



The Month So Far: May 28 through June 3, 2016

- EFFECTIVE June 15, 2016: ACE will be the sole CBP-authorized EDI system for electronic entry and entry summary filings for merchandise subject to the import requirements of the FDA, associated with specific entry types. - [See link below to Bulletin for full details](#)

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

[NEWS](#) [Import / Export](#) [Complete List of Electronic Manuals](#)
[APHIS FAQs](#) [PPQ FORMS - USDA APHIS / Home](#)
[Lookup plant genus and species](#)

CONSUMER PRODUCT SAFETY COMMISSION

NOTICES

Settlement Agreements and Orders: Teavana Corp. [\[TEXT\]](#) [\[PDF\]](#)

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

- [Debcu Bag Recalls Ceramic Mugs Due to Burn and Laceration Hazards](#)
- [LaRose Industries Recalls Cra-Z-Jewelz Ultimate Gem Jewelry Machine Due to Violation of Lead Standard](#)
- [Traxxas Recalls X-Maxx Monster Trucks and Electronic Speed Controls Due to Fire Hazard](#)
- [Southwire Recalls Voltage Detectors Due to Shock and Burn Hazards](#)
- [Broan-NuTone Recalls Ventilation Fans Due to Fire Hazard](#)
- [Mirka Recalls Electric Random Orbital Sanders Due to Fire Hazard](#)

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

CUSTOMS AND BORDER PROTECTION

NOTICES

Countries of Origin; Final Determinations:

Certain Network Cables and Transceivers [\[TEXT\]](#) [\[PDF\]](#)

Distribution of Continued Dumping and Subsidy Offset to Affected Domestic Producers [\[TEXT\]](#) [\[PDF\]](#)

[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](#)
[Draft Guide Of Seal Procedure Best Practices](#)

[Adding New Contacts](#) [Adding New Addresses](#) [Status Verification \(SVD\)](#)
[Completing an Annual Review](#) [C-TPAT Portal Resources](#)
[e-Allegations Frequently Asked Questions](#) [CBP INFO CENTER WHAT'S NEW IN TRADE](#)
[FOIA ELECTRONIC READING ROOM](#) [WEEKLY EXCHANGE RATE MULTIPLIERS](#)
[INFORMED COMPLIANCE PUBLICATIONS](#) [Commodity Status Report for Tariff Rate Quotas](#)
[CBP BULLETIN](#) [June 1, 2016](#)

<i>General Notices</i>	<i>Page</i>
<i>Notice Announcing the Automated Commercial Environment (ACE) as the Sole CBP-Authorized Electronic Data Interchange (EDI) System for Processing Certain Electronic Entry and Entry Summary Filings Accompanied by Food and Drug Administration (FDA) Data</i>	<i>1</i>
<i>- EFFECTIVE DATE: June 15, 2016: ACE will be the sole CBP-authorized EDI system for electronic entry and entry summary filings for merchandise subject to the import requirements of the FDA, associated with the following entry types: 01 (consumption), 03 (consumption — antidumping/ countervailing duty), 06 (consumption — Foreign Trade Zone (FTZ)), 11 (informal), 23 (temporary importation under bond), 51 (Defense Contract Administration Service Region), and 52 (government — dutiable).</i>	
<i>Notice of Issuance of Final Determination Concerning Certain Exercise Equipment</i>	<i>5</i>
<i>Quarterly IRS Interest Rates Used in Calculating Interest on Overdue Accounts and Refunds on Customs Duties</i>	<i>13</i>
<i>Proposed Revocation of 1 Ruling Letter and Revocation of Treatment Relating to the Tariff Classification of a Gemscripitor</i>	<i>16</i>

DATES: Comments must be received on or before July 1, 2016.

*In N210384, CBP classified a Gemscripitor in heading 8464, HTSUS, specifically in subheading 8464.90.01, HTSUS, which provide for “Machine tools for working stone, ceramics, concrete, asbestos-cement or like mineral materials or for cold working glass: Other, Other.” CBP has reviewed N210384 and has determined the ruling letter to be in error. **It is now CBP’s position that the Gemscripitor is properly classified, by operation of GRI 1, in heading 8456, HTSUS, specifically in subheading 8456.10.80, HTSUS, which provides for “Machine tools for working any material by removal of material, by laser or other light or photon beam, ultrasonic, electro-discharge, electro-chemical, electron-beam, ionic-beam or plasma arc processes; water-jet cutting machines: Operated by laser or other light or photon beam processes: Other.”***

Pursuant to 19 U.S.C. §1625(c)(1), CBP is proposing to revoke N210384 and to revoke or modify any other ruling not specifically identified to reflect the analysis contained in the proposed Headquarters Ruling Letter (“HQ”) H253888, set forth as Attachment B to this notice.

... the Gemscripitor consists of a cold laser marker, work holders and positioning tables. The classification request for N210384 provided additional details:

The system is mounted on castors...The frame is isolated and the laser-marking unit vibration free... [the system performs]

- Gem authentication and identification*
- Mark any type of gem, pears, etc. on any side*
- Mark: Rounds, Fancies, Marquise, Emeralds, Princes of any size*

- ...*
- Inscribe on any type of gem*

- *Easy access to the working area, easy mount of the stones on a quick release magnetic holder.*

The following is an image of the Gemscriptor:



ISSUE: *What is the proper tariff classification of the Gemscriptor?*

LAW AND ANALYSIS:

...

The HTSUS provisions under consideration are as follows:

8456 *Machine tools for working any material by removal of material, by laser or other light or photon beam, ultrasonic, electro discharge, electro-chemical, electron-beam, ionic-beam or plasma arc processes; water-jet cutting machines:*

* * *

8464 *Machine tools for working stone, ceramics, concrete, asbestos-cement or like mineral materials or for cold working glass:*

Note 3 to Chapter 84, HTSUS provides:

A machine tool for working any material which answers to a description in heading 8456 and at the same time to a description in heading 8457, 8458, 8459, 8460, 8461, 8464 or 8465 is to be classified in heading 8456.

Therefore, if the subject merchandise is prima facie classifiable under heading 8456, HTSUS, it is classified under that heading regardless of whether it might be described by heading 8464, HTSUS.

The EN to heading 8456, HTSUS, provides, in pertinent part, the following:

The machine-tools of this heading are machines used for the shaping or surface-working of any material. They must meet three essential requirements:

- (i) They must work by removing material;*
- (ii) They must carry out operations of the kind performed by machine-tools equipped with conventional tools;*
- (iii) They must use one of the following seven processes: laser or other light or photon beam, ultrasonic, electro-discharge, electro-chemical, electron beam, ionic-beam or plasma arc.*

The plain text of heading 8456 covers machine tools that remove material by laser. The Gemscriptor at issue here is a cold laser marker. It incorporates a BLXS Excimer UV laser unit, positioning system and operating software. It comes equipped with a table marking table, ring holder and diamond holder that are mounted internally. The Gemscriptor is used to engrave gemstones. It operates by using a laser to remove trace amounts of material from the gem.

In order to meet the description of the EN for heading 84.56, the three afore-mentioned criteria must be satisfied. The Gemscriptor meets the first criteria inasmuch as it removes trace amounts of surface material from the gemstone by laser to mark the gems. It carries out operations, marking and engraving, that can be performed by machine-tools equipped with conventional tools. Finally, the Gemscriptor uses a cold-marking laser to perform its function. Because the three criteria are met, we find that the Gemscriptor is described by the EN for heading 84.56.

The EN to heading 84.67 is consistent with Note 3 to Chapter 84, supra, and states:

This heading also excludes:

** * **

(c) Machine-tools for working any material by removal of material, by laser or other light or photon beam, ultrasonic or plasma arc processes and other machines of heading 84.56

(Emphasis added)

Thus, heading 84.67 covers machining tools, but excludes those machining tools that work by removing material with a laser or other light or photon beams. The Gemscripator removes material with a cold-marking laser. Consequently, it is excluded from heading 84.67.

Prior CBP rulings have classified machines incorporating lasers with ancillary equipment in heading 8456 HTSUS. For example, in NY R00499 (July 9, 2004), CBP classified bench top and floor-standing laser marking machines in heading 8456 HTSUS. In HQ 087513 (Nov. 5, 1990), the legacy Customs Service classified an industrial laser in a fully enclosed machining station under heading 8456 HTSUS. Based on the foregoing, we find that the Gemscripator is properly classified in heading 8456 HTSUS.

HOLDING: By application of GRI 1, the Gemscripator is classified in heading 8456 HTSUS. Specifically, it is classified in subheading 8456.10.8000, which provides for “Machine tools for working any material by removal of material, by laser or other light or photon beam, ultrasonic, electro-discharge, electrochemical, electron-beam, ionic-beam or plasma arc processes; water-jet cutting machines: Operated by laser or other light or photon beam processes: Other.” The column one, general rate of duty is 2.4% ad valorem.

Modification of one Ruling Letter and Revocation of Treatment Relating to the Tariff Classification of Antenna Shields 23

EFFECTIVE DATE: This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after August 1, 2016.

In the analysis section of HQ H164425, CBP classified all three models of antenna shields in heading 9015, HTSUS, which provides for “Surveying, (including photogrammetrical surveying), hydrographic, oceanographic, hydrological, meteorological or geophysical instruments and appliances, excluding compasses; rangefinders; parts and accessories thereof.” This was correctly noted on the first page of the ruling. This analysis remains correct. However in the Holding section of HQ H164415, CBP erroneously stated that the goods were classified in subheading 9015.80.80, HTSUS. Pursuant to the analysis, they are correctly classified in subheading 9015.90.0060, HTSUSA (Annotated), as, “Surveying, (including photogrammetrical surveying), hydrographic, oceanographic, hydrological, meteorological or geophysical instruments and appliances, excluding compasses; rangefinders; parts and accessories thereof: Parts and accessories: Of other geophysical instruments and appliances,” because the goods are parts of geophysical instruments, they are not geophysical instruments themselves.

Further, the column one rate of duty for goods classified under subheading 9015.90.0060, HTSUSA is “equal to the rate applicable to the article of which it is a part or accessory”. In the instant case, that is as geophysical instruments and appliances, which are classified in subheading 9015.80.8040, HTSUSA, which is duty free.

ISSUE: Whether the subject antenna shields are classified as an article of iron or steel under subheading 7326.90.85, HTSUS, or as a part of machinery under subheading 8431.43.40, HTSUS, or as a part of geophysical instruments under subheading 9015.90.00, HTSUS.

LAW AND ANALYSIS:

...

If the subject merchandise is classified in Chapter 90, then it is excluded from classification in Chapter 73, by operation of Note 1(h) to Section XV, and it is excluded from classification in Chapter 84, by operation of Note 1(m) to Section XVI. Thus, the first issue is whether or not the merchandise qualifies as a part of machinery of Section XVIII, which includes Chapter 90.

In *Bauerhin Technologies Limited v. United States*, 19 CIT 1441, 914 F. Supp. 554 (1995), aff'd 110 F.3d 774 (Fed. Cir. 1997), the Court pointed out that there are two distinct lines of cases defining the word "part" in the tariff. Starting with *U.S. v. Willoughby Camera Stores, Inc.* 21 CCPA 322, 324 (1933), T.D. 46075 (1933), cert. denied, 292 U.S. 640 (1934), this line of cases holds that a part of an article "is something necessary to the completion of that article without which the article to which it is to be joined, could no function as such article." Another line of cases evolved from *United States v. Pompeo*, 43 CCPA 9, C.D. 1669 (2955), which held that a device may be a part of an article even though its use is optional and the article will function without it, if the device is dedicated for use upon the article, and, once installed the article will not operate without it.

The definition of "parts" was also discussed more recently, in *Rollerblade, Inc. v. United States*, 116 F. Supp. 2d 1247 (CIT 2000), aff'd 282 F.3d 1349 (CAFC 2002). In that case, the United States Court of Appeals for the Federal Circuit defined parts as "an essential element or constituent; integral portion which can be separated, replaced, etc." Id at 1353 (citing Webster's New World Dictionary 984 (3d College Ed. 1988)). The Court also noted that a "part" must also bear a direct relationship to the primary article.

Drill collars are classified as "parts of machinery of headings 8425 to 8430", in subheading 8431.43.40, HTSUS. See New York Ruling Letter (NY) N025539, dated April 4, 2008; NY R01962, dated June 3, 2005. If this merchandise were part of the drill collar, which is itself a part of the drill string, it would not be considered a part of boring or sinking machinery of heading 8431, HTSUS. See *Mitsubishi Elecs. Am. v. United States*, 19 C.I.T. 378, 383 n.3 (Ct. Int'l Trade 1995), "This is because a subpart of a particular part of an article is more specifically provided for as a part of that part than as a part of the whole." Citing *C.F. Liebert v. United States*, 60 Cust. Ct. 677, 686-87, 287 F. Supp. 1008, 1014 (1968) (holding that parts of clutches which are parts of winches are more specifically provided for as parts of clutches than as parts of winches). As such, in that it adds weight to the bit and allows mud to flow through its apertures, it is not a drill collar per se. Rather, its function is described by the text of heading 9015, HTSUS, as a geophysical instrument which is integral, necessary, and solely used with the LWD/MWD.

The subject antenna shields satisfy the Court's requirements as a "part" under heading 9015, HTSUS, because the shields are necessary for the geophysical measuring equipment to operate as it is intended. They are an essential component, one which is integral, though it can be separated and replaced as a component of the LWD/MWD platform of directional resistivity tools. Heading 9015, HTSUS, provides for "Geophysical instruments." The term "geophysical" is not defined in the HTSUS. In determining the proper meaning of a tariff provision, the Courts have held that where the HTSUS does not expressly define a term, "the correct meaning of the term is its common commercial meaning." *Arko Foods Int'l, Inc. v. United States*, 654 F.3d 1361, 1364 (Fed. Cir. 2011). To determine the common commercial meaning, the Courts have directed that CBP may rely upon its own understanding of terms, and may consult lexicographic and scientific authorities. See *Airflow Tech., Inc. v. United States*, 524 F.3d 1287, 1291 (Fed. Cir. 2008).

In HQ H024751, dated August 24, 2010, this office sought to define this same tariff term at issue here. There, in citing to Schlumberger's Oilfield Glossary, the term "geophysics" is defined as the, "[s]tudy of the physics of the earth, especially its electrical, gravitational and magnetic fields and propagation of elastic (seismic) waves within it." The subject antenna shields are an integral part of the integrated LWD/MWD platform which provides continuous direction and inclination data while drilling. Insofar as this is a series of interconnected machines which work together to transmit all necessary data between the operator at the surface and the drill string, the subject antenna shields are parts of "geophysical" instruments. Pursuant to Note 2(b) to Chapter 90, parts suitable for use solely or principally with an instrument of that chapter is to be classified with that instrument. Our conclusion is also in keeping with the EN 90.15(IV) which indicates that "apparatus for measuring the inclination of a borehole" and "magnetic geophysical instruments used in prospecting for oil" are classified under heading 9015, HTSUS, as geophysical instruments. See EN 90.15(IV)(2), (5). See also HQ W968458, dated May 8, 2009 (sonic

imaging tool used to examine the condition of subsurface geological formations for purposes of oil exploration classified under heading 9015, HTSUS, as a geophysical instrument).

Thus, as the subject merchandise is described by the tariff terms of Chapter 90, they are excluded from Chapter 73 by operation of Note 1(h) to Section XV, and excluded from Chapter 84, by operation of Note 1(m) to Section XVI. Pursuant to Note 2(b) to Chapter 90, the subject antenna shields are parts of geophysical instruments of heading 9015, HTSUS.

The merchandise in question may be subject to antidumping or countervailing duties (AD/CVD). Written decisions regarding the scope of AD/CVD orders are issued by the Enforcement and Compliance office in the International Trade Administration of the U.S. Department of Commerce, and are separate from tariff classification and original rulings issued by U.S. Customs and Border Protection. You can contact them at <http://trade.gov/enforcement> (click on "Contact Us"). For your information, you can view a list of current AD/CVD cases at the United States International Trade Commission website at <http://www.usitc.gov> (click on "Antidumping and Countervailing Duty" under "Popular Topics" at the top of the screen), and you can search AD/CVD deposit and liquidation messages using CBP's AD/CVD Search tool at <http://addcvd.cbp.gov>

HOLDING: For the reasons set forth above, by application of GRI 1, the subject Impulse, arcVISION, and Ecoscope antenna shields are all classified under heading 9015, HTSUS. They are specifically provided for in subheading 9015.90.0060, HTSUSA (Annotated) as "Surveying (including photogrammetrical surveying), hydrographic, oceanographic, hydrological, meteorological or geophysical instruments and appliances, excluding compasses; rangefinders; parts and accessories thereof: Parts and accessories: Of other geophysical instruments and appliances." The column one rate of duty is applicable to the article of which it is a part or accessory. In this case, that is as a part of geophysical instruments and appliances, and the rate of duty there is free.

Modification and Revocation of Six Ruling Letters and Revocation of Treatment Relating to the Tariff Classification of Certain Patient Lifting Devices 33

EFFECTIVE DATE: This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after August 1, 2016.

In NY 868691, CBP determined that the patient lifts at issue were classified under heading 9402, HTSUS, specifically under subheading 9402.90.00, HTSUS, which provides for, medical surgical, dental or veterinary furniture, and that they were eligible for secondary classification under subheading 9817.00.96, HTSUS, which provides for "Articles specially designed or adapted for the use or benefit of the blind or other physically or mentally handicapped persons; parts and accessories (except parts and accessories of braces and artificial limb prosthetics) that are specially designed or adapted for use in the foregoing articles: Other". It is now CBP's position that the subject merchandise is properly classified under heading 8428, HTSUS, specifically under 8428.90.02, HTSUS, which provides for, lifting machinery, by application of GRI 1. However, it is CBP's position that the instant articles remain eligible for secondary classification under subheading 9817.00.96, HTSUS.

In NY 871935, CBP determined that the "Liko MasterLift System" was classified under heading 9402, HTSUS. It is now CBP's position that the subject merchandise is properly classified under heading 8428, HTSUS, by application of GRI 1. The remainder of the ruling which classified various other goods is not impacted by this modification.

In NY B87708, CBP determined that the Albatros and Ergotrak ceiling lift systems, the Ergolift floor lifts, and the extra Ergolift slings were classified under heading 9402, HTSUS, and that they were eligible for secondary classification under subheading 9817.00.96, HTSUS. It is now CBP's position that the subject merchandise is properly classified under heading 8428, HTSUS, by application of GRI 1. The extra Ergolift slings are properly classified in subheading 8431.90.00, HTSUS, which provides for, "Parts suitable for use solely or principally with the machinery of headings 8425 to 8430: Of machinery of heading

8428: Other.” **However, it is CBP’s position that the instant articles remain eligible for secondary classification under subheading 9817.00.96, HTSUS.**

In NY C81648, CBP determined that the “Pro-Med Patient Lifting System” in multiple models, was classified under heading 9402, HTSUS, and that it was eligible for secondary classification under subheading 9817.00.96, HTSUS. It is now CBP’s position that the subject merchandise is properly classified under heading 8428, HTSUS, by application of GRI 1. However, it is CBP’s position that the instant articles remain eligible for secondary classification under subheading 9817.00.96, HTSUS.

In NY D83377, CBP determined that the bath lifts at issue were classified under heading 9402, HTSUS, and that they were eligible for secondary classification under subheading 9817.00.96, HTSUS. It is now CBP’s position that the subject merchandise is properly classified under heading 8428, HTSUS, by application of GRI 1. However, it is CBP’s position that the instant articles remain eligible for secondary classification under subheading 9817.00.96, HTSUS.

In NY N092699, CBP classified the Proxi-Motion patient lift, a mobile device designed to be used by caregivers to assist in moving a patient or disabled person from a bed or a chair in subheading 8428.90.0190, HTSUS. The classification of this subject merchandise is correct. However, this ruling was not issued pursuant to 19 U.S.C. § 1625 and Customs Regulations regarding modification or revocation of interpretive rulings, found in 19 CFR § 177.12. Therefore, CBP is proposing to revoke NY N092699.

Pursuant to 19 U.S.C. §1625(c)(1), CBP is modifying NY 868691, NY 871935, NY B87708, NY C81648, NY D83377, and revoking NY N092699, and any other ruling not specifically identified to reflect the tariff classification of the subject merchandise according to the analysis contained in HQ H235507.

ISSUE: Whether the instant products are properly classified under heading 8428, HTSUS, which provides for “Other lifting ... machinery”, or under heading 9402, HTSUS, which provides for “Medical ... furniture”.

...

The General EN (A) to Chapter 94 defines furniture as: “[a]ny ‘movable’ articles ... which have the essential characteristic that they are constructed, in some cases, for placing on the floor or ground, and which are used, mainly with a utilitarian purpose, to equip private dwellings and other places.” CBP has previously considered the meaning of the term “equip” as well as the phrase “to equip”. In HQ 964352, dated September 11, 2000 CBP cited The Random House Dictionary of the English Language, (1973), which defines the word “equip” as meaning: “To furnish or provide with whatever is needed for service or for any undertaking”. There, CBP ultimately determined that waste receptacles were not designed to equip a building, office, or room, but instead were temporary repositories of waste. See also HQ 964053, dated July 27, 2000; and HQ 962658, dated July 18, 2000. By including the words “not included under other more specific headings” in the definition of furniture, the drafters of the ENs intended that Chapter 94 would not cover all “moveable” articles constructed for placing on the floor. A more specific heading which better describes the article is preferable to the more general heading of furniture. While the instant lifts are constructed, in some cases, for placing on the ground, they are not used to equip private dwellings or other places. They do not have a utilitarian purpose of equipping a room. Rather, they are used to transfer a patient to and from a bath or bed. As such, the instant lifts are not “furniture,” and are not properly classified as such under chapter 94, specifically, heading 9402, HTSUS.

Heading 8428, HTSUS, provides, in pertinent part, for other lifting machinery. See NY N160936, dated May 2, 2011 (classifying a power lift gate assembly); NY N057959, dated April 27, 2009 (classifying a motorcycle lift). The heading covers specialized lifting machines based on pulley, winch or jacking systems, which often included large proportions of static structural elements. See EN 84.28.

In November 2003, Subsection (III)(L) was added to the EN 84.28, by corrigendum. See Annex D/1 to Doc. NC0796B2 (HSC/32/Nov. 2003), para. 100; Annex L/14 to Doc. NC0796B2. **This addition provides specifically for “patient lifts,”** described as supporting structure and a seat for the raising and lowering of seated persons, e.g., in a bathroom or onto a bed. See EN(III)(L) to 84.28.

The instant lifts are comprised of moveable metal structures that stand on the floor, or are ceiling or wall mounted. A fabric sling hangs down from the arm of the structure by ropes. The sling is designed such that a patient may be seated in it and transferred to and from a bed or a bath. **Therefore**, as the subject patient lifts meet the text of heading 8428, HTSUS, and are described by EN (III)(L) to 84.28, the lifts are classifiable under heading 8428, HTSUS. Specifically, the **instant lifts are classified under subheading 8428.90.00, HTSUS**, which provides for “Other lifting, handling, loading or unloading machinery (for example, elevators, escalators, conveyors, teleferics): Other machinery”.

Heading 9817

Section 1121 of the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. No. 100–418, 102 Stat. 1107) and Presidential Proclamation 5978 implemented the Nairobi Protocol by inserting permanent provisions—specifically, subheadings 9817.00.92, 9817.00.94, and 9817.00.96—into the HTSUS. These tariff provisions specifically provide that “[a]rticles specially designed or adapted for the use or benefit of the blind or other physically or mentally handicapped persons” are eligible for duty-free treatment.

Notes in subchapter XVII of Chapter 98 of the HTSUS define the terms “blind or other physically or mentally handicapped persons” and limit the classification of certain products under subheadings 9817.00.92, 9817.00.94, and 9817.00.96. U.S. Note 4(a), subchapter XVII, Chapter 98, HTSUS, defines the term “blind or other physically or mentally handicapped persons” as “any person suffering from a permanent or chronic physical or mental impairment which substantially limits one or more major life activities, such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, or working.” U.S. Note 4(b), subchapter XVII, Chapter 98, HTSUS excludes four categories of goods from subheadings 9817.00.92, 9817.00.94, and 9817.00.96: (1) articles for acute or transient disability; (2) spectacles, dentures, and cosmetic articles for individuals not substantially disabled; (3) therapeutic and diagnostic articles; and (4) medicine or drugs.

CBP decides whether a product is “specially designed or adapted for the use or benefit” of the handicapped on a case-by-case basis, balancing five factors set forth in Headquarter Ruling Letter (“HQ”) HQ556449, dated May 5, 1992. Here, persons who are unable to lift or move themselves into or out of a bath or bed, specifically those with severe, chronic mobility issues qualify as “handicapped people” under U.S. Note 4 and the specific exclusions contained in U.S. Note 4(b) do not apply.

The physical properties of the subject patient lifting devices clearly distinguish them as those used in hospitals or clinics for patients unable to move themselves, or in some cases, are installed in a user’s home in circumstances where the user is unable to move themselves. Use of these patient lifts by the general public is improbable, and there is little evidence such use would be fugitive. The importers of the subject rulings here are recognized manufacturers or distributors of goods for the handicapped, specifically lifting and mobility devices, and the channels of commerce these goods are sold in is highly specialized to serve hospitals or clinics with handicapped patients.

Finally, the condition of the articles at the time of importation indicate that these articles are for the handicapped. Therefore, pursuant to the factors stipulated in HQ 556449, the goods which qualified for duty-free treatment under subheading 9817.00.96, HTSUS, in its original ruling (e.g., NY 868691, NY B87708, NY C81648, and NY D83377) will maintain its qualification for duty-free treatment pursuant to the analysis herein. However, all applicable entry requirements must still be met.

HOLDING: By application of GRI 1, the patient lifting devices described in NY 868691, NY 871935, NY B87708, NY C81648, NY D83377, and NY N092699 are classified under heading 8428, HTSUS, specifically under subheading 8428.90.0290, HTSUSA, which provides for “Other lifting, handling, loading or unloading machinery (for example, elevators, escalators, conveyors, teleferics): Other machinery”.

The column one, general rate of duty is free.

Modification of a Ruling Letter Relating to the Tariff Classification of Certain Woven Fabric 43

EFFECTIVE DATE: This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after August 1, 2016.

On page six of HQ H063618, the ruling contained the following misstatement of the Explanatory Notes (EN) to heading 59.11 of the international Harmonized System: “Furthermore, the instant fabric is not a square shape.” The ENs to heading 59.11 state that bolting cloths “are porous fabrics (for example, with a gauze, leno or plain weave), geometrically accurate as to size and shape (usually square) of the meshes.” The ENs do not reference the shape of the cloth; rather, they reference the shape of the cloth’s meshes. As such, the above reference to the cloth’s shape is a misstatement of the ENs.

Pursuant to 19 U.S.C. §1625(c)(1) CBP is modifying HQ H063618, in order to correctly reflect EN 59.11. The modifications are reflected in proposed Headquarters Ruling Letter (HQ) H266215, set forth as an attachment to this document.

ISSUE: Is the woven fabric classified as a narrow woven fabric of subheading 5806.32, HTSUS, or as bolting cloth of subheading 5911.20, HTSUS?

...

Heading 5911,¹ HTSUS, covers textile products and articles for technical uses which are specified in Note 7 to Chapter 59. Only those textile products described in Note 7 are classifiable in Heading 5911, HTSUS. You assert that the instant woven fabric is bolting cloth, which is listed in Note 7(a)(2). For support, you cite to EN 59.11, which states that bolting cloth must be porous, geometrically accurate as to size and shape of the meshes, and that bolting cloth cannot be deformed by use. Further, you state that the instant woven fabric is uncoated and consists of synthetic filament yarn. You state that the instant woven fabric is physically identical to Sefar item 3B17–0850–158–00, which was classified in subheading 5911.20, HTSUS, in NY N025649, dated May 2, 2008. For all of these reasons, you assert that the instant woven fabric is classifiable as bolting cloth of subheading 5911.20, HTSUS.

In Headquarters Ruling Letter (HQ) HQ 950733, dated December 28, 1993, we set forth the following dictionary definitions of the terms “bolt” and “bolting cloth”²:

The Century Dictionary and Cyclopedia, The Century Company (1911): bolt1 vt 1: To sift or pass through a sieve or bolter so as to separate the coarser from the finer particles, as bran from flour; sift out: as, to bolt meal; to bolt out the bran; bolt2 n. 1.: A sieve; a machine for sifting flour; bolting-cloth n.: A cloth for bolting or sifting; a linen, silk, or hair cloth, of which bolters are made for sifting meal, etc. The finest and most expensive silk fabric made is bolting-cloth, for the use of millers, woven almost altogether in Switzerland.

Funk & Wagnalls New Standard Dictionary of the English Language, (1928): bolting, n. 1: The act or process of sifting, usually in a mill or machine; b. cloth 1: A fabric, usually of unsized silk, for separating the various products of a flouring mill.

The Wellington Sears Handbook of Industrial Textiles, Ernest R. Kaswell (1963): bolting cloth: Light weight, finely woven silk and nylon bolting cloths made in precise mesh sizes are extensively used industrially for sifting and screening purposes. These extremely uniform filament yarn constructions in leno weaves are manufactured principally in Switzerland on special looms, requiring a high degree of skill on the part of the operator to achieve weaving perfection.

Bolting cloths are designated by the number of interstices or openings per linear inch, in the same manner as fine wire screening. For example, a 200 mesh bolting cloth has 200 openings per inch in both the warp and filling directions. The size of the openings must also be specified, as yarns of different deniers provide different size interstices for a given mesh cloth...

¹ We note that a recent court case discussed the tariff classification of textile articles for technical uses under heading 5911, HTSUS. *Airflow Technology, Inc. v. United States*, 524 F.3d 1287 (Fed. Cir. 2008)(*Airflow*). In *Airflow*, however, the Federal Circuit examined the definition of “straining cloth” of Note 7(a)(iii), and not “bolting cloth” of Note 7(a)(ii). As the instant ruling only pertains to bolting cloth, we will not apply the analysis therein to the instant merchandise.

² When, as in this case, a tariff term is not defined by the HTSUS or its legislative history, “the term’s correct meaning is its common meaning.” *Mita Copystar Am. v. United States*, 21 F.3d 1079, 1082 (Fed. Cir. 1994). 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*, 673 F.2d 1268, 1271 (CCPA 1982); *Simod*, 872 F.2d at 1576.

Silk bolting cloths are generally used for dry sifting processes, with the filament nylon cloths preferred for wet screening operations such as those employed in starch and flour manufacturing. Both types of fabrics are also widely used by the textile industry in screen printing.

Webster's Third New International Dictionary, Merriam-Webster (1986): bolt 1: to sift (as meal or flour) usu. through fine-meshed cloth; also: to refine and purify (as meal or flour) through any process; bolting cloth: a firm fabric now usu. of silk woven in various mesh sizes for bolting (as flour) or for use in screen printing, needlework, or photographic enlargements.

Fairchild's Dictionary of Textiles: bolting cloth: A plain weave fabric originally of silk with a fine, uniform mesh; the fabric is woven in the gum and has a high number of threads per inch. The standard width is 40 inches.

Fine mesh cotton muslin is also employed. For a time, filament yarn of Vinyon, a copolymer of vinyl acetate and vinyl chloride was used, but when production of this yarn ceased, other synthetic yarns were used.

Uses: sifting flour in flour mills and screen printing. Sometimes called *banderoles*.

Hence, by definition, the bolting cloth of Note 7(a)(ii) to Chapter 59 is not just a porous material. It is an article that, although made only of textile fabric, has a mesh that is geometrically accurate as to size and shape, and is used in certain limited ways. According to the ENs, bolting cloth usually has a square mesh. Even if the instant woven fabric has some of the characteristics of bolting cloth, we note that it does not have the same uses as bolting cloth.

CBP has only issued four rulings which classify merchandise under subheading 5911.20, HTSUS, as bolting cloth. In all of those cases, the merchandise was used for sifting, sieving or screen-printing. See HQ 950733 (filtration medium for blood purification), NY 896117, dated April 7, 1994 (screen-printing), NY 815642, dated October 10, 1995 (screen-printing), and NY N025649, dated May 2, 2008 (sifting/filtering/screening). In NY N025649, the size and shape of the cloth is not stated, but unlike the fabric in NY N025649, your ruling request did not mention any use of the instant woven fabric for sifting, sieving or screen-printing.

In HQ 961537, dated November 21, 2000, CBP examined mesh woven fabric used on test strips for a portable blood glucose monitoring system. That requester also asserted that its woven fabric was classifiable as bolting cloth because it shared many of the same physical characteristics of bolting cloth.

Like bolting cloth, the mesh woven fabric was made up of synthetic filament yarn, it was porous, and it was designed to prevent deformation by use.

However, as the mesh woven fabric was not used for sifting, sieving, or screen printing, CBP determined that it could not be classified as bolting cloth. Similarly, the instant woven fabric is not used for sifting, sieving or screen-printing. As such, it cannot be classified as bolting cloth under heading 5911, HTSUS.

In NY N042709, CBP classified the instant woven fabric as narrow woven fabric of heading 5806, HTSUS. Note 5(a) to Chapter 58 states that narrow woven fabrics cover woven fabrics of a width not exceeding 30 cm, which have selvages (woven, gummed or otherwise made) on both edges. The instant woven fabric is less than 30 cm wide, and it has selvages formed by cutting with a hot knife to prevent it from unraveling. As it meets the definition of a narrow woven fabric, we find that the instant merchandise is properly classified under heading 5806, HTSUS.

HOLDING: By application of GRIs 1 (Note 7(a)(ii) to Chapter 59 and Note 5(a) to Chapter 58) and 6, Sefar Tetex Mono V-17-2030-W 50 Rayl woven fabric, in a width not exceeding 30 cm and having selvages on both sides, is classified under subheading 5806.32.20, HTSUS, which provides, in pertinent part, for "Narrow woven fabrics, other than goods of heading 5807...: Other woven fabrics: Of man-made fibers: Other." The 2015 column one, general rate of duty is 6.2 percent *ad valorem*.

Proposed Revocation of a Ruling Letter and Revocation of Treatment Relating to the Tariff Classification of a Spare Parts Repair Kit 52

DATES: Comments must be received on or before July 1, 2016.

In NY N050746, CBP previously classified the articles as a retail set under General Rule of Interpretation (GRI) 3(b) in heading 8477, HTSUS, which provides for “Machinery for working rubber or plastics or for the manufacture of products from these materials, not specified or included elsewhere in this chapter; parts thereof”. CBP has reviewed NY N050746 and has determined the ruling letter to be in error. Specifically, CBP has determined that the articles that were classified in NY N050746 do not constitute a retail set for purposes of GRI 3(b). It is now CBP’s position that the articles identified in NY N050746 are classified separately according to GRI 1.

Pursuant to 19 U.S.C. 1625(c)(1), CBP is proposing to revoke NY N050746, and any other ruling not specifically identified, to reflect the tariff classification of the subject merchandise according to the analysis contained in proposed Headquarters Ruling Letter (HQ) H249811, set forth as Attachment B to this notice.

...

In NY N050746, we wrote:

Each Husky spare part/repair kit is unique and bears a unique identifying number, i.e., the Husky Part Number (“HPN”). Each component within the kit also bears a unique HPN. The kit is assembled with the specific components required to repair the mold/machine for which it was designed. Any one kit can only repair a mold or a machine, not both, as the two assemblies (mold and machine) differ and require different components for repair and maintenance. Each kit consists of the most common wear and replacement components for a specific mold/machine. Components are not interchangeable with other repair kits.

The kit includes approximately 50 components and typically consists of washers, springs, a cam follower, various seals, thermocouples, O-rings, and screws.

Upon reviewing a separate request by Husky involving a substantially similar scenario, we learned that in order to accommodate its customers, Husky may not necessarily ship all parts listed in the Bill of Materials for a particular kit to the customer, because the customer might already have the necessary part on hand. The assortment of components used in any one spare part/repair kit may therefore vary from customer to customer.

ISSUE: *Whether the subject spare part/repair kit is classifiable pursuant to GRI 1 or GRI 3(b) as a retail set?*

LAW AND ANALYSIS:

...

In NY N050746, dated March 4, 2009, we classified the articles as a retail set, pursuant to GRI 3(b). In order to meet the requirements of a GRI 3(b) retail set, the collection of articles must meet certain factors. These factors are outlined in the EN to GRI 3(b). EN (X) to GRI 3 states, in pertinent part:

For the purposes of this Rule, the term “goods put up in sets for retail sale” shall be taken to mean goods which:

- (a) consist of at least two different articles which are, **prima facie**, classifiable in different headings. Therefore, for example, six fondue forks cannot be regarded as a set within the meaning of this Rule;*
- (b) consist of products or articles put up together **to meet a particular need or carry out a specific activity**; and*
- (c) are **put up in a manner suitable for sale directly to users without repacking** (e.g., in boxes or cases or on boards).*

The courts have also examined what constitutes a retail set, for purposes of GRI 3(b). [citations omitted] In HQ 967364, we found that the laptop battery packaged with the laptop did not constitute a retail set because the goods did not satisfy the third requirement of EN (X) to GRI 3(b), above. As we stated, “the offer for retail sale took place before prior to the goods being put up.” Ibid. In Dell Products I, the Court of International Trade (CIT) agreed, finding that the contents of a customized order are determined by an individual customer and that the grouping of the goods was not “fixed” when offered for sale. Dell Products

I, 714 F. Supp. 2d. 1252 (Ct. Int’l Trade 2010) at 1262. Furthermore, the CIT also determined that the articles did not meet the second requirement of a retail set, as the battery and laptop were not offered or displayed together. Supra at 1261.

We are presented with similar facts with respect to the instant spare parts/repair kit. In the present case, a customer orders a spare parts/repair kit from Husky, which then consults with the customer as to which parts in the kit are actually needed—creating a different and customized Bill of Materials for each kit. Depending on the customer’s needs, the parts actually shipped therefore varies from kit to kit. Thus, no two kits are alike, as each kit is customized to the repair needs of a particular mold or a mold machine.

In Dell Products II, the U.S. Court of Appeals for the Federal Circuit (CAFC) stated that the term “goods put up for retail sale” for purposes of GRI 3(b) “most naturally refers to goods that are offered to customers as a set for purchase rather than to a collection of goods that are assembled into a set after the customer has purchased them.” Dell Products II, 642 F. 3d. 1055 at 1058. The CAFC therefore concluded that the secondary battery and laptop packaged together did not constitute a retail set, stating “set determinations for purposes of GRI 3(b) turn on the seller’s arrangement of good prior to their purchase, not on the seller’s arrangement of goods after the purchase is made.” Dell Products II, supra at 1060. Relevant to the instant kit, the CIT stated: “[t]he contents of a customized order are designated by an individual customer; Dell did not designate which merchandise constituted a set for retail sale.” Dell Products, 714 F. Supp 2d. 1252 at 1262. Similarly, Husky customizes each kit according to the customer’s needs such that no two kits will be the same. As such, GRI 3(b) does not apply. Accordingly, we find that the spare part kit that was classified pursuant to GRI 3(b) in NY N050746 does not qualify as a retail set. Therefore, the components must be classified separately pursuant to GRI 1.

HOLDING: *Under the authority of GRI 1, the individual parts are classified as follows: The cam follower is classified in subheading 8477.90.85, HTSUS, which provides for “Machinery for working rubber or plastics or for the manufacture of products from these materials, not specified or included elsewhere in this chapter; parts thereof: Parts: Other.” The column one, general rate of duty is 3.1%.*

The lock washer is classified in subheading 7318.21.00, HTSUS, which provides for: Screws, bolts, nuts, coach screws, screw hooks, rivets, cotters, cotter pins, washers (including spring washers) and similar articles, of iron or steel (con.): Non-threaded articles: Spring washers and other lock washers.”The column one, general rate of duty is 5.8%.

The springs are classified in subheading 7320.90.50, HTSUS , which provides for: “Springs and leaves for springs, of iron or steel: Other: Other.” The column one, general rate of duty is 2.9%.

The seals are classified in subheading 4016.93.50, HTSUS, which provides for: “Other articles of vulcanized rubber other than hard rubber: Gaskets, washers and other seals: Other”. The column one, general rate of duty is 2.5%.

The thermocouple J-Type is classified in subheading 9025.19.80, HTSUS, which provides for: “Hydrometers and similar floating instruments, thermometers, pyrometers, barometers, hygrometers and psychrometers, recording or not, and any combination of these instruments; parts and accessories thereof: Thermometers and pyrometers, not combined with other instruments: Other: Other:” The column one, general rate of duty is 1.8%.

Proposed Modification of Two Ruling Letters and Revocation of Treatment Relating to the Tariff Classification of Ceramic Dinnerware 60

DATES: Comments must be received on or before July 1, 2016.

In HQ H169055, CBP classified item numbers DO-16, DO-120, GR-2, GR-2C, GR-11, RO-8, SY-12, VE-9 and VE-11 in heading 6911, HTSUS, specifically subheading 6911.10.10, HTSUS, which provides for “Tableware, kitchenware, other household articles and toilet articles, of porcelain or china: Tableware and kitchenware: Hotel or restaurant ware and other ware not household ware.” Item numbers WRO-8-AW, GR-9, GR-12, VE-34, and Y-10 were classified in heading 6912, HTSUS, specifically in subheading 6912.00.20, HTSUS, which provides for “Ceramic tableware, kitchenware, other household articles and

toilet articles, other than of porcelain or china: Tableware and kitchenware: Other: Hotel or restaurant ware and other ware not household ware.”

In HQ H226264, CBP classified item numbers BR-5, BR-6, BR-8, BR-9, TBR-16, DO-2, DO-4, DO-5, DO-7, DO-8, DO-10, DO-11, DO-24, DO-31, DO-34, BR-7, BR-13, RO-5, RO-10, WRO-15, and VA-7 in heading 6911, HTSUS, specifically in subheading 6911.10.10, HTSUS, which provides for “Tableware, kitchenware, other household articles and toilet articles, of porcelain or china: Tableware and kitchenware: Hotel or restaurant ware and other ware not household ware.” Items RO-3, RO-11, and RO-12 were classified in heading 6912, HTSUS, specifically in subheading 6912.00.20, HTSUS, which provides for “Ceramic tableware, kitchenware, other household articles and toilet articles, other than of porcelain or china: Tableware and kitchenware: Other: Hotel or restaurant ware and other ware not household ware.”

CBP has reviewed HQ H169055 and HQ H226264 and has determined the ruling letters to be in error with respect to the classification of items VE-9, RO-5 and RO-12. It is now CBP’s position that items VE-9 and RO-5 are properly classified, by operation of GRI 1 and GRI 6, in heading 6912, HTSUS, specifically subheading 6912.00.20, HTSUS, which provides for “Ceramic tableware, kitchenware, other household articles and toilet articles, other than of porcelain or china: Tableware and kitchenware: Other: Hotel or restaurant ware and other ware not household ware.” Item RO-12 is classified in heading 6911, HTSUS, specifically in subheading 6911.10.10, HTSUS, which provides for “Tableware, kitchenware, other household articles and toilet articles, of porcelain or china: Tableware and kitchenware: Hotel or restaurant ware and other ware not household ware.”

Pursuant to 19 U.S.C. §1625(c)(1), CBP is proposing to modify HQ H169055 and HQ H226264 and to revoke or modify any other ruling not specifically identified to reflect the analysis contained in the proposed HQ H252124, set forth as Attachment C to this notice.

...

The subject merchandise consists of eight styles of ceramic dinnerware: Brighton, Dover, Granada, Roma, Sydney, Valencia, Verona, and York. Various samples of each style were sent to the U.S. Customs and Border Protection (“CBP”) laboratory for testing. Separate laboratory reports were issued for each item. The Brighton style items at issue consist of six plates (Item #s BR-5, BR-6, BR-7, BR-8, BR-9, and BR-16)1, and one platter (BR-13)2 . All have a finished white body, are translucent and absorb less than 0.5% of their weight in water. CBP’s laboratory found that these items do not contain phosphorous, and all meet the definition of porcelain found in Additional U.S. Note 5(a) to Chapter 69, HTSUS. Furthermore, they all contain a logo on the back identifying them as “ITI, China, 5–1.” You acknowledge that the Brighton line of Marck’s merchandise is made of porcelain, and do not contest their classification at the 4-digit heading level in heading 6911, HTSUS.

The Dover style items at issue here are: one saucer (DO-2)3 , five bowls (DO-4, DO-10, DO-11, DO-24, and DO-120)4 , five plates (DO-5, DO-7, DO-8, DO-16, DO-31)5 , and a platter (DO-34)6 . These items all contain a logo on the back identifying them as “ITI, China, 5–1.” In addition, many of the samples obtained by the CBP laboratory contained an adhesive label affixed to the back of the plate that read “International Tableware, Inc.,” and identified the item by item number, style, and item type. CBP’s laboratory found that the items of the Dover line meet the definition of porcelain within the meaning of Additional U.S. Note 5(a) to Chapter 69, HTSUS. You acknowledge that the Dover line of Marck’s merchandise is made of porcelain, and do not contest their classification at the heading level in heading 6911, HTSUS.

The Granada style items at issue here are a plate (GR-9)7, a platter (GR-12)8, two saucers (GR-2, GR-2”C”)9 and a bowl (GR-11)10 . They are glazed and beige with brown spots and have a dark brown trimming. The laboratory concluded that the Granada bowl and two saucers met the definition of porcelain within the meaning of Note 5(a) to Chapter 69, HTSUS, but that the Granada plate and the Grenada platter were not translucent.

In addition to the laboratory reports issued by CBP’s New York laboratory, the Port sent a sample of the Granada plate to CBP’s laboratory in Chicago for analysis. The resulting laboratory report determined that

the plate was “composed of porcelain ceramic” and had a water absorption value of 0.08 percent by weight.

ISSUE: 1. Whether the subject merchandise is classified in heading 6911, HTSUS, as porcelain tableware, or under heading 6912, HTSUS, as other ceramic tableware.

2. Whether the subject merchandise is classified in subheadings 6911.10.10, HTSUS, and 6912.00.20, HTSUS, as hotel or restaurant ware, and not as household ware.

LAW AND ANALYSIS:

...

The HTSUS provisions under consideration are as follows:

6911 Tableware, kitchenware, other household articles and toilet articles, of porcelain or china:

6911.10 Tableware and kitchenware:

6911.10.10 Hotel or restaurant ware and other ware not household ware:

Other:

Other:

Available in specified sets:

In any pattern for which the aggregate value of the articles listed in additional U.S. note 6(b) of this chapter is over \$56:

6911.10.37

Aggregate value not over \$200

* * *

6912.00 Ceramic tableware, kitchenware, other household articles and toilet articles, other than of porcelain or china:

Tableware and kitchenware:

Other:

6912.00.20

Hotel or restaurant ware and other ware not household ware:

Other:

Available in specified sets:

6912.00.39

In any pattern for which the aggregate value of the articles listed in additional U.S. note 6(b) of this chapter is over \$38

* * * * *

We first address classification at the heading level as between headings 6911, HTSUS, and 6912, HTSUS. In the Internal Advice Rulings at issue, CBP classified the following styles in heading 6911, HTSUS, as porcelain tableware: BR-5, BR-6, BR-7, BR-8, BR-9, BR-13, BR-16, DO-2, DO-4, DO-5, DO-7, DO-8, DO-10, DO-11, DO-16, DO-24, DO-31, DO-34, DO-120, GR-2, GR-2C, GR-11, RO-5, RO-8, RO-10, WRO-15, SY-12, VA-7, VE-9, and VE-11.

The following styles were classified in heading 6912, HTSUS, as non-porcelain tableware: RO-3, RO-11, RO-12, WRO-8-AW, GR-9, GR-12, VE-34, and Y-10.

The CBP Laboratory found that all of the Brighton and Dover styles at issue as well as styles GR-2, GR-2C, GR-11, RO-8, RO-10, RO-12, WRO-15, SY-12, VA-7, and VE-11, met the definition of porcelain as set out in Additional U.S. Note 5(a) to Chapter 69. Styles GR-12, RO-3, RO-5, WRO-8-AW, RO-11, VE-9, VE-34, and Y-10 were found by the CBP Laboratory to lack one or more of the criteria for porcelain required in Additional U.S. Note 5(a) to Chapter 69. Style GR-9 was tested by two different laboratories; the CBP NY lab found that the Granada plate was not porcelain because it was not translucent, and the CBP Chicago lab concluded that the plate was “composed of porcelain ceramic” and had a water absorption value of 0.08 percent by weight. As these reports differ in their conclusions regarding whether the Granada plate

was porcelain or not, in HQ H169055, CBP set aside the findings of the Chicago lab and found in favor of the importer—i.e., that the plate was not made of porcelain and therefore not classified in heading 6911, HTSUS.

You claim that styles GR-2, GR-2C, GR-11, RO-8, RO-10, RO-12, WRO-15, SY-12, VA-7, and VE-11 are not porcelain and that the CBP Laboratory results were in error. Our position on applying the results of CBP Laboratory tests on the exact merchandise at issue in a classification dispute is made clear in HQ H226264, HQ H169055, and numerous other cases. Pursuant to 28 U.S.C. § 2639(a)(1) (1994), CBP enjoys a statutory presumption of correctness. Thus, an importer has the burden to prove by a preponderance of the evidence that a Customs decision was incorrect. [citations omitted]. Furthermore, it is “well settled that the methods of weighing, measuring, and testing merchandise used by customs officers and the results obtained are presumed to be correct.” Aluminum Company of America v. United States, 60 C.C.P.A. 148, 151, 477 F.2d 1396, 1398 (1973) (“Alcoa”). Absent a conclusive showing that the testing method used by the CBP laboratory is in error, or that the Customs’ laboratory results are erroneous, there is a presumption that the results are correct. See Exxon Corp. v. United States, 462 F. Supp. 378, 81 Cust. Ct. 87, C.D. 4772 (1978). “If a prima facie case is made out, the presumption is destroyed, and the Government has the burden of going forward with the evidence.” Alcoa, 477 F.2d at 1399; American Sporting Goods, 27 C.I.T. 450. Furthermore, in HQ 955711, dated July 21, 1994, CBP held that “where there is a conflict between results obtained by a Customs laboratory and those obtained by private or independent laboratories, Customs will, in the absence of evidence that the testing procedure or methodology used by the Customs laboratory was flawed, accept the Customs laboratory report.” See e.g., HQ H233587, dated March 30, 2014, and HQ 955711. See also HQ 953769, dated July 22, 1993.

You allege the following errors in the methodology of the CBP Laboratory: First, you contend that, the CBP Laboratory erred in testing less than five samples of each style for water absorption/porosity, contrary to the requirements of ASTM C37321. However, we first note that what ASTM C373 actually requires is that 5 specimens of 3” by 3” be tested. The CBP Laboratory of New York, for each style, tested five pieces taken from the samples provided by Marck (“five broken pieces were ground on one surface, dried at 148° C, cooled, weighed, boiled in distilled water for five hours, and soaked”). Second, you claim that the CBP Laboratory did not report the average water absorption value of five samples, as required by ASTM C373 (as opposed to simply taking the value of a single sample). While we acknowledge that it is not made clear in the Laboratory Reports, we have confirmed that the water absorption/porosity value reported by the CBP Laboratory in each Laboratory Report was in fact the average absorption value of all five pieces of each sample, as required by ASTM C373. Thus, the CBP Laboratory followed the correct procedure pursuant to ASTM C373 with regard to the number of pieces tested and the reported value of water absorption.

You further argue that outdated ASTM methods were used to determine porosity and color: specifically, you contend that the CBP Lab should have used the more recent ASTM C373–88 instead of ASTM C373–00, and ASTM D1535–12 instead of D-153522. Again, we have confirmed that the CBP Laboratory used the latest ASTM method applicable at the time of testing—in this case, ASTM C373–88 (the standard in effect from 2006 to 2014), ASTM D1535–12 or ASTM D1535–12a for those tests conducted in 2012, and ASTM D1535–08e1 for those tests conducted in 2011.

You further contest the findings of the CBP Laboratory that the Grenada items were white in color. We note that when the CBP Laboratory refers to the tested styles as having a “white” body, that is simply in the context of Additional U.S. Note 5 to Chapter 69, which requires that “porcelain” have “a fired white body (unless artificially colored)”. Thus, the reference to the color does not take into account any glaze or coloring added to the clay body. The CBP Laboratory used ASTM method D1535 on a piece of each style at issue to determine the color of the body, using “simulated daylight illumination” to determine where on the Munsell Color Chart the sample fell.

As noted above, the CBP Laboratory followed all the proper procedures and test methods when testing the instant merchandise. However, you insist that the results of the CBP Laboratory cannot be correct,

because all of the merchandise of each style are produced in the same batch, with the same materials and method, and with the same equipment. You conclude that the findings of the CBP Laboratory that some of the items in each style are porcelain while others are not (e.g., GR-9 and GRI-12 v. GR-11, RO-8, R-10, RO-12 and WRO-15 v. RO-3, RO-5, and RO-11) must therefore be incorrect. However, we note that even if all of the merchandise of each style are produced in the same batch, this does not rule out all possibility of manufacturing defects or inconsistencies due to mechanical or human error. In addition, we note that the Verona fruit bowl (VE-11) was tested twice by the CBP Laboratory, and both tests confirmed that the item is made of porcelain. Finally, as noted in HQ H226264 and HQ H169055, the independent laboratory tests do not state which test was used to confirm that the two tested styles were not porcelain, nor do they address the water absorption or color of the two tested styles. As the water absorption is particularly important for a determination of whether an article is porcelain or not (see e.g., Tile Council of North America “What are the Differences Between Porcelain Tiles and Non-Porcelain Tiles?”²³), we find the results of the independent laboratory reports to be unpersuasive.

There also appears to be a fundamental misunderstanding over the meaning of “porcelain” for the purposes of the HTSUS. The tariff defines “porcelain” in Note 5(a) to Chapter 69, HTSUS, as follows: “(a) The terms “porcelain,” “china” and “chinaware” embrace ceramic ware (other than stoneware), whether or not glazed or decorated, having a fired white body (unless artificially colored) which will not absorb more than 0.5 percent of its weight of water and is translucent in thicknesses of several millimeters.” You argue that because the subject merchandise is not fired twice, it is not porcelain. **We find no support for this claim anywhere in the HTSUS, and note that common definitions of the term “porcelain” do not require that it be fired twice.** See e.g., <http://www.merriam-webster.com/dictionary/porcelain> (“porcelain: a hard, fine-grained, sonorous, nonporous, and usually translucent and white ceramic ware that consists essentially of kaolin, quartz, and a feldspathic rock and is fired at a high temperature”; http://www.oxforddictionaries.com/us/definition/american_english/porcelain (“A white vitrified translucent ceramic china;”). See also Tile Council of North America (“Porcelain tile is defined as an impervious tile with a water absorption of 0.5% or less as measured by the ASTM C373 test method.”)²⁴ In any case, regardless of whether a ceramic article is fired once or twice or ten times, if it meets the definition of porcelain set out in Note 5(a) to Chapter 69, it is porcelain for the purposes of tariff classification.

Finally, we note that Marck has already conceded that all items of the Brighton and Dover lines are indeed porcelain, which was confirmed by the CBP Lab. These styles thus serve as a useful control group—if the CBP Lab’s methodology was flawed, it is likely it would have yielded inconsistent results for those styles.

In summary, we find that you have not overcome the presumption of correctness afforded to the CBP Laboratory. We thus continue to uphold the findings of the CBP Laboratory with respect to the styles at issue, with the exception of style GR-9, which we agree is not porcelain pursuant to the findings of the first test conducted by the CBP New York Laboratory.

However, you observe, and we agree, that there are inconsistencies in the rulings themselves with respect to the classification of three of the styles at issue. In HQ H169055, item VE-9 was classified in heading 6911, HTSUS, despite the finding of the CBP Laboratory that this style absorbed more than 0.5% of its weight on water. Similarly, in HQ H226264 styles RO-5 and RO-12 were erroneously classified in headings 6911 and 6912, respectively, contrary to the findings of the CBP Laboratory (which found that RO-5 absorbed more than .5% of its weight in water and therefore met the definition of stoneware and not porcelain, and that style RO-12 met all the criteria for classification as porcelain under Additional U.S. Note 5(a) to Chapter 69. We therefore modify HQ H169055 and HQ H226264 with respect to items VE-9, RO-5 and RO-12, in order to reflect their correct classification, as follows: Item VE-9 is correctly classified in heading 6912, HTSUS, item RO-5 is classified in heading 6912, HTSUS, and item RO-12 is classified in heading 6911, HTSUS.

With respect to the issue of whether the subject merchandise is classified as tableware for hotel/restaurant

or as tableware for “other” (i.e., household) use, we reiterate our findings from HQ H169055 and HQ H226264. In both rulings, we found that the Carborundum factors weighed in favor of classification of the instant articles as hotel or restaurant ware. We noted that the physical characteristics, specifically the fact that most of the styles at issue were white or off-white and plain, round, stackable, glazed, heavy and durable dishes which had been vitrified, were indicative of high-volume, commercial use. We agree that in particular the heaviness, durability and thickness of the instant merchandise makes it particularly suitable for restaurant or hotel use. See also HQ H155796, dated August 15, 2012, which concluded that similar Marck Dinnerware products were classified in subheading 6911.10.10, HTSUS, as porcelain dinnerware for hotel or restaurant use.

As noted in HQ H169055 and HQ H226264 and as confirmed by additional research, we find significant evidence that the specific items at issue, the general styles at issue, and the goods supplied by ITI in general, are overwhelmingly advertised and sold for restaurant/commercial use, with very little to no evidence supporting Marck’s position that they are principally used in the household. First, the International Tableware, Inc. line is clearly geared primarily towards commercial use, in the “foodservice marketplace”. As noted in the ITI catalog: “From the trendy eatery, to universities, to casinos, to your favorite breakfast spot -- ITI is there.” In addition, the ITI catalog features a “foodservice information” page for restaurants to estimate their dinnerware needs (“To figure your exact needs (i.e. dozen for your initial order quantity), multiply the number of seats in your restaurant by the ordering factor, then divide by 12.”)

In addition to the characterization of ITI products in the ITI catalog as geared for commercial use, we observe that ITI products are recognized as restaurant ware by the foodservice industry, and run in the same channels of trade as other commercial dinnerware. For example, internet searches for “International Tableware” as well as for the specific styles at issue--e.g., “Dover dinnerware”, “Valencia dinnerware”, “Brighton dinnerware”, “Roma dinnerware”, etc., all yield several pages of links to restaurant supply stores. Such general searches yield effectively no results for home kitchen/dining ware sites. Similarly, searching specifically for these styles on the sites of restaurant supply stores and warehouses reveal that all or most of these styles can be found on all such sites, whereas these styles are not sold on home kitchen/dining-ware retail sites or home-kitchen departments of major retailers, such as Sam’s Club25 , Target, JC Penney, Walmart, Sears, Bed, Bath & Beyond, Crate & Barrel, Macy’s, Williams-Sonoma, or Bloomingdales. Restaurant supply companies which carry all or most of the specific ITI styles and merchandise at issue include, for example: Redds Restaurant Equipment Discounters, which sells all the styles at issue (Brighton, Dover, Granada, Roma, Sydney, Valenica, Verona, and York) as “Restaurant China and Dinnerware”²⁶ ; Instawares (“Restaurant Supply Superstore”) ; Restaurant Supply Pro (describes all styles as “porcelain”); Food Service Warehouse (“Restaurant Equipment At Your Fingertips”): the first results for Food Service Warehouse under the category “restaurant china” (sorting by “most popular”) are International Tableware products – Dover, Granada, Verona, Roma styles. “Brighton” is available under “basic china dinnerware”, “Sydney” is available under “formal china dinnerware” and “York” under “embossed china dinnerware”; Burkett Restaurant equipment and supplies (lists ITI under “restaurant equipment manufacturers”). These styles are all sold by the above restaurant supply vendors by the case—(3 dozen). We further note that all styles are described as being “microwave and dishwasher safe”, as well as “dent, break and chip resistant.” The only direct-to consumer point of sale appears to be amazon.com , where all the ITI styles at issue are also sold in bulk—starting at a dozen of each item up to three dozen each. As noted in HQ H169055 and HQ H226264, bulk sales are indicative of commercial use. At the lower range of bulk sales—e.g., a dozen—there may be some fungibility between household and commercial use. This overlap decreases significantly when each item is sold in cases of three dozen each, as a typical household is rather unlikely to purchase two or three dozen of each plate, cup, saucer, bowl, platter, etc. Marck further acknowledged in its original submissions for the Internal Advice Requests that the purchaser of the specific shipment at issue was a restaurant supply company.

In your request for reconsideration, you repeat the claim that 60–65% of the total merchandise sold by Marck is for household use. You further argue that we should not limit our Carborundum analysis only to

the specific styles at issue, but rather that it is the principal use of all Marck products that should be determinative of the classification of the instant items. We addressed this claim in HQ H169055 and HQ H226264, and we do not intend to revisit that argument here: “In the present case, Marck, in its November 7 submission, presented data in support of its claim that 60–65% of its merchandise is for household use. In examining this data and the list of companies to which Marck sells, we found that Marck sells a significant percentage of its merchandise to companies that emboss logos on it and resell it. Marck attributes these sales to household use. We disagree with this assessment, as a logo is one factor in favor of commercial use.” Thus, even assuming, arguendo, that we were persuaded by the argument that we should consider only the principal use of all Marck products in total, it is not clear that this data even supports the claim that most of Marck’s products are for household use. In any case, absent a clear showing that Marck is overwhelmingly dedicated to either the household or the commercial market, the most general class of merchandise we would use for an analysis based on United States. v. Carborundum Co., is the ITI line of merchandise, to which the instant merchandise clearly belongs, but which also encompasses a great many styles which are not currently at issue. As our research indicates that ITI products are overwhelmingly marketed and sold for commercial use, the class or kind of merchandise to which the instant products belong is principally used in commercial applications such as restaurants and hotels.

You further claim that Marck’s dinnerware had been rejected for restaurant use by the Bob Evans restaurant chain because it was not considered sufficiently strong to withstand the rigors of repeated, high volume use. However, there was no indication of which specific style was evaluated by Bob Evans, or what exactly the Marck products were being compared to. In any case, we note that the merchandise at issue is advertised as “dent, break and chip resistant”, and “chip and scratch resistant”, and that it is marketed and sold for restaurant/commercial use. Indeed, the ITI catalog notes that all ITI stoneware and porcelain is “oven proof, microwave safe, and “manufactured to withstand the rigors of repeated commercial dish machines.” We can only assume, despite your self-effacing claims to the contrary, that the instant merchandise is generally considered suitable for commercial use by the restaurant supply vendors selling it for such use, and by the customers ultimately purchasing it for such use. Furthermore, we note that porcelain in general is more brittle and breakable than other types of dinnerware such as bone china or melamine—the latter of which is more likely to be favored by casual, high-volume chains such as Bob Evans, whereas higher end establishments are more likely to favor porcelain or bone china for a more elegant solution. So the choice by Bob Evans not to purchase Marck dinnerware, even assuming, as you claim, that the goods in question were rejected because of their lack of durability, is not persuasive.

We thus affirm the findings of HQ H169055 and HQ H226264 that the instant merchandise is hotel or restaurant ware.

HOLDING: *By application of GRI 1, items BR-5, BR-6, BR-7, BR-8, BR-9, BR-13, TBR-16, DO-2, DO-4, DO-5, DO-7, DO-8, DO-10, DO-11, DO-16, DO-24, DO-31, DO-34, DO-120, GR-2, GR-2C, GR-11, RO-8, RO-10, RO-12, SY-12, WRO-15, VA-7 and VE-11 are classified in heading 6911, HTSUS, are classified in heading 6911, HTSUS. They are specifically provided for in subheading 6911.10.10, HTSUS, which provides for “Tableware, kitchenware, other household articles and toilet articles, of porcelain or china: Tableware and kitchenware: Hotel or restaurant ware and other ware not household ware.” The applicable duty rate is 25% ad valorem.*

By application of GRI 1, items GR-9, GR-12, RO-3, RO-5, RO-11, WRO-8-AW, VE-9, VE-34, and Y-10 are classified in heading 6912, HTSUS. They are specifically provided for in subheading 6912.00.20, HTSUS, which provides for “Ceramic tableware, kitchenware, other household articles and toilet articles, other than of porcelain or china: Tableware and kitchenware: Other: Hotel or restaurant ware and other ware not household ware.” The applicable duty rate is 28% ad valorem.

Agency Information Collection Activities:

Application to Establish a Centralized Examination Station 103
Declaration of Owner and Declaration of Consignee When Entry Is Made by an Agent 106

Cargo Systems Messaging Service

- CSMS [16000455](#) ACE PRODUCTION OUTAGE, Sat. 6/4/16 @ 2200 to 0200 ET Sunday, 6/5/16
- CSMS [16000454](#) ACE Air Manifest: FWS Disposition codes & updated CAMIR Appendix A
- CSMS [16000453](#) Update of ACE NHTSA Business Rules from Warnings to Rejects
- CSMS [16000452](#) Updated FWS Implementation Guide, May 2016
- CSMS [16000451](#) [*same as above, 16000452*]
- CSMS [16000450](#) ACE AESDirect Scheduled Outage
- CSMS [16000449](#) Updated PGA ACE CATAIR Chapter Posted to CBP.gov
- CSMS [16000448](#) ACE PRODUCTION CQ Deployment Thursday morning, June 2, 2016 at 0600 - 0615 ET
- CSMS [16000447](#) Deactivation of CBP Baltimore Port Code 1181 for Cargo
- CSMS [16000446](#) Completed: Manual Run of ACE Air Manifest General Order (GO) Job on Wed. 6/1/16
- CSMS [16000445](#) Port of Export Code Updated in the Automated Export System (AES)
- CSMS [16000444](#) RESOLVED - FDA SYSTEM ISSUE ON MAY 31, 2016
- CSMS [16000443](#) FDA SYSTEM ISSUE CONTINGENCY ON MAY 31, 2016
- CSMS [16000442](#) ACE Production deployment, Wed., 6/1/16 @0600ET, impact ACE CargoRel & EntrySumm
- CSMS [16000441](#) ACE Air Manifest General Order (GO) Job to be Run on Wed., 6/1/16 @0800 ET
- CSMS [16000440](#) ACE reject UNKNOWN CONDITION CODE for FDA data on ACE Cargo entries (AE or SE)
- CSMS [16000439](#) Guidance on Partner Government Agency Entry Type Codes
- CSMS [16000438](#) [*same as above, 16000439*]
- CSMS [16000437](#) LEGACY ACE CERTIFICATION OUTAGE Wed., June 1, 2016 1700 ET to 2000 ET
- CSMS [16000436](#) May 2016 ACE Monthly Trade Update
- CSMS [16000435](#) ACE FDA Supplemental Guide 2.4.1 PRODUCTION Deployment
- CSMS [16000434](#) ACE Production PGA Deployment Sat., 5/28/16 @ 2300 to 0300 ET Sun., 5/29

FEDERAL TRADE COMMISSION [Home](#)**PROPOSED RULES**

Labeling and Advertising of Home Insulation

[\[TEXT\]](#) [\[PDF\]](#)**FISH & WILDLIFE** [F&W Importing / Exporting Website](#)**FOOD & DRUG ADMINISTRATION****[FDA Recalls Market Withdrawals, & Safety Alerts](#)**

- [For Women: The FDA Gives Tips to Prevent Heart Disease](#)
- [FDA Issues Draft Guidance to Industry for Voluntarily Reducing Sodium](#)
 - [Microbiological Methods for Cosmetics](#)
- [Meadow Gold Dairy in Boise Conducts Voluntary Recall of Whipping Cream and Half and Half Because of Possible Health Risk](#)
- [Additional Quaker Quinoa Granola Bars Recalled as a Result of Expanded Sunflower Kernel Contamination by SunOpta](#)
- [Kashi Company Voluntarily Recalls One Variety of Kashi® Granola Bars and One Variety of Bear Naked® Granola Due to Potential Health Risk Related to Sunflower Seeds](#)
- [Frontera Foods Issues Allergy Alert for Undeclared Soy Allergen in Original Taco Skillet Sauce with a "Best By" Date of "13 Apr 17"](#)
- [Expanded Voluntary Recall on Certain Backroad Country Brand Sunflower Kernel Products](#)
- [Gold Medal, Gold Medal Wondra, and Signature Kitchens Flour Recalled Due to Possible E. coli O121 Contamination](#)

- [Whole Foods Market store in California issues consumer advisory on kimchi products due to undeclared food allergens](#)
 - [Sweet Earth Natural Foods Issues Voluntary Recall of Mispackaged Big Sur Burritos That Contain the Santa Cruz Burrito: Potential Allergy Concern for Those with Milk Allergy](#)
 - [Sid Wainer and Son Recalls Domaine de Provence La Cucina Tart Shells and Domaine de Provence Neutral 3" Cone Tart Shells Due to Undeclared Allergens](#)
- [Import Alerts](#) View by • [Country](#) • [Import Alerts by Number](#) • [Industry](#) • [Last Published Date](#)

FOREIGN ASSETS CONTROL OFFICE

[Specially Designated Nationals List](#)

[Resource Center](#)

[OFAC Recent Actions](#)

FOREIGN- TRADE ZONES BOARD

NOTICES

Applications for Reorganization under Alternative Site Framework:

Foreign-Trade Zone 261, Alexandria, LA

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

Application for Subzone Status:

Westlake Chemical Corp., Foreign-Trade Zone 87, Lake Charles, LA

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

Approval of Subzone Status:

Thoma-Sea Marine Constructors, LLC, Houma and Lockport, LA

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

Westlake Chemical Corp., Foreign-Trade Zone 154, Baton Rouge, LA

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

INTERNATIONAL TRADE ADMINISTRATION

NOTICES

Antidumping or Countervailing Duty Investigations, Orders, or Reviews:

Automatic Initiation of Five-Year (Sunset) Review for certain A/D and C/V Orders: *Cased Pencils from China, Granular Polytetrafluoroethylene Resin from Italy and Paper Clips from China*

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

Advance Notification of Sunset Reviews

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

Opportunity to Request Administrative Review

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

Certain Corrosion-Resistant Steel Products from India

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

Corrosion-Resistant Steel Products From Italy

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

Corrosion-Resistant Steel Products from Taiwan

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

Corrosion-Resistant Steel Products from the People's Republic of China

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

Corrosion-Resistant Steel Products from the Republic of Korea

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

Multilayered Wood Flooring from the People's Republic of China

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

Multilayered Wood Flooring from the People's Republic of China

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

Truck and Bus Tires from the People's Republic of China

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

Determinations of Sales at Less Than Fair Value:

Certain Corrosion-Resistant Steel Products from India

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

Certain Corrosion-Resistant Steel Products from Italy

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

Certain Corrosion-Resistant Steel Products from Taiwan

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

Certain Corrosion-Resistant Steel Products from the People's Republic of China

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

Certain Corrosion-Resistant Steel Products from the Republic of Korea

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

Meetings:

United States Manufacturing Council

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

INTERNATIONAL TRADE COMMISSION

NOTICES

Antidumping or Countervailing Duty Investigations, Orders, or Reviews:

Ammonium Sulfate from China

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

Complaints:

Certain Carbon Spine Board, Cervical Collar and Various Medical Training Manikin Devices, and Accompanying Product Catalogues, Product Inserts, Literature and Components Thereof [\[TEXT\]](#) [\[PDF\]](#)
 Certain Inkjet Printers, Printheads, and Ink Cartridges, Components Thereof, and Products Containing Same [\[TEXT\]](#) [\[PDF\]](#)
 Certain Magnetic Data Storage Tapes and Cartridges Containing the Same [\[TEXT\]](#) [\[PDF\]](#)
 Certain Silicon-on-Insulator Wafers [\[TEXT\]](#) [\[PDF\]](#)

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

Carbon and Alloy Steel Products [\[TEXT\]](#) [\[PDF\]](#)
 Cased Pencils from China [\[TEXT\]](#) [\[PDF\]](#)
 Electric Skin Care Devices, Brushes and Chargers Therefor, and Kits Containing the Same [\[TEXT\]](#) [\[PDF\]](#)
 Certain Electronic Devices, Including Wireless Communication Devices, Computers, Tablet Computers, Digital Media Players, and Cameras [\[TEXT\]](#) [\[PDF\]](#)
 Ink Cartridges and Components Thereof [\[TEXT\]](#) [\[PDF\]](#)
 Certain Stainless Steel Products, Certain Processes for Manufacturing or Relating to Same, and Certain Products Containing Same [\[TEXT\]](#) [\[PDF\]](#)
 Granular Polytetrafluoroethylene Resin from Italy [\[TEXT\]](#) [\[PDF\]](#)
 Paper Clips from China; Institution of a Five-Year Review [\[TEXT\]](#) [\[PDF\]](#)

CALIFORNIA[Office of Environmental Health Hazard Assessment](#)[Proposition 65 List dated 08/25/15](#)[Latest 60 Day Notices](#)[AG Number 2016-00527\(View Details\)](#)

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

Source: RBX Performance Sports Sleeve – UPC # 8 12350 05144 7

[AG Number 2016-00526\(View Details\)](#)

Chemical: Lead

Source: Hose Menders

[AG Number 2016-00525\(View Details\)](#)

Chemical: Lead

Source: Air Regulators

[AG Number 2016-00524\(View Details\)](#)

Chemical: Lead

Source: Fuel Fittings

[AG Number 2016-00523\(View Details\)](#)

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

Source: Principal USB Personal Fan, UPC No. 075877237644

Comments: This NOV amends NOV No. 2016-00333 in order to provide notice to the correct manufacturer of the product, World and Main LLC.

[AG Number 2016-00522\(View Details\)](#)

Chemical: Diisononyl phthalate (DINP)

Source: Farmyard Apron, UPC No. 5014728068520

[AG Number 2016-00521\(View Details\)](#)

Chemical: Lead

Source: Twist Hose Nozzles

[AG Number 2016-00520\(View Details\)](#)

Chemical: Cadmium

Source: Divine Organics Raw Cacao Powder

[AG Number 2016-00519\(View Details\)](#)

Chemical: Lead

Source: Pressure Gauges

[AG Number 2016-00518\(View Details\)](#)

Chemical: Lead

Source: Ballcock Assemblies

[AG Number 2016-00517\(View Details\)](#)

Chemical: Lead

Source: Coupler Locks

[AG Number 2016-00516\(View Details\)](#)

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

Source: Sons of Anarchy Reaper Faux Leather Kids Vest, UPC No. 6397-917600-0607

[AG Number 2016-00515\(View Details\)](#)

Chemical: Lead

Source: Brass Stops

[AG Number 2016-00514\(View Details\)](#)

Chemical: Lead

Source: Tank Levers

[AG Number 2016-00513\(View Details\)](#)

Chemical: Lead

Source: Water Filter Kits

[AG Number 2016-00512\(View Details\)](#)

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

Source: Craftsman Fender Cover, UPC No. 029458054359

[AG Number 2016-00511\(View Details\)](#)

Chemical: Lead

Source: Brass Adapters

[AG Number 2016-00510\(View Details\)](#)

Chemical: Lead

Source: Liquid Evaporators

[AG Number 2016-00509\(View Details\)](#)

Chemical: Lead

Source: Log Lighter Keys

[AG Number 2016-00508\(View Details\)](#)

Chemical: Lead

Source: Lotion Dispensers

[AG Number 2016-00507\(View Details\)](#)

Chemical: Acrylamide

Source: Fried Vegetable-Based Snack Products

[AG Number 2016-00506\(View Details\)](#)

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

Source: Boulder Creek Poncho, UPC No. 811412016042

[AG Number 2016-00505\(View Details\)](#)

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

Source: Business Card Holders

[AG Number 2016-00504\(View Details\)](#)

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

Source: Exhibitor Harnesses with Vinyl/PVC Components

[AG Number 2016-00503\(View Details\)](#)

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

Source: Tent/Shelter Fabrics

[AG Number 2016-00502\(View Details\)](#)

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

Source: Earbud Cords

[AG Number 2016-00501\(View Details\)](#)

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

Source: Vinyl/PVC Cutting Mats

[AG Number 2016-00500\(View Details\)](#)

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

Source: Chairs with Vinyl/PVC Upholstery, Chairs with Foam Padding

[AG Number 2016-00499\(View Details\)](#)

Chemical: Benzophenone

Source: Octocrylene-containing Sunscreen (products claiming a Sun Protection Factor)

[AG Number 2016-00498\(View Details\)](#)

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

Source: Octocrylene-containing Sunscreen (products claiming a Sun Protection Factor), Bicycle Clutches

[AG Number 2016-00497\(View Details\)](#)

Chemical: Benzophenone

Source: Octocrylene-containing Sunscreen (products claiming a Sun Protection Factor)

[AG Number 2016-00496\(View Details\)](#)

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

Source: Vinyl/PVC Electrical Tape

[AG Number 2016-00495\(View Details\)](#)

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

Source: Chairs with Vinyl/PVC Upholstery

[AG Number 2016-00494\(View Details\)](#)

Chemical: Benzophenone

Source: Octocrylene-containing Sunscreen (products claiming a Sun Protection Factor)

[AG Number 2016-00493\(View Details\)](#)

Chemical: Benzophenone

Source: Octocrylene-containing Sunscreen (products claiming a Sun Protection Factor)

[AG Number 2016-00492\(View Details\)](#)

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

Source: Seat Cushions

[AG Number 2016-00491\(View Details\)](#)

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

Source: Vinyl/PVC Keychains

[AG Number 2016-00490\(View Details\)](#)

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

Source: Vinyl/PVC Tool Grips

[AG Number 2016-00489\(View Details\)](#)

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

Source: Sandals

[AG Number 2016-00488\(View Details\)](#)

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

Source: Vinyl/PVC Cutting Mats



[What's New](#) [HEALTH CANADA](#) [Search Database for Notices](#)
[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 & ALERTS:

- ◆ [CLIF Bar brand Sierra Trail Mix Energy Bar recalled due to Listeria monocytogenes](#)
- ◆ [Quaker Harvest brand Quinoa Granola Bars and Spitz brand Sunflower Kernels recalled due to Listeria monocytogenes](#)
- ◆ [Debcos Bag Distributors recalls Tonal Thirst 355 ml \(12 oz\) Ceramic Mug](#)
- ◆ [Campbell's Eating Smart Soups brand Chicken Noodle Frozen Soup recalled due to pieces of wood](#)
- ◆ [Unauthorized product, Animal Test, may pose serious risk to health](#)
- ◆ [Traxxas LP recalls X-Maxx Monster Trucks](#)
- ◆ [Tri-Temp Glass Inc. recalls Clear Tempered Glass Inserts for Railing Panels](#)
- ◆ [Southwire Company LLC recalls Non-Contact Voltage Detectors](#)
- ◆ [Broan-NuTone LLC recalls L500 series fans](#)
- ◆ [Mirka USA Inc. recalls Compact Electric Random Orbital Sanders \(CEROS\)](#)
- ◆ [Seaweed Rice Crackers Seaweed Pill Burn \(Mustard\) recalled due to undeclared almonds](#)
- ◆ [NEWMAR issued a recall on the VENTANA DIESEL PUSHER MOTORHOME model](#)
- ◆ [Loblaw Companies Limited recalls Joe Fresh Pre-Walker Footlets](#)
- ◆ [Box Components recalls BMX Bicycle Forks](#)
- ◆ [Northern Transition recalls Pacapopskidz children's sweaters with drawstrings](#)
- ◆ [Currey & Company Inc. recalls Olympia Crystal Chandeliers](#)
- ◆ [Honda Canada Inc. recalls FG110 Mini-Tiller](#)
- ◆ [Dr. Praeger's brand Black Bean Veggie Burgers recalled due to Listeria monocytogenes](#)
- ◆ [Trader Joe's brand Quinoa Cowboy Veggie Burgers recalled due to Listeria monocytogenes](#)
- ◆ [Choripdong brand frozen Seafood Mix Pancake recalled due to undeclared egg](#)
- ◆ [United brand hard candies recalled due to undeclared milk](#)
- ◆ [Unauthorized product, Animal Test, seized from Supplement King in Burlington may pose serious risk to health](#)

* * *

BROWSE THE INDIVIDUAL FEDERAL REGISTER PAGES FOR THIS PERIOD:

[Tuesday May 31, 2016](#) [Wednesday, June 1, 2016](#)

[Thursday, June 2, 2016](#) [Friday, June 3, 2016](#)

[Access Past Issues](#)