

Although the lower price in the home market appears to obtain for quantities the same as those sold for exportation to the United States at the same price, the quantity sold for home consumption at the lower price is less than 20 percent of the quantity sold in the home market. Accordingly, the price for exportation to the United States is not justified, unless cost savings can be shown to justify the lower price. If 44,000 pounds had been sold in the home market at the \$.80 price, the lower price would have been justified for comparison with the price for exportation to the United States.

Example 6

A foreign producer sells for consumption in the country of exportation at \$12 a unit, regardless of quantities and regardless of whether the sales are to wholesalers or retailers. He sells to retail purchasers in the United States at \$12 a unit and wholesale purchasers in the United States at \$10 a unit, in each case regardless of quantities.

The circumstances in this case indicate that the foreign producer will be deemed to have been selling to wholesalers in the United States at less than fair value. Should, however, his record of sales for consumption in the country of exportation show that he sells, regardless of quantities, at \$10 a unit to wholesalers and at \$12 a unit to retailers, then, making allowances for the circumstances of sale, the sales in the United States will not be deemed to be sales at less than fair value.

Example 7

A foreign producer sells for consumption in the country of exportation at \$105 a unit, delivered anywhere within the country of exportation. He has no f.o.b. factory price for home consumption. He sells to the United States f.o.b. factory for \$100 a unit. Evidence indicates that it costs the producer on the average \$.50 a unit to deliver on home consumption sales.

Giving due consideration to the circumstances of sale, the sales to United States purchasers at \$100 a unit will be deemed to be sales at less than fair value. Should the delivery cost on home consumption sales average \$5 a unit instead of \$.50, the sales to United States purchasers at \$100 a unit will not be deemed to be sales at less than fair value.

Part 16 -- LIQUIDATION OF DUTIES

16.21 Dumping duty; notice to importer.-- (a) Special dumping duty shall be assessed on all importations of merchandise, whether dutiable or free, as to which the Secretary of the Treasury has made public a finding of dumping, entered or withdrawn from warehouse, for consumption, not more than 120 days before the question of dumping was raised by or presented to the Secretary or his delegate, provided