

EXHIBIT 3

of sales, offered for sale" as *either* the price at which the merchandise was sold to *all* purchasers at wholesale, or "in the ordinary course of trade to one or more *selected* purchasers at wholesale at a price which *fairly reflects the market value of* the merchandise without restrictions as to the disposition or use of the merchandise by the purchaser" except such restrictions as do not "substantially affect the value of the merchandise to usual purchasers at wholesale." (Emphasis added.)

In 1958, Congress amended the Antidumping Act by redefining "foreign market value" to substitute the words "sold or, in the absence of sales, offered for sale" for "sold or *freely* offered for sale to all purchasers." It also defined the phrase "sold or, in the absence of sales, offered for sale" in virtually the identical words it had used in defining "*freely* sold, or, in the absence of sales, offered for sale" in the Customs Simplification Act of 1956.

The definition in the Antidumping Act emphasized, however, that if the price used for home market value was accompanied by restrictions which affected the value of the merchandise, the Secretary was to make an adjustment in value to eliminate the effect of the restriction. Thus, the definition states:

"The term 'sold or, in the absence of sales, offered for sale' means sold or, in the absence of sales, offered -

(A) to all purchasers at wholesale, or

(B) in the ordinary course of trade to one or more selected purchasers at wholesale *at a price which fairly reflects the market value of the merchandise,*