



The Month So Far: June 11 through 17, 2016

## ANIMAL AND PLANT HEALTH INSPECTION SERVICE NOTICES

Implementation of Revised Lacey Act Provisions

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

- We are publishing this notice to make clear that a declaration<sup>1</sup> is required for all formal consumption entries of plant and plant products imported into the United States, including those entries from FTZ and bonded warehouses. However, such declarations are not required for admission into such FTZ or bonded warehouses, which is what we were referring to in the February 2009 notice when we stated that we did not intend to enforce the declaration requirement for FTZ and warehouse entries.

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Importation of Live Swine, Pork and Pork Products & Swine Semen from the European Union [\[TEXT\]](#) [\[PDF\]](#)

Importation of Sand Pears from China

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

[Complete List of Electronic Manuals](#)

[NEWS](#)

[Import / Export](#)

[APHIS FAQs](#)

[PPO FORMS - USDA APHIS / Home](#)

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## CONSUMER PRODUCT SAFETY COMMISSION

*Quick Links:* [CPSIA Basics](#)

[View Safety Guides](#)

[Voluntary Standards](#)

*Certification Resources for Non-Children's Products:*

[Model General Conformity Certificate \(GCC\)](#) [Testing or Reasonable Testing Program FAQ](#)

*Related Resources for Non-Children's Products:*

[Rules Requiring a General Certificate of Conformity](#)

[General Certificate of Conformity](#) [Sample General Certificate of Conformity \(GCC\)](#)

[Third Party Testing FAQ](#)

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

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

### **CPSC RECALLS & UPDATES**

- [Lumber Liquidators Agrees To Not Resume Sales of Inventory of Chinese-Made Laminate Flooring. Continue Comprehensive Testing Program As Part of a Recall to Test](#)
- [Sony Recalls VAIO Laptop Computer Battery Packs Due to Burn and Fire Hazards](#)
- [STIHL Recalls Battery-Powered Hedge Trimmers Due to Laceration Hazard](#)
- [Direct Distributors Recalls Angle Grinders Due to Risk of Laceration](#)
- [Auldey Toys Recalls Sky Rover Toys Due to Fire Hazard](#)

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

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<sup>1</sup> The declaration must contain, among other things, the scientific name of the plant, value of the importation, quantity of the plant, and name of the country from where the plant was harvested. For paper and paperboard products containing recycled content, the declaration also must include the average percent of recycled content without regard for species or country of harvest.

**CUSTOMS AND BORDER PROTECTION**

**NOTICES**

New Date for the October 2016 Customs Broker License Examination [\[TEXT\]](#) [\[PDF\]](#)

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Accreditation of Commercial Testing Laboratories and Approval of Commercial Gaugers [\[TEXT\]](#) [\[PDF\]](#)

Application to Use the Automated Commercial Environment [\[TEXT\]](#) [\[PDF\]](#)

Declaration for Free Entry of Unaccompanied Articles [\[TEXT\]](#) [\[PDF\]](#)

Request for Information [\[TEXT\]](#) [\[PDF\]](#)

[Centers for Excellence and Expertise Directory](#)

Contact Information to reach Centers for Excellence and Expertise (CEEs) organized by their trade focus



**C-TPAT Portal 2.0 Phase II Training Manual**

[Adding a new C-TPAT Point of Contact](#)     [Deleting a C-TPAT Point of Contact](#)

[Exporter Minimum Security Criteria](#) [C-TPAT Exporter Factsheet](#) [C-TPAT Exporter Entity FAQ](#)

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[June 15, 2016](#)

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*Determination that COBRA Fees are not being Adjusted for Inflation in April 2016 . . . . . 13*

*Proposed Revocation of One Ruling Letter and Revocation of Treatment Relating to the Tariff Classification of Jeffamine® D-2000 . . . . . 14*

**DATES: Comments must be received on or before July 15, 2016.**

*In NY N255361, CBP classified JEFFAMINE® D-2000 in heading 3911, HTSUS, specifically in subheading 3911.90.90, HTSUS, which provides for “Petroleum resins, coumarone-indene resins, polyterpenes, polysulfides, polysulfones and other products specified in note 3 to this chapter, not elsewhere specified or included, in primary forms: Other: Other: Other.” CBP has reviewed NY N255361 and has determined the ruling letter to be in error. **It is now CBP’s position that JEFFAMINE® D-2000 is properly classified, by operation of GRI 1, in heading 3907, HTSUS, specifically in subheading 3907.20.00, HTSUS, which provides for “Polyacetals, other polyethers and epoxide resins, in primary forms; polycarbonates, alkyd resins, polyallyl esters and other polyesters, in primary forms: Other polyethers.”***

*Pursuant to 19 U.S.C. §1625(c)(1), CBP is proposing to revoke NY N255361 and to revoke or modify any other ruling not specifically identified to reflect the analysis contained in the proposed Headquarters Ruling Letter (“HQ”) H262287, set forth as Attachment B to this notice. Additionally, pursuant to 19 U.S.C. 1625(c)(2), CBP is revoking any treatment previously accorded by CBP to substantially identical transactions.*

**ISSUE:** *Whether JEFFAMINE® D-2000 is properly classified in heading 3907, HTSUS, as an “other” polyether, or in heading 3911, HTSUS, as an “other” synthetic polymer specified in Note 3 to Chapter 39.*

**LAW AND ANALYSIS:**

*...*  
*Pursuant to Note 3 to Chapter 39, heading 3907 applies to, among other products, synthetic polymers with an average of at least five monomer units. See Note 3(c) to Chapter 39. While a definition of*

“polymer” is absent from the HTSUS, the General EN to Chapter 39 describes “polymers” within the meaning of Note 3 to Chapter 39 as “molecules which are characterised by the repetition of one or more types of monomer units.” See also Richard J. Lewis, Sr., *HAWLEY’S CONDENSED CHEMICAL DICTIONARY* 1013 (15th ed. 2007) (defining “polymer” as “a macromolecule formed by the chemical union of five or more identical combining units called monomers”) [hereinafter *Hawley’s*]1.

With respect to the specific types of polymers classifiable in heading 3907, EN 39.07 provides as follows:

*This heading covers...*

(2) *Other polyethers. Polymers obtained from epoxides, glycols or similar materials and characterised by the presence of ether-functions in the polymer chain. They are not to be confused with the polyvinyl ethers of heading 39.05, in which the ether-functions are substituents on the polymer chain. The most important members of this group are poly(oxyethylene) (polyethylene glycol), polyoxypropylene and polyphenylene oxide (PPO) (more correctly named poly(dimethylphenylene-oxide)). These products have a variety of uses, PPO being used, like the polyacetals, as engineering plastics, polyoxypropylene as an intermediate for polyurethane foam...*

Here, the technical bulletins pertaining to JEFFAMINE® D-2000 indicate that the product is in liquid form. It is consequently in a “primary form” pursuant to Note 6 to Chapter 39. Moreover, the technical bulletins and included representative structure indicate that JEFFAMINE® D-2000 contains, on average, thirty-three oxypropylene units as its repeating monomer units. Therefore, JEFFAMINE® D-2000 both meets the definition of a polymer and satisfies Note 3(c) to Chapter 39. Because its repeating units are oxypropylene monomers, it is, prior to any modification, a polyoxypropylene, which is specifically identified in EN 39.07 as an “other” polyether classifiable in heading 3907. While the original polyoxypropylene has in fact been modified to the effect that its appendages contain amine groups, Note 5 to Chapter 39 requires that JEFFAMINE® D-2000 be classified as if it were an unmodified polymer. As a chemically modified polyoxypropylene, JEFFAMINE® D-2000 is therefore classifiable as an “other” polyether in heading 3907, HTSUS. See NY N242035, dated June 14, 2013; NY N116392, dated August 5, 2010; and NY 804057, dated December 7, 1994 (all classifying polyoxypropylene derivatives in heading 3907, HTSUS).

We next consider whether JEFFAMINE® D-2000 is classifiable in heading 3911, HTSUS, which provides for “other products specified in note 3 to [Chapter 39], not elsewhere specified or included, in primary forms.” As discussed above, JEFFAMINE® D-2000 is in a primary form pursuant to Note 6 to Chapter 39, and can be described as “a polymer with an average of at least 5 monomer units” within the meaning of Note 3(c) to Chapter 39. However, it is elsewhere specified in heading 3907, HTSUS, as explained above. See *R.T. Foods, Inc. v. United States*, 757 F.3d 1349, 1354 (Fed. Cir. 2014) (stating that a provision that contains the terms “not elsewhere specified or included” is a basket provision, in which classification of a given product “is only appropriate if there is no tariff category that covers the merchandise more specifically”).

**HOLDING:** By application of GRI 1, JEFFAMINE® D-2000 is properly classified in heading 3907, HTSUS. It is specifically classified in subheading 3907.20.0000, HTSUSA (Annotated), which provides for: “Polyacetals, other polyethers and epoxide resins, in primary forms; polycarbonates, alkyd resins, polyallyl esters and other polyesters, in primary forms: Other polyethers.” The 2016 column one general rate of duty is 6.1% ad valorem.

**Modification of Two Ruling Letters and Revocation of Treatment Relating to the Applicability of Subheading 9801.00.20, HTSUS to Certain Automobile Parts . . . . . 21**

**EFFECTIVE DATE:** This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after August 15, 2016.

In NY N263924 to be modified, CBP found imported products consisting of brake pad hardware kits to be exempt from duties pursuant to subheading 9801.00.20, HTSUS. In NY N260230, also to be modified, CBP determined that certain automobile parts, such as tie rods, slip sleeves, oil seals, brake pad and hub

*assemblies, were exempt from duties under subheading 9801.00.20, HTSUS. It is now CBP's position that these two decisions are incorrect and that the goods in both decisions are not eligible for duty-free treatment under subheading 9801.00.20, HTSUS.*

*Pursuant to 19 U.S.C. § 1625(c)(1), CBP is modifying NY N263924 and NY N260230 (set forth in Attachments A and B to this document), and any other ruling not specifically identified in order to reflect the proper tariff treatment of the merchandise pursuant to the analysis in Headquarters Ruling (HQ) H270377, (set forth as Attachment C to this document). Additionally, pursuant to 19 U.S.C. 1625(c)(2), CBP is revoking any treatment previously accorded by CBP to substantially identical transactions.*

**ISSUE:** *Whether the merchandise described in NY N263924 and NY N260230 qualifies for duty-free treatment under subheading 9801.00.20, HTSUS.*

**LAW AND ANALYSIS:**

...  
*Section 10.108 of the U.S. Customs and Border Protection ("CBP") Regulations, 19 C.F.R. § 10.108, provides that free entry shall be accorded under subheading 9801.00.20, HTSUS, whenever it is established to the satisfaction of the port director that the article for which free entry is claimed was duty paid on a previous importation, is being reimported without having been advanced in value or improved in condition by any process of manufacture or other means, was exported from the United States under a lease or similar use agreement, and is being reimported by or for the account of the person who previously imported it into, and exported it from the United States. It should be noted that CBP has denied subheading 9801.00.20, HTSUS, treatment in situations where such evidence was not provided. See, e.g., Headquarters Ruling Letters ("HQ") H232917, dated June 27, 2013 (denying protest and finding insulated concrete mold was not entitled to duty-free entry under subheading 9801.00.20, HTSUS because no evidence was provided to establish the previous importation and subsequent importation were by or for the account of the same person).*

*Under the CBP Regulations, an "importer" is "the person primarily responsible for the payment of any duties on the merchandise, or an authorized agent acting on his behalf." 19 CFR § 101.1. Every importer is required to have an importer identification number. See 19 CFR § 24.5. We reviewed NY N263924 and N260230 and conclude that both decisions are not in conformity with the requirements of 19 C.F.R. § 10.108. The facts in each ruling state that either FMM pays the customs duties on the articles, or FMM purchases the goods from U.S. distributors who have already paid the respective duties. The rulings do not indicate that a U.S. distributor acted as an agent "by or for the account of FMM." Subheading 9801.00.20, HTSUS, clearly requires that the re-importation must be by or for the account of the person or entity that imported it into, and exported it from the U.S. Therefore, based on the facts in both rulings, the **U.S. distributor** is the party who imported the parts in the first instance, and this does not satisfy the requirement that the parts are reimported by, or for the account of FMM. See HQ H232917, (citing to HQ 560256, dated July 23, 1997, and HQ 561005, dated Aug. 5, 1998). In sum, since both rulings failed to provide evidence that the previous importation or subsequent importation is "by or for the account of FMM", we find the requirements of subheading 9801.00.20, HTSUS, and 19 C.F.R. § 10.108 are not met, to the extent that the parts are acquired by FMM from a U.S. distributor.*

**HOLDING:** *The merchandise described in New York Ruling Letters (NY) N263924 and N260230 is not entitled to duty-free entry under subheading 9801.00.20, HTSUS, to the extent that the parts are acquired by FMM from a U.S. distributor.*

**Withdrawal of Proposed Modification of a Ruling Letter and Proposed Revocation of Treatment Relating to the Tariff Classification of a Fishing Rod Holder with Boat Mount . . . . . 31**

*Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. §1625(c)(1)), as amended by section 623 of Title VI, a notice was published in the Customs Bulletin, Vol. 49, No. 9, on March 4, 2015, proposing to modify New York Ruling Letter (NY) R00811, dated September 16, 2004, which classified fishing rod holder with a boat mounting device under heading 9507, HTSUS, and specifically under subheading*

9507.10.00 (2004), which provides for “Fishing rods, fish hooks and other line fishing tackle; fish landing nets, butterfly nets and similar nets; decoy “birds” (other than those of heading 9208 or 9705) and similar hunting or shooting equipment; parts and accessories thereof: Fishing rods and parts and accessories thereof.” In the notice of March 4, 2015, we proposed to modify the tariff classification of the fishing rod holder with boat mounting device. No comments were received in response to the notice. However, after additional review, we have determined that the fishing rod holder is properly classified in in subheading 9507.10.00, HTSUS. Therefore the classification of the fishing rod holder with a boat mounting device set forth in R00811 is correct.

Pursuant to 19 U.S.C. §1625(c), and 19 C.F.R. §177.7(a), which states, in pertinent part, that “[n]o ruling letter will be issued... in any instance in which it appears contrary to the sound administration of the Customs and related laws to do so”, CBP is withdrawing its proposed modification of NY R00811.

**Proposed Modification of One Ruling Letter and Revocation of Treatment Relating to the Tariff Classification of a Twin Poster Bed Shipped Complete or its Headboard, Footboard and Side Rails Shipped Separately from China. . . . . 33**

**DATES: Comments must be received on or before July 15, 2016.**

In NY N220458, CBP classified the bed when shipped complete, and its headboard, footboard and side rails, when shipped separately in subheading 9403.50, HTSUS, which provides for “Other furniture and parts thereof: Wooden furniture of a kind used in the bedroom.” CBP has reviewed NY N220458 and find the portion that relates to the classification of the headboard, footboard and side rails, when shipped separately to be in error. It is now CBP’s position that separately shipped headboard, footboard and side rails are properly classified, by operation of GRIs 1, 3(b) and 6, in heading 9403, HTSUS, specifically in subheading 9403.90.70, HTSUS, which provides for “Other furniture and parts thereof: Parts: Other: Of wood” by application of GRIs 3(b) and 6. By application of GRIs 1 and 6, the side rails are classified in subheading 9403.90.70, HTSUS.

Pursuant to 19 U.S.C. §1625(c)(1), CBP is proposing to modify NY N220458, and to revoke or modify any other ruling not specifically identified to reflect the analysis contained in the proposed Headquarters Ruling Letter (“HQ”) H230217, set forth as Attachment B to this notice. Additionally, pursuant to 19 U.S.C. §1625(c)(2), CBP is proposing to revoke any treatment previously accorded by CBP to substantially identical transactions.

**ISSUE:** Whether the headboard and footboard are classified in subheading 9403.50, HTSUS, as wooden furniture of a kind used in the bedroom, or in subheading 9403.90, HTSUS, as parts of furniture.

**LAW AND ANALYSIS:**

...

There is no dispute that the merchandise is appropriately classified in heading 9403, HTSUS. At issue is the applicable six-digit subheading. Therefore, we must apply GRI 6 to determine the correct classification of the merchandise. GRI 6 provides:

*For legal purposes, the classification of goods in the subheadings 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 subchapter notes also apply, unless the context otherwise requires.*

In light of the fact that the subject headboard and footboard consists of more than one material, classification at the subheading level is governed by GRIs 3 and 6. GRI 3 provides, in pertinent part, as follows:

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

*(b) Mixtures, composite goods consisting of different materials or made up of different components, and goods put up in sets for retail sale, which cannot be classified by reference to 3(a), shall be classified as if they consisted of the material or component which gives them their essential character, insofar as this criterion is applicable.*

...

\* \* \* \* \*

Under GRI 3(b), composite goods must be classified according to the material or component that imparts the article with its essential character. The “essential character” of an article is “that which is indispensable to the structure, core or condition of the article, i.e., what it is.” *Structural Industries v. United States*, 360 F. Supp. 2d 1330, 1336 (Ct. Int’l Trade 2005). EN VIII to GRI 3(b) explains 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 the constituent material in relation to the use of the goods.” Recent court decisions on the essential character for GRI 3(b) purposes have looked primarily to the role of the constituent material in relation to the use of the goods. See *Estee Lauder, Inc. v. United States*, 815 F. Supp. 2d 1287, 1296 (Ct. Int’l Trade 2012); *Structural Industries*, 360 F. Supp. 2d 1330; *Conair Corp. v. United States*, 29 C.I.T. 888 (2005); *Home Depot USA, Inc. v. United States*, 427 F. Supp. 2d 1278 (Ct. Int’l Trade 2006), *aff’d* 491 F.3d 1334 (Fed. Cir. 2007).

The headboard features wood components that cost more than the acrylic components and weigh significantly more than the acrylic components. The footboard features acrylic components that cost more, but weigh significantly less than the wood components. Although the headboard and footboard have detailed and ornate designs covered in acrylic, the wood components, provide the structure and shape of the headboard and footboard. It is the bulk and weight of the underlying wood that allows for the detailed and ornate designs of the acrylic to be impressed onto the surface of the headboard and footboard.

*In accord with the meaning of “essential character” under GRI 3(b), we agree with the conclusion set forth in NY N220458 that wood is the essential component of the headboard and footboard. Therefore, the aforementioned components when imported together, constitute an unassembled article of wooden bedroom furniture of subheading 9403.50, HTSUS.*

However, the headboard, footboard, and side rails (which are composed entirely of wood) when shipped separately do not constitute bedroom furniture of subheading 9403.50, HTSUS. Rather, they are properly classified as parts of furniture of wood under subheading 9403.90, HTSUS.

**HOLDING:** *By application of GRIs 1, 3(b), and 6, the headboard, footboard and side rails, when shipped separately are classified in heading 9403, HTSUS, specifically in subheading 9403.90.70, HTSUS, which provides for “Other furniture and parts thereof: Parts: Other: Of wood” by application of GRIs 3(b) and 6. By application of GRIs 1 and 6, the side rails are classified in subheading 9403.90.70, HTSUS. The general column one rate of duty is “Free.”*

**Proposed Revocation of Two Ruling Letters and Revocation of Treatment Relating to the Tariff Classification of Buffalo Milk Mozzarella Cheese . . . . . 41**

**DATES: Comments must be received on or before July 15, 2016.**

In HQ 956094 and NY 870353, CBP classified the buffalo mozzarella in heading 0406, HTSUS, specifically in subheading 0406.90.80, HTSUS, which provides for “Cheese and curd: Other cheese: Other cheeses...: Other ....: Other.” CBP has reviewed HQ 956094 and NY 870353 and has determined the ruling letters to be in error. **It is now CBP’s position that the buffalo mozzarella is properly classified, by operation of GRIs 1 and 6, in heading 0406, HTSUS, specifically in subheading 0406.10.95, HTSUS, which provides for “Cheese and curd: Fresh (unripened or uncured) cheese, including whey cheese, and curd: Other: Other: Other: Other.”**

Pursuant to 19 U.S.C. §1625(c)(1), CBP is proposing to revoke HQ 956094 and NY 870353, and to revoke or to modify any other ruling not specifically identified to reflect the analysis contained in the proposed HQ H274747, set forth as Attachment C to this notice. Additionally, pursuant to 19 U.S.C. §1625(c)(2), CBP is proposing to revoke any treatment previously accorded by CBP to substantially identical transactions.

**ISSUE:** Is the buffalo mozzarella classified under subheading 0406.10, HTSUS, as a fresh cheese, or under subheading 0406.90, HTSUS, as a cheese that is not specified elsewhere?

**LAW AND ANALYSIS:**

...  
In both HQ 956094 and NY 870353, CBP classified buffalo mozzarella in residual subheading 0406.90, HTSUS, which covers cheeses which are not specifically provided for elsewhere in the nomenclature. However, we are of the view that buffalo mozzarella is a fresh cheese which is specifically described in subheading 0406.10, HTSUS. For support, we note the descriptions of mozzarella which are provided below:

Many soft, unripened varieties of Italian cheese exist, but the two most important are Mozzarella and Ricotta ... Mozzarella cheese was traditionally made from the high fat milk of the water buffalo. In southern Italy, including areas a few miles from Naples, the water buffalo still supplies milk for this type of cheese. For many decades, however, Italians have made Mozzarella cheese from cow’s milk and in this form it is highly acceptable. Frank Kosikowski, *Cheese and Fermented Milk Foods*, 153 (1966).

Mozzarella. Mozzarella is a soft, plastic-curd cheese that is made in some parts of Latium and Campania in southern Italy. It originally was made only from buffalo’s milk, but now it is made also from cow’s milk. It is made in much the same way as Caciocavallo and Scamorze; however, it more nearly resembles Scamorze, as both Mozzarella and Scamorze are eaten while fresh, with little or no ripening. Dairy Products Laboratory, U.S. Dep’t. of Agriculture, *Agriculture Handbook No. 54, Cheese Varieties and Descriptions* 80 (1969).

We also note the EN 04.06 specifically names mozzarella cheese as a type of fresh cheese. In NY N130960, dated November 5, 2010, and in NY K81170, dated November 19, 2003, CBP classified buffalo milk mozzarella cheese in subheading 0406.10, HTSUS. For all of the aforementioned reasons, we find that buffalo mozzarella is properly classified under subheading 0406.10, HTSUS, as a fresh cheese.

**HOLDING:** By application of GRI 1 and GRI 6, the buffalo mozzarella is classified under subheading 0406.10.95, HTSUS, which provides for “Cheese and curd: Fresh (unripened or uncured) cheese, including whey cheese, and curd: Other: Other: Other: Other.” The 2016 column one, general rate of duty is 8.5 percent ad valorem.

**Proposed Modification of Two Ruling Letters and Revocation of Treatment Relating to the Tariff Classification of Cow’s Milk Mozzarella Cheese . . . . . 48**

**DATES: Comments must be received on or before July 15, 2016.**

In HQ 957175 and NY E83545, CBP classified the cow’s milk mozzarella in heading 0406, HTSUS, specifically in subheading 0406.90.95, HTSUS, which provides for “Cheese and curd: Other cheese: Other cheeses, and substitutes for cheese, including mixtures of the above: Other, including mixtures of the above ...: Other: Other: Containing cow’s milk (except soft-ripened cow’s milk cheese): Described in additional U.S. note 16 to this chapter and entered pursuant to its provisions.”

CBP has reviewed HQ 957175 and NY E83545 and has determined the ruling letters to be in error with regard to the classification of the mozzarella. It is now CBP’s position that the cow’s milk mozzarella is properly classified, by operation of GRIs 1 and 6, in heading 0406, HTSUS, specifically in subheading 0406.10.84, HTSUS, which provides for “Cheese and curd: Fresh (unripened or uncured) cheese,

*including whey cheese, and curd: Other: Other: Other: Other cheese and substitutes for cheese (except cheese not containing cow's milk, and soft ripened cow's milk cheese): Described in additional U.S. note 16 to this chapter and entered pursuant to its provisions."*

*If the quantitative limits of subheading 0406.10.84, HTSUS, have been exceeded, then the mozzarella is properly classified in subheading 0406.10.88, HTSUS, which provides for "Cheese and curd: Fresh (unripened or uncured) cheese, including whey cheese, and curd: Other: Other: Other: Other cheese and substitutes for cheese (except cheese not containing cow's milk, and soft ripened cow's milk cheese): Other."*

*Pursuant to 19 U.S.C. §1625(c)(1), CBP is proposing to modify HQ 957175 and NY E83545, and to revoke or to modify any other ruling not specifically identified to reflect the analysis contained in the proposed HQ H274749, set forth as Attachment C to this notice. Additionally, pursuant to 19 U.S.C. §1625(c)(2), CBP is proposing to revoke any treatment previously accorded by CBP to substantially identical transactions.*

**ISSUE:** *Is the cow's milk mozzarella classified under subheading 0406.10, HTSUS, as a fresh cheese, or under subheading 0406.90, HTSUS, as an "other" cheese that is not specified elsewhere?*

#### **LAW AND ANALYSIS:**

...

*In both HQ 957175 and NY E83545, CBP classified the mozzarella in residual subheading 0406.90, HTSUS, which covers cheeses which are not specifically provided for elsewhere in the nomenclature. However, we are of the view that mozzarella is a fresh cheese which is specifically described in subheading 0406.10, HTSUS. For support, we note the descriptions of mozzarella which are provided below:*

*Many soft, unripened varieties of Italian cheese exist, but the two most important are Mozzarella and Ricotta ... Mozzarella cheese was traditionally made from the high fat milk of the water buffalo. In southern Italy, including areas a few miles from Naples, the water buffalo still supplies milk for this type of cheese. For many decades, however, Italians have made Mozzarella cheese from cow's milk and in this form it is highly acceptable. Frank Kosikowski, *Cheese and Fermented Milk Foods*, 153 (1966).*

*Mozzarella. Mozzarella is a soft, plastic-curd cheese that is made in some parts of Latium and Campania in southern Italy. It originally was made only from buffalo's milk, but now it is made also from cow's milk. It is made in much the same way as Caciocavallo and Scamorze; however, it more nearly resembles Scamorze, as both Mozzarella and Scamorze are eaten while fresh, with little or no ripening. Dairy Products Laboratory, U.S. Dep't. of Agriculture, *Agriculture Handbook No. 54, Cheese Varieties and Descriptions* 80 (1969).*

**We also note that EN 04.06 specifically names mozzarella cheese as a type of fresh cheese. In NY N257393, dated October 3, 2014, and in NY N242316, dated June 5, 2013, CBP classified cow's milk mozzarella cheese in subheading 0406.10, HTSUS. For all of the aforementioned reasons, we find that the mozzarella is properly classified under subheading 0406.10, HTSUS, as a fresh cheese.**

*Additional U.S. Note 16 to Chapter 4 sets forth a quota which limits importations of goods classified under subheading 0406.10.84, HTSUS. If the mozzarella is imported in quantities that fall under the limit set forth in additional U.S. Note 16 to Chapter 4, it shall remain classified in subheading 0406.10.84, HTSUS. However, if the quantitative limits of additional U.S. Note 16 to Chapter 4, HTSUS, have been reached, the subject mozzarella will be classified in subheading 0406.10.88, HTSUS.*

**HOLDING:** *If imported in quantities that fall within the limits described in additional U.S. Note 16 to Chapter 4, the mozzarella will be classified in subheading 0406.10.84, HTSUS, which provides for "Cheese and curd: Fresh (unripened or uncured) cheese, including whey cheese, and curd: Other: Other: Other: Other cheese and substitutes for cheese (except cheese not containing cow's milk, and soft ripened*



cow's milk cheese): Described in additional U.S. note 16 to this chapter and entered pursuant to its provisions." The 2016 column one, general rate of duty is 10 percent ad valorem.

**If the quantitative limits of Additional U.S. Note 16 to Chapter 4, HTSUS, have been reached, the mozzarella will be classified in subheading 0406.10.88, HTSUS, which provides for "Cheese and curd: Fresh (unripened or uncured) cheese, including whey cheese, and curd: Other: Other: Other: Other cheese and substitutes for cheese (except cheese not containing cow's milk, and soft ripened cow's milk cheese): Other."** The 2016 column one, general rate of duty is \$1.509 per kilogram. Furthermore, if classified in subheading 0406.10.88, HTSUS, the mozzarella will also be subject to the additional duty rates specified in subheadings 9904.06.38 - 9904.06.49, HTSUS, as applicable.

**Revocation of Three Ruling Letters and Revocation of Treatment Relating to the Tariff Classification of Woven Polypropylene/Polyethylene Sheeting . . . . . 64**

***EFFECTIVE DATE: This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after August 15, 2016.***

In NY N213335, NY N213337 and NY N213340, CBP classified woven polypropylene/polyethylene sheeting under subheading 4601.99.9000, HTSUSA, as "[p]laits and similar products of plaiting materials, whether or not assembled into strips; plaiting materials, plaits and similar products of plaiting materials, bound together in parallel strands or woven, in sheet form, whether or not being finished articles (for example, mats, matting, screens): [o]ther: [o]ther: [o]ther." Upon our review of these three rulings, we have determined that the merchandise described in the rulings are properly classified under subheading 4602.90.0000, HTSUSA, as "[b]asketwork, wickerwork and other articles, made directly to shape from plaiting materials or made up from articles of heading 4601; articles of loofah: [o]ther."

...

**ISSUE:** What is the proper classification of the woven polypropylene/polyethylene sheeting?

**LAW AND ANALYSIS:**

...

The following HTSUS provisions are under consideration:

4601 Plaits and similar products of plaiting materials, whether or not assembled into strips; plaiting materials, plaits and similar products of plaiting materials, bound together in parallel strands or woven, in sheet form, whether or not being finished articles (for example, mats, matting, screens):

4602 Basketwork, wickerwork and other articles, made directly to shape from plaiting materials or made up from articles of heading 4601; articles of loofah:

The relevant Legal Notes to Chapter 46, HTSUS, state in pertinent part:

1. In this chapter the expression "plaiting materials" means materials in a state or form suitable for plaiting, interlacing or similar processes; it includes straw, osier or willow, bamboos, rattans, rushes, reeds, strips of wood, strips of other vegetable material (for example, strips of bark, narrow leaves and raffia or other strips obtained from broad leaves), unspun natural textile fibers, monofilament and strip and the like of plastics and strips of paper, but not strips of leather or composition leather or of felt or nonwovens, human hair, horsehair, textile rovings or yarns, or monofilament and strip and the like of chapter 54.
3. For the purposes of heading 4601, the expression "plaiting materials, plaits and similar products of plaiting materials, bound together in parallel strands" means plaiting materials, plaits and similar products of plaiting and similar products of plaiting materials, placed side by side and bound together, in the form of sheets, whether or not binding materials are of spun textile materials.

The merchandise at issue in NY N213335, NY N213337, and NY N213340, are all woven polypropylene/polyethylene sheeting that are coated on either one or two sides with a plastic film or laminated to a paper backing. The coating of such sheeting is a level of manufacturing that is beyond the scope of heading 4601. CBP has consistently classified such merchandise under heading 4602. See HQ

960304, dated November 10, 1997 (determining that plastic plaiting materials in sheet form that are reinforced with plastic are precluded from classification under heading 4601, HTSUS, but are classified under heading 4602, HTSUS). See also, NY B81776, dated February 21, 1997; and NY 860405, dated March 6, 1991.

Therefore, the woven polypropylene/polyethylene sheeting in rulings NY N213335, NY N213337, and NY N213340, are classified under heading 4602, HTSUS, as “[b]asketwork, wickerwork and other articles, made directly to shape from plaiting materials or made up from articles of heading 4601; articles of loofah.” **HOLDING: Pursuant to GRI 1, the woven polypropylene/polyethylene sheeting is classified under subheading 4602.90.0000, HTSUSA, as “[b]asketwork, wickerwork and other articles, made directly to shape from plaiting materials or made up from articles of heading 4601; articles of loofah: [o]ther.”** The general, column one, rate of duty is 3.5 percent ad valorem.

**Proposed Revocation of Two Ruling Letters and Revocation of Treatment Relating to the Tariff Classification of Certain Commemorative Gold Rounds . . . . . 69**

**DATES: Comments must be received on or before July 15, 2016.**

In NY N260757, CBP classified a gold round from New Zealand in heading 7115, HTSUS, specifically in subheading 7115.90.30, HTSUS, which provides for “Other articles of precious metal or of metal clad with precious metal: Other: Other: Of gold, including metal clad with gold.”

Similarly, in NY N260343, CBP classified a gold round from Switzerland in subheading 7115.90.30, HTSUS. CBP has reviewed NY N260757 and NY 260343 and has determined the ruling letters to be in error.

**It is now CBP’s position that commemorative gold rounds are properly classified, by operation of GRI 1, in heading 7114, HTSUS, specifically in subheading 7114.19.00, HTSUS, which provides for “Articles of goldsmiths’ or silversmiths’ wares and parts thereof, of precious metal or of metal clad with precious metal: Of other precious metal whether or not plated or clad with precious metal.”**

Pursuant to 19 U.S.C. §1625(c)(1), CBP is proposing to revoke NY N260757 and NY N260343 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”) H266605, set forth as Attachment C to this notice. Additionally, pursuant to 19 U.S.C. §1625(c)(2), CBP is proposing to revoke any treatment previously accorded by CBP to substantially identical transactions.

**ISSUE: Whether the subject gold rounds are classified as goldsmiths’ wares, of heading 7114, HTSUS, or as other articles of precious metal, in heading 7115, HTSUS.**

#### **LAW AND ANALYSIS:**

...

We note at the outset the rounds at issue are not legal tender. They are not struck by a national issuing authority, they do not have a face value, and they cannot be spent in their country of issue. It is for this reason that heading 7118, HTSUS, which provides for coins, is not being considered. See Headquarters Ruling (HQ) H074995, dated July 29, 2010 (classifying gold and silver coins by differentiating legal tender from commemorative coins), and see NY N016199, dated September 11, 2007 (classifying silver commemorative coins).

The classification of imported merchandise is determined by its condition as imported. *Amersham Corp. v. United States*, 5 C.I.T. 49, 53 (Ct. Int’l Trade 1982), citing *Mitsubishi International Corp. v. United States*, 78 Cust. Ct. 4, C.D. 4686 (1977). Note 10 to Chapter 71 defines the relevant text of heading 7114, HTSUS. Specifically, it states that articles of goldsmiths’ wares includes “ornaments”. The term “ornament” is not defined in the tariff, and as such, it must be construed in accordance with its common and commercial meanings. See *Nippon Kogasku (USA) Inc., v. United States*, 69 CCPA 89, 673 F.2d 380 (1982). The common meaning of a term used in commerce is presumed to be the same as its commercial meaning. *Simod Am. Corp. v. United States*, 872 F.2d 1572, 1576 (Fed. Cir. 1989). To ascertain the

common meaning of a term, a court may consult, “dictionaries, scientific authorities, and other reliable information sources” and “lexicographic and other materials.” *C.J. Tower & Sons v. United States*, 69 C.C.P.A. 128, 673 F.2d 1268, 1271 (CCPA 1982); *Simod*, 872 F.2d at 1576. As the Courts are so empowered, it is prudent for CBP to do so as well. Merriam-Webster defines “ornament” as a small fancy object that is put on something else to make it more attractive; a useful accessory; something that lends grace or beauty<sup>1</sup>. Merriam-Webster defines “decorative” as an object which is purely ornamental<sup>2</sup>, as opposed to an object with a utilitarian function.

The ENs to heading 71.14 clarifies the tariff text “other articles for domestic or similar use” as including figures for interior decoration, mantelpiece ornaments, medals and medallions, among other listed articles. The myriad listed articles vary in size, shape, and purpose and so could be challenging to find unifying characteristics beyond aesthetics. However, in this context, the use of the word “etc.” [etcetera] indicates that this list is not exhaustive, but rather is illustrative. Medals and medallions, which are provided for in the ENs share similar characteristics as commemorative coins insofar as they are for decorative or ornamental use, to be viewed and enjoyed by its owner or guests, or could be given as gifts to memorialize a certain event or milestone. They are unlikely to be hoarded to build wealth or maintain oneself in a downward economy. As such, the subject coins are classified alongside medals and medallions, or decorative ornaments, and are properly classified in heading 7114, HTSUS, as an article of goldsmiths’ wares.

**This is consistent with prior CBP rulings on commemorative coins.** See NY N200016, dated January 24, 2010; NY N200017, dated January 24, 2010; NY N249940, dated February 20, 2014; NY R01031, dated November 15, 2004; NY A86378, dated August 6, 1996. Furthermore, the tariff text itself, as well as the EN 71.15 clarifies that this heading is reserved for articles for technical or laboratory use, and the subject coins have no technical or laboratory use. See EN 71.15, and see NY N264210, dated May 19, 2015 (classifying 24K gold flakes in a solution of butylene glycol in subheading 7115.90.3000, HTSUSA, because gold flakes in a solution of 99 grams of butylene glycol which is added to a cosmetic lotion post-importation in the manufacture of skincare products is not an article of goldsmiths’ wares). See also *Salem Minerals Inc. v. United States*, 34 Int’l Trade Rep. (BNA) 1747, Slip Op. 12–88 (Ct. Int’l Trade June 26, 2012), where the Court of International Trade found that “gold leaf vials filled with clear liquid” lacked any constituent component that a goldsmith would make and that the goods could not be concluded to be more than the sum of its constituent parts. In other words, “taken as a whole, those gold leaf vials do not reach to the level of the work, or the ware, of a goldsmith within the purview of HTSUS heading 7114.” *Id* \* 21. Consequently, the Court held that the gold leaf vials were properly classifiable under subheading 7115.90.30, HTSUS.

**HOLDING: By application of GRI 1, the subject “Valcambi Suisse Minted Gold Round Bar” and the New Zealand “1 oz. Gold Kiwi” commemorative coins are classified in heading 7114, HTSUS. They are specifically provided for in subheading 7114.19.00, HTSUS, which provides for, “Articles of goldsmiths’ or silversmiths’ wares and parts thereof, of precious metal or of metal clad with precious metal: Of other precious metal whether or not plated or clad with precious metal.” The column one general rate of duty is 7.9% ad valorem.**

**Proposed Modification of One Ruling Letter and Revocation of Treatment Relating to the Tariff Classification of Certain Plastic Pipes . . . . . 79**

**DATES: Comments must be received on or before July 15, 2016.**

In NY N235599, CBP classified plastic pipes from Mexico in heading 3917, HTSUS, specifically in subheading 3917.22.0000, HTSUSA, which provides for, “Tubes, pipes and hoses and fittings therefor (for example, joints, elbows, flanges), of plastics: Tubes, pipes and hoses, rigid: Of polymers of ethylene.” CBP has reviewed NY N235599 and has determined the ruling letter to be in error. **It is now CBP’s position that product PP9816W described as a branch tailpiece is properly classified, by operation of GRIs 1 and 6, in heading 3917, HTSUS, specifically in subheading 3917.40.00, HTSUS, which provides for “Tubes,**

pipes and hoses and fittings therefor (for example, joints elbows, flanges), of plastics: Fittings.” The classification of remaining products subject to NY N235599 is not affected by this proposed action.

Pursuant to 19 U.S.C. §1625(c)(1), CBP is proposing to modify N235599 and to revoke or modify any other ruling not specifically identified to reflect the analysis contained in the proposed HQ H260228, set forth as Attachment “B” to this notice. Additionally, pursuant to 19 U.S.C. §1625(c)(2), CBP is proposing to revoke any treatment previously accorded by CBP to substantially identical transactions.

**ISSUE:** Whether the plastic branch tailpiece for drainage is classified in subheading 3917.22, HTSUS, as a pipe, or in subheading 3917.40, HTSUS, as a fitting.

#### **LAW AND ANALYSIS:**

...

The text of heading 3917, HTSUS, covers tubes, pipes and hoses and fittings therefor (for example, joints, elbows, flanges), of plastics. Neither the Harmonized Tariff Schedule of the United States (HTSUS), nor the Explanatory Notes (ENs) to the HTSUS, provide a definition of the term pipe “fittings.” A tariff term that is not defined in the HTSUS or in the ENs is construed in accordance with its common and commercial meanings, which are presumed to be the same. Nippon Kogasku (USA) Inc. v. United States, 69 C.C.P.A. 89, 673 F. 2d 380 (1982). Common and commercial meaning may be determined by consulting dictionaries, lexicons, scientific authorities and other reliable sources. C.J. Tower & Sons v. United States, 69 C.C.P.A. 128, 673 F. 2d 1268 (1982). Webster’s Third New International Dictionary (unabridged; 1961) defines “fitting” as “something used in fitting up: accessory, adjunct, attachment . . . a small often standardized part (as a coupling, valve, gauge) entering into the construction of a boiler, steam, water or gas supply installation or other apparatus . . .” For over 25 years, CBP has relied on the plumbing trade practice that cut-to-length steel pipes sections, less than 12 inches in length, are regarded as fittings and not tubes or pipes. See HQ 951940, dated July 31, 1992. Here, Product PP9816W, described as the branch tailpiece measures 8 inches in length. Therefore, the branch tailpiece is properly classified as a fitting rather than a pipe.

**HOLDING:** By application of GRIs 1 and 6, we find the Product PP9816W to be properly classified under heading 3917, HTSUS, specifically, in subheading 3917.40.00, HTSUS, which provides for “Tubes, pipes, and hoses and fittings therefor (for example, joints, elbows, flanges), of plastics: Fittings.” The duty rate is 5.3 percent ad valorem. Duty rates are provided for your

**Proposed Modification of One Ruling Letter and Modification of Treatment Relating to the Tariff Classification of Jewelry Charms Containing Cubic Zirconia Stones . . . . . 86**

**DATES: Comments must be received on or before July 15, 2016.**

In NY N053948, CBP classified two jewelry charms containing cubic zirconia stones in heading 7117, HTSUS, specifically in subheading 7117.19.90, HTSUS, which provides for “Imitation jewelry: Of base metal, whether or not plated with precious metal: Other: Other: Other.” CBP has reviewed NY N053948 and has determined the ruling letter to be partially in error. It is now CBP’s position that the subject jewelry charms are properly classified, by operation of GRI 1, in heading 7116, HTSUS, specifically in subheading 7116.20.05, HTSUS, which provides for “Articles of natural or cultured pearls, precious or semiprecious stones (natural, synthetic or reconstructed): Of precious or semiprecious stones (natural, synthetic or reconstructed): Articles of jewelry: Valued not over \$40 per piece.”

Pursuant to 19 U.S.C. §1625(c)(1), CBP is proposing to modify NY N053948 and to revoke or modify any other ruling not specifically identified to reflect the analysis contained in the proposed Headquarters Ruling Letter (“HQ”) H063616, set forth as Attachment B to this notice. Additionally, pursuant to 19 U.S.C. §1625(c)(2), CBP is proposing to revoke any treatment previously accorded by CBP to substantially identical transactions.

**ISSUE:** Whether the jewelry charms containing cubic zirconia stones are properly classified in heading 7116, HTSUS, as articles of semiprecious stones or in heading 7117, HTSUS, as imitation jewelry.

**LAW AND ANALYSIS:**

...

According to the plain language of heading 7116 and the above-cited EN 71.16 excerpt, heading 7116 applies to articles of personal adornment that contain precious or precious stones. The tariff term “semiprecious stone” is not defined in the HTSUS, but EN 71.04 identifies cubic zirconia as an example of such. It is CBP’s position, consistent both with EN 71.04 and with lexicographic sources, that cubic zirconia qualifies as a semiprecious stone for tariff classification purposes. See Headquarters Ruling Letter (HQ) H007655, dated September 28, 2007 (citing EN 71.04 and Merriam Webster Dictionary in deeming zirconia a semiprecious stone); HQ 950769, dated December 31, 1991; NY N270890, dated December 3, 2015; and NY N270428, dated November 12, 2015. An article of personal adornment to which at least one cubic zirconia is affixed can therefore be described as a product of heading 7116, HTSUS. See HQ H007655; NY N270890; NY N270428; and NY N264240, dated May 11, 2015 (all of which classify articles containing single cubic zirconia stones in heading 7116).

Here, as stated in NY N053948 and confirmed by the pictures and product specifications enclosed with Liz Claiborne’s March 5, 2009 letter, the Bat and Mouse & Cheese charms each contain a cubic zirconia. Moreover, it is undisputed that both charms, while made primarily of base metal, do not contain any precious metal. Therefore, in accordance with the above-cited ENs and CBP precedent, both charms can be described as articles of semiprecious stones within the meaning of heading 7116, HTSUS, and are prima facie classifiable there. We note that the Teepee charm, which does not contain a cubic zirconia or any other type of precious or semiprecious stone, is not classifiable in heading 7116, HTSUS.

We next consider whether the subject charms are classifiable in heading 7117, HTSUS, which provides for imitation jewelry. Note 11 to Chapter 71 states as follows:

*For the purposes of heading 7117, the expression “imitation jewelry” means articles of jewelry within the meaning of paragraph (a) of note 9 above (but not including buttons or other articles of heading 9606, or dress combs, hair slides or the like, or hairpins, of heading 9615), not incorporating natural or cultured pearls, precious or semiprecious stones (natural, synthetic or reconstructed) nor (except as plating or as minor constituents) precious metal or metal clad with precious metal.*

*EN 71.17 states, in pertinent part, as follows:*

*For the purposes of this heading, the expression imitation jewelry, as defined in Note 11 to this Chapter, is restricted to small objects of personal adornment...provided they do not incorporate precious metal or metal clad with precious metal (except as plating or as minor constituents as defined in Note 2 (A) to this Chapter, e.g., monograms, ferrules and rims) nor natural or cultured pearls, precious or semi-precious stones (natural, synthetic or reconstructed).*

***Pursuant to Note 11 to Chapter 71, as explained in EN 71.17, articles to which one or more precious or semiprecious stones are affixed cannot be described as imitation jewelry within the meaning of heading 7117, HTSUS. It is therefore CBP’s position that such articles, including those incorporating cubic zirconia stones, are not classifiable in heading 7117. See HQ H007655 (ruling that necklaces and bracelets containing cubic zirconia stones are excluded from heading 7117 by application of Note 11 to Chapter 71); see also HQ 959831, dated April 1, 1997 (“The wax castings with diamonds or precious stones are excluded from classification in heading 7117 by virtue of chapter note 11, since they contain precious stones.”); and NY N125019, dated October 14, 2010 (“By application of Legal Note 11 to Chapter 71, HTSUS, the subject merchandise containing a semi-precious “synthetic gemstone of CZ” is excluded from heading 7117, HTSUS.”).***

Here, as discussed above, the Bat and Mouse & Cheese charms at issue each contain a cubic zirconia, which is a semiprecious stone. In effect, they cannot be described as imitation jewelry within the meaning of heading 7117, HTSUS, and are accordingly excluded from the heading. We note that the Teepee charm,

which contains a proportionally minor ion gold component but does not contain any precious or semiprecious stones, is properly classified in heading 7117, HTSUS.

**HOLDING:** By application of GRI 1, the jewelry charms identified as Style Numbers YJRU3179 and YJRU3175 are properly classified in heading 7116, HTSUS, specifically in subheading 7116.20.0580, HTSUSA (Annotated), which provides for: "Articles of natural or cultured pearls, precious or semiprecious stones (natural, synthetic or reconstructed): Of precious or semiprecious stones (natural, synthetic or reconstructed): Articles of jewelry: Valued not over \$40 per piece: Other." The 2016 column one general rate of duty is 3.3% ad valorem.

**Distribution of Continued Dumping and Subsidy Offset to Affected Domestic Producers . . . . . 97**

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CSMS [16000497](#) CBP Notice Regarding COBRA Fees Published in Customs Bulletin

CSMS [16000496](#) UPDATE on ACE PRODUCTION Cargo Release items deployed, Thursday June 16, 2016 @0600ET

CSMS [16000495](#) FDA Supplementary Information for Filing Pharmaceutical Products in ACE

CSMS [16000494](#) ACE PRODUCTION Cargo Release deployment, Thursday June 16, 2016 @0600ET

CSMS [16000493](#) ACE PRODUCTION deployment, Thursday June 16, 2016 @0500ET, impact ACE

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CSMS [16000492](#) FCC Flagging Issues in ACE and ACS

CSMS [16000491](#) FDA and CBP Support for ACE Transition

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CSMS [16000486](#) Additional Fix in ACE PRODUCTION deployment, Tuesday June 14, 2016

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**CargoRel & EntrySum**

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**CargoRel & EntrySumm**

CSMS [16000483](#) New and Updated ACE Documentation Available on CBP.gov

CSMS [16000482](#) [same as above, 16000483]

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## INTERNATIONAL TRADE ADMINISTRATION

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## INTERNATIONAL TRADE COMMISSION

### NOTICES

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

Frozen Warmwater Shrimp from Brazil, China, India, Thailand, and Vietnam [\[TEXT\]](#) [\[PDF\]](#)

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

Corrosion-Resistant Steel Products from Taiwan [\[TEXT\]](#) [\[PDF\]](#)

Certain Passenger Vehicle Automotive Wheels [\[TEXT\]](#) [\[PDF\]](#)

L-Tryptophan, L-Tryptophan Products, and Their Methods of Production [\[TEXT\]](#) [\[PDF\]](#)

#### Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Miscellaneous Tariff Bill Petition Submission and Comment Forms [\[TEXT\]](#) [\[PDF\]](#)

[\*Alloy Magnesium from China\*](#)

[\*Certain Passenger Vehicle Automotive Wheels\*](#)

[\*Probable Economic Effects of Certain Modifications to the CAFTA-DR Rules of Origin\*](#)

[\*Textile and Apparel Imports from China: Statistical Reports, Annual Compilation 2015\*](#)

[\*Probable Economic Effect of Certain Modifications to the U.S.-Chile FTA Rules of Origin\*](#)

## CALIFORNIA

### Office of Environmental Health Hazard Assessment

#### Proposition 65 List dated 08/25/15

#### Latest 60 Day Notices

[AG Number 2016-00604\(View Details\)](#)

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

Source: Steering wheel cover

[AG Number 2016-00603\(View Details\)](#)

Chemical: Cadmium, Lead and lead compounds

Source: Canned baby clams

[AG Number 2016-00602\(View Details\)](#)

Chemical: Cadmium and cadmium compounds, Lead and lead compounds

Source: Smoked oysters



[AG Number 2016-00601\(View Details\)](#)

Chemical: Lead and lead compounds

Source: Turmeric powder

[AG Number 2016-00600\(View Details\)](#)

Chemical: Lead and lead compounds

Source: Curry powder

[AG Number 2016-00599\(View Details\)](#)

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

Source: Bicycle cable lock

[AG Number 2016-00598\(View Details\)](#)

Chemical: Lead and lead compounds

Source: Seaweed

[AG Number 2016-00597\(View Details\)](#)

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

Source: Women's Sandals

[AG Number 2016-00596\(View Details\)](#)

Chemical: Lead and lead compounds

Source: Minced clams

[AG Number 2016-00595\(View Details\)](#)

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

Source: Safety Goggles, UPC No. 731015008315

[AG Number 2016-00594\(View Details\)](#)

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

Source: Raptop Tactical Gear Sniper Level 5 Gloves, UPC No. 847418019176

[AG Number 2016-00593\(View Details\)](#)

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

Source: Badge/ID Holder Components

[AG Number 2016-00592\(View Details\)](#)

Chemical: Lead

Source: Glassware with Exterior Designs

[AG Number 2016-00591\(View Details\)](#)

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

Source: Exercise Balls

[AG Number 2016-00590\(View Details\)](#)

Chemical: Lead

Source: Mugs with Exterior Designs

[AG Number 2016-00589\(View Details\)](#)

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

Source: Vinyl/PVC Conduit Whips

[AG Number 2016-00588\(View Details\)](#)

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

Source: Vinyl/PVC Valve Handle Grips

[AG Number 2016-00587\(View Details\)](#)

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

Source: Vinyl/PVC Valve Handle Grips

[AG Number 2016-00586\(View Details\)](#)

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

Source: Vinyl/PVC Dry Bags

[AG Number 2016-00585\(View Details\)](#)

Chemical: Lead

Source: Glassware with Exterior Designs

[AG Number 2016-00584\(View Details\)](#)

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

Source: Cushions with Vinyl/PVC Upholstery

[AG Number 2016-00583\(View Details\)](#)

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

Source: Vinyl/PVC Keychains

[AG Number 2016-00582\(View Details\)](#)

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

Source: Vinyl/PVC Valve Handle Grips

[AG Number 2016-00581\(View Details\)](#)

Chemical: Lead

Source: Mugs with Exterior Designs

[AG Number 2016-00580\(View Details\)](#)

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

Source: Vinyl/PVC Dart Wallets

[AG Number 2016-00579\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate

Source: Vinyl/PVC Cutting Mats

[AG Number 2016-00578\(View Details\)](#)

Chemical: Lead

Source: Ceramic Roasters with Exterior Designs

[AG Number 2016-00577\(View Details\)](#)

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

Source: Cooking Utensil Grips, Vinyl/PVC Tubing

[AG Number 2016-00576\(View Details\)](#)

Chemical: Lead

Source: Drain Valves

[AG Number 2016-00575\(View Details\)](#)

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

Source: Golf Accessory Bags with Vinyl/PVC Components

[AG Number 2016-00574\(View Details\)](#)

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

Source: Vinyl/PVC Tubing

Comments: This notice is a supplement to AG2015-01054.

[AG Number 2016-00573\(View Details\)](#)

Chemical: Diisononyl phthalate (DINP)

Source: Vinyl/PVC Gloves

Comments: This is a supplement to AG2016-00243

[AG Number 2016-00572\(View Details\)](#)

Chemical: Acrylamide

Source: Fried Vegetable-Based Snack Products

[AG Number 2016-00571\(View Details\)](#)

Chemical: Lead

Source: Indian Pastes and Sauces Containing Ginger

[AG Number 2016-00570\(View Details\)](#)

Chemical: Bisphenol A (BPA)

Source: Thermal Receipt Paper

[AG Number 2016-00569\(View Details\)](#)

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

Source: Bomber Jacket, UPC No. 663312647792

[AG Number 2016-00568\(View Details\)](#)

Chemical: Lead

Source: Ace brand nails

[AG Number 2016-00567\(View Details\)](#)

Chemical: Lead

Source: Townsend tape measures

[AG Number 2016-00566\(View Details\)](#)

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

Source: Hammer WorkWear Thunderhead Rainsuit, UPC No. 784418042349

[AG Number 2016-00565\(View Details\)](#)

Chemical: Wood dust

Source: Heat's Wood Pellets

[AG Number 2016-00564\(View Details\)](#)

Chemical: Benzophenone

Source: Bobbi Brown SPF 50 Protective Face Base SPF 50 (E8XK); UPC: 716170106335, Estee Lauder Daywear Advanced Multi-Protection Anti-Oxidant & UV Defense Broad Spectrum SPF 30 Lotion (YCL3); UPC: 027131990413, La Mer The Reparative Body Sun Lotion Broad Spectrum SPF 30 Lotion (53ER); UPC: 747930042570, Alba Botanica, Sea Moss Moisturizer, SPF 15; UPC: 724742003128, Alba Botanica Hawaiian Greentea SPF 45; UPC: 724742008277, Jason Sun Sport Sunscreen SPF 45; UPC: 078522083207, Physicians Formula Super CC All Over Blur Primer Stick; UPC: 044386066649, Physicians Formula Wrinkle Corrector SPF 15; UPC: 044386075276, Wet n Wild Juicy Lip Balm; UPC: 077802528322, Black Radiance BB Cream SPF 15; UPC: 077802645340, Kiss my Face Kids defense spray SPF 50; UPC: 028367841975, Nivea Men Original Protective Lotion SPF 15; UPC: 072140016302, Aquaphor Broad Spectrum SPF 30; UPC: 072140010119, Eucerin Daily Protection Body Lotion SPF 15; UPC: 072140012083, Nivea Smoothness Hydrating Lip Care SPF 15; UPC: 072140014216, Botanics Organic Hydrating Day Cream; UPC: 5000167157727, Dr. Brandt BB cream; UPC: 663963008249, Strivectin CC plum SPF 20; UPC: 817777007183, NIA24 Niacin-Powered Skin Therapy; UPC: 852103000773, Peter Thomas Roth Max Sheer All Day Moisture Defense; UPC: 670367013243, Cetaphil w/ SPF 15; UPC: 302993928041, 5 in 1 Face Cream SPF 30; UPC: 851939002081, Origins VitaZing SPF 15; UPC: 717334162488, Clinique even better SPF 20; UPC: 020714395230

[AG Number 2016-00563\(View Details\)](#)

Chemical: Lead and lead compounds

Source: H-Line Pumice tile 3"x6", Aspen Sunset tile 12"x12"; UPC: 843674074423, Mono Azul-Amarillo tile 6"x6"; SKU: 10178-6, Libro Talavera Tile; SKU 10304, Rittenhouse Square, White tile 3"x6"; SKU: K10154639MOD1P2, Fiesta Azul tile 6"x6"; SKU TIL238K, Brilliant Blue tile 6"x6" SKU TIL231K, Classic 14-4" Clay tile; SKU Classic 14-4", Mulia White Subway Tile Glossy; SKU D8A-01906-JX, Hammersmith Subway Tile white 4"x16"; SKU 100878651, Talavera Asters Native Trails; SKU TVR0336

Comments: This Notice amends AG#: 2016-00270

[AG Number 2016-00562\(View Details\)](#)

Chemical: Carbon monoxide

Source: Wood-burning outdoor heating products, such as fire pits, fire rings, fire tables and chimneys

[AG Number 2016-00561\(View Details\)](#)

Chemical: Cadmium

Source: Bulk Organic Dark Cacao Powder

[AG Number 2016-00560\(View Details\)](#)

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

Source: Seal Line Boundary Pack, UPC No. 1009705008560

[AG Number 2016-00559\(View Details\)](#)

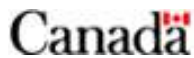
Chemical: Lead and lead compounds

Source: Discharge into a source of drinking water

[AG Number 2016-00558\(View Details\)](#)

Chemical: Lead and lead compounds

Source: Discharge into a source of drinking water



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***Report an Incident Involving a Consumer Product or a Cosmetic***

*Incident report forms:* [www.healthcanada.gc.ca/reportaproduct](http://www.healthcanada.gc.ca/reportaproduct) [Recalls & Safety Alerts:](#)

**RECALLS & ALERTS:**

- ◆ [MOSAIQ \(2016-06-17\)](#)
- ◆ [Atkins & Frères brand Smoked Maple Syrup Salmon recalled due to Listeria monocytogenes](#)
- ◆ [Expanded recall: SamaN recalls LEGEND protective Tung oil](#)
- ◆ [La Bergerie des Sables brand Chocolate Ice Cream recalled due to undeclared hazelnut](#)
- ◆ [Le Trio de Charcuteries Parisien recalled due to undeclared wheat](#)
- ◆ [Expanded Recall: Dollar Tree Canada recalls Doctor Playsets](#)
- ◆ [The Happy Camel brand Roasted Garlic Spread recalled due to undeclared milk](#)
- ◆ [CHRYSLER issued a recall on the TOWN & COUNTRY, GRAND CARAVAN, JOURNEY, and PROMASTER models](#)
- ◆ [TIFFIN issued a recall on the ALLEGRO BUS model](#)
- ◆ [NISSAN issued a recall on the SENTRA, and LEAF models](#)
- ◆ [Cabela's Classic Candies brand Cajun Hot Mix and Uncle Buck's brand Cajun Hot Mix, Sunflower Kernel, and Sweet & Salty Trail Mix recalled due to Listeria monocytogenes](#)

\* \* \*

***BROWSE THE INDIVIDUAL FEDERAL REGISTER PAGES FOR THIS PERIOD:***

[Monday, June 13, 2016](#) [Tuesday June 14, 2016](#) [Wednesday, June 15, 2016](#)

[Thursday, June 16, 2016](#) [Friday, June 17, 2016](#)

[\*Access Past Issues\*](#)