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Third Party Testing FAQ

*THIRD PARTY TESTING is required to support a certification of compliance to the rules shown below for children's products that are manufactured after the effective dates listed with each rule. The laboratories in this list have been accepted as accredited to test products to one or more of these children's product safety rules, as identified in the accreditation scope for each laboratory. A manufacturer of a children's product that must comply with one or more of these rules must support its certification of compliance with test results from one of these laboratories. -CHECK THE: [List of Accredited Testing Laboratories](#)*

- Search the [CPSC Recalls and Safety News Page](#)

**CPSC RECALLS & UPDATES**

- [Bexco Expands Recall of DaVinci Brand Cribs Due to Entrapment, Fall and Laceration Hazards](#)
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- [Pier 1 Imports Recalls Outdoor Patio Swivel Armchairs Due to Fall Hazard](#)
- [Millennium Outdoors Recalls Tree Stands Due to Fall Hazard](#)
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- [Madewell Expands Recall of Women's Sandals Due to Fall Hazard](#)
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9403, HTSUS, the article's "utilitarian purpose" must not be subsidiary to its decorative or ornamental function. Specifically, the CIT in *Pomeroy* considered, in relevant part, whether various floor and wall articles used for the display of candles were properly classified as "other furniture" of heading 9403, HTSUS, and stated that the EN to Chapter 94, HS, emphasizes that items classified as furniture are those "mainly with a utilitarian purpose." *Pomeroy*, 893 F. Supp. 2d at 1284. Moreover, the CIT noted that the nature of the items listed in the EN for heading 94.03 further underscored the "seminal notion of utility." *Id.* (defining the term "utilitarian" to mean "of, pertaining to, consisting in utility; aiming at utility, as distinguished from beauty, ornament." Webster's New International Dictionary (2d ed. 1953)).

**CBP finds that the instant wood fireplace mantels are properly described as an article of furniture of heading 9403, HTSUS, because they are constructed for placing on the floor or ground and exhibit the "mainly utilitarian purpose" of housing electrical inserts and providing a surface on which to store objects.** Similar to the exemplars listed in the EN to heading 94.03, HS—which includes, for example, cabinets, chests, and tables—the mantels' wooden frame and secondary shelving provide for the storage of supplies related to the article's primary function.

The instant mantels are thus classified in heading 9403, HTSUS. Pursuant to Note 1(o) to Chapter 44, the instant mantels are precluded from classification in Chapter 44 because they are articles of Chapter 94. This decision is consistent with prior rulings. See e.g., NY N257086, dated October 9, 2014; NY N106555, dated June 17, 2010.

**HOLDING: By application of GRIs 1 and 6, the instant wood fireplace mantels are classified in heading 9403, HTSUS, specifically subheading 9403.60.80, HTSUS, which provides for "Other furniture and parts thereof: Other wooden furniture: Other." The 2015 column one, general rate of duty is Free.**

**Modification of One Ruling Letter and Treatment Relating to the Tariff Classification of Four "Mess-Free Glitter" Craft Kits for Children . . . . . 8**

**EFFECTIVE DATE: This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after November 30, 2015.**

In NY N255938, CBP classified eight samples of "Mess-Free Glitter" craft kits. Four were classified as toys of heading 9503, HTSUS. The remaining four kits were not classified as toys. **It is now CBP's position that these remaining four kits, referred to as "Mess-Free Glitter Foam Frames" kit, item #9507, the "Mess-Free Glitter Princess & Fairy Scenes," item #9509, the "Mess-Free Glitter Treasure Box & Mirror," item #9517 and the "Mess-Free Glitter Friendship Foam Stickers" kit, item #9500, are also properly classified under subheading, 9503.00.00, HTSUS, as a toy.** The portion of the ruling referring to the four kits originally classified as toys remains intact.

**ISSUE: Whether the subject "Mess-Free Glitter" kits are classified as toys, of heading 9503, HTSUS, or whether they are classified according to their individual constituents, because they are neither toys nor "sets."**

...

The tariff term "toy" is not statutorily defined. The courts and CBP construe statutorily undefined terms in accordance with their common and commercial meaning, which is presumed to be the same. See *E.M. Chems. v. United States*, 920 F.3d 910, 913 (Fed. Cir. 1990). However, the courts, through a series of decisions, have crafted a framework for "toys" of heading 9503, HTSUS, which guides CBP in the instant case.

In *Springs Creative Products Group v. United States*, 35 I.T.R.D. (BNA) 1955, Slip Op. 13–107 (Ct. Int'l Trade Aug. 16, 2013), the Court opined on the tariff classification of a child's craft kit for making a fleece blanket. In its analysis, the CIT consulted dictionaries, and other reliable sources regarding the meaning of the word "toy." See *Medline Indus. v. United States*, 62 F.3d 1407, 1409 (Fed. Cir. 1995) ("tariff terms are construed in accordance with their common and popular meaning, and in construing such terms the court may rely upon its own understanding, dictionaries and other reliable sources.") (citations omitted).

**First, the Court consulted Webster's Third New International Dictionary Of The English Language Unabridged (1981), At 2419, provides, in relevant part that "toys" are:**

*3a: something designed for amusement or diversion rather than practical use b: an article for the playtime use of a child either representational (as persons, creatures, or implements) and intended esp. to stimulate imagination, mimetic activity, or manipulative skill or nonrepresentational (as balls, tops, jump ropes) and muscular dexterity and group integration.*

Next, the Court cited MERRIAM WEBSTER'S COLLEGIATE DICTIONARY (1998) at page 41, which defines "amusement" in relevant part as, "3: a pleasurable diversion." Thus, taken together "[t]his common meaning of toy – an object primarily designed and used for pleasurable diversion – is consistent with its judicial interpretation." Springs Creative Products Group v. United States, supra at page 15, citing Processed Plastic Co. v. United States, 473 F.3d 1164, 1170 (Fed. Cir. 2006) (noting that the principal use of a "toy" is amusement, diversion, or play value rather than practicality); Minnetonka Brands, Inc. v. United States, 24 CIT 645, 651 ¶ 37, 110 F. Supp. 2d 1020, 1026 (2000) (noting that for purposes of Chapter 95, HTSUS, "an object is a toy only if it is designed and used for amusement, diversion, or play, rather than practicality").

Heading 9503, HTSUS, is in relevant part, a "principal use" provision, and classification is controlled by the principal use of goods of that class or kind to which the imported goods belong in the United States at or immediately prior to the date of importation, and the controlling use is the principal use. Springs Creative Products Group v. United States, supra at page 16, citing Additional U.S. Rule of Interpretation 1(a). In United States v. Carborundum Co., 536 F.2d 373, 377 (1976), the U.S. Court of Customs and Patent Appeals stated that in order to determine whether an article is included in a particular class or kind of merchandise, the court must consider a variety of factor, including: (1) the general physical characteristics of the merchandise; (2) the channels, class or kind of trade in which the merchandise moves (where the merchandise is sold); (3) the expectation of the ultimate purchaser; (4) the environment of the sale (i.e., accompanying accessories and marketing); (5) usage, if any, in the same manner as merchandise which defines the class; (6) the economic practicality of so using the import; and (7) the recognition in the trade of this use. While these factors were developed under the Tariff Schedule of the United States (the predecessor to the HTSUS), the courts, and this office have and continue to apply them to the HTSUS. See, e.g., Minnetonka Brands v. United States, supra; Aromont USA, Inc. v. United States, 671 F.3d 1310 (Fed. Cir. 2012), and see Essex Mfg., Inc. v. United States, 30 C.I.T. 1 (2006).

Finally, the CIT also consulted the ENs, which inform and shape our understanding of the scope of the heading, though the ENs should not restrict or expand the scope of headings. Rather, they should describe and elaborate on the nature of goods falling within those headings, as well as the nature of goods falling outside of those headings. The EN 95.03 clarifies that "[c]ollections of articles, the individual items of which if presented separately would be classified in other headings in the Nomenclature, are classified in this heading when they are put up in a form clearly indicating their use as toys (e.g., instructional toys such as chemistry, sewing, etc., sets)." Craft kits generally are considered "educational toys" or "instructional toys" classified under Chapter 95, HTSUS, because they are principally used for the amusement of children, and that amusement is derived through the creation and design of the final product. See Headquarters Ruling (HQ) 959401, dated April 14, 1997 (classifying "Just Bead It! Fusion Beads Activity Sets kit as a toy) See also EN 95.03 (iii) and (xviii). However, they are distinguishable from drawing or coloring kits, because the tools for writing, coloring, drawing or painting are not designed to amuse, and do not provide significant enough manipulative play value. See HQ H035564, dated November 4, 2008 ("CBP has never considered writing, coloring, drawing or painting to have significant "manipulative play value," for purposes of classification as a toy. Nor does CBP classify the tools for writing, coloring, drawing or painting as toys since these tools are not designed to amuse."); HQ 966198, dated July 21, 2003 ("The amusement derived from art-related activities is secondary to utility because those articles and sets used for drawing, coloring and other art-related activities are not "essentially playthings."); see also NY N155175, dated April 8, 2011 (classifying six crafts kits, four of which CBP determined the kit's amusement value was greater than the utilitarian value of the finished article, and

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further, the completed items will be flimsily constructed and, in all likelihood, will not be used over a long period of time. The remaining two kits, however, were not classified as toys because, “CBP does not consider drawing, writing, coloring or painting to have significant play value for classification purposes as a toy”).

Ultimately, the CIT held that the blanket kit was imported as a kit, intended to be assembled by children or adults, and **the basis for the classification was not the finished product but rather the kit as a whole, stressing the role creation, amusement, and assembly played in the making** of the fleece throw blanket. It was marketed with images which would appeal to children having fun while assembling the blanket. The kits promote the development and education of young children by helping a child develop skills such as manual dexterity, cutting, tying, and counting. It therefore is principally designed for amusement, diversion, or play and is classified as “toys” under heading 9503, HTSUS. *Springs Creative Products Group v. United States*, supra at page 24.

Here, the “Mess-Free Glitter Friendship Foam stickers” kit, the “Mess-Free Glitter Foam Frames” kit, the “Mess-Free Glitter Princess & Fairy Scenes” kit, and the “Mess-Free Glitter Treasure Box & Mirror” kit are substantially similar to the fleece throw blanket kit. The instant foam and glitter kits consist of pre-cut foam shapes which do not have any designs or color on them until the child “creates” them by choosing which color from the glitter sheets to apply. Choosing and creating the glitter and foam stickers manifestly expresses a child’s creativity and individuality. Each foam and glitter sticker becomes a unique creation of the child’s imagination, which can then be used elsewhere for play or decoration, or, in the case of the Treasure Box & Mirror kit, or the Foam Frames kit, adornment of these objects. The treasure box, mirror, and frames included in the kits can be described as flimsy or insubstantial. This is because the value is derived from the creative manipulative play and not the resulting decorated object. The goal is for children to have fun making stickers and express imagination through a unique final project.

The glitter and foam kits are clearly marketed towards children to inspire imaginative thinking through play. They are sold primarily in toy stores, or in other normal commercial channels for toys. They are understood by children to be used as toys. The decorated objects have little to no economically practical use beyond that of a play-thing. Lastly, the kits were featured at the Toy Industry of America’s annual Toy Fair conference, which indicates that the trade recognizes their use as toys. The product is thus classified as a “toy” under heading 9503, HTSUS, for tariff purposes.

This is consistent with previous classifications of a similar product whereby children create or produce a final product, but the utilitarian value of the final product is outweighed by the amusement, diversion, or play experienced in making that product. [citations omitted]

Lastly, as the instant craft kits are described as “toys” of heading 9503, HTSUS, then the relevant kits are excluded from classification in chapter 39, by operation of Note 1(y) to that chapter.

**HOLDING:** By application of GRI 1, the subject “Mess-Free Glitter Foam Frames” kit, item #9507, the “Mess-Free Glitter Princess & Fairy Scenes,” item #9509, the “Mess-Free Glitter Treasure Box & Mirror,” item #9517 and the “Mess-Free Glitter Friendship Foam Stickers” kit, item #9500, are classified in subheading 9503.00.0073, HTSUS, which provides for, “Tricycles, scooters, pedal cars and similar wheeled toys; dolls’ carriages; dolls, other toys; reduced scale (“scale”) models and similar recreational models, working or not; puzzles of all kinds; parts and accessories thereof: “Children’s products” as defined in 15 U.S.C. § 2052: Other: Labeled or determined by importer as intended for use by persons: 3 to 12 years of age.” The column one, general rate of duty is free.

**Proposed Revocation of One Ruling Letter and Revocation of Treatment Relating to the Tariff Classification of Fly-Trapping Glue Boards . . . . . 18**

**DATES: Comments must be received on or before October 30, 2015.**

In NY N238867, CBP classified an adhesive-coated cardboard strip designed for the trapping of flies in heading 3808, HTSUS, specifically in sub-heading 3808.91.50, HTSUS, which provides for “Insecticides, rodenticides, fungicides, herbicides, antisprouting products and plant-growth regulators, disinfectants and similar products, put up in forms or packings for retail sale or as preparations or articles (for example, sulfur-

*treated bands, wicks and candles, and flypapers): Other: Insecticides: Other.” It is now CBP’s position that the glue board described in NY N238867 is properly classified, by operation of GRIs 1 and 6, in heading 3808, HTSUS, specifically in subheading 3808.91.10, HTSUS, which provides for “Insecticides, rodenticides, fungicides, herbicides, antisprouting products and plant-growth regulators, disinfectants and similar products, put up in forms or packings for retail sale or as preparations or articles (for example, sulfur-treated bands, wicks and candles, and flypapers): Other: Insecticides: Fly ribbons (ribbon fly catchers).”*

*Pursuant to 19 U.S.C. §1625(c)(1), CBP is proposing to revoke NY N238867 and to revoke any other ruling not specifically identified to reflect the tariff classification of the subject merchandise according to the analysis contained in the proposed Headquarters Ruling Letter (“HQ”) H261067, set forth as Attachment B to this notice.*

...

*“The subject product is called the Zap N Trap Glue Board Refill. The Refills are used in an 18 Watt insect trap. They are imported in packs containing 6 refills.”*

...

**ISSUE:** *Whether the merchandise at issue is properly classified in subheading 3808.91.10, HTSUS, as a fly ribbon, in subheading 3808.91.50, HTSUS, as an “other insecticide,” or in subheading 8543.90.88, HTSUS, as an “other part” of an electrical machine, having individual functions, not specified or included elsewhere in Chapter 85.*

...

*Pursuant to AUSRI 1(c), the subject glue boards are only classifiable as parts if it cannot be established that they are prima facie classifiable in a heading that specifically provides for them. ... [citations omitted] We therefore initially consider whether the subject glue boards are specifically described by heading 3808, HTSUS.*

*Heading 3808 describes, inter alia, “Insecticides...and similar articles, put up in forms or packings for retail sale or as preparations or articles (for example, sulphur-treated bands, wicks and candles, and fly-papers).” EN 38.08 provides, in pertinent part, as follows: This heading covers a range of products...intended to destroy...insects... These products are classified here in the following cases only:*

...

*(3) When they are put up in the form of articles such as...fly-papers (including those coated with glue not containing poisonous matter)...*

*Heading 3808 specifically provides for “fly-paper,” but this term is left undefined in the HTSUS. ...*

*The Oxford Online Dictionary defines fly paper as “[s]ticky, poison-treated strips of paper that are hung indoors to catch and kill flies,” and the Merriam-Webster Online Dictionary defines it as “a long piece of sticky paper that is used for catching and killing flies” and as “paper coated with a sticky often poisonous substance for killing flies.” EN 38.08 is consistent with these definitions insofar as it suggests that fly paper may be covered with glue, but it counsels inclusion of fly paper in heading 3808 where it lacks poisonous matter. Moreover, we have previously classified fly-catching paper strips in heading 3808 where these strips were coated with non-poisonous adhesive. ... [citations omitted] We accordingly conclude, in considering dictionary definitions of fly paper, the relevant EN, and CBP precedent in toto, that fly paper consists of adhesive-covered paper strips designed to catch or kill flies, irrespective of whether the strips contain poison.*

*The instant glue boards consist of cardboard paper strips that are coated on side with adhesive. As you state in your December 10, 2014 letter, the glue boards are designed to trap and kill flies. We recognize that, as you point out in your letter, the glue boards do not contain any chemicals or scent additives. However, heading 3808 does not require that fly-papers contain such additives, and EN 38.08 suggests that fly-strips containing merely glue remain within the scope of heading 3808. Consequently, we find that the glue boards are “fly-strips” as described by heading 3808. Because they are in turn excluded, by operation of AUSRI 1(c), from classification as parts in heading 8543, HTSUS, the glue boards are properly classified in heading 3808.*

*In your December 10, 2014 letter, you cite NY 885109, dated April 21, 1993, as support for your contention that the glue boards are properly classified in heading 8543. NY 885109 involved classification of an entire trap and monitoring system that was comprised of a metal housing with a baked enamel finish, a U/V resistant board with a sticky glue surface, and multiple U/V tubes. Thus, unlike the instant glue boards, the product at issue in that case was comprised only in part of an adhesive strip. CBP classified that article in heading 8543 as an “other” machine or apparatus, rather than as a part thereof, and therefore was not obligated to consider AUSRI 1(c) in its ruling. In effect, NY 885109 does not conflict with CBP’s determination in NY N238867 that the instant glue boards are classifiable in heading 3808.*

*However, we do find NY N238867 to be in error with regard to classification of the glue boards at the subheading level. Because the glue boards are a form of fly paper, a term that is interchangeable with fly ribbons, they are specifically described by subheading 3808.91.10, HTSUS, which provides for “Fly ribbons (ribbon fly catchers).” Consistent with CBP precedent, the glue boards are thus properly classified in that subheading, rather than as “other insecticides” in the basket subheading 3808.91.50, HTSUS. See HQ H563064 (concluding that a glue board is properly classified in subheading 3808.10.10); and NY A82387 (classifying paper coated with adhesive in subheading 3808.10.10).*

**HOLDING:** *By application of GRIs 1 and 6, the instant glue boards are classified in heading 3808, HTSUS, specifically subheading 3808.91.1000, HTSUSA, which provides for “Insecticides, rodenticides, fungicides, herbicides, antisprouting products and plant-growth regulators, disinfectants and similar products, put up in forms or packings for retail sale or as preparations or articles (for example, sulfur-treated bands, wicks and candles, and flypapers): Other: Insecticides: Fly ribbons (ribbon fly catchers).” The column one, general rate of duty is 2.8% ad valorem.*

**Proposed Modification of Two Ruling Letters and Proposed Revocation of One Ruling Letter and Proposed Revocation of Treatment Relating to the Tariff Classification of Tires for Use on Dump Trucks .....27**

**DATES: Comments must be received on or before October 30, 2015.**

*In HQ 958100, HQ 959730, and HQ 966360, CBP determined that certain off-road tires for dump trucks were classified in subheading 4011.20, which provides for: “New pneumatic tires, of rubber: Of a kind used on buses or trucks.” It is now CBP’s position that the tires at issue in HQ 958100 (described as off-road tires for dump trucks and bearing the TRA codes E-1/R-5, E-3/G-18, E-3/G-44, E-3/T-331, E-4/ G-18ET, E-4/G-28ET, E-4/G-36ET, E-4/T-431, E-4/T-432, E-4/T-433, E-4/T451, and E-7/D-1) are classified in subheading 4011.93 or 4011.94, HTSUS, as “New pneumatic tires, of rubber: Other: Of a kind used on construction or industrial handling vehicles and machines...”, and that the Michelin Earthmover tires (part nos. 248850 and 123475) at issue in HQ 966360 and the Triangle brand tires (style TL-612, designed for use on earthmoving and loader equipment, and bearing the code “E-3”, with or without another code) at issue in HQ 959730 are classified in subheading 4011.62 or subheading 4011.63, HTSUS, as “New pneumatic tires, of rubber: Other, having a herringbone or similar tread: Of a kind used on construction or industrial handling vehicles and machines...”*

*Pursuant to 19 U.S.C. § 1625(c)(1), CBP is proposing to modify HQ 958100 (Attachment A) and HQ 959730 (Attachment B), and to revoke HQ 966360 (Attachment C), and any other ruling not specifically identified, to reflect the tariff classification of the subject merchandise according to the analysis contained in Proposed Headquarters Ruling Letter (HQ) H192148, set forth as Attachment D to this notice.*

**ISSUE:** *Whether the instant tires are classified in subheading 4011.20, HTSUS, as tires “of a kind used on buses or trucks”; in subheading 4011.6, HTSUS, as “other, having a “herring-bone” or similar tread”; or in subheading 4011.9, HTSUS, as “other” tires.*

...  
Heading 40.11 provides for “New pneumatic tires, of rubber.” There is no dispute that off-the-road tires for dump trucks are classified therein. The issue arises at the six-digit subheading level.



*Subheading 4011.20 provides for “New pneumatic tires, of rubber: Of a kind used on buses or trucks.” Subheadings 4011.61–4011.69 provide for “New pneumatic tires, of rubber: Other, having a “herring-bone” or similar tread,” such as tires of a kind used on agricultural or forestry vehicles and machines (4011.61) or of a kind used on construction or industrial handling vehicles (4011.62–4011.63), and others (4011.69). Finally, subheadings 4011.92–4011.99 provides for “New pneumatic tires, of rubber: Other,” (i.e., not having a herring-bone or similar tread), such as tires of a kind used on agricultural or forestry vehicles and machines (4011.92) or of a kind used on construction or industrial handling vehicles (4011.93–4011.94), and others (4011.99).*

*Trucks are motor vehicles for the transport of goods that are classifiable in Chapter 87. Both dumpers and lorries are trucks classifiable in heading 87.04, as motor vehicles for the transport of goods. However, we note that the EN to subheading 8704.10 draws a distinction between “dumpers” and “lorries” (trucks), stating that “These dumpers can generally be distinguished from other vehicles for the transport of goods (in particular, tipping lorries (trucks)) by the following characteristics”, such as, i.e., “special earth-moving tires.”*

*The CBP Informed Compliance Publication (ICP) on Classification of Tires further notes that “There are numerous machines identified as classifiable in chapter 84 that move on tires but are not trucks. These would include excavating machines of heading 8429, construction machines and snow plows of heading 8430, agricultural machines of heading 8432 and harvesting machines of heading 8433. Although they all may be designed in some instances to roll on tires, they are not trucks, but machines, and their tires would be classifiable further on in heading 4011.”*

*Thus, dumpers or dump-body trucks are not trucks (lorries). As such, the off-the-road tires of dumpers or dump-body trucks are not tires “of a kind used on buses or trucks” within the scope of subheading 4011.20, and said tires are not classified therein.*

*The EN to heading 4011 clarifies, with respect to subheadings 4011.62, 4011.63, 4011.93 and 4011.94, that for the purposes of these subheadings, the expression “construction or industrial handling machines” includes vehicles and machines used for mining. The instant tires, per the TRA code and manufacturer information, are designed for use with dumpers and dump trucks, off-road applications such as construction and mining.*

*The TRA Yearbook provides the following description of earthmovers:*

*Earthmover: transportation usually occurs over unimproved surfaces at speeds up to 40 mph and short distances, up to 2.5 miles, one way. Equipment in this category is mainly haulage trucks and scrapers.*

***Thus, dumper truck tires bearing a TRA code “E”, are designed primarily for off-road use over unimproved surfaces, and for short distances only. They are used in construction and mining operations. They are not of a class or kind used on trucks designed primarily for on-road use. Dumper tires with characteristics for use other than normal on road use or mixed on-road off-road use should be classified in subheading 4011.6 or 4011.9, depending on whether or not the individual tires have a herring-bone or similar tread.***

*CBP has concluded in prior rulings that “herring-bone” refers to a tread pattern consisting of rows of short slanted parallel lines going in the opposite directions from the center of the tread with the slant alternating row by row. These short slanted rows would meet in the center of the tire tread to form a “V” shape. See HQ 958100, dated March 25, 1997. This is supported by the Explanatory Notes (ENs) heading 40.11, in which tires classified in subheadings 4011.61–4011.69 (having a herringbone or similar tread) are pictured. All the tire treads pictured therein, except for one, have rows of short slanted parallel lines going in opposite directions with the slant alternating row by row, which stop in the center of the tire and form a “V”-like pattern. The remaining tread pattern pictured in the ENs has short slanted parallel lines with the slant alternating row by row which do not meet in the center, but instead extend below the opposite slanted line. This is not a standard herring-bone tread, but an example of a “similar” tread. The tread lugs may be one solid line from sidewall to center, individual raised ridges aligned in a herring-bone pattern, or a combination of a strip of tread and ridges forming the angled line.*

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*The tires at issue in **HQ 958100** bearing the TRA codes E-1/R-5, E-3/G-18, E-3/G-44, E-3/T-331, E-4/G-18ET, E-4/G-28ET, E-4/G-36ET, E-4/T-431, E-4/T-432, E-4/T-433, E-4/T451, and E-7/D-1, do not have a herring-bone or similar tread. They do not feature slanted parallel lines with the slant alternating row by row. These tires are thus classified in subheading 4011.93, or 4011.94, HTSUS.*

*The Triangle brand off-the-road tires style TL-612 at issue in HQ 959730 and the Michelin Earthmover tires (part numbers 248850 and 123475) at issue in **HQ 966360** feature tread patterns with slanted, parallel rows with the slant alternating line by line. They therefore have a herringbone tread and are classified in subheadings 4011.62, or 4011.63, HTSUS.*

**HOLDING:** Pursuant to GRIs 1 and 6, the off-the-road tires suitable for dump trucks and bearing the TRA codes E-1/R-5, E-3/G-18, E-3/G-44, E-3/T-331, E-4/G- 18ET, E-4/G-28ET, E-4/G-36ET, E-4/T-431, E-4/T-432, E-4/T-433, E-4/T451 and E-7/D-1, are classified in heading 4011, HTSUS, and if of a kind used on construction or industrial handling vehicles and machines and having a rim size not exceeding 61 cm, are classified in subheadings 4011.93.4000, HTSUS, if of radial construction or 4011.93.8000, HTSUS, if of other construction; and if of a kind used on construction or industrial handling vehicles and machines and having a rim size exceeding 61 cm, are classified in subheadings 4011.94.4000, HTSUS, if of radial construction or 4011.94.8000, HTSUS, if of other construction. The 2015 column one, general rates of duty are 4% and 3.4% ad valorem, respectively.

Pursuant to GRIs 1 and 6, the Triangle brand off-the-road tires style TL-612 and the Michelin Earthmover tires (part numbers 248850 and 123475) are classified in heading 4011, HTSUS, and as other tires having a “herring-bone” or similar tread in subheading 4011.62.0000, HTSUS, if of a kind used on construction or industrial handling vehicles and machines and having a rim size not exceeding 61cm, or in subheading 4011.63.0000, HTSUS, if of a kind used on construction or industrial handling vehicles and machines hand having a rim size exceeding 61cm. The 2015 column one, general rate of duty is Free.

**Proposed Revocation of a Ruling Letter and Proposed Revocation of Treatment Relating to the Tariff Classification of Certain Flavored Barbecue Wood Chips Containing a Mixture of Wood Shavings and a Mixture of Herbs and Spices in a Gelatin Base . . . . .45**

**DATES: Comments must be received on or before October 30, 2015.**

In HQ 951145, set forth as Attachment A to this document, CBP determined that the subject merchandise was classified under subheading 4421.90.90, HTSUS, which provided for “Other articles of wood: Other: Other.” It is now CBP’s position that the subject merchandise is properly classified under subheading 4401.39.40, HTSUS, which provides for “Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood chips or particles; sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms: Sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms: Other: Other.”

Pursuant to 19 U.S.C. 1625(c)(1), **CBP proposes to revoke HQ 951145** and revoke or modify any other ruling not specifically identified, in order to reflect the proper tariff classification of the subject merchandise according to the classification analysis contained in proposed HQ H261687, set forth as Attachment B to this document.

**ISSUE:** What is the correct classification of the subject flavored barbecue wood chips containing a mixture of wood shavings and a mixture of herbs and spices in a gelatin base?

...  
Inasmuch as the instant merchandise qualifies as a composite good with separable components (wood chips, mixture of herbs, spices and gelatin base), it must be classified accordingly. If imported alone, the wood chips would be classified under heading 4401, HTSUS. The mixture of herbs and spices, if imported separately, would be classified under heading 0910, HTSUS. Finally, the gelatin base, if imported separately, would be classified under heading 3503, HTSUS.

*As the instant merchandise is a composite good, we must apply GRI 3(b). Under GRI 3(b), the merchandise must be classified as if it consisted of the component which gives the merchandise its essential character. The term “essential character” is not defined within the HTSUS, GRIs or ENs. However, EN VIII to GRI 3(b) gives guidance, stating that: “[T]he factor which determines essential character will vary as between different kinds of goods. It may, for example, be determined by the nature of the material or component, its bulk, quantity, weight or value, or by the role of a constituent material in relation to the use of the good.”*

*In the instant case, the role of the gelatin base in relation to the use of the subject merchandise is not significant. Without the gelatin, which would serve no essential function if used alone, the herbs and the spices, together with the wood chips, would serve the essential purpose of the subject merchandise. Since the herbs and the spices, as well as the wood chips, provide flavoring, which is the primary purpose, we cannot say which one of these products gives the subject merchandise its essential character. Therefore, we must next apply GRI 3(c), which provides as follows: “When goods cannot be classified by reference to 3(a) or 3(b), they shall be classified under the heading which occurs last in numerical order among those which equally merit consideration.” Since the wood chips are classified under heading 4401, HTSUS, which occurs last in numerical order, we find that the subject merchandise should also be classified under this heading.*

**HOLDING:** *By application of GRI 3(c), we find that the subject merchandise is classified under heading 4401, HTSUS. Specifically, it is classified in subheading 4401.39.40, HTSUS, which provides for “Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood in chips or particles; sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms: Sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms: Other: Other.” The 2015 column one, general rate of duty is free.*

**Modification of One Ruling Letter Relating to the Tariff Classification of a Sponge Art Set . . . . . 55**  
**EFFECTIVE DATE:** *This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after November 30, 2015.*

**ISSUE:** *What is the proper tariff classification of the sponge art set?*

**NO CHANGE IN TARIFF PROVISION – MODIFYING EARLIER RULING TO REFLECT PROPER CLASSIFICATION IN ACCORDANCE WITH GENERAL RULE OF INTERPRETATION (GRI) 3(b) – NOT GRI 1:**

*In HQ H957131, legacy Customs classified the sponge art set under heading 3213.10.1000 by application of GRI 1 set because “heading 3213 is sufficiently broad to cover these components.” We disagree that heading 3213 covers all of the component parts of the sponge art set, specifically the coated paper included in the set. We note that the plain language of the heading covers colors, tints, and colors. The language of the heading does not include any reference to sheets of paper or other medium onto which the user will paint.*

*The Harmonized Commodity Description and Coding System Explanatory Notes (ENs) constitute the official interpretation of the Harmonized System at the international level. While not legally binding, and therefore not dispositive, the ENs provide a commentary on the scope of each heading of the Harmonized System and are thus useful in ascertaining the classification of merchandise under the System. See T.D. 89–80, 54 Fed. Reg. 35127 (Aug. 23, 1989). The EN for heading 3213 provides:*

*This heading covers prepared colours and paints of a kind used by artists, students or signboard painters, modifying tints, amusement colours and the like (water colours, gouache colours, oil paints, etc.), provided they are in the form of tablets or put up in tubes, small jars or bottles, pans or in similar forms or packings.*

*The heading also includes those sold in sets or outfits, with or without brushes, palettes, palette knives, stumps, pans, etc.*

*The EN clarifies that the heading covers colors and paints, but the heading also includes those sold in sets with brushes, palettes, palette knives, stumps and pans. Each of the items enumerated are used to either prepare or apply the paint in the set. Consequently, the sponges and brush are encompassed by heading 3213. However, there is no indication that heading 3213 covers the medium onto which the painter will apply the paint, i.e., canvas, paper sheets or signboards. In this case, the coated paper in the sponge art set would not be covered under heading 3213. Based on the plain language of heading 3213 HTSUS and the commentary of explanatory note 32.13, we find that the sponge art set may not be classified under heading 3213 HTSUS as a GRI 1 set.*

...  
Because the sponge art set consists of various components, the set is a composite good classifiable under GRI 3(b). The EN (VIII) to GRI 3(b) states the following:

*The factor which determines essential character will vary as between different kinds of goods. It may, for example, be determined by the nature of the material or component, its bulk, quantity, weight or value, or by the role of a constituent material in relation to the use of the goods.*

*The application of the “essential character test” requires a fact-intensive analysis. See Home Depot U.S.A., Inc. v. United States, 491 F.3d 1334, 1337 (Fed. Cir. 2007). But in addition to the those listed in the EN (VIII) to GRI 3(b), other factors should be considered, including the article’s name, primary function, and the “attribute which strongly marks or serves to distinguish what it is. Its essential character is that which is indispensable to the structure, core or condition of the article, i.e. what it is.” A.N. Deringer, Inc. v. United States, 66 Cust. Ct. 378, 383 (1971).*

*In the instant case, the sponge and paint brush are used to apply the six types of glitter paint. The paint is applied to the coated sheets of paper. Consequently, the primary function of the sponges, brush, and paper is to assist with the application of the watercolor glitter paint. Therefore, we find that the set of six watercolor glitter paint provides the essential character of the set.*

**HOLDING:** *By application of GRI 3(b), the sponge art kit is properly classified in heading 3213 HTSUS, specifically subheading 3213.10.0000, which provides for “Artists’, students’ or signboard painters’ colors, modifying tints, amusement colors and the like, in tablets, tubes, jars, bottles, pans or in similar forms or packings: Colors in sets.” The general, column one rate of duty is 6.5 percent ad valorem.*

**Revocation of Two Ruling Letters and Revocation of Treatment Relating to the Tariff Classification of Planters Made From Coconut Fibres** ..... 62

**EFFECTIVE DATE:** *This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after November 30, 2015.*

In NY N020080, CBP classified merchandise consisting of a plant container made from coconut fibers (coir) under heading 5305, HTSUS, specifically under subheading 5305.00.00, HTSUS, which provides for “Coconut and other vegetable textile fibers, not elsewhere specified or included, raw or processed but not spun.” In NY N010591, CBP classified a kit containing five seed containers made from coir under heading 1404, HTSUS, specifically under subheading 1404.90.90, HTSUS, which provides for: “Vegetable products not elsewhere specified or included: Other.”

*It is now CBP’s position that the merchandise described in NY N020080 and N010591, each consisting of one or more planters made from mixtures of coir with adhesive substances, are properly classified, by operation of GRI 1, under heading 9602, HTSUS, specifically under subheading 9602.00.50, HTSUS, which provides for “Worked vegetable or mineral carving material and articles of these materials; molded or carved articles of wax, of stearin, of natural gums or natural resins, of modeling pastes, and other molded or carved articles, not elsewhere specified or included; worked, unhardened gelatin (except gelatin of heading 3503) and articles of unhardened gelatin.”*

...



**ISSUE: Whether the instant merchandise is properly classified as vegetable products under heading 1404, HTSUS, as coconut fibers under heading 5305, HTSUS, or as other molded or carved articles under 9602, HTSUS?**

**LAW AND ANALYSIS:**

...

As an initial matter, we note that headings 1404, HTSUS, and 9602, HTSUS, are “basket provisions,” into which merchandise should be classified only when it is not more specifically covered by another heading. See Headquarters Ruling Letter (HQ) 963233, dated December 13, 2000; HQ 951651, dated August 13, 1992. Accordingly, we first consider whether the products at issue are prima facie classifiable under heading 5305, HTSUS.

Heading 5305, HTSUS, provides for vegetable textile fibers that are raw or processed but not spun. EN 53.05 provides, in relevant part, as follows:

*This heading covers vegetable textile fibres obtained from the leaves or fruit of certain monocotyledonous plants (e.g., coconut, abaca or sisal)..*

...

*However, fibres obtained from vegetable materials which, when raw or in certain other forms, fall in Chapter 14, are classified here only when they have undergone treatment indicating their use as textile materials, e.g., when they have been crushed, carded or combed in preparation for spinning.*

*The vegetable fibres classified here include:*

*Coconut. Coconut fibres (coir) are obtained from the external covering of the nut and are coarse, brittle and brown in colour. They are classified here whether in mass or in bundles.*

..Thus, based on the above EN, coir, which undergoes processing beyond the methods enumerated in the EN, is not covered by heading 5305, HTSUS. CBP has consistently classified coir that is in raw masses or bundles, carded, combed, or otherwise prepared for spinning, or in the form of waste or garneted stock, in heading 5305, but not when the coir is subjected to other preparations or processes not enumerated in the EN. ...

In NY N020080, CBP describes the coir planters as “formed into hollow cylindrical shape” from a mixture of coir, Vaseline, and clay. Similarly, the Greenhouse Kit containers in NY N010591 are compositions of coconut husks and latex glue, which, after being mixed, are molded into rectangular containers designed to house seeds. Thus, neither the coir planters nor the Greenhouse Kit containers can be considered coir in raw, carded, combed, waste or garneted stock form. As heading 5305, HTSUS, does not extend to coir that has been mixed with adhesive materials and subsequently molded to form, both of the instant products fall outside the scope of the heading.

We accordingly consider remaining headings 1404, HTSUS, and 9602, HTSUS. Heading 1404, HTSUS, covers, among other things, “Vegetable Products Not Elsewhere Specified or Included.” EN 14.04 provides, in relevant part, that “[t]his heading covers all vegetable products, not specified or included elsewhere in the Nomenclature.” Our research indicates that coir is a type of vegetable fiber. See *Industrial Applications of Natural Fibres: Structure, Properties, and Technical Applications*, (pp. 197–218); *Understanding Fabrics: From Fiber to Finished Cloth*, (p. 3). As such, coir constitutes a vegetable product within the meaning of this term as it appears in EN 14.04. However, the Vaseline, clay, and glue with which the coir is mixed to form the instant products are not “vegetable products,” and thus are not described by heading 1404, HTSUS.

**In contrast, we find that the products are described wholly by heading 9602, HTSUS, which covers “Other Molded or Carved Articles, Not Elsewhere Specified or Included.” EN 96.02 provides, with respect to molded or carved articles, as follows:**

*This group includes, on the one hand, moulded and carved articles of various materials, provided those articles are not specified or included in other headings of the Nomenclature...*

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*For the purposes of these materials, the expression “moulded articles” means articles which have been moulded to a shape appropriate to their intended use.”*

*As mixtures of various materials that have been molded into shapes appropriate to their respective intended uses, the products at issue are prima facie classifiable under heading 9602, HTSUS. [citations omitted] Moreover, unlike heading 1404, HTSUS, which describes only the coir components of the products, heading 9602, HTSUS, covers both products, as molded mixtures of various materials, in their entirety. [citation omitted] Accordingly, the products at issue are properly classified under heading 9602, HTSUS.*

*Even assuming arguendo that the instant products are prima facie classifiable under both heading 1404, HTSUS, and heading 9602, HTSUS, they nevertheless remain properly classified under the latter heading by operation of GRI 3. GRI 3 provides, in pertinent part, as follows:*

*When, by application of rule 2(b) or for any other reason, goods are, prima facie, classifiable under two or more headings, classification shall be effected as follows:*

*(a) The heading which provides the most specific description shall be preferred to headings providing a more general description.*

*However, when two or more headings each refer to part only of the materials or substances contained in mixed or composite goods or to part only of the items in a set put up for retail sale, those headings are to be regarded as equally specific in relation to those goods, even if one of them gives a more complete or precise description of the goods.*

*GRI 3(a) is known as the “rule of relative specificity.” [citation omitted] Where articles can be classified under two HTSUS headings, under GRI 3(a) the classification “turns on which of these two provisions are more specific.” [citation omitted] Courts undertaking the GRI 3(a) comparison “look to the provision with requirements that are more difficult to satisfy and that describe the article with the greatest degree of accuracy and certainty.” [citation omitted]*

*In HQ H230037, we determined that heading 9602, HTSUS, is more difficult to satisfy than heading 1404, HTSUS, because the former specifies the manner in which any subject vegetable matter must be worked whereas the latter broadly covers all vegetable products in any form. There, we concluded that food-grade disposable dinnerware made from areca palm nut leaves, a vegetable matter, was properly classifiable under heading 9602, HTSUS, because the leaves had been molded into plate shapes. In the instant case, both the coir planters and Greenhouse Kit are similarly made of a vegetable matter, coir, which has been molded into rectangular container shapes. As in HQ H230037, even though the instant products contain vegetable matter, they are more specifically described by the manner in which this material is worked. Accordingly, even if GRI 3 applied, our conclusion that the instant products are properly classified under heading 9602, HTSUS, would remain unchanged.*

**HOLDING:** *By application of GRI 1, the coir planters and Greenhouse Kit are classified under heading 9602, HTSUS, specifically under subheading 9602.00.50, HTSUS, which provides for “Worked vegetable or mineral carving material and articles of these materials; molded or carved articles of wax, of stearin, of natural gums or natural resins, of modeling pastes, and other molded or carved articles, not elsewhere specified or included; worked, unhardened gelatin (except gelatin of heading 3503) and articles of unhardened gelatin.” The column one, general rate of duty is 2.7 % ad valorem.*

**Proposed Revocation of Two Ruling Letters and Treatment Related to the Country of Origin Marking of Certain Solar Panels Under the North American Free Trade Agreement . . . . . 70**

***DATES: Comments must be received on or before October 30, 2015.***

*Pursuant to 19 U.S.C. § 1625(c)(1), CBP proposes to revoke NY R00721, dated September 17, 2004, and NY N047417, dated January 14, 2009, in accordance with the analysis set forth in proposed Headquarters Ruling Letter (HQ) H266527 (Attachment C).*

...

In NY R00721 dated Sept. 17, 2004, we held that solar panels assembled in Mexico were products of Mexico. In NY N047417, dated Jan. 14 2009, we held that it was acceptable to mark the solar panels with the proposed wording “Components from Japan, Assembled in Mexico” or “Components from Japan, Manufactured in Mexico.” After reviewing these two rulings, we found that they are incorrect. For the reasons set forth below, we hereby revoke NY R00721, dated Sept. 17, 2004 and NY N047417, dated Jan. 14 2009.

**ISSUE:** Whether the finished solar panels are a product of Mexico for country of origin marking purposes.

...  
Section 134.1(j), CBP Regulations (19 C.F.R. 134.1(j)), provides that the “NAFTA Marking Rules” are the rules promulgated for purposes of determining whether a good is a good of a NAFTA country. Section 134.1(g), CBP Regulations (19 C.F.R. 134.1(g)), defines a “good of a NAFTA country” as an article for which the country of origin is Canada, Mexico or the United States as determined under the NAFTA Marking Rules, set forth at 19 C.F.R. Part 102.

Section 102.11(a), CBP Regulations (19 C.F.R. 102.11(a)), sets forth the required hierarchy under the NAFTA Marking Rules for determining country of origin for marking purposes. This section states that the country of origin of a good is the country in which:

- (1) The good is wholly obtained or produced;
- (2) The good is produced exclusively from domestic materials; **or**
- (3) Each foreign material incorporated in that good undergoes an applicable change in tariff classification set out in [section] 102.20 and satisfies any other applicable requirements of that section, and all other applicable requirements of these rules are satisfied.

Since the components of the solar panels are manufactured in both Japan and the United States, they are neither “wholly obtained or produced” in one country nor “produced exclusively from domestic materials.” Accordingly, the country of origin of the solar panels may not be determined under the first two steps of the hierarchy in 19 C.F.R. 102.11(a)(1) and (a)(2).

Under the third step of the hierarchy, 19 C.F.R. 102.11(a)(3), the country of origin of a good is the country in which “each foreign material incorporated in that good undergoes an applicable change in tariff classification set out in §102.20 and satisfies any other applicable requirements of that section.” Section 102.1(e), CBP Regulations (19 C.F.R. 102.1(e)) defines “[f]oreign material” as “a material whose country of origin as determined under these rules is not the same country as the country in which the good is produced.” The finished solar panels are classified in subheading 8541, HTSUS. When Kyocera Solar’s ruling request was submitted in 2004, the tariff shift rule for subheading 8541, HTSUS required:

- “A change to heading 8541 through 8542 from any other subheading, including another subheading within that group; or**
- A change to a mounted chip, die or wafer classified in heading 8541 or 8542 from an unmounted chip, die or wafer classified in heading 8541 or 8542; or**
- A change to a programmed ‘read only memory’ (ROM) chip from an unprogrammed ‘programmable read only memory’ (PROM) chip.”**

NY R00721 incorrectly concluded that the Japanese solar cells classified under subheading 8541.40.6030 satisfied the tariff shift rule from any other subheading. Because the finished solar panels are classified under subheading 8541.40.6020, HTSUS, there is no “change to heading 8541 through 8542 from any other subheading . . . .” The 10-digit number is actually the statistical reporting number for an article that is formed by combining the 8-digit subheading number with the appropriate 2-digit statistical suffix. See General Statistical Notes 3(a), HTSUS, which describes the “Statistical Reporting Number.”

Further, there is no evidence that the finished solar panels contain any chips, dies, wafers, or “read only memory” chips. Accordingly, the solar panels do not undergo the required change in tariff classification as a result of the operations in Mexico.



When a good's country of origin cannot be determined under the three methods described in 19 C.F.R. 102.11(a), 19 C.F.R. 102.11(b) provides that "[e]xcept for a good that is specifically described in the Harmonized System as a set, or is classified as a set . . . the country of origin of the good is the country or countries of origin of the single material that imparts the essential character to the good." Here, the single material or component that impacts the essential character to the solar panels is the individual solar cell. The individual solar cells allow the solar panels to fulfill their purpose of generating electricity and represent the majority of the finished product's value. Therefore, under 19 C.F.R. 102.11(b), the country of origin for marking purposes of the finished solar panels is Japan, the country of origin of the individual solar cells. We also note that since 2004, another rule was added in 19 CFR 102.20 for goods of heading 8541, HTSUS; however, this rule is not applicable to solar panels.

Because the panels' country of origin is Japan, they cannot be labeled "Components from Japan, Assembled in Mexico" or "Components from Japan, Manufactured in Mexico." 19 C.F.R. 134.43(e) permits such labeling only when the assembled article's country of origin is "the country in which the article is finally assembled." As noted above, the solar panels are goods of Japan. Accordingly, NY N047417 is also incorrect.

**HOLDING:** The solar panels' country of origin for marking purposes is Japan pursuant to 19 C.F.R. 102.11(b). Therefore, they may not be labeled "Components from Japan, Assembled in Mexico" or "Components from Japan, Manufactured in Mexico."

**Proposed Revocation of Ruling Letter Relating to the Eligibility of Copper Sheets for a Partial Duty Exemption Under Subheadings 9802.00.60, HTSUS** ..... 80

**DATES: Comments must be received on or before October 30, 2015.**

Pursuant to 19 U.S.C. § 1625(c)(1), CBP proposes to revoke HQ 540430, [sic: the ruling at issue is actually number **560430**] dated June 30, 1997, in accordance with the analysis set forth in proposed HQ H265781 (Attachment B).

**ISSUE:** Whether imported copper sheets made from scraps generated from splitting, annealing, milling, rolling, brushing, or levelling imported copper in the United States are eligible for a partial duty exemption under subheading 9802.00.60, HTSUS.

... HQ 560430 found that the copper sheets were "articles of metal" for the purposes of subheading 9802.00.60, HTSUS, and that the copper sheets were "exported for further processing." However, it found that the exported scrap was not "subject to a process of manufacture" in the United States.

With respect to the requirement that the scrap metal be "manufactured or subject to a process of manufacture in the United States," CBP has noted that there are two types of scrap metal: "obsolete" and "industrial." See HQ 555096, dated July 7, 1989. "Obsolete" scrap consists of worn-out or discarded metal articles, and "industrial scrap" consists of leftover metal from manufacturing operations performed on metal articles. In HQ 555096, it was determined that in order for scrap to be eligible under the statute where foreign metal is involved, the scrap must be obtained from the processing of foreign metal in the U.S. Furthermore, industrial scrap was found eligible under subheading 9802.00.60, HTSUS, where it resulted from the production of metal tool boxes in the United States. See NY N018085, dated Oct. 26, 2007. In NY N018085, an importer brought aluminum coils from Greece into the United States, where they were cut into sheets and sold to U.S. customers who manufactured them into tool boxes. As a result of the tool box manufacturing process, aluminum scrap was produced, which was sold to the aluminum supplier in Greece where it was melted down and used in the production of aluminum coils to be shipped back to the U.S. The new coils were eligible under subheading 9802.00.60, HTSUS, because the metal article from which the scrap was obtained (the tool boxes) was initially subjected to a process of manufacture in the United States (the cutting of aluminum coils into sheets).

Similarly, the metal article from which the scrap was obtained in this case (the imported copper sheets) was initially subjected to a variety of processes of manufacture in the United States including splitting, annealing, milling, rolling, brushing, and leveling. HQ 560430 is therefore incorrect that "the copper scrap, which is a by-product of the imported metal sheets that were subjected to a manufacturing

*process in the U.S., does not, itself, meet the subheading 9802.00.60 criteria of being an article of metal which was ‘manufactured in the United States or subject to a process of manufacture in the United States’ before exportation back to Germany to be made into more sheets of copper.”*

*Accordingly, similar items are eligible for a partial duty exemption so long as the items are returned to the United States for further processing and the documentary requirements of 19 C.F.R. § 10.9 are met.*

**HOLDING:** *The imported copper sheets made from scraps generated from splitting, annealing, milling, rolling, brushing, or levelling imported copper in the United States are eligible for a partial duty exemption under subheading 9802.00.60, HTSUS.*

#### MESSAGING SERVICE

CSMS [15000738](#) Announcement of the APHIS Non-Lacey Act PGA Message Set Test

CSMS [15000737](#) ACE Portal Password Reset Issues

CSMS [15000736](#) GO Messages Not Generated in Air Manifest

CSMS [15000735](#) ACE PRODUCTION OUTAGE tomorrow, Thursday, October 1, 2015 at 0630 ET

CSMS [15000734](#) ACE CERTIFICATION OUTAGE STARTING TODAY, September 30, 2015 at 1700 ET

CSMS [15000733](#) August - September 2015 ACE Monthly Trade Update

CSMS [15000732](#) New ACE Export Webinar Recording and Presentation Slides Available on CBP.gov

CSMS [15000731](#) Updated ACE Entry Summary Create-Updated AE-AX CATAIR

CSMS [15000730](#) ACE PRODUCTION OUTAGE TODAY, Tuesday, September 29, 2015

CSMS [15000729](#) ACE PRODUCTION OUTAGE Today September 28, 2015 1930PM ET

CSMS [15000728](#) Update Regarding September 26, 2015 Deployment

CSMS [15000727](#) ACE PRODUCTION DEPLOYMENT today September 28, 2015 6:00pm EST

CSMS [15000726](#) ERR/199 CALL CBP FOR EXPLANATION

CSMS [15000725](#) CORRECTION: ACE PRODUCTION OUTAGE Today September 25, 2015 1930PM ET

CSMS [15000724](#) Weekly ACE Production Outage beginning September 26, 2015

CSMS [15000723](#) ACE PRODUCTION OUTAGE Today September 25, 2015 1930PM ET

CSMS [15000722](#) ACE CERTIFICATION OUTAGE, TODAY, SEPTEMBER 25, 2015

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##### NOTICES

Proposed Consent Agreements; Analysis to Aid Public Comment:  
National Association of Animal Breeders, Inc.

[\[TEXT\]](#) [\[PDF\]](#)

#### **FISH & WILDLIFE**      [F&W Importing / Exporting Website](#)

#### **FOOD & DRUG ADMINISTRATION**

##### RULES

Listing of Color Additives Exempt from Certification:

Mica-Based Pearlescent Pigments

[\[TEXT\]](#) [\[PDF\]](#)

Medical Devices; Cardiovascular Devices:

Classification of the Steerable Cardiac Ablation Catheter Remote Control System

[\[TEXT\]](#) [\[PDF\]](#)

Small Entity Compliance Guide:

Veterinary Feed Directive Regulation Questions and Answers

[\[TEXT\]](#) [\[PDF\]](#)

##### NOTICES

Evaluation of the Prescription Drug User Fee Act Workload Adjuster

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Fee for Using a Rare Pediatric Disease Priority Review Voucher in Fiscal Year 2016

[\[TEXT\]](#) [\[PDF\]](#)

Identification of Alternative In Vitro Bioequivalence Pathways Which Can Reliably Ensure [\[TEXT\]](#) [\[PDF\]](#)

In Vivo Bioequivalence of Product Performance, etc.

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Guidance:

7(R1) Addendum to ICH M7; International Conference on Harmonisation Controlled Correspondence Related to Generic Drug Development	<a href="#">[TEXT]</a> <a href="#">[PDF]</a>
E6(R2) Good Clinical Practice; International Conference on Harmonisation	<a href="#">[TEXT]</a> <a href="#">[PDF]</a>
M4E(R2)-The Common Technical Document--Efficacy; International Conference on Harmonisation	<a href="#">[TEXT]</a> <a href="#">[PDF]</a>

Medical Devices:

Safety and Effectiveness Summaries for Premarket Approval Applications	<a href="#">[TEXT]</a> <a href="#">[PDF]</a>
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Priority Review Vouchers:

Rare Pediatric Disease Product	<a href="#">[TEXT]</a> <a href="#">[PDF]</a>
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Request for Notification of Regulated Industry Organization Intention to Participate:

Biosimilar User Fee Act Reauthorization Meetings	<a href="#">[TEXT]</a> <a href="#">[PDF]</a>
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Withdrawal of Products from Sale for Reasons of Safety or Effectiveness:

PONDIMIN (Fenfluramine Hydrochloride) Tablets, 20 Milligrams and 60 Milligrams, & PONDEREX (Fenfluramine Hydrochloride) Capsules, 20 Milligrams ,	<a href="#">[TEXT]</a> <a href="#">[PDF]</a>
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Withdrawal of Products from Sale for Reasons Other Than Safety or Effectiveness:

ORTHO EVRA (Norelgestromin/Ethinyl Estradiol) Transdermal System, 0.15 Milligrams/ 24 Hours Norelgestromin and 0.035 Milligrams/24 Hours Ethinyl Estradiol	<a href="#">[TEXT]</a> <a href="#">[PDF]</a>
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Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Early Food Safety Evaluation of New Non-Pesticidal Proteins Produced by New Plant Varieties Intended for Food Use	<a href="#">[TEXT]</a> <a href="#">[PDF]</a>
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Meetings:

Biosimilar User Fee Act	<a href="#">[TEXT]</a> <a href="#">[PDF]</a>
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Cellular, Tissue, and Gene Therapies Advisory Committee and the Oncologic Drugs Advisory Committee	<a href="#">[TEXT]</a> <a href="#">[PDF]</a>
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Labeling Lower-Dose Estrogen-Alone Products for Symptoms of Vulvar & Vaginal Atrophy	<a href="#">[TEXT]</a> <a href="#">[PDF]</a>
--	--

Antimicrobial Drugs Advisory Committee and Drug Safety and Risk Management Advisory Committee	<a href="#">[TEXT]</a> <a href="#">[PDF]</a>
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Pharmacy Compounding Advisory Committee	<a href="#">[TEXT]</a> <a href="#">[PDF]</a>
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Requests for Nominations:

Individuals and Consumer Organizations for Advisory Committees	<a href="#">[TEXT]</a> <a href="#">[PDF]</a>
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**FDA Recalls Market Withdrawals, & Safety Alerts**

- [Wyandot Inc. Issues Allergy Alert on Undeclared Milk in Yellow Round Tortillas](#)
- [Salix Animal Health, LLC, Announces Voluntary Recall of One Lot of "Good 'N' Fun - Beefhide Chicken Sticks" Dog Treats Due to Possible Salmonella Contamination](#)
- [Press Release For Voluntary Recall of Kermit, Inc. Products](#)
- [Fatima Brothers Issues Alert On Undeclared Sulfites In Shad Raisins](#)
- [United TC Issues Allergy Alert on Undeclared Sulfites in Golden Raisins](#)
- [OC RAW DOG Voluntarily Recalls Limited Number of Raw Frozen Dog Food Due to Potential Salmonella Health Risk](#)
- [TF Supplements Issues Voluntary Nationwide Recall of Dietary Supplements with Undeclared Active Pharmaceutical Ingredients](#)
- [Western Milling LLC Voluntarily Recalls Western Blend Horse Feed, Lot 5251 due to potential Monensin contamination.](#)
- [Truco Enterprises Recalls 18oz Cafe Style Tortilla Chips Due To The Possible Presence Of Undeclared Milk Allergen](#)



• [Mr. Goodcents Franchise Systems, Inc. Voluntarily Issues Allergy Alert On Undeclared Peanuts In A Chocolate Chip Cookie](#)

[Import Alerts](#) View by • [Country](#) • [Import Alerts by Number](#) • [Industry](#) • [Last Published Date](#)

## FOREIGN ASSETS CONTROL OFFICE

### NOTICES

#### Blocking or Unblocking of Persons and Properties

Publication of the names of fifteen individuals whose property & interests in property are [\[TEXT\]](#) [\[PDF\]](#) blocked pursuant to Executive Order 13224 of September 23, 2001, "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism."

[Specially Designated Nationals List](#)

[Resource Center](#)

[OFAC Recent Actions](#)

## FOREIGN- TRADE ZONES BOARD

### NOTICES

#### Applications for Expansions under Alternative Site Frameworks:

Foreign-Trade Zone 149, Freeport, TX

[\[TEXT\]](#) [\[PDF\]](#)

#### Production Activity Authorizations:

Saft America Inc., Foreign-Trade Zone 64, Jacksonville, FL

[\[TEXT\]](#) [\[PDF\]](#)

## INTERNATIONAL TRADE ADMINISTRATION

### NOTICES

Advance Notification of Sunset Reviews

[\[TEXT\]](#) [\[PDF\]](#)

Initiation of Five-Year (Sunset) Review

[\[TEXT\]](#) [\[PDF\]](#)

Opportunity to Request Administrative Review

[\[TEXT\]](#) [\[PDF\]](#)

#### Antidumping or Countervailing Duty Investigations, Orders, or Reviews:

Certain Tissue Paper Products from the People's Republic of China; Expedited Sunset Review

[\[TEXT\]](#) [\[PDF\]](#)

Circular Welded Carbon Steel Pipes and Tubes from Thailand

[\[TEXT\]](#) [\[PDF\]](#)

Citric Acid and Certain Citrate Salts from the People's Republic of China

[\[TEXT\]](#) [\[PDF\]](#)

Stainless Steel Wire Rod from Italy, Japan, the Republic of Korea, Spain, and Taiwan; Expedited Sunset Reviews

[\[TEXT\]](#) [\[PDF\]](#)

#### Trade Missions:

Smart Cities Infrastructure Business Development Mission to India

[\[TEXT\]](#) [\[PDF\]](#)

## INTERNATIONAL TRADE COMMISSION

### NOTICES

#### Antidumping or Countervailing Duty Investigations, Orders, or Reviews:

Coated Paper Suitable for High-Quality Print Graphics Using Sheet-Fed Presses from China and Indonesia

[\[TEXT\]](#) [\[PDF\]](#)

Iron Construction Castings from Brazil, Canada, and China

[\[TEXT\]](#) [\[PDF\]](#)

Prestressed Concrete Steel Wire Strand from China

[\[TEXT\]](#) [\[PDF\]](#)

Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from China

[\[TEXT\]](#) [\[PDF\]](#)

Pressure Sensitive Plastic Tape from Italy

[\[TEXT\]](#) [\[PDF\]](#)

#### Complaints:

Certain Radiotherapy Systems and Treatment Planning Software & Components Thereof [\[TEXT\]](#) [\[PDF\]](#)

#### Investigations; Determinations, Modifications, and Rulings, etc.:

Certain Hot-Rolled Steel Flat Products from Australia, Brazil, Japan, Korea, the Netherlands, Turkey, and the United Kingdom [\[TEXT\]](#) [\[PDF\]](#)

Certain Protective Cases for Electronic Devices and Components Thereof

[\[TEXT\]](#) [\[PDF\]](#)

Ironing Tables and Certain Parts Thereof from China

[\[TEXT\]](#) [\[PDF\]](#)

For details or additional information please contact: [bywierbicki@tdllp.com](mailto:bywierbicki@tdllp.com)

Seamless Refined Copper Pipe and Tube from China and Mexico [\[TEXT\]](#) [\[PDF\]](#)  
Agency Information Collection Activities; Proposals, Submissions, and Approvals:  
 Certain Uncoated Paper from Australia, Brazil, China, Indonesia, and Portugal [\[TEXT\]](#) [\[PDF\]](#)  
[Welded Stainless Steel Pressure Pipe from India](#)  
[Radiotherapy Systems and Treatment Planning Software, and Components](#)  
[Certain Television Sets, Television Receivers, Television Tuners, And Components Thereof](#)  
[Certain Hot-Rolled Steel Flat Products from Australia, Brazil, Japan, Korea, the Netherlands, and the United Kingdom](#)

## UNITED STATES TRADE REPRESENTATIVE

### [Results Of The GSP Limited Product Review](#) *changes are effective Oct. 1:*

List I consists of *Products Added to the List of Eligible Products for GSP for Least Developed Beneficiary Developing Countries*

List II consists of *Decisions on Petitions to Grant a Waiver of Competitive Need Limitation*

List III consists of *Revocations of Competitive Need Limitation Waivers*

List IV consists of *Products Receiving GSP Redesignation*

List V consists of *Products Receiving “De Minimis” Waivers - Competitive Need Limitation* waivers were granted for 100 products from 13 countries, which otherwise would have been eliminated from the GSP program without the waivers.

Effective January 1, 2017, Seychelles, Uruguay and Venezuela were removed from GSP eligibility based on a determination that those countries are “high income” – See, the [Presidential Proclamation](#)

## CALIFORNIA

[Office of Environmental Health Hazard Assessment](#)

[Comment period for Parathion, Malathion and Glyphosate extended](#)

[Listing Notice for CMNP \(pyrazachlor\)](#)      [Proposition 65 List dated 08/25/15](#)

### [Latest 60 Day Notices](#)

[AG Number 2013-01095\(View Details\)](#)

Chemical: Tobacco smoke

Source: Tobacco-based products, i.e., cigarettes, cigars, and hookah

NOTE: This notice has been withdrawn by email to the Office of the Attorney General and defendant's counsel dated January 14, 2014.

[AG Number 2013-01094\(View Details\)](#)

Chemical: Lead

Source: Water Sprayers with Metal Nozzles

[AG Number 2013-01093\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP), Lead

Source: Vinyl/PVC Grips Knife Grips, Vinyl/PVC Grips Knife Grips

[AG Number 2013-01092\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Vinyl/PVC Keychains

[AG Number 2013-01091\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Stools with Vinyl/PVC Upholstery containing Di(2-ethylhexyl)phthalate

[AG Number 2013-01090\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Cymbal Bags with Vinyl/PVC Shoulder Strap Pads

[AG Number 2013-01089\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Vinyl/PVC-Coated Cables

For details or additional information please contact: [bywierbicki@tdllp.com](mailto:bywierbicki@tdllp.com)

[AG Number 2013-01088\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Tools with Vinyl/PVC Grips

[AG Number 2013-01087\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Vinyl/PVC Tablecloth Protectors

[AG Number 2013-01086\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Vinyl/PVC Keycovers

[AG Number 2013-01085\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Tools with Vinyl/PVC Grips, Vinyl/PVC Cases

[AG Number 2013-01084\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Vinyl/PVC Golf Ball Retriever Grips , Vinyl/PVC Golf Ball Monogrammer Grips

[AG Number 2013-01083\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Vinyl/PVC Gloves

[AG Number 2013-01082\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Vinyl/PVC Long-Handled Tool Grips

[AG Number 2013-01081\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Vinyl/PVC Pet Tie-Out Cables

[AG Number 2013-01080\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Vinyl/PVC Tape Measure Grips, Tools with Vinyl/PVC Grips

[AG Number 2013-01079\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP), Lead

Source: Vinyl/PVC Watch Straps, Faux Leather Covered Flasks

[AG Number 2013-01078\(View Details\)](#)

Chemical: Lead and lead compounds

Source: Chamberlain Garage Power Station

[AG Number 2013-01077\(View Details\)](#)

Chemical: Arsenic (inorganic arsenic compounds), Lead

Source: Rice

[AG Number 2013-01076\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Cookware

[AG Number 2013-01075\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Eyewear

[AG Number 2013-01074\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Hand Tools

[AG Number 2013-01073\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Eyewear



[AG Number 2013-01072\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Eyewear

[AG Number 2013-01071\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Automobile Accessories

[AG Number 2013-01070\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Fitness Accessories

[AG Number 2013-01069\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Automobile Accessories

[AG Number 2013-01068\(View Details\)](#)

Chemical: Lead and lead compounds

Source: Guard Security Jimmy-Proof Deadlock

[AG Number 2013-01067\(View Details\)](#)

Chemical: Lead and lead compounds

Source: ceramic mugs with exterior decoration

[AG Number 2013-01066\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP), Di-n-butyl phthalate (DBP)

Source: Footwear

[AG Number 2013-01065\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Cookware

[AG Number 2013-01064\(View Details\)](#)

Chemical: Di-n-butyl phthalate (DBP)

Source: Footwear

[AG Number 2013-01063\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Vinyl Floor Mats

[AG Number 2013-01062\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Eyewear

[AG Number 2013-01061\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Footwear

[AG Number 2013-01060\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Eyewear

[AG Number 2013-01059\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Cookware

[AG Number 2013-01058\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Ottomans with Vinyl/PVC Upholstery containing Di(2-ethylhexyl)phthalate

[AG Number 2013-01057\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Chairs with Vinyl/PVC Upholstery containing Di(2-ethylhexyl)phthalate

[AG Number 2013-01056\(View Details\)](#)

Chemical: Tris(1,3-dichloro-2-propyl) phosphate (TDCPP), Tris(2-chloroethyl) phosphate  
Source: Upholstered Ottomans with Foam Padding containing Tris(1,3-dichloro-2-propyl) phosphate, Upholstered Ottomans with Foam Padding containing Tris(2-chloroethyl) phosphate

[AG Number 2013-01055\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)  
Source: Vinyl/PVC Journal Covers

[AG Number 2013-01054\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)  
Source: Valve Handles with Vinyl/PVC Grips

[AG Number 2013-01053\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)  
Source: Hand Tools

[AG Number 2013-01052\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP), Tris(1,3-dichloro-2-propyl) phosphate (TDCPP)  
Source: Stools with Foam Padding containing Tris(1,3-dichloro-2-propyl) phosphate, Folding Chairs with Vinyl/PVC Upholstery containing Di(2-ethylhexyl)phthalate

[AG Number 2013-01051\(View Details\)](#)

Chemical: Tris(1,3-dichloro-2-propyl) phosphate (TDCPP)  
Source: Upholstered Bassinets with Foam Padding containing Tris(1,3-dichloro-2-propyl) phosphate

[AG Number 2013-01050\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)  
Source: Vinyl/PVC Toiletry Cases

[AG Number 2013-01049\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)  
Source: Tools with Vinyl/PVC Grips

[AG Number 2013-01048\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)  
Source: Vinyl/PVC Seat Consoles, Automotive Seat Cushions with Vinyl/PVC Components

[AG Number 2013-01047\(View Details\)](#)

Chemical: Lead and lead compounds  
Source: Dietary Supplements

[AG Number 2013-01046\(View Details\)](#)

Chemical: Lead and lead compounds  
Source: Dietary Supplements

[AG Number 2013-01045\(View Details\)](#)

Chemical: Lead and lead compounds  
Source: Dietary Supplements

NOTE: This notice has been withdrawn by the issuing party by letter to the Office of the Attorney General dated August 29, 2014.

[AG Number 2013-01044\(View Details\)](#)

Chemical: Lead and lead compounds  
Source: Dietary Supplements

[AG Number 2013-01043\(View Details\)](#)

Chemical: Lead and lead compounds  
Source: Dietary Supplements

[AG Number 2013-01042\(View Details\)](#)

Chemical: Lead and lead compounds  
Source: Dietary Supplements

For details or additional information please contact: [bywierbicki@tdllp.com](mailto:bywierbicki@tdllp.com)

[AG Number 2013-01041\(View Details\)](#)

Chemical: Lead and lead compounds

Source: Dietary Supplements

[AG Number 2013-01040\(View Details\)](#)

Chemical: Lead and lead compounds

Source: Dietary Supplements

[AG Number 2013-01039\(View Details\)](#)

Chemical: Lead and lead compounds

Source: Dietary Supplements

[AG Number 2013-01038\(View Details\)](#)

Chemical: Benzo[a]pyrene, Carbon monoxide, Chromium (hexavalent compounds), Diesel engine exhaust, Formaldehyde (gas)

Source: Non-road Diesel Exhaust Engines

Comments: The sale by the VIOLATOR, or its agents, of this NON ROAD DIESEL EQUIPMENT constitutes exposures to numerous known carcinogenic chemicals in the environment and the normal use of the equipment by the purchaser or others will cause the subsequent occupational exposures to operators of the equipment without a clear and reasonable warning

[AG Number 2013-01037\(View Details\)](#)

Chemical: Benzophenone

Source: EvolutionMan Nail Varnish; UPC - 736211737489, Brilliant due Nail Polish Protector; UPC - 8010720253114

NOTE: This notice was withdrawn as to EvolutionMan, LLC by letter to the Office of the Attorney General dated January 6, 2013.

[AG Number 2013-01036\(View Details\)](#)

Chemical: Coconut oil diethanolamine condensate (cocamide diethanolamine)

Source: Curlisto Botanical Shampoo, Obliphica Treatment Shampoo; UPC - 7290013093066

NOTE: This notice was withdrawn as to HairKop Essence, LLP by letter to the Office of the Attorney General dated May 29, 2014.

[AG Number 2013-01035\(View Details\)](#)

Chemical: Lead and lead compounds

Source: Dietary Supplements

[AG Number 2013-01034\(View Details\)](#)

Chemical: Lead and lead compounds

Source: LASCO Pop-Up Drain

[AG Number 2013-01033\(View Details\)](#)

Chemical: Lead and lead compounds

Source: First Watch Interlocking Dead Bolt

[AG Number 2013-01032\(View Details\)](#)

Chemical: Coconut oil diethanolamine condensate (cocamide diethanolamine), Diethanolamine

Source: Vineyard Berries Hand Soap - UPC: 0667533196404, Caribbean Escape Hand Soap - UPC: 0667531805612, Bourbon Peach Hand Soap - UPC: 0667533321103, Crimson Plum Hand Soap - UPC: 0667533267005, Farmstand Apple Hand Soap - UPC: 0667533266527, Wildberry Fresia Hand Soap - UPC: 0667532577884, Dancing Waters Hand Soap - UPC: 0667531805636, Heirloom Pear Hand Soap - UPC: 0667533266510, Lavender & Chamomile Hand Soap - UPC: 050428540442, Clean Anti bacterial Hand Soap - UPC: 050428288214, Softsoap Soothing Aloe Vera Hand Soap - UPC: 074182270810, Softsoap Milk & Golden Honey Hand Soap - UPC: 074182292546, Softsoap Wintermint Wonderland Hand Soap - UPC: 074182269463, Lilac & Freesia Hand Soap - UPC: 074182262525, Prell Shampoo - UPC: 855093430131

[AG Number 2013-01031\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP), Di-n-butyl phthalate (DBP), Lead

Source: Footwear

[AG Number 2013-01030\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Vinyl Floor Mats

[AG Number 2013-01029\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Cookware

[AG Number 2013-01028\(View Details\)](#)

Chemical: Lead

Source: Cords

[AG Number 2013-01027\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Hand Tools

[AG Number 2013-01026\(View Details\)](#)

Chemical: Di-n-butyl phthalate (DBP)

Source: Footwear

[AG Number 2013-01025\(View Details\)](#)

Chemical: Di-n-butyl phthalate (DBP)

Source: Footwear

[AG Number 2013-01024\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Footwear

[AG Number 2013-01023\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP), Di-n-butyl phthalate (DBP)

Source: Vinyl Bath Mats

[AG Number 2013-01022\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Seat Consoles/Arm Rests, Vinyl/PVC Tire Covers

[AG Number 2013-01021\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP), Di-n-butyl phthalate (DBP), Lead

Source: Backpacks, Backpacks, Duffel Bags, Duffel Bags

[AG Number 2013-01020\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP), Lead

Source: Hand Tool Grips, Hand Tool Grips, Bells with Vinyl/PVC Handles, Bells with Vinyl/PVC Handles

[AG Number 2013-01019\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Belts, Headphones with Vinyl/PVC Wires containing Di(2-ethylhexyl)phthalate

[AG Number 2013-01018\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Stools with Vinyl/PVC Upholstery containing Di(2-ethylhexyl)phthalate

[AG Number 2013-01017\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Stools with Vinyl/PVC Upholstery containing Di(2-ethylhexyl)phthalate

[AG Number 2013-01016\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Tape Measures with Vinyl/PVC Hand Straps

For details or additional information please contact: [bywierbicki@tdllp.com](mailto:bywierbicki@tdllp.com)



[AG Number 2013-01015\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Tote Bags with Vinyl/PVC Handles

[AG Number 2013-01014\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP), Lead

Source: Travel Hairbrushes with Vinyl/PVC Components, Travel Hairbrushes with Vinyl/PVC Components

[AG Number 2013-01013\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Vinyl/PVC Cases

[AG Number 2013-01012\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP), Lead

Source: Tools with Vinyl/PVC Grips, Tape Measures with Vinyl/PVC Grips, Tape Measures with Vinyl/PVC Grips

[AG Number 2013-01011\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Vinyl/PVC Arm Bands

[AG Number 2013-01010\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Hearing Protection with Vinyl/PVC Ear Cushions

[AG Number 2013-01009\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Tools with Vinyl/PVC Grips containing Di(2-ethylhexyl)phthalate, Shop Seats with Vinyl/PVC Upholstery containing Di(2-ethylhexyl)phthalate

[AG Number 2013-01008\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Children's Folding Chairs with Vinyl/PVC Upholstery containing Di(2-ethylhexyl)phthalate

[AG Number 2013-01007\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Vinyl/PVC Hand Truck Grips

[AG Number 2013-01006\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Tools with Vinyl/PVC Grips

[AG Number 2013-01005\(View Details\)](#)

Chemical: Coconut oil diethanolamine condensate (cocamide diethanolamine)

Source: Shampoo and Liquid Soaps Such as Hand Soap, Body Wash and Bubble Bath

[AG Number 2013-01004\(View Details\)](#)

Chemical: Tris(1,3-dichloro-2-propyl) phosphate (TDCPP)

Source: Acoustic and Soundproofing Foam

[AG Number 2013-01003\(View Details\)](#)

Chemical: Lead

Source: Jam, Marmalade and Preserves Containing Ginger

[AG Number 2013-01002\(View Details\)](#)

Chemical: Lead

Source: Footwear Made With Leather, Vinyl or Imitation Leather Materials

[AG Number 2013-01001\(View Details\)](#)

Chemical: Lead

Source: Wallets, Handbags, Purses and Clutches Made with Leather, Vinyl or Imitation Leather Materials

[AG Number 2013-01000\(View Details\)](#)

Chemical: Lead and lead compounds

Source: Dietary Supplements

[AG Number 2013-00999\(View Details\)](#)

Chemical: Alcoholic beverages, when associated with alcohol abuse, Ethyl alcohol in alcoholic beverages

Source: Alcoholic beverages

[AG Number 2013-00998\(View Details\)](#)

Chemical: Alcoholic beverages, when associated with alcohol abuse, Ethyl alcohol in alcoholic beverages

Source: Alcoholic beverages

[AG Number 2013-00997\(View Details\)](#)

Chemical: Alcoholic beverages, when associated with alcohol abuse, Ethyl alcohol in alcoholic beverages

Source: Alcoholic beverages

[AG Number 2013-00996\(View Details\)](#)

Chemical: Alcoholic beverages, when associated with alcohol abuse, Ethyl alcohol in alcoholic beverages

Source: Alcoholic beverages

[AG Number 2013-00995\(View Details\)](#)

Chemical: Alcoholic beverages, when associated with alcohol abuse, Ethyl alcohol in alcoholic beverages

Source: Alcoholic beverages

[AG Number 2013-00994\(View Details\)](#)

Chemical: Alcoholic beverages, when associated with alcohol abuse, Ethyl alcohol in alcoholic beverages

Source: Alcoholic beverages

[AG Number 2013-00993\(View Details\)](#)

Chemical: Alcoholic beverages, when associated with alcohol abuse, Ethyl alcohol in alcoholic beverages

Source: Alcoholic beverages

[AG Number 2013-00992\(View Details\)](#)

Chemical: Alcoholic beverages, when associated with alcohol abuse, Ethyl alcohol in alcoholic beverages

Source: Alcoholic beverages

[AG Number 2013-00991\(View Details\)](#)

Chemical: Alcoholic beverages, when associated with alcohol abuse, Ethyl alcohol in alcoholic beverages

Source: Alcoholic beverages

[AG Number 2013-00990\(View Details\)](#)

Chemical: Cadmium

Source: Whole Smoked Oysters

[AG Number 2013-00989\(View Details\)](#)

Chemical: Cadmium

Source: Geisha Fancy Smoked Oyster

[AG Number 2013-00988\(View Details\)](#)

Chemical: Cadmium

Source: Whole Oysters

[AG Number 2013-00987\(View Details\)](#)

Chemical: Cadmium

Source: Select Fancy Whole Oyster

[AG Number 2013-00986\(View Details\)](#)

Chemical: Cadmium

Source: Fancy Whole Smoked Oysters

For details or additional information please contact: [bywierbicki@tdllp.com](mailto:bywierbicki@tdllp.com)

[AG Number 2013-00985\(View Details\)](#)

Chemical: Coconut oil diethanolamine condensate (cocamide diethanolamine)

Source: Shampoo and Liquid Soaps Such as Hand Soap, Dishwashing Liquid, Body Wash and Bubble Bath

[AG Number 2013-00984\(View Details\)](#)

Chemical: Lead

Source: Ginger and Plum Baking Ingredients

[AG Number 2013-00983\(View Details\)](#)

Chemical: Tris(1,3-dichloro-2-propyl) phosphate (TDCPP)

Source: Foam-Cushioned Mattress Toppers

[AG Number 2013-00982\(View Details\)](#)

Chemical: Alcoholic beverages, when associated with alcohol abuse, Ethyl alcohol in alcoholic beverages

Source: Alcoholic beverages

[AG Number 2013-00981\(View Details\)](#)

Chemical: Alcoholic beverages, when associated with alcohol abuse, Ethyl alcohol in alcoholic beverages

Source: Alcoholic beverages

[AG Number 2013-00980\(View Details\)](#)

Chemical: Alcoholic beverages, when associated with alcohol abuse, Ethyl alcohol in alcoholic beverages

Source: Alcoholic beverages

[AG Number 2013-00979\(View Details\)](#)

Chemical: Alcoholic beverages, when associated with alcohol abuse, Ethyl alcohol in alcoholic beverages

Source: Alcoholic beverages

[AG Number 2013-00978\(View Details\)](#)

Chemical: Alcoholic beverages, when associated with alcohol abuse, Ethyl alcohol in alcoholic beverages

Source: Alcoholic beverages

[AG Number 2013-00977\(View Details\)](#)

Chemical: Alcoholic beverages, when associated with alcohol abuse, Ethyl alcohol in alcoholic beverages

Source: Alcoholic beverages

[AG Number 2013-00976\(View Details\)](#)

Chemical: Alcoholic beverages, when associated with alcohol abuse, Ethyl alcohol in alcoholic beverages

Source: Alcoholic beverages

[AG Number 2013-00975\(View Details\)](#)

Chemical: Alcoholic beverages, when associated with alcohol abuse, Ethyl alcohol in alcoholic beverages

Source: Alcoholic beverages

[AG Number 2013-00974\(View Details\)](#)

Chemical: Alcoholic beverages, when associated with alcohol abuse, Ethyl alcohol in alcoholic beverages

Source: Alcoholic beverages

[AG Number 2013-00973\(View Details\)](#)

Chemical: Alcoholic beverages, when associated with alcohol abuse, Ethyl alcohol in alcoholic beverages

Source: Alcoholic beverages

[AG Number 2013-00972\(View Details\)](#)

Chemical: Alcoholic beverages, when associated with alcohol abuse, Ethyl alcohol in alcoholic beverages

Source: Alcoholic beverages

[AG Number 2013-00971\(View Details\)](#)

Chemical: Formaldehyde (gas)

Source: Formaldehyde gas

[AG Number 2013-00970\(View Details\)](#)

Chemical: Tris(1,3-dichloro-2-propyl) phosphate (TDCPP)

Source: Foam-Cushioned Upholstered Furniture

For details or additional information please contact: [bywierbicki@tdllp.com](mailto:bywierbicki@tdllp.com)

[AG Number 2013-00969\(View Details\)](#)

Chemical: Tris(1,3-dichloro-2-propyl) phosphate (TDCPP)

Source: Acoustic and Soundproofing Foam

[AG Number 2013-00968\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Cookware

[AG Number 2013-00967\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Sporting Goods

[AG Number 2013-00966\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Eyewear

[AG Number 2013-00965\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Eyewear

[AG Number 2013-00964\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Eyewear

[AG Number 2013-00963\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Cookware

[AG Number 2013-00962\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Cookware

[AG Number 2013-00961\(View Details\)](#)

Chemical: Di-n-butyl phthalate (DBP)

Source: Footwear

[AG Number 2013-00960\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Eyewear

[AG Number 2013-00959\(View Details\)](#)

Chemical: Lead and lead compounds

Source: DANCO Hot and Cold stem, ACE Faucet Spray Hose, ACE Faucet Stem Diverter, ACE Universal Ball Rod Assembly

Comments: Supplement to AG Case Numbers: 2012-00913 and 2012-00868

[AG Number 2013-00958\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP), Lead

Source: Hand Tools with Vinyl/PVC Grips

[AG Number 2013-00957\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Kitchen Tools

[AG Number 2013-00956\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Cookware

[AG Number 2013-00955\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Eyewear



[AG Number 2013-00954\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Footwear

[AG Number 2013-00953\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Eyewear

[AG Number 2013-00952\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Kitchen Tools

[AG Number 2013-00951\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Eyewear

[AG Number 2013-00950\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Car Accessories

[AG Number 2013-00949\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Kitchen Tools

[AG Number 2013-00948\(View Details\)](#)

Chemical: Coconut oil diethanolamine condensate (cocamide diethanolamine)

Source: hand cleaners, soaps, Orange Heavy-Duty Hand Cleaner

[AG Number 2013-00947\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Furniture with Vinyl Upholstery containing Di(2-ethylhexyl)phthalate

[AG Number 2013-00946\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Drum Thrones with Vinyl/PVC Upholstery containing Di(2-ethylhexyl)phthalate

[AG Number 2013-00945\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Vinyl/PVC Exercise Balls

[AG Number 2013-00944\(View Details\)](#)

Chemical: Lead

Source: Drinking Glass with Exterior Designs containing Lead

[AG Number 2013-00943\(View Details\)](#)

Chemical: Tris(1,3-dichloro-2-propyl) phosphate (TDCPP)

Source: Upholstered Chairs with Foam Padding containing Tris(1,3-dichloro-2-propyl) phosphate

[AG Number 2013-00942\(View Details\)](#)

Chemical: Lead

Source: Glass Reed Diffusers with Exterior Designs containing Lead

[AG Number 2013-00941\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP), Tris(1,3-dichloro-2-propyl) phosphate (TDCPP)

Source: Chairs with Foam Padding containing Tris(1,3-dichloro-2-propyl) phosphate, Chairs with Vinyl/PVC Upholstery containing Di(2-ethylhexyl)phthalate

[AG Number 2013-00940\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP), Tris(1,3-dichloro-2-propyl) phosphate (TDCPP)

Source: Chairs with Foam Padding containing Tris(1,3-dichloro-2-propyl) phosphate, Chairs with Vinyl/PVC Upholstery containing Di(2-ethylhexyl)phthalate

[AG Number 2013-00939\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Vinyl/PVC Beverage Insulators

[AG Number 2013-00938\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP), Tris(1,3-dichloro-2-propyl) phosphate (TDCPP)

Source: Chairs with Vinyl/PVC Upholstery containing Di(2-ethylhexyl)phthalate, Chairs with Foam Padding containing Tris(1,3-dichloro-2-propyl) phosphate

[AG Number 2013-00937\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Vinyl/PVC Toiletry/ Cosmetic Bags

[AG Number 2013-00936\(View Details\)](#)

Chemical: Tris(1,3-dichloro-2-propyl) phosphate (TDCPP)

Source: Bar stools

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Pier 1 Imports recalls Outdoor Patio Katerina Swivel Armchair

<http://healthycanadians.gc.ca/recall-alert-rappel-avis/hc-sc/2015/55148r-eng.php>

RCR International Inc. recalls Topsis Clean Pilot synthetic Chamois

<http://healthycanadians.gc.ca/recall-alert-rappel-avis/hc-sc/2015/55144r-eng.php>

BSH Home Appliances Corporation recalls dishwashers due to fire hazard

<http://healthycanadians.gc.ca/recall-alert-rappel-avis/hc-sc/2015/55022r-eng.php>

Expanded Recall: Bexco Enterprises, Inc. recalls DaVinci brand cribs

<http://healthycanadians.gc.ca/recall-alert-rappel-avis/hc-sc/2015/55168r-eng.php>

Spirit Halloween recalls feather boas and feather angel wings

<http://healthycanadians.gc.ca/recall-alert-rappel-avis/hc-sc/2015/55104r-eng.php>

Neil Pryde Limited recalls Cabrinha Kiteboard Control System

<http://healthycanadians.gc.ca/recall-alert-rappel-avis/hc-sc/2015/55088r-eng.php>

Expanded Recall: Madewell recalls Sightseer and Katya sandals

<http://healthycanadians.gc.ca/recall-alert-rappel-avis/hc-sc/2015/55094r-eng.php>

Calphalon Corporation recalls Calphalon Pizza Wheel

<http://healthycanadians.gc.ca/recall-alert-rappel-avis/hc-sc/2015/55080r-eng.php>

Various Companies Recall Bicycles with Front Wheel Quick-Releases and Disc Brakes

<http://healthycanadians.gc.ca/recall-alert-rappel-avis/hc-sc/2015/54910r-eng.php>

Health Canada orders Orange TKO Industries (Int'l) Inc. to recall Orange TKO - Super Concentrated All Purpose Cleaner (236 mL, 473 mL, 1 L, 1.8 L, 3.8 L)

<http://healthycanadians.gc.ca/recall-alert-rappel-avis/hc-sc/2015/55126r-eng.php>

Chewbeads recalls "Where's the Pacifier?" Clips

<http://healthycanadians.gc.ca/recall-alert-rappel-avis/hc-sc/2015/55090r-eng.php>

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