

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN EYE COSMETICS
AND PACKAGING THEREFOR**

Investigation No. 337-TA-1407

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN
INITIAL DETERMINATION TERMINATING RESPONDENT BOURNE & MORGAN
LTD. FROM THE INVESTIGATION BASED ON A CONSENT ORDER AND
CONSENT ORDER STIPULATION**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“the Commission”) has determined not to review an initial determination (“ID”) (Order No. 17) issued by the presiding administrative law judge (“ALJ”) granting an unopposed motion to partially terminate the investigation as to respondent Bourne & Morgan Ltd. (“Bourne & Morgan”) of London, United Kingdom based on a consent order and consent order stipulation.

FOR FURTHER INFORMATION CONTACT: Carl P. Bretscher, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-2382. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: On July 16, 2024, the Commission instituted the present investigation based on a complaint, as supplemented, filed by Amarte USA Holdings, Inc. of Redding, California (“Amarte”), alleging violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, due to the importation into the United States, sale for importation, or sale in the United States after importation of certain eye cosmetics and packaging thereof that allegedly infringe U.S. Trademark Registration No. 4,328,655 (“the ’655 mark”), as well as unfair competition and false advertising, the threat or effect of which is to destroy or substantially injure an industry in the United States. 89 FR 57942-43 (July 16, 2024). The complaint alleges that a domestic industry exists. The notice of investigation names the following respondents: Bourne & Morgan; Iman Cosmetics of London, United Kingdom (“Iman Cosmetics”); MZ Skin Ltd. of Hertfordshire, United Kingdom (“MZ Skin”); Strip Lashed of South Yorkshire, United Kingdom (“Strip Lashed”); Unilever PLC of Merseyside, United

Kingdom, Unilever United States, Inc. of Englewood Cliffs, New Jersey, and Carver Korea Co., Ltd. of Seoul, South Korea (collectively, “Unilever”); Kaibeaauty of Taipei City, Taiwan; I’ll Global Co., Ltd. of Seoul, South Korea; and Hikari Laboratories, Ltd. of Bnei Atarot, Israel. The Office of Unfair Import Investigations (“OUII”) is also named as a party to this investigation.

On October 7, 2024, the Commission partially terminated the investigation with respect to Unilever based on a settlement agreement. Order No. 9 (Sept. 6, 2024), *unreviewed by* Comm’n Notice (Oct. 7, 2024). On October 8, 2024, the Commission partially terminated the investigation with respect to Strip Lashed based on a consent order and consent order stipulation. Order No. 10 (Sept. 10, 2024), *unreviewed by* Comm’n Notice (Oct. 8, 2024). On November 1, 2024, the Commission partially terminated the investigation with respect to MZ Skin based on a settlement agreement. Order No. 14 (Oct. 15, 2024), *unreviewed by* Comm’n Notice (Nov. 1, 2024). On November 22, 2024, the Commission partially terminated the investigation with respect to Iman Cosmetics based on withdrawal of the complaint. Order No. 15 (Nov. 1, 2024), *unreviewed by* Comm’n Notice (Nov. 22, 2024).

On December 13, 2024, Amarte and Bourne & Morgan jointly moved to terminate the investigation as to Bourne & Morgan based on a consent order and consent order stipulation, as corrected. On December 16, 2024, OUII filed a response in support of the motion. No other responses to the motion were received.

On December 23, 2024, the ALJ issued the subject ID (Order No. 17) granting Amarte and Bourne & Morgan’s joint motion to terminate the investigation as to Bourne & Morgan. Order No. 17 (Dec. 23, 2024). The subject ID finds that Amarte and Bourne & Morgan submitted a consent order stipulation and proposed consent order, in compliance with Commission Rule 210.21(c)(3) and (c)(4) (19 CFR 210.21(c)(3), (4)), and that there are no other agreements, written or oral, express or implied, between the parties concerning the subject matter of this investigation. The subject ID also finds that termination of Bourne & Morgan would not adversely impact the public interest.

No party filed a petition for review of the subject ID.

The Commission has determined not to review, and thereby adopts, the subject ID. Accordingly, this investigation is terminated with respect to Bourne & Morgan and a consent order is issued to Bourne & Morgan.

The Commission vote for this determination took place on January 13, 2025.

The authority for the Commission’s determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission’s Rules of Practice and Procedure (19 CFR Part 210).

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is fluid and cursive, with the first name "Lisa" being more prominent and the last name "Barton" following in a similar style.

Lisa R. Barton
Secretary to the Commission

Issued: January 14, 2025