

Regulation



1. Import via Postal

All goods sent by post are subject to customs inspection, with the exception of four items: **1)** packages addressed to ambassadors and diplomatic ministers of other countries, **2)** letters addressed to public international organizations appointed by the President as members of the "International Organizations Immunities act", and letters to diplomatic ministers and ambassadors containing documents or correspondence, **3)** official documents addressed to members of the US government, and **4)** the procedures are different when the correspondence final destination is in American territories.

Goods shipped by post must be accompanied by a declaration of content and value and a commercial invoice. These documents can be inserted in the volume itself or attached to the packaging. Along with the address, the following words must be included: "Invoice enclosed" and "May be opened for customs purposes before delivery". This last sentence may be replaced by Universal Postal Union form C1.

For most goods with a value equal to or less than US\$2,500.00 - limit for importation through the US mail - clearance is done by a customs official, by filling out the form "Customs Mail entry (CP Form 3419ALT)", and any taxes are levied on the recipient.

In the case of duty-free imports, the merchandise is released without any customs formality, except when it exceeds that value. In the latter case, the recipient must prepare and complete the relevant documentation and present it to customs for the release of the product.

Customs charges a fee of \$5.50 per order processed. In addition, the Postal Service charges a customs clearance fee of \$5.35. Both are equally charged by mail upon delivery of the product to the recipient.

2. Samples, catalogs and advertising material

Samples, catalogs and advertising material can enter the US territory tax free through three main procedures: **1)** import under Chapter 98 classification, subchapter XI (9811.00.20 for beverage samples, 9811.00.40 for tobacco and 9811.00 .60 for other products, the value of which cannot exceed US\$1); **2)** temporary admission ("Temporary Importation under Bond"); **3)** and regular import. The merchandise must also bear the "SAMPLE" marking, or any other marking or alteration that makes its commercial sale unfeasible.

In the specific case of shoes, the marking should be "SAMPLE – NOT FOR RESALE". Another existing mechanism is temporary admission, which requires payment of a deposit (generally equivalent to double the rate) and a promise to export or destroy the goods. The products must be classified in chapter 98, subchapter 13 (9813.00.05 to 9813.00.75). Imports of promotional material (panels, banners, etc.) must be classified under code 9813.00.50 ("professional equipment" or "tools of trade").

Temporary importation, however, does not always represent the most economical or convenient solution for the exporter. Payment of duties and fees through regular importation is often the most practical and fastest way to get samples into the United States. In any case, the exporter must be aware that the admission of samples is subject to the usual customs clearance procedures, including the payment of taxes, fees, and presentation of any additional applicable documents. The advantage of this option is to be able to sell the merchandise in the American market.

3. Foods and Beverages

Concern about the possibility of bioterrorist attacks that could threaten public health led the US to enact, in June 2002, the so-called "Bioterrorism Law" ("Public Health Security and Bioterrorism Preparedness and Response Act of 2002"). In its Title, the Law established new requirements for the protection of the food chain against terrorist risks, including registration of food companies (domestic and foreign) with the "**Food and Drugs Administration**" (FDA) and prior notification of the import of food to consumption or transit through U.S. territory.

And it is to help in this process that **B2Brazil** has the exclusive **FDA Registration service!**

With our office in Miami, we have a team that specializes in company and product registration with **US FOOD AND DRUGS ADMINISTRATION.**

We do this process for your company quickly, professionally and safely!

We enable all necessary regulatory certifications with a service provision contract established in Brazil, and we have the best conditions in the market!

4. Packaging

It is important to bear in mind that the usual packaging for sales in the domestic market may be inadequate for sales to the foreign market, as the conditions of transport and handling, both in loading and unloading, present a greater risk of loss and damage.

There are no legal requirements for outer packaging, except for marking. However, it is advisable that the packages containing products of one type, because if the tax consider that goods subject to different tax rates are in disarray, not allowing the determination of the exact value of each type, the entire shipment will be subject to payment of a higher rate. Airline and maritime companies can provide information on the most suitable packaging for merchandise destined for the American market.

The following measures suggested by Customs will contribute to the quick clearance of shipment: **a)** specify the content of each volume in the invoice and in the volume itself; **b)** avoid placing goods with different tariff classifications in the same volume, as indicated in the item above.

5. Labeling

Product labeling is regulated by various US laws. The main ones are:

I. "Fair Packaging and Labeling Act - FPLA" – in accordance with the **"Fair Packaging and Labeling Act-FPLA", 1967**, the **"Federal Trade Commission (FTC)"** and the **FDA** are responsible for drafting and implementing regulations regarding the labeling of consumer goods produced and/or marketed in the United States. The FPLA requires that every label contain **the precise identification of the product, the name and address of the manufacturer or distributor, and the net volume of the contents (in metric units and in pound/ounce)**. The FPLA also authorizes these bodies to issue regulations aimed at prohibiting misleading claims and facilitating price comparison. The FDA administers the FPLA with respect to food, cosmetics, drugs and medical devices, with the FTC being responsible for regulating the labels of most other non-durable consumer goods for household use;

II. "Nutrition Labeling and Education Act" – mandates the inclusion of nutrient information on the labels of most **food products**. It also determines that labels that contain special claims on nutrients and consumer health benefits comply with specific requirements contained in the regulation.

III. “Textile Fiber Products Identification Act” and “Wool Products Labeling Act” – Section “70g” provides for the identification of imported **textile items**. All textile products must contain the following information on the label, in accordance with the regulations of the “Textile Fiber Products Identification Act”:

- name of the fiber and/or yarn and percentage in relation to the gross weight of the product; other fibers and/or threads present and respective percentage. Fibers or yarns with the highest percentage should come first. Fibers with a percentage of 5% or less must be designated as “other fibers”;
- the manufacturer's name and US distributor identification number with the Federal Trade Commission;
- the name of the country of manufacture. In the case of wool products, with the exception of carpets, rugs, upholstery and articles over 20 years old, the regulations of the “Wool products Labeling act” of 1939 apply.

The label must contain:

- the percentage in the gross weight of the product, excluding **(1)** wool ornamentation; **(2)** processed wool; **(3)** other fibers or yarns whose share of total weight is 5% or more; **(4)** the percentage of the aggregate of all other fibers contained in the wool product;
- the maximum percentage of other fibers or yarns contained in the wool product, in relation to the total gross weight;

- name of the manufacturer and the number of the importer and/or distributor in the “Federal Trade Commission”.

It is also mandatory to affix on textile articles, domestic or imported, a label containing instructions regarding laundry procedures.

IV. “Insecticide, Fungicide, and Rodenticide Act, as amended by the Federal Environmental Pesticide Control Act” - regulates the import of **pesticides and devices used to combat pests** and provides for standards for labeling, classification and registration of these products with the “Environmental Protection Agency”;

V. “Dietary Supplement Health and Education Act of 1994” (amendment to the “Food, Drug and Cosmetics Act”) – contains provision for the labeling of **dietary supplements** (vitamins, etc.);

VII. “Federal Alcohol Administration Act” – the regulation of **alcoholic beverage** labeling is contained in the document “27 CFR Subpart a parts 4, 5 and 7”;

VIII. “National Organic Program” – establishes the necessary conditions for the use of the term “Organic” on **organic**, in natura or processed product labels.

Products labeled **"100% Organic"** must contain only organic ingredients (excluding salt and water); products labeled **"Organic"** must contain 95% organic ingredients; and products labeled **"Made with Organic Ingredients"** must contain a minimum of 70% organic ingredients. All three types of labeling must be certified by agencies approved by the Department of Agriculture, in the US or in the country of origin of the product.

IX. "Country of Origin Labeling – COOL" – country of origin labeling requirement applicable to the **retail marketing of cuts of beef, sheep and pork, fish, fruits, vegetables and peanuts**, except when used as an ingredient in a processed food product. after a long process of discussion with the private sector, the Department of Agriculture decided to implement, in March 2009, the provisions foreseen in the COOL. the rules cover cuts and minced meat from sheep, chicken, goats, shellfish and wild and captive-raised fish, perishable agricultural commodities (fresh and frozen fruits and vegetables), macadamia, ginger, pecan and peanuts. Producers or distributors must inform on the product, on its container, or on the documentation that accompanies the product, the identification of the country of origin and the production method – "wild" (wild) or "farm-raised" (aquaculture).



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Documentation and Formalities



1. U.S. Customs Clearance

In the context of the Obama Administration's policy of simplifying the import and export process in the country, the US Customs created a "single window" system for the electronic submission and processing of import documentation and customs clearance of goods. The new system is called "Automated Commercial Environment" (ACE). the use of the new platform, which replaced the Automated Commercial System (ACS) and the "Automated Broker Interface" (ABI), became mandatory as of March 31, 2016, for all import transactions and export.

The customs clearance of goods can be done by the importer, by the exporter's representative or by customs broker. If the products are shipped by express shipping company such as UPS, FEDEX and DHL, clearance will be arranged by these organizations on behalf of the importer. In the case of an order made by the final consumer, the goods will be released upon payment, by the recipient, of any taxes and fees.

The importer must make a Prior Notice of Shipment of Cargo, which determines that notices are transmitted on containers destined for the USA 24 hours before their shipment ("24-hour rule"). Initially applied only to maritime transport, the requirement became effective for other modes of transport as of 2004. The Importer Security Filing and Additional Carrier Requirements measure, also known as "10+2 regulation", requires the importer to provide ten types information 24 hours before cargo shipment to the USA, and that the transport company to provide two sets of information, at least 48 hours in relation to your arrival.

When a shipment of goods arrives in the USA, the importer uses the invoice sent to request, within fifteen working days, customs clearance at the port of entry chosen by him. After the deadline, the customs director will have it stored in a general store, at the importer's expense and risk.

If the importer wants the immediate release of the goods, he must file a Request for Special Permission for Immediate Delivery ("Customs Form 3461") and will deposit the customs duties, according to a previous estimate by the customs. The clearance procedure for immediate delivery is used in the following cases:

- articles for display at fairs and exhibitions;
- goods subject to quotas, tariff or absolute;

- goods deposited in a customs warehouse, under special circumstances, provided that the proper documentation is provided within ten working days thereafter.

If the recipient wants to delay the release of taxable goods that are not perishable or explosive, they can store them in a customs warehouse, upon entry of an application for storage. Before being admitted to the customs warehouse, the goods may be deposited in one of the foreign trade zones. In this warehouse, the goods may remain for a period of up to five years from the date of importation. At any time during this period, said goods may be exported without payment of duties or withdrawals for sale or internal consumption, upon payment of the duties in force on the date of withdrawal.

3. Documentation

A commercial invoice must be made for each shipment of goods whose value exceeds US\$500.00, unless the exported goods are expressly exempted from the invoice.

If the commercial invoice is not delivered upon entry of the goods, a declaration in the form of an invoice (Proforma invoice) and a term of responsibility must be presented, ensuring the presentation of the appropriate invoice, within a maximum period of four months.

Each invoice cannot cover more than one shipment from an exporter to a specific importer, in a given means of transport. However, an invoice can contain several different cargoes, provided they are sent by the same route and to the same importer, or when shipments to the same importer are made by more than one transport vehicle and all arrive at the port of entry within a maximum period of seven days.

Customs only requires the first copy of the special or commercial invoice, which must be prepared in English, although the invoice written in the language of the country of origin of the shipment is not rejected.

In addition to the documents mentioned above, the importer, forwarding agent or authorized agent must complete a Customs Clearance Declaration ("entry Manifest Customs Form 7533") or Declaration of Internment/Immediate Delivery ("Customs Form 3461") and be in possession of the following documents :

- Bill of lading or
- "airway bill";
- Evidence of the right to make the clearance, if requested;
- Packing List, if applicable;
- Other documents, when required.

Health or safety certificates

They are required in the case of certain imports of food for human or animal consumption. In special cases, the shipment must be accompanied by a certificate from the health authority of the country of origin recognized by the US government. However, in general, the legislation provides for testing or analysis of products after they arrive in the US, not taking into account certificates from other countries.

Conformity Certification of Manufactured Products

Any foreign product manufactured as of November 12, 2008 and subject to any regulation on the safety of consumer products must be accompanied by a certificate of conformity. The new regulation requires the product to be tested by the manufacturer or importer according to relevant standards.

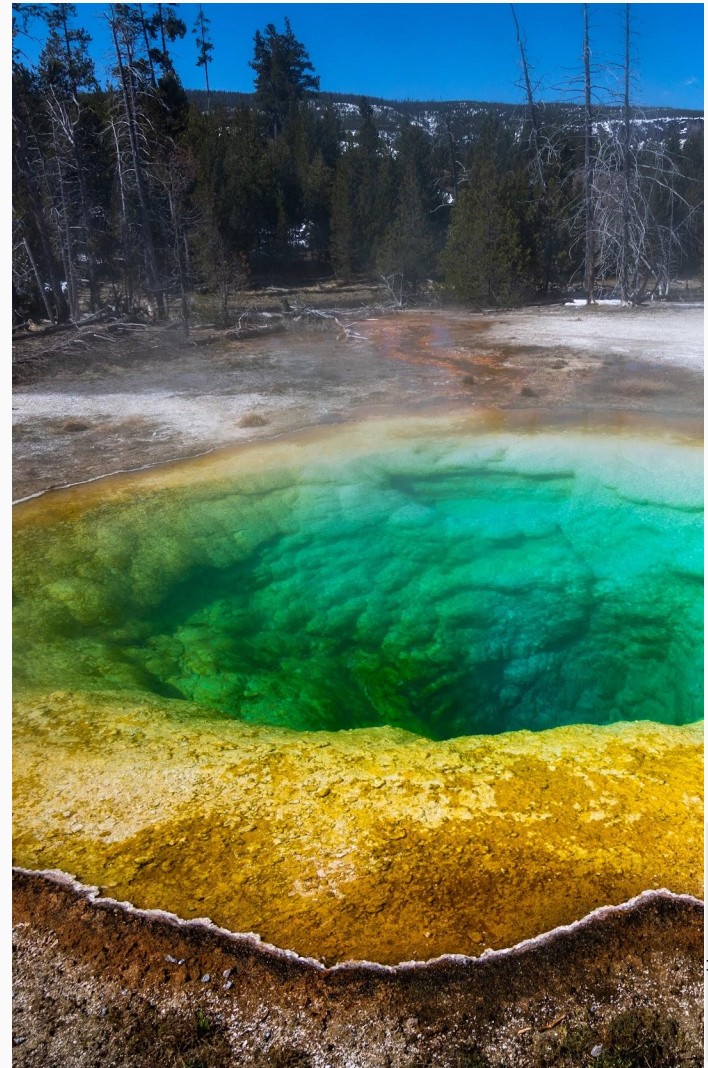


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