

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)
)
)
v.) No.
)
URBAIN TRAN) Violation: Title 18, United States Code,
) Sections 545 and 2
)

COUNT ONE

The UNITED STATES ATTORNEY charges:

At times material to this information:

1. The United States Department of Commerce was charged with regulating commerce in the United States, and as part of its responsibilities had the authority to impose duties on certain foreign imports. One type of duty the Department of Commerce imposed was known as an “antidumping duty.” Dumping occurred when foreign merchandise was sold in the United States at less than fair market value and when U.S. industries were injured. Antidumping duties were intended to ensure fair competition between United States companies and foreign industry, and to counter international price discrimination that caused injury to United States industries from “dumping.”

2. In December 2001, the Department of Commerce determined that Chinese-origin honey was being sold into the United States at less than fair market value. As a result, the United States government imposed default antidumping duties on Chinese-origin honey. From about mid-June 2006 through about mid-July 2007 antidumping duties on Chinese-origin honey were approximately 212% of the declared value of the

imported honey and thereafter, from about mid-July 2007 through about mid-July 2008, were approximately 221%. Beginning in about July 2008 antidumping duties on Chinese honey were assessed against the entered net weight of the imported honey, first at \$2.06 per net kilogram and, later, from about January 2009 to the present, at \$2.63 per net kilogram, in addition to a “honey assessment fee” of one cent per pound on all honey.

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

4. CBP entry forms 3461 (Entry/Immediate Delivery) and 7501 (Entry Summary) required importers to provide specific and truthful information relating to imported merchandise, including a description of the merchandise and the merchandise’s harmonized tariff code, manufacturer, value, and country of origin. A customhouse broker or agent normally handled the process of entering goods into the United States on behalf of an importer, which included filing entry documents with CBP based on information provided by the importer.

5. Chinese-origin honey imported and entered into the United States through a third country other than China, and mislabeled and declared as originating from that third country was illegally “transshipped.” Chinese-origin honey imported and entered into the United States as originating from a country other than China, even if not transshipped, was considered an illegally misdeclared product. Similarly, Chinese-origin

honey imported and entered into the United States as a product other than honey, including, molasses, fructose, rice syrup, glucose syrup, honey syrup, and apple juice concentrate (collectively “sugars and syrups”) was also considered an illegally misdeclared product. When CBP was misled about the Chinese origin of honey or its description, it would not know to impose the required antidumping duties on the illegally transshipped or illegally misdeclared honey.

6. Honey Holding I, Ltd., d/b/a Honey Solutions, was a large industrial honey supplier and packer in the United States, with its principal place of business in Baytown, Texas.

7. Defendant URBAIN TRAN was an agent of Honey Holding’s since about 2006 whose primary responsibility was to locate, arrange, and source honey for Honey Holding. In doing so, TRAN, acted within the scope of his agency relationship and in the course of the discharge of his duties, and with the intent to benefit Honey Holding.

8. Sweet Campo Co., Ltd. was a California-based import company controlled by Chinese honey producers and manufacturers, including “Chinese Transshipper 1,” to import and enter Chinese-origin honey illegally misdeclared as sugars and syrups into the United States without paying antidumping duties and honey assessment fees, and at other times Chinese-origin honey falsely and fraudulently declared as Malaysian and Vietnamese-origin honey in avoidance of antidumping duties.

9. Between about October 2011 and about March 2012, as part of a fraudulent practice, TRAN arranged for Honey Holding to purchase the following four container loads:

- two container loads (MEDU1105992 and MEDU1359528) of purported Malaysian honey from Sweet Campo Co., Ltd. for approximately \$105,617 using Honey Holding purchase order 817 and other associated paperwork; and
- two container loads (MSKU3693202 and MRKU6839290) of purported Vietnamese honey from Sweet Campo Co., Ltd. for approximately \$96,565 using Honey Holding purchase order 824 and other associated paperwork;

even though TRAN knew that Sweet Campo Co., Ltd. imported, entered, marketed, and sold the honey as originating from Malaysia and Vietnam, respectively, when the honey was in fact actually of Chinese origin.

10. On or about January 10, 2012, in the Northern District of Illinois, Eastern Division and elsewhere,

URBAIN TRAN,

defendant herein, and others known and unknown, facilitated the sale and transportation of imported merchandise, namely, honey with a declared value of approximately \$91,350, knowing that the honey was of Chinese-origin and was imported and brought into the United States contrary to law, namely, as part of a fraudulent practice in violation of Title 18, United States Code, Section 542, in that TRAN arranged for the sale, pick-up, and delivery of two container loads (MEDU1105992 and MEDU1359528) of Chinese-origin honey that Sweet Campo Co., Ltd. falsely and fraudulently imported and brought into the United States as a product of Malaysia in avoidance of U.S.-imposed antidumping duties, thereby causing losses to the United States of approximately \$106,778;

In violation of Title 18, United States Code, Sections 545 and 2.

COUNT TWO

The UNITED STATES ATTORNEY charges:

1. The allegations of paragraphs 1 through 9 of Count One are incorporated as though fully set forth herein.
2. On or about March 30, 2012, in the Northern District of Illinois, Eastern Division and elsewhere,

URBAIN TRAN,

defendant herein, and others known and unknown, facilitated the sale of imported merchandise, namely, honey with a declared value of approximately \$79,164, knowing that the honey was of Chinese-origin and was imported and brought into the United States contrary to law, namely, as part of a fraudulent practice in violation of Title 18, United States Code, Section 542, in that TRAN arranged for the sale of two container loads (MSKU3693202 and MRKU6839290) of Chinese-origin honey that Sweet Campo Co., Ltd. falsely and fraudulently imported and brought into the United States as a product of Vietnam in avoidance of U.S.-imposed antidumping duties, thereby causing losses to the United States of approximately \$97,625;

In violation of Title 18, United States Code, Sections 545 and 2.

UNITED STATES ATTORNEY