

International Trade Today Quotes Partner Michael J. Coursey on Alleged Scheme to Circumvent U.S. Honey Import Duties

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Partner **Michael J. Coursey** was quoted extensively in the *International Trade Today* article, "Two Importers Released from Jail After 18 Month Stay on Faulty CBP Honey Testing." The article discusses the release of two defendants charged in an alleged scheme to import honey and misidentify it as rice syrup to avoid paying antidumping duties. The defendants were charged when a Customs and Border Protection (CPB) test identified imports labeled as rice syrup to be honey. Those charges were dismissed when a second test showed the product was in fact rice syrup, as the defendants claimed.

The case is part of a decades-long fight between U.S. honey producers, the U.S. Customs department, and those who would seek to circumvent the Department of Commerce's duties on honey imports – initially by adulterating imports with high fructose corn syrup and, most recently, by blending them with rice syrups.

Mr. Coursey explained that "Customs, to its credit, has been really putting a lot [of effort into] trying to crack this, ... But Customs simply lacked the equipment and expertise to develop an accurate test." Now, with the Customs test having been proved faulty, Mr. Coursey said "What now is public is something the honey industry has feared was true for the last seven years," he said. "The government couldn't do this. We don't have the technical ability to tell the difference."

Despite the faulty Customs test, Mr. Coursey still believes that the defendants engaged in criminal wrongdoing. "...if the allegations in the indictment are taken as true, the defendants – after getting past Customs -- took the rice syrup to warehouses, stripped off the correct labels, and pasted on incorrect labels that said the product was honey. That constitutes the criminally illegal act of food adulteration," Coursey said. "Had the government aggressively pursued this angle, the prosecution of the three defendants would still be alive."