USITC Institutes Investigation of 3-A Counterfeits

McLEAN, Virginia - The U.S. International Trade Commission (USITC) announced it will institute an investigation of certain food processing equipment and packaging materials based on a complaint filed by 3-A Sanitary Standards, Inc. on June 3, 2019. The complaint alleges violations of section 337 of the Tariff Act of 1930 in the importation into the United States and sale of certain food processing equipment and packaging materials by reason of false advertising and unfair competition under Section 43(a) of the Lanham Act. The 3-A SSI complaint requests that the USITC issue an exclusion order against food processing equipment imported from China into the United States that bears a counterfeit 3-A Symbol, or such products that have falsely advertised that they meet 3-A Sanitary Standards.

The USITC has identified the following as respondents in this investigation:
- Wenzhou QiMing Stainless Co., Ltd. of Wenzhou, Zhejiang, China;
- High MPa Valve Manufacturing Co., Ltd., of Wenzhou, Zhejiang, China;
- Wenzhou Sinco Steel Co., Ltd., of Wenzhou, China;
- Wenzhou Kasin Valve Pipe Fitting Co., Ltd., of Wenzhou, China; and
- Wenzhou Fuchuang Machinery Co., Ltd., Wenzhou, Zhejiang, China.

“These companies and others have acted in brazen disregard for the food processors around the world who rely on the integrity of processing equipment based on the 3-A Symbol. The open theft of this intellectual property has a direct bearing on consumer health and safety, and this behavior must stop,” said Tim Rugh, Executive Director of 3-A SSI.
The 3-A Symbol is a registered mark used since 1956 to identify equipment that meets 3-A Sanitary Standards for design and fabrication, including a Third Party Verification inspection. Voluntary use of the 3-A Symbol by equipment manufacturers on dairy and food equipment conveys assurance that equipment meets accepted criteria for hygienic design, and establishes guidelines for uniform evaluation and compliance by federal and state regulatory sanitarians across the U.S. Fabricators from across the U.S. and 24 other countries around the world, including many from China, maintain a 3-A Symbol authorization to verify the equipment conforms to 3-A Sanitary Standards.

The investigation will proceed under the supervision of a USITC administrative law judge, who will schedule and hold an evidentiary hearing. The ALJ will make an initial determination as to whether there is a violation of section 337; that initial determination is subject to review by the Commission.

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3-A Sanitary Standards, Inc. is a not-for-profit 501(c)(3) organization whose mission is to enhance product safety for consumers of food, beverages, and pharmaceutical products through the development and use of 3-A Sanitary Standards and 3-A Accepted Practices. Visit the 3-A SSI web site at www.3-a.org.