

VIRTUS NUTRITION LLC V. UNITED STATES

## COMPLAINT EXHIBIT A

**CUSTOMS AND BORDER PROTECTION**  
**Notice of Detention**

**Detention Number:** 1750208

**Port Code:** 2809

**Port Name:** San Francisco

**Date of Detention:** 02/09/2021

**Entry Number:** 808-21003730

**Broker/Importer:** Virtus Nutrition, LLC

**Description of Merchandise:** Palm Fatty Acid Distillate

**Reason for Detention:** Withhold Release of Palm Oil and Palm Oil Products Produced by Sime Darby Plantation Berhad.

This merchandise is subject to a Withhold Release Order signed by the Commissioner, or delegated official, on December 30, 2020 and is detained pursuant to 19 C.F.R. § 12.42(e). You have the following options:

1. Export the goods to any location outside the United States (under CBP supervision) pursuant to 19 C.F.R. § 12.44(a); or
2. Contend that the goods were not produced with forced labor by submitting the documentation/proof required by 19 C.F.R. § 12.43. This can be done at any time during the review process.
  - a. Certificate of Origin signed by the foreign seller required by 19 C.F.R. § 12.43(a), which may be submitted in electronic form, and
  - b. A detailed statement from the importer, as outlined in 19 C.F.R. §12.43(b).

Guidance Concerning the Certificate of Origin:

- A standard Certificate of Origin is not acceptable. The required format for the certificate of origin is detailed in 19 C.F.R. § 12.43(a). This paragraph includes the exact wording of the certificate that should be signed by the seller/manufacturer.
- The statement required by 19 C.F.R. § 12.43(b) should be submitted by the importer, not the seller. The importer's statement should be sufficiently detailed and include proof that the goods were not produced, wholly or in part, with forced labor.

**Additional Information/Action Requested of Importer:**

Provide supply chain traceability documents pointing to the point of origin of the palm oil derivatives in product. Affidavit from the palm oil mill to identify parent company and the estate that sourced of the raw material, i.e., oil palm trees that produce the fruit that is crushed for palm oil. Purchase Order, Invoice, and Proof of Payment for the palm oil from the palm oil mill and the estate that sourced the raw materials. Production steps and records for the palm oil derivatives that identify the producer of the palm oil, palm oil mill, and the refinery to include transportation documents from palm tree grower to palm oil mill, and to the refinery.

**Requested by (Date):** May 08, 2021

**Name of Detaining Officer:** R. Broussard

**CBP Point of Contact and Phone Number:** R. Broussard at (510) 318-7020 option # 2.

**Date of Conditional Release & Location of Goods:** N/A

**Additional Remarks:** Documents may be submitted to CBP at Center of Excellence and Expertise (CEE) or Port of San Francisco at OAK-Trade@cbp.dhs.gov

Shipments may be detained for up to 30 days, unless statutory authority or interagency agreement mandates that a longer period of time is required, or the importer/broker requests a longer detention period through the Area/Port Director.

Agreement to Redeliver Merchandise: If merchandise is released conditionally from CBP custody to the principal before all required evidence is produced, before its quantity and value are determined, or before its right of admission into the U. S. is determined, the principal agrees to redeliver timely, on demand by CBP, the merchandise released if it fails to comply with the laws or regulations governing admission into the U. S. (19 CFR 113.62(c)(1)).

1. Held for other agency? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Name of Agency:
2. Certified Mail No.
3. Investigative Case No.
4. General Order No.
5. Exodus Command Center Notified? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date: _____ Time: _____

**DEPARTMENT OF HOMELAND SECURITY**  
**DETECTION NOTICE AND CUSTODY**  
**RECEIPT FOR**  
**DETAINED PROPERTY**  
Handbook 5200-09

No. 1750208

6. Port Code <b>2809</b>	7. Date of Detention (mm/dd/yyyy) <b>02/08/2021</b>	8. Time (Use 24 Hours) <b>1821</b>	9. Entry Number <b>808-21003730</b>
10. Detained from: <b>ARGENT GERBERA</b>		11. Seal or Other ID No.	
Name: <b>VIRTUS NUTRITION LLC</b>		12. Misc. Nos.	
Address: <b>520 INDUSTRIAL AVE CORCORAN, CA 93212</b>		13. Remarks: <b>(S) MLAAGER 2009 SD STA (S) MLAAGER 2009 SD STB</b>	
Telephone No. <b>( )</b>		14. FPF No. (For DHS Lab Use Only) □□□□□□□□□□□□□□□□	
15. Point of Contact Information - Send all correspondence to: <b>CBP PORT OF SAN FRANCISCO EAST BAY TRADE</b> Telephone No. <b>(570) 318-7020</b> Fax No. <b>( )</b>		16. Additional Information/Action Request from Importer/Exporter/Subject	

17. Reason for Detention:  
**WITHHOLD RELEASE ORDER TO 19 CFR 12.42(e) FOR PALM OIL AND PALM OIL PRODUCTS PRODUCED BY SEME DARBY PLANTATION BERHAD**

18. Tests or Inquiries to be Conducted:

19. PROPERTY (By Line Item) Attach DHS Form 58 if conveyance									
a. Line Item No.	b. Description	c. Packages		d. Measurement	e. Est. Dom.	f. Samples Sent to DHG Lab			
		Number	Type	Qty.	Value	Date			
<b>001</b>	<b>INDUSTRIAL MONOCAR-BOXYLEC FATTY ACIDS</b>			<b>MT</b>	<b>\$1,624,431.00</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	/	/
<b>002</b>	<b>PALM OIL</b>			<b>MT</b>	<b>\$455,869.00</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	/	/
					<b>\$</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	/	/
					<b>\$</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	/	/

20. Detaining Officer Name  
**BROUSSARD, RODERICK** *R. Broussard* **02/09/2021**  
Print Signature Date

21. ACCEPTANCE/CHAIN OF CUSTODY				
a. Line Item No.	b. Description	c. Print Name/Title/Organization	d. Signature	e. Date

Shipments may be detained for up to 30 days, unless statutory authority or interagency agreement mandates that a longer period of time is required, or the importer/exporter/subject requests a longer detention period through the Port Director.

**Detention Notice and Custody Receipt for Detained Property****BLOCK DESCRIPTIONS** (Fill in all sections that apply)

- |  |   |
|--|---|
| 1. Held for other agency               | Enter an "X" in the appropriate box to indicate yes or no. If yes, provide agency name.   |
| 2. Certified Mail No.                  | Enter number from Post Office receipt.  |
| 3. Investigative Case No.              | Enter OI Investigative Case Number or IA File Number Only.  |
| 4. General Order No.                   | Enter the 15 digit General Order Number.  |
| 5. Exodus Command Center               | Enter an "X" on the appropriate box to indicate yes or no. If yes, provide date and time. (Export detentions only)  |
| 6. Port Code                           | Enter the Port Code.  |
| 7. Date of Detention                   | Enter date of detention in month/day/year.  |
| 8. Time                                | Enter time of incident in 24-hour format (e.g. 1600).   |
| 9. Entry No.                           | Enter the Entry Number.   |
| 10. Detained from                      | Enter the name, address and telephone number of the person whose property has been detained.  |
| 11. Seal or Other ID No.               | Enter Baggage Claim Number, Evidence Bag Number, DHS seal, or any other identification attached to the property.  |
| 12. Misc. Nos.                         | Enter other agency case number, for example.  |
| 13. Remarks                            | Enter any remarks which may be relevant or which may be of assistance in storing or maintaining the property. Reference any previous DHS 6051D number.  |
| 14. FPF No.                            | Enter the FPF Number. <b>(For DHS Lab Use Only)</b>   |
| 15. Point of Contact Information       | Enter the local CBP office, SAIC, Port, or FPF address and telephone number, as appropriate.  |
| 16. Additional Information             | Enter the information and/or action request from party-in-interest.   |
| 17. Reason for Detention               | Enter explanation of why the item(s) is/are being detained.   |
| 18. Tests or Inquiries to be Conducted | Enter the process being conducted to determine if item(s) is/are in violation.  |
| 19. Property                           | Enter information in items 19a through 19f.   |
| 19a. Line Item No.                     | Enter group items by tariff number or SEACATS category code. Line item number corresponds to the line item number in SEACATS.   |
| 19b. Description                       | Enter brief description of detained item.   |
| 19c. Packages                          | Enter the number and type of packaging containing the property. (e.g. BX=box, BA=bale, EN=envelope)   |
| 19d. Measurement                       | The block contains the quantity of the detained item given in the units of measure entered in the Unit of Measurement block. For NARCOTICS, the net weight is entered.  |
| 19e. Estimated Domestic Value          | Enter the estimated domestic value of the item seized.  |
| 19f. Samples Sent to Lab               | Enter an "X" in the box to determine if a sample was sent to the DHS Lab and list the date sent.  |
| 20. Detaining Officer Name             | Enter printed name of detaining officer, sign and date (first officer taking custody of the property). This initiates the Chain of Custody for all items described in Block 19. Signature is for ALL line items, including any DHS 6051A continuation sheet(s). |
| 21. Acceptance/Chain of Custody        |   |
| 21a. Line Item No.                     | Enter the line item number(s) from Block 19 being accepted. (e.g. 1,2,3 and 5; or 1-3, 5)   |
| 21b. Description                       | Enter item(s) being accepted. The word "ALL" or equivalent is NOT acceptable.   |
| 21c. Print Name                        | Enter the name/title/organization of the individual accepting custody of item(s).   |
| 21d. Signature                         | Have individual accepting custody of item(s) sign in this block.  |
| 21e. Date                              | Enter date custody is accepted.   |

VIRTUS NUTRITION LLC V. UNITED STATES

## COMPLAINT EXHIBIT B

555 Battery Street  
San Francisco, CA 94111



**U.S. Customs and  
Border Protection**

March 23, 2021

Virtus Nutrition, LLC  
520 Industrial Ave.  
Corcoran, CA 93212-9629

Dear Virtus Nutrition:

This notification is being sent pursuant to 19 C. F.R § 12.44(a) to advise that U.S. Customs and Border Protection, Area Port of San Francisco, Oakland Seaport, has determined that the below listed merchandise is under the purview of 19 U.S.C. 1307 resulting in a decision to exclude the shipment from entry into the United States.

Article Denied Entry: Palm Fatty Acid Distillate and Palm Stearin  
Quantity: 1,999.300 MT (Palm Distillate) and 499.583 MT (Palm Stearin)  
Vessel: M/T Argent Gerbera #2009  
Bill of Lading: MLAGER2009SDSTA and MLAGER2009SDSTB  
Entry Number: 808-21003730  
Date of Denial of Entry: February 8, 2021

The petition that you submitted on February 9, 2021, requesting that CBP either revoke or modify the Withhold Release Order (WRO) provided insufficient information to deem the merchandise admissible.

You have 60 days from the date of this letter to export the subject merchandise from the United States under CBP supervision in accordance with 19 C.F.R. § 18.25 – 18.27. If the merchandise is not exported within 60 days, it will be disposed of under CBP supervision.

You are hereby notified that any future attempt to import such articles may result in the articles being seized and forfeited.

Thank you for your continued cooperation. If we may offer further guidance, please contact Vanessa Butler, Supervisory CBPO at (510) 318-7020 option #2.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce W. Murley".

Bruce W. Murley  
Area Port Director  
San Francisco, California