibit comprises maritime import data showing a significant volume of MSG originating from Malaysia exported to the Importers.<sup>11</sup> The import data indicates: on October 17, 2023, a shipment of 42,661 kg MSG arrived at the port of Los Angeles, California originating from Malaysia Ajinoriki with CPF listed as the importer;<sup>12</sup> on September 11, 2023, a shipment of 22,235 kg of MSG arrived at the port of Savannah, Georgia, originating from Malaysia Ajinoriki, destined for Handylee;<sup>13</sup> on May 13, 2023, a shipment of 19,680 kg of MSG arrived at the port of Baltimore, Maryland, originating from Malaysia Ajinoriki, with Jefe as the intended recipient;<sup>14</sup> and on May 25, 2023, a shipment of 131,331 kg of MSG arrived at the port of Long Beach, California, from Habita Food in Malaysia, destined for Highland USA.<sup>15</sup>

The *MSG Orders* describes the scope of covered merchandise as follows:<sup>16</sup>

The products covered by these orders are MSG, whether or not blended or in solution with other products. Specifically, MSG that has been blended or is in solution with other product(s) is included in these orders when the resulting mix contains 15 percent or more of MSG by dry weight. Products with which MSG may be blended include, but are not limited to, salts, sugars, starches, maltodextrins, and various seasonings. Further, MSG is included in these orders regardless of physical form (including, but not limited to, in monohydrate or anhydrous form, or as substrates, solutions, dry powders of any particle size, or unfinished forms such as MSG slurry), end-use application, or packaging.

MSG in monohydrate form has a molecular formula of C<sub>5</sub> H<sub>8</sub> NO<sub>4</sub> Na·H<sub>2</sub> O, a Chemical Abstract Service (CAS) registry number of 6106-04-3, and a Unique Ingredient Identifier (UNII) number of W81N5U6R6U. MSG in anhydrous form has a molecular formula of C<sub>5</sub> H<sub>8</sub> NO<sub>4</sub> Na, a CAS registry number of 142-47-2, and a UNII number of C3C196L9FG.

The Alleger asserted that its affiliate, Ajinomoto (Malaysia) Berhard, stopped producing MSG in Malaysia in 2003, and confirmed that no other known company or facility produces MSG in Malaysia.<sup>17</sup> To support that Malaysia Ajinoriki's production capabilities lack the extensive and

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<sup>10</sup> See the Allegations at 4 and Attachment A.

<sup>11</sup> See the Allegations at 4 and Attachment B.

<sup>12</sup> *Id.* at 2.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> See *MSG Orders* and the Allegations at 2-3.

<sup>17</sup> See the Allegations at 4-6 and Attachment titled "Declaration of Mr. Ryan Smith."

large-scale equipment needed to manufacture MSG, the Alleger provided an affidavit from the Alleger’s Senior Vice President, Ryan Smith, and a letter from Ajinomoto Malaysia’s head of the department of consumer marketing, stating that Ajinomoto Malaysia is not aware of any other company or facility producing MSG in Malaysia.<sup>18</sup> Mr. Smith also included an excerpt of a publication from the U.S. International Trade Commission, which found that the MSG industries in China and Indonesia are the two largest in the world.<sup>19</sup> Mr. Smith’s affidavit indicated that only foreign workers are employed in the repackaging area of the Malaysia Ajinoriki facility, supervised by one dedicated local employee, and that other people are not allowed to enter the repackaging room.<sup>20</sup> Mr. Smith states that the available information suggests that Malaysia Ajinoriki repackages Chinese- and/or Indonesian-origin MSG at its Malaysian facility before exportation to the United States.<sup>21</sup>

The affidavit also reveals that a corporate intelligence investigation conducted by a private investigation firm uncovered that Malaysia Ajinoriki imports MSG (in bulk) from China and other countries and repackages it into new pre-made MSG packages of varying sizes and weights before exporting the MSG to the United States.<sup>22</sup> Mr. Smith stated that Malaysia Ajinoriki’s key vendors include Fufeng Group, Meihua Group, and Tianjin Tiacheng Group, each of which are major Chinese producers of MSG, as well as PT Cheil Jedang and PT Daesang Ingredients Indonesia, both of which are major Indonesian producers of MSG.<sup>23</sup> The affidavit includes photographs that it states were taken at Malaysia Ajinoriki’s facility showing pre-made MSG products for repackaging from Chinese MSG suppliers, including Fufeng and Inner Mongolia Eppen Biotech Co., Ltd.<sup>24</sup> The affidavit also stated that Malaysia Ajinoriki conceals all goods in its repackaging area during audits by Malaysian Customs and inspectors from the International Organization for Standardization.<sup>25</sup>

Furthermore, the Alleger provided trade data from Global Trade Atlas for Malaysian import activities for the HTS code covering MSG for 2022 and year-to-date 2023.<sup>26</sup> This data indicates that China and Indonesia are the largest Malaysian MSG suppliers, accounting for approximately 59.9 percent of all imports by volume for 2022 and 65.5 percent as of October 2023.<sup>27</sup> This trade data supports that Malaysia imports significant quantities of MSG from two countries—China and Indonesia—with active AD orders, and thus, would have the ability to transship these imports to the United States.

Regarding Habita Foods, in addition to the information above, the Alleger asserts that Habita Food, founded in 2015, is a registered private limited company located in Malaysia that operates

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<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *Id.* at Attachment titled “Global Trade Atlas Malaysia Import Data.”

<sup>27</sup> *Id.*

as a wholesaler of groceries and related products and is not listed as a manufacturing company.<sup>28</sup> According to the Allegor, neither Highland USA nor Habita Food have official websites.<sup>29</sup> The Allegor also states that Highland USA and Habita Food are the same parties under investigation in another EAPA case (investigation 7813) for allegedly evading the antidumping duty order on xanthan gum from China by transshipping Chinese-origin xanthan gum through Malaysia.<sup>30</sup>

Therefore, the Allegor concludes that the evidence it presents reasonably suggests that the Importers are transshipping Chinese-origin and/or Indonesian-origin MSG through Malaysia and declaring the merchandise as Malaysian origin upon entry to the United States to evade paying duties as per the *MSG Orders*.

### *Initiation Assessment*

In assessing the claims made and evidence provided in the Allegations, TRLED found that the Allegations reasonably suggested that the Importers engaged in evasion of the Chinese *MSG Orders* by transshipping Chinese and Indonesia-origin MSG through Malaysia and then falsifying the country of origin as Malaysia when entering imports into the United States. The Allegor submitted documentation reasonably available to it to support the Allegations' claims, as described above, including the trade data on imports by the Importers, the Global Trade Atlas trade data, the affidavit concerning Malaysian production of MSG and specifically Malaysia Ajinoriki's capabilities, ties to known Chinese and Indonesian suppliers of MSG, and information about the type of business for which Habita Food is registered. The combined evidence reasonably suggests that the Importers entered covered merchandise into the customs territory of the United States by declaring a false country of origin (Malaysia).<sup>31</sup>

### **Interim Measures**

Not later than 90 calendar days after initiating an investigation under EAPA, TRLED will decide based on the record of the investigation if there is reasonable suspicion that merchandise covered by an AD/CVD order was entered into the United States through evasion. CBP need only have sufficient evidence to support a reasonable suspicion that the importer alleged to be evading entered merchandise covered by an AD or CVD order into the United States, by a materially false statement or act, or material omission that resulted in the reduction or avoidance of applicable AD or CVD cash deposits or other security. If reasonable suspicion exists, CBP will impose interim measures pursuant to 19 U.S.C. § 1517(e) and 19 C.F.R. § 165.24. As explained below, CBP is implementing interim measures because there is a reasonable suspicion that the Importers entered covered merchandise into the United States through evasion by transshipping

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<sup>28</sup> See Highland USA Allegations at 5 and Attachment E.

<sup>29</sup> *Id.*

<sup>30</sup> See Highland USA Allegation at 2, citing "Notice of Initiation of Investigation and Interim Measures - EAPA Consolidated Case Number 7813," dated September 27, 2023. Note: On April 24, 2024, TRLED found substantial evidence that Highland USA evaded the antidumping duty order on xanthan gum by transshipping Chinese-origin xanthan gum through Malaysia and falsely declaring the entries as Malaysian-origin in EAPA Cons. Case 7813.

<sup>31</sup> *Id.*

the Chinese-origin MSG covered by the *MSG Orders* through Malaysia and then declaring the merchandise as Malaysian in origin upon entry to the United States.<sup>32</sup>

### *CBP Form 28 (CF-28) Requests for Information*<sup>33</sup>

On April 24, 2024, CBP issued a CF-28 to each of the Importers for an entry made during the period of investigation (POI), requesting supporting entry, sales and production documents for entry numbers [ no. ]1174 (entry 1174), [ no. ]2846 (entry 2846), [ no. ]3102 (entry 3102), and [ no. ]3267 (entry 3267).<sup>34</sup> Specifically, the CF-28s requested the following information— (1) entry summary supporting documents, such as commercial invoice, bill of lading (B/L), purchase order (P/O), packing list, freight invoice, and proof of payment (*i.e.*, wire transfers, canceled checks, bank statement, *etc.*); (2) the MSG production records, to include the dated transportation document from the manufacturer and supplier to the loading port and from the foreign port to the U.S. port of entry; (3) a list of raw materials to produce MSG (the supplier commercial invoice for each raw material and the dated receipt with a signature of receipt for the raw materials); (4) the foreign customs clearance documentation if raw material(s) are imported; (5) a demonstration of how the manufacturer ties the raw material to the finished product; (6) a flow chart of the production process that explains clearly what raw materials are used at each step; (7) a list of all the equipment used on site in producing MSG, along with the description of each equipment function and its capacity to produce for each stage, and photographs of all production machinery and equipment; (8) a list of employees for the MSG manufacturer; and (9) a copy of the business registration, or articles of incorporation, and physical address location of the MSG manufacturer and its mailing address.

### *CF-28 Response for Entry 3267 - Jefi*

On May 15, 2024, CBP timely received a CF-28 response from Jefi for entry 3267, dated August 28, 2023.<sup>35</sup> The documents submitted by Jefi include: the June 20, 2023, commercial invoice [ no. ] from Malaysia Ajinoriki for 40,656 kg of MSG, item codes [ no. ] and [ no. ], totaling \$[ no. ]; Malaysia Ajinoriki's June 20, 2023, packing list for [ no. ] kg; a June 26, 2023, B/L ([ no. ]) for [ no. ] bags of MSG; Malaysia Ajinoriki's June 19, 2023, certificate of analysis; Malaysia Ajinoriki's particle size specification document; Jefi's May 15, 2023, P/O ([ no. ]) for [no.] bags of MSG with a total value of \$[ no. ]; Jefi's P/O ([ no. ]) dated May 31, 2023, for another [no] bags of MSG valued at \$[no. ]; Malaysia Ajinoriki's contract ([ no. ]) for [no.] bags for the 60Mesh and [no] bags for 40Mesh MSG, with a value of \$[no. ]; a bank receipt; a copy of the Malaysian Manufacturing license dated June 23, 2022, which states that Malaysia Ajinoriki was a manufacturer as of February 9, 2018, at a facility located at PT 7623, Jalan Kilang, 45600 Bestari Jaya, Selangore Darul Ehsan; an undated Malaysia Ajinoriki country of origin statement; an undated Malaysia Ajinoriki letter of guarantee; a Malaysia Ajinoriki composition statement dated March 1, 2024; a foreign supplier

<sup>32</sup> See 19 C.F.R. § 165.24(a).

<sup>33</sup> See CF-28 Requests for Information on entries 1174, 2846, 3102 and 3267, dated April 24, 2024 (CF-28 requests).

<sup>34</sup> See 19 C.F.R. § 163.6(a) requiring importers to produce the supporting documentation to CBP upon request.

<sup>35</sup> See May 15, 2024, Jefi's CF-28 response for entry 3267 (entry 3267 CF-28 response).

questionnaire from CONEXUS Food Solutions dated February 20, 2024; a LRQA Group Limited certification and approval for Malaysia Ajinoriki located at Lot 10460, Jalan Kilang, Pekan Bestari Jaya, 45600 Bestari Jaya, Selangor, Malaysia, issued on May 5, 2022, and another certification issued on April 8, 2024; a Malaysia Ajinoriki manufacturing process flow chart; and an MSG product specification document dated January 20, 2022.<sup>36</sup> Jefi did not provide any raw material purchase or transportation information and did not provide any proof of production, such as production documents, photos or explanations of manufacturing equipment, or proof of labor. The document purporting to be a current manufacturing license shows a different physical address from that shown on all other Malaysia Ajinoriki-branded documents.

*CF-28 Response for Entry 2846 - CPF*

On May 15, 2024, CBP timely received a CF-28 response from CPF for entry 2846, dated March 25, 2024.<sup>37</sup> The documents submitted by CPF include: the arrival notice; a B/L for the freight charges only; a February 23, 2024, commercial invoice from Malaysia Ajinoriki for [ no. ] kg of MSG, item code [ no. ], for a total of \$[ no. ]; a February 23, 2024, packing list from Malaysia Ajinoriki indicating [ no. ] bags of MSG, with a weight of [ no. ] kg; a March 25, 2024, P/O [ no. ] for [ no. ] bags of MSG with a total value of \$[ no. ]; and two proof of payments (a payment of \$[ no. ] dated March 20, 2024, and another payment of \$[ no. ] dated February 6, 2024). CPF did not provide any raw material purchase or transportation information and did not provide any proof of production, such as production documents, photos or explanations of manufacturing equipment, or proof of labor.

*CF-28 Response for Entry 3102 - Highland USA*

On May 24, 2024, CBP timely received a CF-28 response from Highland USA for entry 3102, dated June 1, 2023.<sup>38</sup> The documents submitted by Highland USA as part of its response include: a CBP Form 7501; the CBP Form 3461; a shipping receipt; a March 29, 2023, invoice [ no. ] from Habita Food; a March 29, 2023, packing list from Habita Food; a April 27, 2023, certificate of origin issued by the Malaysian Chamber of Commerce; and an importer security filing request from their broker [ name ]. These documents indicate that Habita Food shipped [ no. ] kg of MSG, consisting of [ no. ] bags ([no] pounds per bag) with the total value of \$[ no. ], to Highland USA. Highland USA did not provide any raw material purchase or transportation information and did not provide any proof of production, such as production documents, photos or explanations of manufacturing equipment, or proof of labor.

*CF-28 Response for Entry 1174 - Handylee*

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<sup>36</sup> *Id.*

<sup>37</sup> See May 15, 2024, CPF's CF-28 response for entry 2846 (entry 2846 CF-28 response).

<sup>38</sup> See May 24, 2024, Highland USA's CF-28 response for entry 3102 (entry 3102 CF-28 response).

On May 29, 2024, CBP timely received a CF-28 response from Handylee for entry 1174, dated May 22, 2023.<sup>39</sup> The documents submitted include: a CBP Form 3461; a copy of the commercial invoice from Malaysia Ajinoriki for MSG item code [ no. ] in the amount of [ no. ] bags, totaling \$[ no. ]; an arrival notice/freight bill for the same amount of MSG with the estimated time of arrival for the vessel listed as May 22, 2023; and a copy of the freight B/L dated April 20, 2023. Handylee did not provide any raw material purchase or transportation information and did not provide any proof of production, such as production documents, photos or explanations of manufacturing equipment, or proof of labor. Furthermore, Handylee’s invoice from Malaysia Ajinoriki is markedly different from the invoices supplied by CPF and Jefi for Malaysia Ajinoriki in that the commercial invoice provided is not on Malaysia Ajinoriki company letterhead.<sup>40</sup>

### *Other Research*

CBP used its available targeting tools to research the foreign shipment data and confirmed the Alleger’s claim of MSG being exported from Malaysia Ajinoriki and Habita Food to the Importers during the POI.<sup>41</sup> To further investigate whether MSG from China and Indonesia was entered by the Importers, CBP researched foreign trade data and confirmed that Malaysia Ajinoriki and Habita Food had MSG imports into Malaysia [ names ] during 2020 through 2022.<sup>42</sup> Specifically, the foreign shipment data indicated that on May 31, 2022, Habita Food imported as many as [ no. ] containers of MSG [ name ] totaling [ no. ] bags on a vessel named [ name and no. ].<sup>43</sup> Likewise, Malaysia Ajinoriki imported a total of [ no. ] bags, which amounts to about [no] containers of MSG from [name] during 2021 and 2022.<sup>44</sup> Also, Malaysia Ajinoriki imported as many as [no] shipments, amounting to [ no. ] kg of MSG, from [ names ] during 2020 and 2021.<sup>45</sup>

CBP also conducted open-source research and discovered that Malaysia Ajinoriki has longstanding connections to a Chinese MSG manufacturer as shown in a few published articles about Lotus Health Industry Group Company (Lotus Health) investing in Malaysia Ajinoriki. Lotus Health entered a letter of intent to purchase at least a 50 percent stake in Malaysia Ajinoriki from the current shareholders Loo Siew Kim (also known as Lu Xiujin) and Kee Seok Chean (also known as Ji Suk Ching) in December 2023.<sup>46</sup> According to Yicai Global report, Lotus Health is a Chinese MSG manufacturer. According to another published article, Malaysia

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<sup>39</sup> See May 29, 2024, Handylee’s CF-28 response for entry 1174 (entry 1174 CF-28 response).

<sup>40</sup> *Id.*

<sup>41</sup> See CBP June 24, 2024, Memo to the File, “Supplemental Information to the Administrative Record of EAPA Consolidated Case 7950” (CBP’s June 24th Memo).

<sup>42</sup> *Id.*

<sup>43</sup> *Id.* at attachment 1.

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> *Id.* at attachment 2.



Ajinoriki is a dealer for Lotus Health in the Malaysian market.<sup>47</sup> An article published by Zhitong Finance App News further confirmed that even before the purchase proposal, Malaysia Ajinoriki previously had been a distributor for Lotus Health in the Malaysian market.<sup>48</sup> Thus, Malaysia Ajinoriki is a known distributor of Chinese MSG.

According to Malaysia Ajinoriki's website, "AJINORIKI MSG (M) SDN BHD has charted a successful path as a producer, exporter, and private label distributor, of MSG. We collaborate with top global MSG manufacturers and count them as our business associates. The company prides itself on its sterling reputation which guarantees only products with the highest food-grade safety and quality. Other than carrying our own line of reputable MSG, AJINORIKI MSG (M) SDN BHD's expertise also lies in crafting private labeling to suit the requirements of notable companies in the country, as well as around the world."<sup>49</sup> Malaysia Ajinoriki also has a Chinese office located at 614 Tower B, Gelamu Building, 18 Zhengdong New Business Outer Ring Road, Jinshui District, Zhengzhou City, Henan Province, China.<sup>50</sup>

### *CBP Analysis*

The Importers' CF-28 responses are vastly incomplete.<sup>51</sup> Primarily, they do not contain any information regarding if, or how, Malaysia Ajinoriki or Habita Food produced the MSG in question. None of the Importers provided any production documents demonstrating actual production at Malaysia Ajinoriki or Habita Food. Additionally, none of the CF-28 responses tied raw material purchases to the finished product; provided proof of purchases or transportation of raw materials; provided a flow chart of the production process that explains clearly what raw materials are used at each step; provided a list of all the equipment used on site to produce MSG, including a description of each piece of equipment and the production capacity; nor did any importer provide photographs of any production machinery, nor proof of labor, such as a list of employees who manufactured the MSG. All such information was requested in the CF-28s sent to the Importers.<sup>52</sup> CBP also notes that the commercial invoices submitted by Handylee, CPF, and Jefi for purchases from Malaysia Ajinoriki differ from each other. The invoice submitted by Handylee is not on company letterhead, while the Jefi and CPF commercial invoices and packing lists are on Malaysia Ajinoriki letterhead.<sup>53</sup> This creates doubts about which of the documents are authentic and suggests some of the documentation may be fraudulent.

The documents in the CF-28 response submitted by Highland USA for entry 3102 do not demonstrate that Habita Food is an MSG manufacturer in Malaysia because no proof of production was provided.<sup>54</sup> In fact, Habita Food's business registration confirmed that it is not a

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<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> See entry 3102 CF-28 response, entry 3267 CF-28 response, entry 2846 CF-28 response, and entry 1174 CF-28 response.

<sup>52</sup> See CF-28 requests.

<sup>53</sup> See entry 3267 CF-28 response, entry 2846 CF-28 response, and entry 1174 CF-28 response.

<sup>54</sup> See entry 3102 CF-28 response.

manufacturing company at all.<sup>55</sup> In addition, CBP’s research into foreign shipment data indicated that Habita Food has history of importing MSG from [name].<sup>56</sup>

Further, the documents submitted by Jefi for the entry 3267 CF-28 response, by CPF for the entry 2846 CF-28 response, and by Handylee for the entry 1174 CF-28 response, do not demonstrate that Malaysia Ajinoriki manufactured the MSG contained in those entries because no proof of production was provided. Particularly, the news article published in December 2023, indicates that Malaysia Ajinoriki was a distributor of MSG for a Chinese company. In addition, although Jefi provided a manufacturing license for Malaysia Ajinoriki that is dated 2022, the address indicated on the license is not the address that Malaysia Ajinoriki uses on its invoices.<sup>57</sup> That is in contrast to the fact that Malaysia Ajinoriki’s business registration with the Malaysian government states it is a “TRADING, WHOLESALERS AND MANUFACTURE OF FOOD PRODUCT” company which uses the same address as found on its invoices.<sup>58</sup> The totality of evidence, including the Allegation and CBP research, casts doubt as to whether Malaysia is the country of origin of the MSG imported by CPF, Jefi, and Handylee.

There is no proof that Malaysia Ajinoriki actually produces MSG.<sup>59</sup> Additionally, CBP research shows that Malaysia Ajinoriki has history of importing MSG from [names]. Furthermore, the Allegor’s corporate intelligence investigation indicates that Malaysia Ajinoriki may serve only as a repacker of MSG purchased from other facilities rather than as a manufacturer of MSG itself.<sup>60</sup> Finally, CBP, during its research, located news articles on Lotus Health’s relationship with Malaysia Ajinoriki and information on Malaysia Ajinoriki’s website that indicate that Malaysia Ajinoriki has a strong connection to China, including being bought by a Chinese company it serves as a distributor for, and having an office located in China.<sup>61</sup> This indicates that Malaysia Ajinorki had ample opportunity to transship Chinese MSG to the United States.

Based on the totality of evidence on the record, CBP finds reasonable suspicion that the Importers engaged in evasion of the *MSG Orders* by claiming country of origin Malaysia for imports of MSG from both Malaysia Ajinoriki and Habita Foods, when China and/or Indonesia should have been claimed instead, thus avoiding paying applicable cash deposits on those entries. Because AD/CVD cash deposits can only be collected on one order and the majority of current record evidence suggests Chinese origin of the MSG imported from Habita Foods and Malaysia Ajinoriki, for interim measures, CBP will use the rates applicable to the China MSG order.

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<sup>55</sup> See Highland USA Allegations at 5 and Attachment E; see also CBP’s June 24th Memo at attachment 3.

<sup>56</sup> See CBP’s June 24th Memo at attachment 1.

<sup>57</sup> See entry 3267 CF-28 response.

<sup>58</sup> See CBP’s June 24th Memo at attachment 3.

<sup>59</sup> Even if Malaysia Ajinoriki has some production capabilities, based solely on the statements in the manufacturing license and business registration, it is not clear where or when that production takes/took place and how it is linked to Malaysia Ajinoriki’s shipments during the POI.

<sup>60</sup> See the Allegations at 4-6 and Attachment titled “Declaration of Mr. Ryan Smith.”

<sup>61</sup> See CBP’s June 24th Memo at attachment 2.

### *Enactment of Interim Measures*

Based on the record evidence described above, CBP has determined that reasonable suspicion exists that the Importers entered MSG into the customs territory of the United States in evasion of the *MSG Orders*. Therefore, TRLED is implementing interim measures pursuant to this investigation.<sup>62</sup> Specifically, in accordance with 19 U.S.C. § 1517(e)(1)-(3), CBP shall:

- (1) suspend the liquidation of each unliquidated entry of such covered merchandise that entered on or after April 1, 2024, the date of the initiation of the investigation;
- (2) pursuant to the Commissioner's authority under section 1504(b) of this title, extend the period for liquidating each unliquidated entry of such covered merchandise that entered before the date of the initiation of the investigation; and
- (3) pursuant to the Commissioner's authority under section 1623 of this title, take such additional measures as the Commissioner determines necessary to protect the revenue of the United States, including requiring a single transaction bond or additional security or the posting of a cash deposit with respect to such covered merchandise.<sup>63</sup>

In addition, CBP will require live entry and reject any non-compliant entry summaries, as well as require refile of entries that are within the entry summary rejection period. CBP may also evaluate the Importers' continuous bonds to determine sufficiency. Finally, CBP may pursue additional enforcement actions, as provided by law, consistent with 19 U.S.C. § 1517(h).

### *Consolidation of the Investigations*

CBP is consolidating EAPA investigations 7950, 7951, 7952, 7953, 7964, 7965, 7966 and 7967 on the Importers into a single investigation. The new consolidated (cons.) case number will be EAPA Cons. Case 7950, and a single administrative record will be maintained. At its discretion, CBP may consolidate multiple allegations against one or more importers into a single investigation, pursuant to 19 C.F.R. § 165.13(b), which specifies that the factors CBP may consider in consolidating multiple allegations include, but are not limited to, whether the multiple allegations involve: 1) relationships between the importers; 2) similarity of covered merchandise; 3) similarity of AD/CVD orders; and 4) overlap in time periods of entries of covered merchandise.<sup>64</sup> The Importers in these eight investigations entered the same covered merchandise covered by the same *MSG Orders* from China and Indonesia.<sup>65</sup> The Importers' entries overlap during a similar period of investigation and declared Malaysian manufacturers, with three of the importers declaring the same manufacturer on their covered entries. Because factors warranting consolidation are present in these investigations, CBP is consolidating them and is providing notice herein pursuant to 19 C.F.R. § 165.13(c).

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<sup>62</sup> See 19 U.S.C. § 1517(e); see also 19 C.F.R. § 165.24.

<sup>63</sup> See 19 C.F.R. § 165.24.

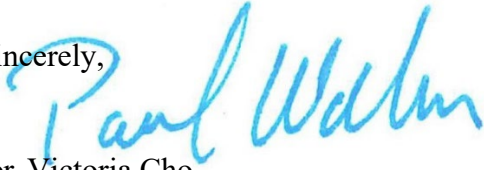
<sup>64</sup> See also 19 U.S.C. § 1517(b)(5).

<sup>65</sup> See CBP's Initiation Notice.

Any future submissions or factual information that you submit to CBP pursuant to this EAPA investigation must be made electronically using EAPA's case management system (CMS) at <https://eapallegations.cbp.gov/>. Please provide a business confidential and public version to CBP *via* the CMS to serve the parties to this investigation (*i.e.*, to the parties identified at the top of this notice). Administrative record documents will be available *via* the EAPA Portal; to learn more about the Administrative Protective Order (APO) process for EAPA investigations, including eligibility requirements, please see the APO Handbook, found at <https://www.cbp.gov/document/user-documentation/administrative-protective-order-apo-handbook>.<sup>66</sup> Please note that CBP is requiring that all documents submitted *via* the CMS are made text searchable, especially if those documents are submitted as PDFs.

Should you have any questions regarding this investigation, you may contact us at [eapallegations@cbp.dhs.gov](mailto:eapallegations@cbp.dhs.gov) and [somboun.dauble@cbp.dhs.gov](mailto:somboun.dauble@cbp.dhs.gov) with "EAPA Cons. Case 7950" in the subject line of your email. Additional information on this investigation, including the applicable statute and regulations, may be found on CBP's website at: <https://www.cbp.gov/trade/trade-enforcement/tftea/eapa>.

Sincerely,



for Victoria Cho

Director, Enforcement Operations Division  
Trade Remedy Law Enforcement Directorate  
Office of Trade

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<sup>66</sup> See 19 C.F.R. § 165.4; *see also* 19 C.F.R. § 165.23(c) and 19 C.F.R. § 165.26.