

Sheinberg, Samuel I.

From: Sheinberg, Samuel I.
Sent: Tuesday, October 13, 2020 10:02 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Question Regarding Item 5 of the HSR Form

Confirmed.

[REDACTED]

From: [REDACTED]
Sent: Friday, October 9, 2020 6:48:18 PM (UTC-05:00) Eastern Time (US & Canada)
To: [REDACTED]
Subject: Question Regarding Item 5 of the HSR Form

Hi all,

I would like to confirm my understanding on determining sales in or into the U.S. for the purpose of reporting Item 5 revenues.

In Informal Interpretation #1006102 (June 30, 2010) (<https://www.ftc.gov/enforcement/premerger-notification-program/informal-interpretations/1006012>), the PNO previously advised that the sale of bananas to a U.S. army base in Iraq, where title and risk of loss of the bananas passed in Iraq, was not considered a sale in or into the United States for the purposes of 802.51.

Please confirm that the same would hold true for Item 5 purposes where there are non-manufacturing revenues derived from activities on a U.S. army base and U.S. embassy in a foreign country. The activities in this instance are services provided to U.S. military and embassy personnel.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]