

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 576 BARRELS OF HONEY,)
)
 Defendant.)
 _____)

CIVIL CASE NO. _____

C V 4 1 4 - 0 3 5

COMPLAINT FOR FORFEITURE *IN REM*

NOW COMES the plaintiff, the UNITED STATES OF AMERICA, by and through Edward J. Tarver, United States Attorney for the Southern District of Georgia, and brings its complaint alleging as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

NATURE OF THE ACTION AND BASIS FOR FORFEITURE

1. This is a civil action *In Rem* to forfeit property to the United States.
2. This court has jurisdiction pursuant to 28 U.S.C. §§ 1345 and 1355.
3. Venue is proper within this judicial district pursuant to 28 U.S.C. § 1395.
4. The Plaintiff is the United States of America, a sovereign nation authorized to sue.
5. The Defendant is 576 Barrels of Honey (hereinafter, "Defendant Property").
6. In 2001, the United States Department of Commerce determined that

honey from the People's Republic of China (PRC) was being sold in the United States at artificially low prices and imposed anti-dumping duties on PRC-origin honey imported into the United States.

7. The United States Department of Homeland Security, Bureau of Customs and Border Protection (CBP), is responsible for, among other things, the examination of merchandise entering the United States to ensure that it is admissible and in compliance with United States laws, and the assessment and collection of taxes, fees, and duties on imported merchandise, including anti-dumping duties.

8. On or about October 10, 2011, YST Foods, Inc. (YST), as the importer of record, attempted to enter or introduce, or caused to be entered or introduced, into the United States through the Port of Savannah, three shipments, under entry numbers 082-0325970-3, 082-0325968-7, and 082-0325969-5, consisting of the Defendant Property, which was identified on the CBP entry form 3461 (Entry/Immediate Delivery) as "rice fructose syrup," whose country of origin was the PRC. As rice fructose syrup from the PRC, the merchandise would not be subject to the anti-dumping duties identified in Paragraph 6.

9. CBP analyzed samples from all three shipments and determined that the Defendant Property actually consisted of more than 50% natural honey by weight and, as such, was subject to the anti-dumping duties, which at that time, were \$2.63 per net kilogram.

10. As stated above, YST attempted to enter or introduce, or caused to be

entered or introduced, into the commerce of the United States imported merchandise by means of false and fraudulent practice, statements, papers, and records, including CBP entry forms 3461 (entry-immediate delivery), bearing entry numbers 082-0325970-3, 082-0325968-7, and 082-0325969-5, that falsely declared the Defendant Property was “rice fructose syrup,” when in fact, based on CBP’s determination, the imported merchandise was PRC-origin honey and, therefore, subject to anti-dumping duties, thereby causing losses to the United States totaling approximately \$439,315.00 in uncollected anti-dumping duties.

11. The Defendant Property is subject to forfeiture pursuant to 19 U.S.C. § 1595a(c)(1)(A) as merchandise which was introduced or attempted to be introduced into the United States contrary to law, as merchandise which was smuggled or clandestinely introduced, contrary to 18 U.S.C. § 541 and/or 18 U.S.C. § 542 and/or 18 U.S.C. § 545.

12. The Defendant Property was seized by U.S. Immigration and Customs Enforcement on November 16, 2011, at the Port of Savannah, Georgia, and is stored in the warehouse of the government’s seized property contractor in Savannah, Georgia, in accordance with 19 U.S.C. § 1605.

13. By reason of the foregoing, the Defendant Property has become forfeitable to the United States of America pursuant to 19 U.S.C. § 1595a(c)(1)(A).

WHEREFORE, Plaintiff, the United States of America, prays:

1. That due process issue to enforce the forfeiture and give notice to the interested parties to appear and show cause why forfeiture should not be decreed;

2. That the Defendant Property be condemned and forfeited to the United States of America to be disposed of according to law;

3. That this Court grant the government reimbursement of its costs and expenses, including advertising and/or publication costs incurred in this matter;
and

4. That this Court grant such other and further relief as it may deem just and proper.

This 24th day of February, 2014.

Respectfully submitted,

EDWARD J. TARVER
UNITED STATES ATTORNEY

/s/ Jeffrey Buerstatte

Jeffrey J. Buerstatte
Assistant United States Attorney
Georgia Bar No. 093416


P.O. Box 8970
Savannah, Georgia 31412
(912) 652-4422

VERIFICATION OF COMPLAINT FOR FORFEITURE

I, Jason W. Wilkes, Special Agent, Department of Homeland Security, Homeland Security Investigations, have read the Complaint for Forfeiture in this action and state that its contents are true and correct to the best of my knowledge and belief.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

This 24 day of February, 2014.



Jason W. Wilkes
Special Agent
Department of Homeland Security
Homeland Security Investigations