Marking Requirement Supplement

By Section 304, of the U.S. Tariff Act, the following items are not required to have marking:

A. Any article that is not capable of being marked.

B. An article that, before shipment to the U.S., cannot be marked, except at a cost economically prohibitive to its importation.

C. An article that cannot be marked prior to exportation to the U.S. without injury to the article.

D. When the container of an article reasonably indicates origin of the article, and the marked container is to reach the ultimate purchaser unopened.

E. An article in crude substance.

F. An article imported for the use of the importer, and not intended for sale in its imported or any other form.

G. An article to be processed in the U.S. by the importer, or for his account, in such a manner that any marking would be permanently concealed, obliterated or destroyed.

H. When the ultimate purchaser, by reason of the character of the article or by reason of the circumstances of its importation, necessarily must know the country of origin of such article — even though it is not marked to indicate its origin.

I. The article was produced more than 20 years before its importation into the U.S.

J. Articles of a kind and class imported in large quantities for a five-year period immediately preceding January 1, 1937, and which were not required to be marked (See J. List — Page 30).

K. The article cannot be marked after importation, except at an expense that would be economically prohibitive (unless the importer, producer, seller or shipper failed to mark the article before importation to avoid meeting the requirements of the law).

Other articles not required to be marked with the country of origin are:

1. Articles valued at $US 1.00 or less which are passed without the filing of a Customs entry.
2. Articles brought into a foreign trade zone or a bond warehouse for immediate exportation or for transportation and exportation.
3. Products which are from American fisheries and are duty free.
4. Products of possessions of the U.S.
5. Products of the U.S. exported and returned.
6. Bona fide gifts from persons in foreign countries; provided the aggregate value of articles received by one person on one day does not exceed US$ 10 retail value, these articles are exempted from the payment of duty.

The purpose of marking country of origin is to inform the ultimate purchaser in the U.S. where the article was made or produced. The marking must be legible. It must be adequate in size and clear enough to read by any person with normal vision. The marking must be in a conspicuous, but not necessarily the most conspicuous, place. It must, however, be where it can be seen with casual handling of the article.

The marking must be as indelibly and permanently as the nature of the product will allow. Any reasonable marking or method of marking that conforms to the purpose of the law is acceptable. Marking that will not remain on the article during handling, or for any other reason, except deliberate removal, is not acceptable.

The best type of marking is one which becomes a part of the article itself, such as branding, stenciling, printing, molding and similar methods.

Other forms of marking are acceptable if it is certain the marking used will remain legible and conspicuous until the article reaches the ultimate purchaser in the U.S. It must be able to withstand handling. Also, it must be a type that only can be defaced, destroyed, removed, altered, obscured of obliterated by a deliberate act.

In a few instances adhesive labels are acceptable. Often, however, they become loose due to weather and handling.