

The Month So Far: December 19 through 24, 2015

*Blanket authorization for Immediate Delivery (ID) procedures for merchandise to be released on or after December 16, 2015 through December 31, 2015, in accordance with 19 CFR § 142.21(i). The authorization is offered to filers who may elect to take advantage of the interim Harmonized Tariff Schedule changes, which take effect on or after January 1, 2016. See **CSMS 15000963***

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General Notices

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Proposed Revocation of Two Ruling Letters and Proposed Revocation of Treatment Relating to the Tariff Classification of Double-Walled Beverage Bottles 1

DATES: Comments must be received on or before January 22, 2016.

In NY N254461, U.S. Customs and Border Protection (CBP) classified the bottle under subheading 7323.93.00, HTSUS, as a stainless steel table article. We have reviewed NY N254461 and find it to be in error. For the reasons set forth below, we hereby revoke NY N254461 and one other ruling with substantially similar merchandise: NY N264760, dated June 16, 2015, issued to Ignite USA, LLC.

In NY N254461, the subject merchandise is described as follows:

[The] CamelBak Forge 16 oz. Black Smoke, Style Number 57002 [consists] of a black cylindrical stainless steel beverage bottle with a black, plastic screw-on lid. There is a lever on the side of the lid that, when depressed, exposes a sipping aperture on the top of the lid. The side of the lid is embossed with the raised letters "Camelbak." The bottom of the base of the item has the depressed letters "Camelbak Forge". The sample measures approximately 8½" in height, including the lid, 7¼" in height, not including the lid and 2¾" in diameter.

The bottle is a double walled container with a space separating the walls that provides a partial vacuum to serve as an insulating barrier to heat transfer. However, there is no protective outer casing around the double walled construction.

ISSUE: Is the double-walled, stainless steel beverage bottle classified under heading 7323, HTSUS, as a table article, or under heading 9617, HTSUS, as a vacuum flask?

In NY N254461, CBP classified the instant bottle under heading 7323, HTSUS, as a stainless steel table article. We agree that the instant bottle is a stainless steel travel cup used for table, kitchen or other household purposes. However, as stated in EN 73.23, the heading covers those goods which are not more specifically covered by other headings of the Nomenclature. Further, EN 73.23 states that vacuum flasks and vacuum vessels of heading 9617, HTSUS, are excluded from heading 7323, HTSUS. As such, we will first examine the terms of heading 9617, HTSUS, to determine whether the instant bottle is classifiable in that heading.

Heading 9617, HTSUS, provides for vacuum flasks and other vacuum vessels, complete with cases. EN 96.17 states that the heading covers goods such as "vacuum jars, jugs, carafes, etc., designed to keep liquids, food or other products at fairly constant temperature, for reasonable periods of time." The EN further describes such a good as "a double-walled receptacle ... with a vacuum created between the walls."

The instant bottle is a double-walled, stainless steel beverage bottle. A partial vacuum serves as an insulating barrier between the two walls. The purpose of the vacuum is to maintain the temperature of the beverage inside the bottle.

Based upon the physical characteristics of the instant bottle, we find that it is classified in heading 9617, HTSUS. As it is described by the terms of heading 9617, HTSUS, it cannot be classified under heading 7323, HTSUS. This decision is consistent with other CBP rulings classifying substantially similar merchandise in heading 9617, HTSUS. See, e.g. HQ 962648, dated November 9, 1999, and NY I83481, dated July 29, 2002. The same analysis also applies to the beverage bottles that CBP classified in NY N264760.

HOLDING: *By application of GRI 1 and GRI 6, the double-walled stainless steel beverage bottle is classified under subheading 9617.00.10, HTSUS, which provides, in pertinent part, for “Vacuum flasks and other vacuum vessels, complete with cases...: Vessels...: Having a capacity not exceeding 1 liter.” The 2015 column one, general rate of duty is 7.2 percent ad valorem.*

Proposed Revocation of a Ruling Letter and Proposed Revocation of Treatment Relating to the Tariff Classification of Certain Pillowcases 11

DATES: Comments must be received on or before January 22, 2016.

In NY N239270, set forth as Attachment A to this document, CBP determined that certain pillowcases were classified under subheading 6302.31.90, Harmonized Tariff Schedule of the United States (“HTSUS”), which provides for “Bed linen, table linen, toilet linen and kitchen linen: Other bed linen: Of cotton: Other: Not napped.” It is now CBP’s position that the subject merchandise is properly classified under subheading 6302.31.70, HTSUS, which provides for “Bed linen, table linen, toilet linen and kitchen linen: Other bed linen: Of cotton: Other: Napped.”

...

ISSUE: *Whether the pillowcases should be classified under subheading 6302.31.70, HTSUS, as “Bed linen, table linen, toilet linen and kitchen linen: Other bed linen: Of cotton: Other: Napped,” or subheading 6302.31.90, HTSUS, as “Bed linen, table linen, toilet linen and kitchen linen: Other bed linen: Of cotton: Other: Not Napped.”*

The determinative issue in this case is whether the subject pillowcases are considered napped or not napped for tariff classification purposes. Statistical Note 1(k) to Chapter 52 of the HTSUS, which provides for cotton, states:

The term “napped” means fabrics with a fuzzy, fibrous surface produced by scratching or pricking the surface so that some of the fibers are raised from the body of the yarn. Napped fabrics are not to be confused with pile fabrics. Outing and canton flannel, moleskin, etc. are typical fabrics with a nap.

Napped fabrics are processed so that they have either a slight or a dramatic nap on the face or both sides of the fabric. The napping process is accomplished by weaving loosely twisted yarns into the textile, which are then sheared and brushed to create the soft napped surface. Napped fabrics differ from PILE fabrics in that they do not have extra threads incorporated in the textile. Napping is considered a finishing process and is used on many fibers, including manufactured fibers, silk and wool, as well as specialty fibers such as camel hair and mohair. Occasionally the napped effect does not continuously cover the fabric but is executed in stripes or figures. See Encyclopedia of Textiles, Judith Jerde, 157 (1992).

“Napped fabrics” can be distinguished from “pile-fabrics.” In Tilton Textile Corp. v. United States, 424 F. Supp. 1053, 77 Cust. Ct. 27, C.D. 4670 (1976)aff’d, 565 F.2d 140 (1977), the court stated: “[W]hat is termed a ‘nap’ or ‘napped fabrics’ is produced by the raising of some of the fibers of the threads which compose the basic fabric, whereas the ‘pile’ on ‘pile fabrics’ must be the raising at intervals, in the form of loops, the entire thickness of extra threads introduced into, but not essential to the basic fabric, which thus form an ‘uncut pile.’” See Tilton Textile Corp. v. United States, 424 F. Supp. 1053, 1066 (1976).

The Customs Court acknowledged that only some of the fibers must be raised on the fabric to be considered “napped fabric.” Furthermore, Statistical Note 1(k) to Chapter 52, HTSUS, which defines “napping” does not require that a specified amount of fibers must be raised in order to qualify as a napped good. Rather, the Note requires that “some of the fibers” are raised.

While examination of the subject merchandise sample revealed that only some fibers were raised from the surface of the fabric, the level of napping is still visible to the eye and has been accomplished through the brushing process which is necessary for the formation of all napping. Therefore, the subject merchandise is considered napped for tariff classification purposes. See Headquarters Ruling Letter (HQ) 964822, dated April 24, 2001. Based on the foregoing, we conclude that the subject pillowcases are classified in subheading 6302.31.70, HTSUS, which provides for “Bed linen, table linen, toilet linen and kitchen linen: Other bed linen: Of cotton: Other: Napped.”

HOLDING: By application of GRIs 1 and 6, the subject pillowcases are classified under subheading 6302.31.70, HTSUS, as “Bed linen, table linen, toilet linen and kitchen linen: Other bed linen: Of cotton: Other: Napped.” The general, column one rate of duty is 3.8 percent ad valorem.

Proposed Revocation of One Ruling Letter and Proposed Revocation of Treatment Relating to the Tariff Classification of Medical Apparatus 18

DATES: Comments must be received on or before January 22, 2016.

In HQ 085366, CBP classified a tube string subassembly of the Vital Vue Irrigation, Suction, and Illumination System Disposable Surgical Instrument (“Vital Vue”), in subheading 9018.90.60, HTSUS, which provides for, “Instruments and appliances used in medical, surgical, dental or veterinary sciences, including scintigraphic apparatus, other electro-medical apparatus and sight-testing instruments; parts and accessories thereof: Other instruments and appliances and parts and accessories thereof: Other: Electro-medical instruments and appliances and parts and accessories thereof: Electro-surgical instruments and appliances, other than extracorporeal shock wave lithotripters; all the foregoing and parts and accessories thereof.”

...
We have reviewed HQ 085366 and find it to be in error. For the reasons set forth below, we hereby revoke HQ 085366.

FACTS: In HQ 085366, the merchandise was described as follows:

A tube string subassembly of the Vital Vue Irrigation, Suction, and Illumination System Disposable Surgical Instrument (“Vital Vue”). The subassembly consists of three lengths of plastic tubing bonded together to form separate channels for irrigation, suction, and electrical wires for the light power source. In addition, it contains a threaded suction adapter, a spike connector with protective cap, and a small telephone type electrical connector. The subassembly is also equipped with a small light bulb, which contains a thermistor designed to shut off the bulb when it becomes too hot.

The above-described subassembly is part of a single instrument that is used by a doctor to irrigate and/or aspirate the surgical field during a procedure to remove debris or blood. Irrigation (washing out or flushing a wound or body opening with a stream of water or another liquid) and aspiration (removal, by suction, of a gas, fluid, or tissue from a body cavity or organ) augment a variety of medical or dental applications by reducing infection and/or providing the practitioner with a better view of the subject of the given procedure. The electrical connector and light bulb (with thermistor) contribute to the lighting function of the instrument, which allows the doctor to visualize the field without increasing the number of hands/instruments in the field.

ISSUE: Whether the medical apparatus are electro-surgical instruments within the meaning of subheading 9018.90.60, HTSUS.

There is no dispute that the products at issue are classified in heading 9018, HTSUS. Nor is there a question whether they are “electro-medical instruments or appliances of subheading 9018.90, HTSUS. The issue is whether the instant merchandise falls under the scope of the provision for “electro-surgical instruments and appliances” in subheading 9018.90.60, HTSUS.

In order to determine the proper classification at the subheading level, GRI 6 is applied. GRI 6 provides that for legal purposes, classification of goods in the subheading of a heading shall be determined according to the terms of those subheadings and any related subheading notes, and mutatis mutandis to the above rules, on the understanding that only subheadings at the same level are comparable. For the purposes of this rule, the relative section, chapter and subchapters notes also apply, unless the context otherwise requires.

The Harmonized Commodity Description and Coding System Explanatory Notes (ENs”) constitute the official interpretation of the HTSUS. While not legally binding or dispositive, the ENs provide a commentary on the scope of each heading of the HTSUS and are generally indicative of the proper interpretation of these headings. See T.D. 89–90, 54 Fed. Reg. 35127 (August 23, 1989).

Explanatory Note 90.18 provides, in relevant part, as follows:

(V) OTHER ELECTRO-MEDICAL APPARATUS

This heading also covers electro-medical apparatus for preventive, curative or diagnostic purposes, other than X-ray, etc., apparatus of heading 90.22. This group includes:

(7) Electro-surgical apparatus. These utilise high-frequency electric currents, the needle, probe, etc., forming one of the electrodes. They can be employed to cut tissues (electrocutting) with a lancet (electric

lancet), or to coagulate the blood (electrocoagulation). Certain combined instruments may, by the use of control pedals, be made to act interchangeably as electrocutters or electrocoagulators. (Emphasis added)

The above explanatory note is consistent with the definition of electro-surgical in the Merriam-Webster Dictionary, which defines the term as “surgery by means of diathermy.” (2011) available at www.merriam-webster.com. The Merriam-Webster Dictionary defines “diathermy” as “the generation of heat in tissue by electric currents for medical or surgical purposes.” Id.

Based upon these definitions, the term “electro-surgical” means that electric currents are utilized in the surgery, whether for cutting tissue, coagulating blood or for other surgical applications. However, as described above, despite the fact that the instant products differ in the construction and function, the Vital Vue, the Hummer and E1, and the CASPER do not use electric currents to cut tissue or coagulate blood.

We note that we have classified other products that do not employ electro-cutting or electrocoagulation in the strictest sense in subheading 9018.90.60, HTSUS. However, the instant products are distinguishable from those rulings. For instance, NY N006383, dated March 6, 2007, and HQ 951871, dated August 18, 1992 covered products that operated by laser or other light or photon beam processes. In NY N006383, CBP classified the Karl Storz Calculase (article number: 27750120–1), a Ho:Yak desktop laser used in lithotripsy surgery in subheading 9018.90.60, HTSUS. The laser energy generated by the machine enables the optimum lithotripsy of small to medium sized calculi in the urinary system. Similarly, in HQ 951871, CBP classified the “Pulsolith” Laser Lithotripter (“laser”) in subheading 9018.90.60, HTSUS. Here, the laser is a pulsed dye laser used to fragment ureteral, gallstone and common bile duct stones using a photo acoustic effect.

In both cases, access to a body cavity is gained through a body opening to perform a surgical procedure to destroy an internally-located calculus even though such surgery does not entail the cutting of tissue or coagulation of blood. In addition, the procedures are performed in an operating room by a surgeon on a patient who is under some form of anesthesia.

On the other hand, the apparatus subject to HQ 085366 does not serve to perform a surgical procedure by virtue of its electronic operation. Rather, the subject medical apparatus are properly classified under subheading 9018.90.75, HTSUS.

HOLDING: *By application of GRIs 1 and 6, the subject medical apparatus are classified in subheading 9018.90.75, HTSUS, which provides for, “Instruments and appliances used in medical, surgical, dental or veterinary sciences, including scintigraphic apparatus, other electro-medical apparatus and sight-testing instruments; parts and accessories thereof: Other Instruments and appliances and parts and accessories thereof: Other: Electro-medical instruments and appliances and parts and accessories thereof: Other: Other.” The rate of duty is “Free.”*

Modification of One Ruling Letter and Revocation of Treatment Relating to the Tariff Classification of Filler Paper, Composition Notebooks, Spiral Notebooks, and Wireless Notebooks, and to the Eligibility of Filler Paper for Preferential Tariff Treatment Under NAFTA 27

EFFECTIVE DATE: *This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after February 22, 2016.*

In NY N057699, CBP classified filler paper under heading 4802, HTSUSA, specifically under subheading 4802.57.1000, HTSUSA, which provides for “Writing and cover paper,” and determined that the filler paper

was not eligible for preferential tariff treatment under NAFTA. In that ruling, CBP also classified composition notebooks, spiral notebooks, and wireless notebooks under heading 4820, specifically under subheading 4820.10.2020, HTSUSA, which provides for “Memorandum pads, letter pads and similar articles.” **It is now CBP’s position that the filler paper at issue in NY N057699 is properly classified, by operation of GRI 1, under heading 4811, HTSUSA, specifically under subheading 4811.90.9080, HTSUS, which provides for ““Paper, paperboard, cellulose wadding and webs of cellulose fibers, coated, impregnated, covered, surface-colored, surface decorated or printed, in rolls or rectangular (including square) sheets, of any size, other than goods of the kind described in heading 4803, 4809 or 4810: Other paper, paperboard, cellulose wadding and webs of cellulose fibers: Other: Other.”** As such, the filler paper is NAFTA originating under General Note 12, HTSUSA, and is eligible for preferential tariff treatment. By operation of GRIs 1 and 6, the subject composition notebooks are properly classified under subheading 4820.10.2030, HTSUSA, which provides for “Sewn composition books with dimension of 152.4–381 mm (6" - 15") inclusive (smaller side) x 222.5–381 mm (8.75" - 15"), inclusive (large side),” and the subject spiral notebooks and wireless notebooks are classified under subheading 4820.10.2040, HTSUSA, which provides for “Other note books with dimension of 152.4–381 mm (6" - 15") inclusive (smaller side) x 222.5- 381 mm (8.75" - 15"), inclusive (large side).” Pursuant to 19 U.S.C. §1625(c)(1), CBP is proposing to modify NY N057699 and revoke any other ruling not specifically identified to reflect the tariff classification and NAFTA eligibility determination of the subject merchandise according to the analysis contained in the proposed Headquarters Ruling Letter (“HQ”) H072375, set forth as Attachment B to this notice.

ISSUE: I. Whether the **filler paper is properly classified** in subheading 4802.57.1000, HTSUSA, as writing paper, or in subheading 4811.90.9080, HTSUSA, as other paper, and whether the notebooks are properly classified in subheading 4820.10.2020, HTSUSA, as memorandum pads, letter pads, or similar articles, in subheading 4820.10.2030, HTSUSA, as sewn composition books with dimensions of 152.4 -381 mm x 222.5–381, in subheading 4820.10.2040, HTSUSA, as other notebooks with dimensions of 152.4–381 mm x 222.5–381, or in subheading 4820.10.2060, HTSUSA, as other notebooks.¹

¹ We note that subheading 4811.90.9050 no longer exists, and that subheading 4811.90.9080 has covered goods formerly classifiable in subheading 4811.90.9050 since the latter’s elimination from the HTSUSA in 2011. We therefore consider whether the filler paper is classifiable in subheading 4811.90.9080. Similarly, subheading 4820.10.2050 was replaced by subheading 4820.10.2060 in 2010, and we therefore consider whether the notebooks are classifiable in the latter provision. Also, as discussed more fully below, the other two subheadings under consideration for classification of the notebooks, subheadings 4820.10.2030 and 4820.10.2040, were added to the HTSUSA in 2010 after you requested this reconsideration.

II. Whether the filler paper is eligible for preferential tariff treatment under NAFTA.

...

As a preliminary matter, we agree with CBP’s determination in NY N057699 that the subject products are classifiable in subheading 4802.55.1000, HTSUSA, at the time of their entry into Mexico. Subheading 4802.55.1000, HTSUSA, provides for “[u]ncoated paper and paperboard, of a kind used for writing...in rolls or rectangular (including square) sheets, of any size, other than paper of heading 4801 or 4803; hand-made paper and paperboard: ... Writing and cover paper.” Note 3 to Chapter 48 of the HTSUS states as follows:

Subject to the provisions of note 7, headings 4801 to 4805 include paper and paperboard which have been subjected to calendering, supercalendering, glazing or similar finishing, false water-marking or surface sizing, and also paper, paperboard, cellulose wadding and webs of cellulose fibers, colored or marbled throughout the mass by any method. Except where heading 4803 otherwise requires, these headings do not apply to paper, paperboard, cellulose wadding or webs of cellulose fibers which have been otherwise processed.

Additionally, Note 5 to Chapter 48 of the HTSUSA states as follows:

For the purposes of heading 4802, the expressions “paper and paperboard, of a kind used for writing, printing or other graphic purposes” and “nonperforated punch-cards and punch tape

paper” mean paper and paperboard made mainly from bleached pulp or from pulp obtained by a mechanical or chemi-mechanical process and satisfying any of the following criteria:

For paper or paperboard weighing not more than 150 g/m²:

...

(c) Containing more than 3 percent ash and having a brightness of 60 percent or more...

According to your submissions, all of the instant products remain incorporated in jumbo paper rolls at the time of their entry into Mexico. The jumbo rolls are uncoated, designated as writing paper, and contain no fibers obtained by a mechanical or chemi-mechanical process. They weigh between 40 g/m² and 150 g/m² and measure between 100 and 102 cm in width. In accordance with Note 5(c) to Chapter 48, they are white in color, contain less than 3 percent ash, and have a brightness of 60 percent or more. Thus, at the time of their arrival in Mexico, they are not excluded from heading 4802 by operation of Note 3 to Chapter 48. Accordingly, they are, at that time, classifiable under subheading 4802.55.1000.

While in Mexico, the paper rolls have been imprinted with lines and margin rulings and cut to size. In addition, the filler paper has been threehole punched, the paper comprising the composition notebooks has been sewn and bound with spine tape, the paper comprising the spiral notebooks has been perforated, three-hole punched and bound with wire, and the paper comprising the wireless notebooks has been perforated, three-hole punched, and bound with glue. None of this additional processing is described by either heading 4802 or Note 3 to Chapter 48, the latter of which explicitly excludes from headings 4801 through 4805 products that have undergone processes beyond those enumerated in the note. Accordingly, all of the products are effectively excluded from heading 4802 and must be classified elsewhere.

While this determination is not in dispute with regard to the three notebooks, which CBP classified under heading 4820 in NY N057699, it renders the classification of the filler paper under subheading 4802.57.10, HTSUSA, in that case incorrect.

As stated above, you assert in your June 18, 2009 letter that the filler paper is instead properly classified in heading 4811. This heading covers, among other things, paper in rectangular sheets. The General EN to Chapter 48 provides, in pertinent part, as follows:

This Chapter covers:

(I) Paper... of all kinds, in rolls or sheets:

...

(B) Headings 48.06 to 48.11 relate to...paper, paperboard or cellulose

wadding and webs of cellulose fibres which have been subjected to various treatments, such as coating, design printing, ruling, impregnating, corrugation, creping, embossing, and perforation.

*(Emphasis added). Additionally, EN 48.11 provides that “[p]aper and paperboard are classified in this heading **only if they are in strips or rolls or in rectangular** (including square sheets, of any size.” Consistent with these ENs, CBP has repeatedly classified rectangular filler paper that has been ruled, perforated, or three-hole punched in heading 4811, specifically in subheading 4811.90.90. [citations omitted]. As in these previous rulings, the instant filler paper is in rectangular form, measuring either 20.3 centimeters by 26.7 centimeters or 21.6 centimeters by 27.9 centimeters, and has been imprinted with lines and margin rulings and three-hole punched. Accordingly, we agree with your assertion that it is properly classified in subheading 4811.90.9080, HTSUSA.*

You also assert in your letter that, within subheading within subheading 4820.10.20, the subject composition notebooks, spiral notebooks, and wireless notebooks qualify as “Diaries, notebooks and address books, bound; memorandum pads, letter pads and similar articles: Other,” which, as of 2010, is described by subheading 4820.10.2060. As support for your contention, you cite several rulings in which CBP classified notepads and notebooks in subheading 4820.10.2050, the predecessor to subheading 4820.10.2060. ...However, in 2010, following the filing of your letter, subheading 4820.10.20 was revised at the 10-digit level, resulting in the additions of subheading 4820.10.2030, which covers “Sewn composition

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books with dimensions of 152.4–381 mm (6" - 15"), inclusive (small side) X 222.5–381 mm (8.75" -15"), inclusive (large side)," and subheading 4820.10.2040, which covers "Other note books with dimensions of 152.4–381 mm (6" - 15"), inclusive (small side) X 222.5–381 mm (8.75" -15"), inclusive (large side)." In the wake of these revisions, CBP has consistently classified sewn composition journals in subheading 4820.10.2030 while classifying spiral and other non-sewn notebooks in subheading 4820.10.2040. [citations omitted].

Consequently, while we agree that the notebooks qualified as "Diaries, notebooks and address books, bound; memorandum pads, letter pads and similar articles: Other" at the time your letter was filed, they are now described instead by the terms of subheadings 4820.10.2030 and 4820.10.2040. Specifically, the composition notebooks are properly classified in subheading 4820.10.2030, as they are sewn and boast dimensions of 240 millimeters by 190 millimeters. The spiral notebooks and wireless notebooks are properly classified in subheading 4820.10.2040 because they are not sewn and, similar to the composition notebooks, are of dimensions falling within the measurement ranges described by the subheading.

II. NAFTA Eligibility

General Note 12, HTSUSA, incorporates Article 401 of the NAFTA into the HTSUSA. GN 12(a)(ii), HTSUSA, provides, in pertinent part, that:

Goods that originate in the territory of a NAFTA party under the terms of subdivision (b) of this note and that qualify to be marked as goods of Mexico under the terms of the marking rules set forth in regulations issued by the Secretary of the Treasury (without regard to whether the goods are marked), and goods enumerated in subdivision (u) of this note, when such goods are imported into the customs territory of the United States and are entered under a subheading for which a rate of duty appears in the "Special" subcolumn followed by the symbol "MX" in parentheses, are eligible for such duty rate, in accordance with section 201 of the North American Free Trade Agreement Implementation Act.

Accordingly, the subject goods will be eligible for the "Special" "MX" rate of duty provided that: (A) They qualify as NAFTA-originating under General Note 12(b), HTSUSA; **and** (B) they qualify for marking as goods of Mexico under the NAFTA Marking Rules set forth in Part 102 of the Code of Federal Regulations (19 C.F.R. § 102).

A. NAFTA-Originating under General Note 12(b)

GN 12(b), HTSUSA, provides, in pertinent part, as follows:

*For the purposes of this note, goods imported into the Customs territory of the United States are eligible for the tariff treatment and quantitative limitations set forth in the tariff schedule as "goods originating in the territory of a NAFTA party" **only if**—*

*(i) they are goods wholly obtained or produced entirely in the territory of Canada, Mexico and/or the United States; **or***

(ii) they have been transformed in the territory of Canada, Mexico and/or the United States so that—

*(A) except as provided in subdivision (f) of this note, each of the nonoriginating materials used in the production of such goods undergoes a change in tariff classification described in subdivisions (r), (s) and (t) of this note or the rules set forth therein, **or***

*(B) the goods otherwise satisfy the applicable requirements of subdivisions (r), (s) and (t) where no change in tariff classification is required, and the goods satisfy all other requirements of this note; **or***

(iii) they are goods produced entirely in the territory of Canada, Mexico and/or the United States exclusively from originating materials.

Because the jumbo paper rolls from which the subject products were cut were produced in Taiwan, they cannot be considered "goods wholly obtained or produced entirely in the territory of Canada, Mexico

and/or the United States,” and consequently do not satisfy the requirements of General Note 12(b)(i). Therefore, we must determine whether the non-originating materials undergo an enumerated tariff shift or otherwise satisfy one of the definitions of “goods originating in the territory of a NAFTA party” provided by GN 12(b)(ii). GN 12(t) lists the following applicable changes in relation to heading 4811:

Chapter 48

- 3A. (A) *A change to paper or paperboard in strips or rolls of a width not exceeding 15 cm of heading 4811 from strips or rolls of a width exceeding 15 cm of heading 4811, floor coverings on a base of paper or paperboard of heading 4811 or any other heading, except from headings 4817 through 4823;*
- (B) *A change to paper or paperboard in rectangular (including square) sheets with the larger dimension not exceeding 36 cm or the other dimension not exceeding 15 cm in the unfolded state of heading 4811 from... any other heading, except headings 4817 through 4832.*

6. *A change to headings 4817 through 4822 from any heading outside that group, except from heading 4823.*

As discussed above, the subject filler paper enters Mexico as a product of heading 4802, but leaves the country and subsequently enters the U.S. as a product of heading 4811. Accordingly, we agree with your assertion that the filler paper is covered by GN 12(b)(ii)(A), insofar as it undergoes a change in tariff classification enumerated in GN 12(t) while in the territory of Mexico. We also note that CBP correctly determined the subject notebooks to be within the scope of GN 12(b)(ii)(A) because they underwent a change from heading 4802 to goods of heading 4820 while in Mexico, although this determination is not under dispute.

B. Country of Origin Marking as Goods of Mexico

GN 12(a)(ii) also requires, as a condition for preferential tariff treatment, that the subject NAFTA-originating merchandise qualify for marking as goods of Mexico under the NAFTA Marking Rules. Marking of imports is governed by section 304 of the Tariff Act of 1930, as amended (19 U.S.C. §1304), which mandates that, unless excepted, every article of foreign origin (or its container) imported into the U.S. shall be marked in a conspicuous place as legibly, indelibly, and permanently as the nature of the article (or its container) will permit in such manner as to indicate to the ultimate purchaser the English name of the country of origin of the article.

Part 134, CBP Regulations (19 C.F.R. Part 134) implements the requirements of and exceptions to 19 U.S.C. §1304. 19 C.F.R. §134.1(b) defines “country of origin” as:

The country of manufacture, production, or growth of any article of foreign origin entering the United States. Further work or material added to an article in another country must effect a substantial transformation in order to render such other country the “country of origin” within this part; however, for a good of a NAFTA country, the NAFTA Marking Rules will determine the country of origin.

Section 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) 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, which are explicated in 19 C.F.R. Part 102. Section 102.11 sets forth the required hierarchy for determining country of origin for marking purposes:

The following rules shall apply for purposes of determining the country of origin of imported goods other than textile and apparel products covered by § 102.21.

- (a) 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 § 102.20 and satisfies any other applicable requirements of that section, and all other applicable requirements of these rules are satisfied.

As discussed above, the subject goods are neither wholly obtained or produced in Mexico nor produced solely from materials originating from Mexico. **Consequently, to qualify for marking as goods of Mexico, they must undergo changes in classification enumerated in 19 C.F.R. §102.20.** Similar to GN 12(t), 19 C.F.R. §102.20(j) describes shifts to heading 4811 from all headings other than headings 4817 to 4823 and shifts to heading 4820 from any other heading. As previously established, all of the subject goods undergo such shifts while in Mexico, insofar as the filler paper shifts from heading 4802 to heading 4811 and the notebooks shift from heading 4802 to heading 4820. **Therefore, Mexico is the country of origin for all of the subject goods and the goods must be marked accordingly.**

In your June 18, 2009 letter requesting revocation of NY N063779, you correctly assert that the filler paper is a “product of Mexico” pursuant to 19 C.F.R. §102. Yet, this assertion is completely consistent with CBP’s conclusion in NY N063779 that “the imported lined paper notebooks and filler paper are goods of Mexico for marking purposes.” Therefore, we affirm NY N063779.

HOLDING: By application of GRI 1, the subject filler paper is classified under heading 4811, HTSUSA, specifically under subheading 4811.90.9080, HTSUSA, which provides for “Paper, paperboard, cellulose wadding and webs of cellulose fibers, coated, impregnated, covered, surface-colored, surface-decorated or printed, in rolls or rectangular (including square) sheets, of any size, other than goods of the kind described in heading 4803, 4809 or 4810: Other paper, paperboard, cellulose wadding and webs of cellulose fibers: Other: Other.” The column one, general rate of duty is free.

By application of GRIs 1 and 6, the subject composition notebooks are classified under heading 4820, HTSUSA, specifically under subheading 4820.10.2030, HTSUSA, which provides for “Registers, account books, notebooks, order books, receipt books, letter pads, memorandum pads, diaries and similar articles, exercise books, blotting pads, binders (looseleaf or other), folders, file covers, manifold business forms, interleaved carbon set: Registers, account books, notebooks, order books, receipt books, letter pads, memorandum pads, diaries and similar articles: Diaries, notebooks and address books, bound; memorandum pads, letter pads and similar articles: Sewn composition books with dimension of 152.4–381 mm (6" - 15") inclusive (smaller side) x 222.5–381 mm (8.75" - 15"), inclusive (large side).” The column one, general rate of duty is free.

By application of GRIs 1 and 6, the subject spiral notebooks and wireless notebooks are classified under heading 4820, HTSUS, specifically under subheading 4820.10.2040, HTSUSA, which provides for “Registers, account books, notebooks, order books, receipt books, letter pads, memorandum pads, diaries and similar articles, exercise books, blotting pads, binders (looseleaf or other), folders, file covers, manifold business forms, interleaved carbon set: Registers, account books, notebooks, order books, receipt books, letter pads, memorandum pads, diaries and similar articles: Diaries, notebooks and address books, bound; memorandum pads, letter pads and similar articles: Other note books with dimension of 152.4–381 mm (6" - 15") inclusive (smaller side) x 222.5–381 mm (8.75" - 15"), inclusive (large side).” The column one, general rate of duty is free.

Because they satisfy General Note 12, HTSUSA, and 19 C.F.R. Parts 134 and 102, the subject filler paper, composition notebooks, spiral notebooks, and wireless notebooks are eligible for preferential tariff treatment under NAFTA, and should be marked as goods of Mexico.

Revocation of a Ruling Letter and Modification of a Ruling Letter and Revocation of Treatment Relating to the Tariff Classification of Textile and Plastic Necklaces 42
EFFECTIVE DATE: This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after February 22, 2016.

In NY N022480 and NY N059109, CBP determined that the necklaces were classified in subheading 6217.10.95, which provides, in pertinent part, for “Other made up clothing accessories...: Accessories: Other: Other.” **It is now CBP’s position that the necklaces are classified in subheading 7117.90.75,**

HTSUS, which provides, in pertinent part, for “Imitation jewelry: Other: Other: Valued over twenty cents per dozen pieces or parts: Other: Of plastics.”

Pursuant to 19 U.S.C. §1625(c)(1), CBP proposes to revoke NY N022480, to modify NY N059109, and to revoke or to modify any other ruling not specifically identified, in order to reflect the proper classification of the necklaces according to the analysis contained in proposed Headquarters Ruling Letter (HQ) H257790, set forth as Attachment C to this document.

ISSUE: Is the necklace classified under heading 6217, HTSUS, as a textile accessory, or under heading 7117, HTSUS, as imitation jewelry?

...

Note 3(g) to Chapter 71 states that goods of Section XI (Chapters 50 – 63) are excluded from classification in Chapter 71. If the necklace is classifiable as a textile accessory of heading 6217, HTSUS, then it is excluded from classification as imitation jewelry of heading 7117, HTSUS. Therefore, we will first examine the subject necklace in the context of heading 6217, HTSUS.

Note 2 to Chapter 62 states that the Chapter only applies to articles made up of textile fabrics, other than knitted or crocheted fabrics. According to the ENs to heading 62.17, a textile accessory may still be classified in the heading if it has minor components of a different constituent material. For example, EN 62.17 states that if a belt has a clasp or fittings of metal, it remains classified in Chapter 62. As such, the necklace could still be classified in heading 6217, HTSUS, even if it has a clasp or fitting of a material other than textile.

.. While the necklace has a plastic clasp, it **also has a plastic core underneath of the fabric, as well as two large plastic beads**. The plastic core gives the necklace its shape. As opposed to a metal clasp or fitting for a textile belt, the **plastic components play too great a role** to be covered by a heading for articles made up of textiles. As such, the necklace is not classifiable in heading 6217, HTSUS.

Heading 7117, HTSUS, provides for imitation jewelry. Note 11 to Chapter 71 defines imitation jewelry as articles of jewelry which do not incorporate natural or cultured pearls, precious or semiprecious stones, precious metal, or metal clad with precious metal. Note 9(a) to Chapter 71 states that “articles of jewelry” means small objects of personal adornment, such as necklaces, bracelets and rings. As the instant merchandise is a necklace which does not incorporate pearls, precious stones or precious metal, it is classifiable as imitation jewelry of heading 7117, HTSUS.

The subheadings to heading 7117, HTSUS, are broken out according to the constituent material. We note that the instant necklace consists of both textile and plastics. As such, the necklace is a composite good, and we must apply GRI 3(b) to determine which subheading covers the necklace.

According to GRI 3(b), a composite good is classified according to the constituent material which imparts the good’s essential character. In order to identify a composite good’s essential character, the U.S. Court of International Trade (CIT) has applied the factors listed in EN VIII to GRI 3(b) which are “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 Home Depot v. United States*, 427 F. Supp. 2d 1278, 1293 (Ct. Int’l Trade 2006). With regard to the component which imparts the essential character, the CIT has stated it is “that which is indispensable to the structure, core or condition of the article, i.e. what it is.” *Id.* citing *A.N. Deringer, Inc. v. United States*, 66 Cust. Ct. 378, 383 (1971).

Turning to the instant necklace, we note that **the plastic components weigh more and cost more than the textile components. The plastic components provide shape and structure to the necklace. The plastic components are both decorative and functional, while the textile component is only decorative.** However, the textile component covers more of the visible surface area than the plastic components.

Based upon all of these factors, we find that the **plastic components impart the essential character** to the instant necklace. As such, the instant necklace is **classified under subheading 7117.90.75, HTSUS, as imitation jewelry of plastics**.

HOLDING: *By application of GRI 1 (Note 9 and Note 11 to Chapter 71), GRI 3(b) and GRI 6, the necklace is classified under subheading 7117.90.75, HTSUS, as “Imitation jewelry: Other: Other: Valued over twenty cents per dozen pieces or parts: Other: Of plastics.” The 2015 column one, general rate of duty is free.*

Proposed Revocation of Three Ruling Letters and Proposed Revocation of Treatment Relating to Classification of Flocked Heat Transfers and Textile/PVC Material Designed for Transferring Images to Fabric or Other Surfaces50

DATES: Comments must be received on or before January 22, 2016.

In NY J81335 and NY J80560, CBP classified the subject plastic flocked heat transfers in subheading 5601.30.00, HTSUS, which provides for “Wadding of textile materials and articles thereof; textile fibers, not exceeding 5mm in length (flock), textile dust and mill neps: Textile flock and mill neps.” In NY E85712, CBP classified the subject textile/PVC material used to heat transfer images to fabric or other surfaces in subheading 5903.10.25, HTSUS, which provides for “Textile fabrics impregnated, coated, covered or laminated with plastics, other than those of heading 5902: With poly(vinyl chloride): Of man-made fibers: Other: Other.”

Pursuant to 19 U.S.C. 1625(c)(1), **CBP proposes to revoke** NY J81335, NY J80560 and NY E85712, as well as any other ruling not specifically identified, to reflect the proper classification of the merchandise pursuant to the analysis set forth in Proposed Headquarters Ruling Letter (“HQ”) H265493.

ISSUE: What is the correct classification of the subject flocked heat transfers and textile/PVC material?

.. We note that the subject heat transfers could only be classified as textile materials of Chapters 56 or 59 of Section XI, HTSUS, by application of GRI 3(b), which provides, in pertinent part, that composite goods consisting of different materials or made up of different components shall be classified as if they consisted of the material or component which gives them their essential character. However, before a product can be classified as a composite good, we must determine if it is covered by a single heading per GRI 1.

We emphasize that, as noted above, the first sentence of GRI 1 explains that the table of contents, alphabetical index, and titles of sections, chapters and sub-chapters are provided for ease of reference only; for legal purposes, classification of goods shall be determined according to the terms of the headings of the tariff schedule and any relative section or chapter notes.

Accordingly, the statement in NY J80560 that the subject merchandise is not considered “printed matter” and could thus not fall under heading 4908 is not based on the legal text. Even if the subject merchandise does not have to be considered “printed matter” to be classified under heading 4908, HTSUS, we note that heat transfers of flocking intended to decorate apparel, like the instant merchandise, are manufactured using similar machinery to that used in printing with ink and are used in the same manner as heat transfers made from other media (i.e. ink). Therefore, we consider the subject merchandise to be “printed matter.” Moreover, in January of 2007, in an Informed Compliance Publication (ICP), CBP defined “decals” as “printed transfers,” stating, in pertinent part, that “decals are specifically provided for, as printed transfers, in heading 4908 of the HTSUS.” CBP further noted that “decals may be applied to a variety of objects (e.g., of metal, plastic, wood, paperboard, textile, fabric, etc.), which need not undergo any further processing after the image has been transferred” and that “aside from their carriers, [decals] are nothing more than printed images on extremely thin, nearly invisible coating-material substrates...”

General Explanatory Notes to Chapter 49, HTSUS, provide, in pertinent part, the following: “In addition to the more common forms of printed products (e.g., books, newspapers, pamphlets, pictures, advertising matter), this Chapter covers such articles as: printed transfers (decalcomanias)...” ENs to heading 4908, HTSUS, provide, in pertinent part, that “Transfers (decalcomanias) consist of pictures, designs or lettering in single or multiple colours, lithographed or otherwise printed on absorbent, lightweight paper (or sometimes thin transparent sheeting of plastics), coated with a preparation, such as of starch and gum,

to receive the imprint which is itself coated with an adhesive. This paper is often backed with a supporting paper of heavier quality.”

Based on the foregoing, upon review we find that the subject flocked heat transfers and textile/PVC material are specifically provided for in heading 4908, HTSUS, and are classified in subheading 4908.90.00, HTSUS, which provides for “Transfers (decalcomanias): Other.” See NY N246787, dated October 31, 2013; NY A86366, dated August 20, 1996; NY I88275, dated December 2, 2002; and NY 865307, dated September 5, 1991.

HOLDING: By application of GRI 1, we find that the subject merchandise is classified under heading 4908, HTSUS. Specifically, it is classified in subheading 4908.90.00, HTSUS, which provides for “Transfers (decalcomanias): Other.” The 2015 column one, general rate of duty is free.

Proposed Revocation of Three Ruling Letters, Modification of Two Ruling Letters and Revocation of Treatment Relating to the Tariff Classification of Bilberry and Blueberry Extract Powders 60

DATES: Comments must be received on or before January 22, 2016.

In HQ 964139, U.S. Customs and Border Protection (“CBP”) classified a bilberry extract powder in subheading 1302.19.40, HTSUS, which provides for “Vegetable saps and extracts; pectic substances, pectinates and pectates; agar-agar and other mucilages and thickeners, whether or not modified, derived from vegetable products: Other: Ginseng; substances having anesthetic, prophylactic or therapeutic properties: Other.” In NY N219927, CBP classified a similar bilberry extract powder in subheading 1302.19.91, HTSUS, which provides for “Vegetable saps and extracts; pectic substances, pectinates and pectates; agar-agar and other mucilages and thickeners, whether or not modified, derived from vegetable products: Vegetable saps and extracts: Other: Other.” In NY N037866, CBP classified a blueberry extract powder in subheading 1302.19.91, HTSUS. In NY N814027, which involved classification of four different extract powders, CBP classified the bilberry extract powder at issue in subheading 1302.19.40, HTSUS. In HQ 967972, we affirmed NY N814027 with regard to the latter’s classification of the bilberry extract powder in subheading 1302.19.40, HTSUS. **It is now CBP’s position that the various bilberry and blueberry extract powders at issue in HQ 964139, NY N219927, NY N037866, NY N814027, and HQ 967972 are, by operation of GRI 1, classified in heading 3824, HTSUS, specifically in subheading 3824.90.92, HTSUS, which provides for “Prepared binders for foundry molds or cores; chemical products and preparations of the chemical or allied industries (including those consisting of mixtures of natural products), not elsewhere specified or included: Other: Other: Other: Other: Other.”**

ISSUE: Whether the instant merchandise is properly classified in heading 1302, HTSUS, as a vegetable extract, in heading 2907, HTSUS, as polyphenols, or in heading 3824, HTSUS, as a chemical product.

At the outset, we note that the subject merchandise can only be classified under 3824, HTSUS, if it is not more specifically classifiable elsewhere in the Nomenclature. See *Cargill, Inc. v. United States*, 318 F. Supp. 2d 1279, 1278–88 (Ct. Int’l. Trade 2004). Accordingly, we first consider whether the instant bergamot extract falls under the scope of heading 1302, HTSUS, or, alternatively, heading 2907, HTSUS.

It is our long-standing position that, consistent with EN 13.02, heading 1302 applies to products that have been created through standard extraction methods, but not to those that have subsequently been enriched, purified, or otherwise refined so as to increase the contents of certain desirable compounds. See HQ H106785, dated October 14, 2010 (“CBP has determined that extensive processing can exclude a product from 1302.”); HQ 959099, dated May 1, 1998 (“As pointed out in the ENs to heading 1302, what is covered in the heading are vegetable products obtained by natural exudation or by incision or by solvent extraction.”).

...

See also HQ H061203, dated August 12, 2010 (“There appears to be a limit on the degree and extent of purification that can occur for the product to remain in heading 1302. For instance, EN 13.02, explicitly excludes certain refined extracts of opium, quassia amara, papaw juice, and cashew nut shell liquid, once the refining process concentrates a certain group of chemical compounds to a particular point. Hence,

poppy straw concentrates containing more than 50% alkaloids are excluded from heading 1302. Likewise, quassin, a chemical compound extracted and refined from the quassia amara shrub is classified in Chapter 29. Papain enzyme, once purified from the extraction process of papaw juice, is classified as an enzyme of Chapter [35]. And polymers extracted and refined from cashew nut shell liquid are classified in Chapter 39 as polymers.”); HQ H237599, dated May 27, 2015; and HQ W968424, dated December 19, 2006.

Accordingly, we have consistently ruled that products in which certain chemical compounds have deliberately been targeted and enriched cannot be classified in heading 1302. [citations omitted]

The instant powders have all undergone purification via the application of chromatography in some form. The bilberry powder at issue in HQ 964139 is “purified by a process of column separation,” a form of chromatography, while the powder in NY 814027 is subjected to unspecified “chromatographic procedures.” See Van Nostrand’s Encyclopedia of Chemistry 379 (Glenn D. Considine, ed., John Wiley & Sons, Inc. 5th ed. 2005) (defining liquid-column chromatography). Similarly, the bilberry powder in NY N219927 and blueberry powder in NY N037866 undergo, respectively, absorption by resin and elution, both of which are common steps in chromatographic or other purification processes. [citations omitted].

... Having been purified following extraction, the **instant powders are not** described by the terms of heading 1302. ... We accordingly consider whether the powders can be classified in heading 2907, HTSUS, as phenols.

Per Note 1(a) and the EN to Chapter 29, a substance is classifiable within Chapter 29 where it is comprised almost entirely by a single molecular structure, so long as any structural deviations, i.e., impurities, are the result of processing. See Degussa Corp. v. United States, 508 F.3d 1044, 1047–48 Fed. Cir. 2007) ...

Notwithstanding this allowance for impurities, it is CBP’s position that there do exist limits to the proportional weights of permissible impurities in a Chapter 29 product. Specifically, any impurities cannot be so prevalent so as to marginalize the product’s chemical identity and render it a chemical mixture classifiable elsewhere. ...

.. Here, the instant products all contain 20 percent to 25 percent anthocyanosides, a chemically unique polyphenol within the larger class of phenols, with the remaining non-overlapping content presumably made up of chemically distinguishable impurities. Even as the most ubiquitous singularly-defined chemical compounds in these products, these anthocyanosides are present at levels well below the 80 percent purity mark that we established as satisfactory of Chapter 29, Note 1 in HQ 967971. By relative molecularweight, they are much closer to the alkaloids that account for 6 to 30 percent of the product at issue in HQ 966448, and are therefore too minimal to bring the instant products within the scope of heading 2907. We do note that the products in NY N037866 and NY N219927 contain 40 percent total polyphenols and 70 percent total phenols respectively; however, it is unclear whether these contents include single chemically defined compounds, isomers of such, or mixtures of structurally diverse chemical compounds within the phenol and polyphenol families. In any case, given that these products boast chemical compositions made up at least 30 percent of impurities, they cannot be considered products of heading 2907 or of any other heading within Chapter 29.

We lastly consider whether the instant products are classified in heading 3824. Heading 3824 provides for, among other things, “chemical products and preparations of the chemical or allied industries (including those consisting of mixtures of natural products), not elsewhere specified or included.” General Note 1 to Chapter 38 provides, in relevant part, that “[t]his Chapter...does not cover chemically defined elements or compounds (usually classified in Chapter 28 or 29...”

Consistent with General Note 1 to Chapter 38 and the EN 38.24, **it is CBP’s practice to classify products in heading 3824 where they lack the chemical homogeneity to qualify as a product of a Chapter 29 heading, yet have been so enriched or purified so as to fall outside the scope of heading 1302. See HQ H195716; HQ H061203; HQ 959099, dated May 1, 1998. The subject powders, as chemical products that have been purified but nevertheless lack the requisite chemical homogeneity for classification in heading 2907, are properly classified in heading 3824.**

HOLDING: *By application of GRI 1, the bilberry and blueberry extracts are classified under heading 3824, HTSUS, specifically under subheading 3824.90.9290, HTSUSA (Annotated), which provides for “Prepared binders for foundry molds or cores; chemical products and preparations of the chemical or allied industries (including those consisting of mixtures of natural products), not elsewhere specified or included: Other: Other: Other: Other: Other.” The general column one rate of duty is 5.0% ad valorem.*

Modification of Ruling Letter and Revocation of Treatment Relating to the Origin Marking of Certain Boxes of Tissues 86

EFFECTIVE DATE: *This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after February 22, 2016.*

NY N261615 held that the country of origin of the tissues in each of the three cases would be the country where the jumbo rolls are cut into facial tissues. It has come to our attention that several errors were made in NY N261615’s analysis.

FACTS: *As described in NY N261615, you asked us to confirm the country of origin of boxes of facial tissues under three scenarios:*

- 1. U.S. origin jumbo rolls of tissue paper are sent to Canada or Mexico and are converted into boxes of tissues. These finished products are then re-imported to the United States.*
- 2. U.S. origin jumbo rolls of tissue paper are sent to Korea and are converted into finished boxes of tissues. These finished products are then re-imported to the United States.*
- 3. U.S. origin jumbo rolls of tissue paper are sent to China and are converted into finished boxes of tissues. These finished products are then re-imported to the United States.*

...

ISSUE:

- I. Whether the boxes of facial tissues are eligible for preferential tariff treatment under NAFTA and UKFTA.*
- II. What are the country-of-origin marking requirements of the boxes of facial tissue?*

LAW AND ANALYSIS:

I. Eligibility for NAFTA Preference and Country of Origin Marking Requirements of Boxes of Tissues Cut in Mexico or Canada

A. Eligibility for NAFTA Preference

The NAFTA is implemented in General Note (GN) 12, HTSUS. GN 12(a) states that goods are eligible for the NAFTA rate of duty if they originate in the territory of a NAFTA party and qualify to be marked as goods of Mexico (or Canada). GN 12(b) sets forth the methods for determining whether a good originates in the territory of a NAFTA party and provides, in relevant part:

For the purposes of this note, goods imported into the customs territory of the United States are eligible for the tariff treatment and quantitative limitations set forth in the tariff schedule as “goods originating in the territory of a NAFTA party” only if—

- (i) they are goods wholly obtained or produced entirely in the territory of Canada, Mexico and/or the United States; or*
- (ii) they have been transformed in the territory of Canada, Mexico and/or the United States so that—*
 - (A) except as provided in subdivision (f) of this note, each of the nonoriginating materials used in the production of such goods undergoes a change in tariff classification described in subdivisions (r), (s) and (t) of this note or the rules set forth therein, or*
 - (B) the goods otherwise satisfy the applicable requirements of subdivisions (r), (s) and (t) where no change in tariff classification is required, and the goods satisfy all other requirements of this note; or*
 - (iii) they are goods produced entirely in the territory of Canada, Mexico and/or the United States exclusively from originating materials.*

*Here, counsel states that the jumbo rolls are made from U.S. originating materials. **Provided** that records and a certificate of origin are available to show that the rolls are made from originating materials, the*

finished boxes of tissues will be eligible for NAFTA preferential treatment under GN 12(b)(iii) as “goods produced entirely in the territory of Canada, Mexico and/or the United States exclusively from originating materials.” If the rolls are not produced from U.S.-originating materials, the finished boxes of tissues may still qualify for NAFTA preference because they will meet the tariff-shift requirement per GN 12(t)48.6, which requires “[a] change to headings 4817 through 4822 from any heading outside that group, except from heading 4823.” A qualifying shift occurs here because the jumbo rolls are classified under heading 4803, while the finished product is classified under heading 4818.

B. Marking Requirements

We next have to determine whether the boxes of facial tissue qualify to be marked as a product of Mexico or Canada. The hierarchy set forth in 19 C.F.R. § 102.11 is applicable to determine the country of origin marking of goods produced in countries that are a party to the NAFTA. NY N261615’s analysis of the country of origin of the tissues imported from Canada or Mexico was incorrect because it did not apply the rules in 19 C.F.R. § 102. While counsel cites the **GN 12 rules, those rules apply only when** an importer is requesting preferential treatment under NAFTA. **Goods still must qualify to be marked, and the rules contained in 19 C.F.R. § 102 must be applied.**

Under 19 C.F.R. § 102.11, the country of origin for non-textile goods is determined to be 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.

Section 102.1(g), CBP Regulations (19 C.F.R. 102.1(g)), defines a good wholly obtained or produced as “[a] good produced in that country exclusively from goods referred to in paragraphs (g)(1) through (g)(10) of this section or from their derivatives, at any stage of production.” Here, because the tissues are cut from jumbo rolls from the United States, they cannot qualify as “a good wholly obtained or produced” in either Canada or Mexico. The country of origin of the tissues thus cannot be determined under 19 C.F.R. § 102.11(a)(1).

The next step in the hierarchy is to consider whether the country of origin may be determined under section 102.11(a)(2). Under this section, the origin of the good may be based on the origin of the materials used to produce the good, provided that the good is produced exclusively from domestic materials. Section 102.1(d), CBP Regulations (19 C.F.R. § 102.1(d)), defines domestic material as “a material whose country of origin as determined under these rules is the same country as the country in which the good is produced.” Because the tissues are produced from raw materials from the United States, the country of origin cannot be determined under section 102.11(a)(2). The analysis must continue to 19 C.F.R. 102.11(a)(3).

Under 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 “Foreign 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.” Here, the foreign materials are the jumbo rolls of tissue paper from the United States, which are classified under subheading 4803.00, HTSUS. The final product, made in either Mexico or Canada, is classified under subheading 4818.20.00, HTSUS.

For goods classified under HTSUS subheading 4818.20, 19 C.F.R. § 102.20 requires a shift “from any other heading, including another heading within that group, except for a change to heading 4818 from sanitary towels and tampons, napkin and napkin liners for babies, and similar sanitary articles, of paper pulp, paper, cellulose wadding, or webs of cellulose fibers, of heading 9619.” A qualifying shift occurs here because the jumbo rolls are classified under heading 4803. Because the foreign material in the tissue boxes undergoes the required tariff shift, we continue to hold, as in NY N261615, that the country

of origin of the finished product will be the country where the conversion from jumbo rolls to tissue occurs (either Canada or Mexico).

II. Eligibility for UKFTA Preference and Marking Requirements of Boxes of Tissues Cut in Korea

A. Eligibility for UKFTA Preference

The requirements for eligibility for preferential tariff treatment under the UKFTA are set forth in Note 33 to the General Notes to the Harmonized Tariff System (“HTSUS”) (19 U.S.C. § 1202). This note provides in pertinent part:

(b) For the purposes of this note subject to the provisions of subdivisions (c), (d), (n) and (o) thereof, a good imported into the customs territory of the United States is eligible for treatment as an originating good of a UKFTA country under the terms of this note if-

(i) The good is wholly obtained or produced entirely in the territory of Korea or of the United States, or both.

(ii) The good is produced entirely in the territory of Korea or of the United States, or both, and-

A. Each of the nonoriginating materials used in the production of the good undergoes an applicable change in tariff classification specified in subdivision (o) of this note; or

B. The good otherwise satisfies any applicable regional value-content or other requirements set forth in such subdivision (o); and satisfies all other applicable requirements of this note and of applicable regulations;

or

(iii) The good is produced entirely in the territory of Korea or of the United States, or both, exclusively from materials described in subdivisions (i) or (ii), above.

*Here, counsel states that the jumbo rolls are made from U.S. originating materials. **Provided that supporting documents are available to show that the rolls are made from originating materials, the finished tissue boxes will be eligible for UKFTA preferential treatment under GN 33(b)(iii) as “goods produced entirely in the territory of Korea or of the United States or both.”** If the rolls are not produced from U.S.-originating materials, the finished boxes of tissues may still qualify for UKFTA preference because they will meet the tariff shift requirement in GN 33(o)48.2, which requires “change to headings 4808 through 4823 from any other heading.” A qualifying shift occurs because the jumbo rolls are classified under heading 4803, while the finished product is classified under heading 4818.*

B. Marking Requirements

As noted above, the tissues cut in Korea qualify for preferential treatment under UKFTA. Unlike NAFTA, however, UKFTA does not have special marking rules. NY N261615 therefore erred in applying General Note 33, which applies only in the context of determining eligibility for preference under UKFTA. The standard marking rules apply, and the finished product will be considered a product of Korea only if the jumbo rolls undergo a “substantial transformation” when they are converted into facial tissue.

19 C.F.R. § 134.1 implements the country-of-origin marking requirements and the exceptions set forth in 19 U.S.C. § 1304. Section 134.1(b), Customs Regulations (19 CFR § 134.1(b)), defines “country of origin” as the country of manufacture, production or growth of any article of foreign origin entering the United States. Further work or material added to an article in another country must effect a substantial transformation in order to render such other country the “country of origin” within the meaning of the marking laws and regulations.

CBP has previously found that cutting rolls of tissue to size does not constitute “substantial transformation” under 19 C.F.R. § 134.1. In Headquarters Ruling HQ 563306, dated Sept. 20, 2005, for example, we held that jumbo tissue rolls that are cut to size, folded, and packaged into gift tissue paper did not undergo a substantial transformation. Instead, that processing was considered “mere finishing operations.” See also HQ W967977, dated Oct. 5, 2006; HQ 557462, dated Sept. 13, 1994.

Here, as in the cases cited above, cutting rolls of tissues to size constitutes “mere finishing operations.” not substantial transformation. We therefore find that the country of origin of the finished tissues

remains the United States, the country where the jumbo tissue rolls were produced.

III. Country of Origin of Boxes of Tissues Cut in China

NY N261615 applied the substantial-transformation test and concluded that “the jumbo rolls from the United States were substantially transformed as a result of the processing in China” and that “China is considered to be the country of origin of the boxes of tissues. Based on the substantial-transformation analysis above, we disagree. Like the tissues cut in Korea, the tissues cut in China will remain a product of the United States because they will not be substantially transformed.

We note that marking the finished boxes of tissues as products of the United States is a matter under the jurisdiction of the Federal Trade Commission. If Kimberly Clark wants to mark the finished boxes of tissues with the phrase “Made in the USA” or a similar phrase, we recommend that you contact the agency at the following address: Federal Trade Commission, Division of Enforcement, 600 Pennsylvania Ave. NW, Washington DC 20580.

HOLDING: *We hold that the finished tissues imported from Canada (or Mexico) are eligible for preferential treatment under NAFTA, and should be marked as a product of Canada (or Mexico). The finished tissues imported from Korea are eligible for preferential treatment under UKFTA, but will remain a product of the United States for country of origin marking purposes as the jumbo rolls will not be substantially transformed in Korea. Similarly, the tissues imported from China will remain a product of the United States as the jumbo rolls will not be substantially transformed in China.*

Proposed Revocation of One Ruling Letter and Revocation of Treatment Relating to the Tariff Classification of “Tapeffiti” Design Guide Book, Tape, and Cutter Set 93

DATES: Comments must be received on or before January 22, 2016.

In NY N248844, CBP classified Fashion Angels’ “Tapeffiti Design Guide Book” under subheading 8479.89.9899, HTSUS, which provides for “Machines and mechanical appliances having individual functions, not specified or included elsewhere (in chapter 84): other machines and mechanical appliances: Other: Other: Other: Other.” It is now CBP’s position that the classification was in error, and the set should be classified as a toy, under subheading 9503.00.00, HTSUS.

...

...this office confirms that the subject merchandise is packaged containing three items: (1) a spiral bound design book, composed of cardboard and paper, (2) twelve (12) rolls of thin plastic adhesive tape, and (3) a plastic manual tape cutting device. The packaging of the sample provided to this office states that the product is recommended for ages 6 and up.

ISSUE: *What is the tariff classification of the subject “Tapeffiti Design Guide Book,” Item number 11734, which is comprised of a spiral bound design guide book, twelve rolls of fashion tape, and a manual tape cutting device, under the HTSUS.*

...

Although neither heading 9503, HTSUS nor the relevant chapter notes explicitly state that an item’s classification as a “toy” is dependent upon how it is used, the courts have found inherent in the above definitions the concept that an object is a toy only if it is designed and used for diversion, amusement, or play, rather than for practical purposes. The CIT specifically concluded that heading 9503, HTSUS, is a “principal use” provision as it pertains to “toys.” See Minnetonka Brands, Inc., 110 F. Supp. 2d at 1026, 37 (construing 9503 as a “principal use” provision).

Because heading 9503, HTSUS in relevant part, is a “principal use” provision, classification under this provision 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. See Additional US Rule of Interpretation 1(a). The CIT has stressed that it is the principal use of the “class or kind of goods to which the imports belong[ed],” at or immediately prior to the dates of importation, “and not the principal use of the specific imports[,] that is controlling under the Rules of Interpretation.” Grp. Italglass U.S.A., Inc. v. United States, 17 CIT 1177, 1177, 839 F. Supp. 866,

867 (1993). “Principal use” is defined as the use “which exceeds any other single use of the article.” *Conversion of the Tariff Schedules of the United States Annotated Into the Nomenclature Structure of the Harmonized System: Submitting Report at 34-35 (USITC Pub. No. 1400) (June 1983)*. Ultimately, the “class or kind” of articles considered to be “toys” under heading 9503 are articles whose principal use is for amusement, diversion, or play of children or adults. This use must exceed any other single use of that class or kind of article, such as practicality or utility.

.. The subject merchandise is an educational toy in accordance with the CIT’s decision in *Minnetonka Brands, Inc. v. United States*, 24 C.I.T. 645, *supra.*, and is progeny. Its principal use is as a toy and the value of the items individually is subservient to the play value of all of the items used together.

As noted, the book is largely pictorial and in cases where there are step-by-step instructions, they don’t number more than a few steps and are accompanied by pictures. In circumstances where the child does not follow the book exactly, the opportunity to twist or manipulate the tape into shapes or onto objects provides an opportunity for play utilizing the child’s imagination and creativity. If the child does follow the instructions this play will lead to learning basic skills: design of various objects, following step-by-step directions, and creating small crafts. The child derives amusement value from the creation of the products and the amusement exceeds the utilitarian function of any of the items decorated. Completed projects or assembled crafts utilizing the tape (for example, a mask template whereby the user places tape on the guide and cuts it out with scissors from the book), will be flimsy given the material and it is unlikely the child will keep the product for very long. An object, such as a phone case or a picture frame, decorated with the tape may last longer. Furthermore, the practicality of the finished product is secondary to the play value of creating that object. See *Spring Creative Prods. Group v. United States*, 35 Int’l Trade Rep. 1955 (Ct. Int’l Trade Aug. 16, 2013). The merchandise is sold in toy stores, or alongside other items that would be recognizable as toys. For example, one large online retailer sells the product, and other similar Fashion Angels products, under its “Toys and Games” section, specifically, it is available under “Kids Arts and Crafts.”

...

In the instant case, the printed fashion tape and its corresponding cutter and idea book, is exclusively focused on crafts that utilize the tape in creative designs and projects depicted in the book. It also contains about the amount of tape needed for the projects described and labelled in the book. Since the cutter is particularly flimsy, it is likely that the child would have amused him/herself decorating or creating a few items over the course of a few sittings and would subsequently discard the cutter and possibly the book, and use up the tape. Like other Tapeffiti craft kits classified as toys, it is composed of several articles, all essentially designed for the amusement and creativity of children over a short duration of time. [citations omitted]

This Tapeffiti Design Guide kit is an educational toy, consistent with CBP’s prior rulings addressing similar issues. It encourages self-learning, direction following as well as fostering imagination, and supporting manipulative play value. [citations omitted].

HOLDING: By application of GRI 1, the subject merchandise is classified under heading 9503, HTSUS. Specifically, it is provided for under subheading 9503.00.0073, HTSUSA (Annotated), which provides for “Tricycles, scooters, pedal cars and similar wheeled toys; dolls’ carriages; dolls, other toys; reduced scale 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 duty rate is free.

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 106
EFFECTIVE DATE: This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after February 22, 2016.

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.

Revocation of One Ruling Letter and Revocation of Treatment Relating to the Tariff Classification of Fly-Trapping Glue Boards 113

EFFECTIVE DATE: This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after February 22, 2016.

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.

Withdrawal of Notice of Proposed Revocation of a Ruling Letter and Proposed Revocation of Treatment Relating to the Tariff Classification of Worked Glass Balls from Germany 122

[t]his notice advises interested parties that CBP is withdrawing the notice of proposed revocation of a ruling letter pertaining to the tariff classification of worked glass balls. In this withdrawal, CBP is specifically referring to the notice of proposed revocation of NY M87022 published in the Customs Bulletin and Decisions Vol. 49, November 4, 2015, No. 44. The proposed notice was erroneously published. Therefore, we are withdrawing the notice of proposed revocation of NY M87022. It is also noted that the November 4 issue of the Customs Bulletin was incorrectly dated November 11, 2015.

Proposed Modification of a Ruling Letter and Revocation of Treatment Relating to the Classification of a Cast Sock 124

DATES: Comments must be received on or before January 22, 2016.

TEMPORARILY WITHHOLDING PUBLICATION OF THIS RULING NOTICE DUE TO AN APPARENT TYPOGRAPHICAL ERROR WHICH WE ARE REVIEWING WITH CBP.

MESSAGING SERVICE

CSMS [15000965](#) Updated EPA Supplemental CATAIR Guidelines and PGA Message Set Samples

CSMS [15000964](#) I want to file entries in the PGA Pilot to begin transitioning to ACE!

CSMS [15000963](#) Immediate Delivery Procedures at Year-End

CSMS [15000962](#) Industry Notice: Rule Waiver for Exporters to Deposit Permanent Export Licenses with CBP

CSMS [15000961](#) ACE PRODUCTION Deployment Tuesday, December 22, 2015 0600-0630 ET

CSMS [15000960](#) Resolved: ACE Production EDI Trade Messages Delay is now Resolved Monday, 12/21/15

CSMS [15000959](#) ACE Production is Experiencing EDI Trade Messages Delay Monday, December 21, 2015

CSMS [15000958](#) Ocean ACE - Backlog in Notification Processing

CSMS [15000957](#) RESOLVED - ACE Reports are unavailable Monday, December 21, 2015

[CSMS 15000956](#) [New ACE Cargo Release/PGA Message Set Glossary of Terms](#)

[CSMS 15000955](#) [ACE Reports are unavailable Monday, December 21, 2015](#)

[CSMS 15000954](#) [New and Updated ACE and PGA Information on CBP.gov](#)

[CSMS 15000953](#) [ACE PRODUCTION Deployment, Saturday, December 19, 2015 from 2200-0400 ET](#)

FEDERAL TRADE COMMISSION [Home](#)

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

FOOD & DRUG ADMINISTRATION

PROPOSED RULES

General and Plastic Surgery Devices:

Restricted Sale, Distribution, and Use of Sunlamp Products

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

Sunlamp Products; Proposed Amendment to Performance Standard

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

FDA Recalls Market Withdrawals, & Safety Alerts

- [Mars Chocolate North America Issues Allergy Alert Voluntary Recall on Undeclared Peanuts, Wheat and Egg Ingredient for DOVE® Chocolate Assortment Snowflakes, 24.0 oz. Bag, Sold Only at One Major Retailer with Stores Across the U.S.](#)
- [The Swinomish Fish Company Voluntarily Recalls Native Catch Salmon Bacon Because of a Possible Health Risk](#)
- [FDA Proposes New Safety Measures for Indoor Tanning Devices: The Facts](#)
- [SmartLipo365 Issues Voluntary Nationwide Recall of Smart Lipo Due to Undeclared Sibutramine, Desmethyisibutramine and Phenolphthalein](#)

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FOREIGN ASSETS CONTROL OFFICE

NOTICES

Blocking or Unblocking of Persons and Properties

Publication of the names of two individuals whose property and interests *Advance Notice* [PDF](#)

in property are blocked pursuant to Executive Order (E.O.) 13667 and four individuals whose property and interests in property are blocked pursuant to Executive Order (E.O.) 13712, and whose names have been added to OFAC's list of Specially Designated Nationals and Blocked Persons.

Foreign Narcotics Kingpin Designation Act; Additional Designations

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

[Specially Designated Nationals List](#)

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FOREIGN- TRADE ZONES BOARD

NOTICES

Approvals of Subzone Status:

Haier America Trading, LLC, Olive Branch, MS

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

Applications for Production Authority:

Coleman Co., Inc., Subzone 119I

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

Production Activities:

Mitsubishi Caterpillar Forklift America, Inc., Foreign-Trade Zone 84, Houston, TX

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

INTERNATIONAL TRADE ADMINISTRATION

NOTICES

Antidumping or Countervailing Duty Investigations, Orders, or Reviews:

Certain Cut-to-Length Carbon Steel Plate from the People's Republic of China; Certain

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

For details or additional information please contact: bywierbicki@tdllp.com

Cut-to-Length Carbon Steel Plate from the Russian Federation and Ukraine; Continuation of
Suspended Antidumping Duty Investigations

Cold-Rolled Steel Flat Products from Brazil		[TEXT] [PDF]
Cold-Rolled Steel Flat Products from India		[TEXT] [PDF]
Cold-Rolled Steel Flat Products from the People's Republic of China		[TEXT] [PDF]
Cold-Rolled Steel Flat Products from the Republic of Korea		[TEXT] [PDF]
Cold-Rolled Steel Flat Products from the Russian Federation		[TEXT] [PDF]
Light-Walled Rectangular Pipe and Tube from Mexico		[TEXT] [PDF]
Certain Potassium Phosphate Salts from the People's Republic of China		[TEXT] [PDF]
Pasta from Italy	<i>Advance Notice</i>	[PDF]
Polyester Staple Fiber from the People's Republic of China	<i>Advance Notice</i>	[PDF]
Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China		[TEXT] [PDF]

INTERNATIONAL TRADE COMMISSION

NOTICES

Antidumping or Countervailing Duty Investigations, Orders, or Reviews:

Chlorinated Isocyanurates from China and Spain	[TEXT] [PDF]
Large Residential Washers from China	[TEXT] [PDF]

Complaints:

Certain RF Capable Integrated Circuits and Products Containing the Same Investigations; Determinations, Modifications, and Rulings, etc.:	[TEXT] [PDF]
Arrowheads with Deploying Blades and Components Thereof and Packaging Therefor	[TEXT] [PDF]

CALIFORNIA

Office of Environmental Health Hazard Assessment

Proposition 65 List dated 08/25/15

Latest 60 Day Notices

[AG Number 2015-01291\(View Details\)](#)

Chemical: Benzene

Source: Natural Gas/Methane Leak

[AG Number 2015-01290\(View Details\)](#)

Chemical: Lead

Source: Brass Fittings

[AG Number 2015-01289\(View Details\)](#)

Chemical: Lead

Source: Kitchen Spray Hoses

[AG Number 2015-01288\(View Details\)](#)

Chemical: Lead

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

[AG Number 2015-01287\(View Details\)](#)

Chemical: Lead

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

[AG Number 2015-01286\(View Details\)](#)

Chemical: Lead

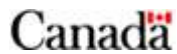
Source: Battery Mounts

[AG Number 2015-01285\(View Details\)](#)

Chemical: Lead

Source: Drinking Glasses

For details or additional information please contact: bywierbicki@tdllp.com



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[Consumer Product Safety](#) [Canada Consumer Product Safety Act Page](#)

Report an Incident Involving a Consumer Product or a Cosmetic

Incident report forms: www.healthcanada.gc.ca/reportaproduct ***Recalls & Safety Alerts:***

RECALLS:

- ◆ [Expanded recall: Dollarama recalls Christmas 20 LED Light Sets](#)
- ◆ [Victorian Trading Company recalls John Snowball, Esq. Tealight Holder](#)
- ◆ [NexScene LED String Fairy Lights sold across Canada may pose a serious safety risk](#)
- ◆ [Recall Re-Announcement: Bauer Hockey Corp. recalls Goal Masks and Cages](#)
- ◆ [Felt Bicycles recalls Mountain Bikes with OEM Carbon Fiber Seat Posts](#)
- ◆ [BESTAR inc. recalls juvenile dressers](#)
- ◆ [Expanded Recall: The Michaels Companies, Inc. recalls various CELEBRATE IT brand Lights Sets](#)
- ◆ [Expanded Recall: All seasonal lights made by Taizhou Hongpeng Colour Lanterns Co., Ltd. or Ningbo EGO International Co. Ltd. recalled by various Canadian importers](#)

* * *

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[Monday December 21, 2015](#) [Tuesday, December 22, 2015](#)
[Wednesday, December 23, 2015](#) [Thursday, December 24, 2015](#)

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