UNITED STATES

(UPSTATE NEW YORK)

A Guide for Canadian Exporters



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STORAGE

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(UPSTATE NEW YORK)

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TRADE OFFICE RESPONSIBLE:

Buffalo

EXTERNAL AFFAISES SYTERIEURES

TOTAL TRADE TERRITORY:

Northern New York State

FOR FURTHER INFORMATION:

Commercial Division

Canadian Consulate Generalay ; BIBLIOTHEQUE

One Marine Midland Center

Suite 3550

Buffalo, NY 14203 Tel: (716) 852-1247

Telex: 009-1329 (DOMCAN BUF)

U.S. Trade Development Bureau / BIBLIOTHEQUE

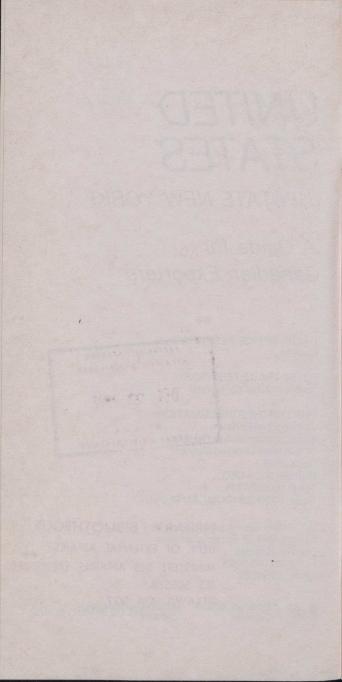
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125 SUSSEX



External Affairs Affaires exterieures Canada Canada



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I. THE MARKET

Upstate New York consists of 39 counties in the northern portion of New York State. It includes Buffalo, Rochester, Syracuse, Elmira, Binghamton, the Mohawk Valley and the northern economic areas along Lake Champlain and the St. Lawrence River.

The Buffalo-Rochester-Syracuse economic belt is a rich, highly developed area similar to the St. Catharines-Toronto-Hamilton 'golden horseshoe' or to the Belleville-Montreal Eastern Townships industrial corridor.

Upstate New York is a large and established market. Its industrial base in highly diversified, covering most manufacturing ans service sectors with a strong mix of large corporations and well-established small to medium-sized companies. The per capita income, education level, and productivity of upper New York State are all above the national average.

This market is an important one for Canada, particularly because of its proximity to centres of major Canadian industrial activity. Within an 800 kilometre (500 miles) radius of Buffalo there are 97 million U.S. residents living in cities such as Washington, Detroit, Pittsburgh, Philadelphia, Cleveland, New York, Boston and Baltimore, with a total personal income of more than \$705 billion.

Customs entries at Buffalo, almost exclusively from Canada, amount to \$6.2 billion annually, making this port one of the largest customs districts in the United States for goods from Canada. The Ogdensburg customs office services movement of goods from the eastern end of Lake Ontario and customs entries here total nearly \$3.8 billion annually.

First time exporters have found that U.S. customs brokers, warehouses and marketing representatives are especially attuned to Canadian trade. Canadian companies benefit from years of expertise in expediting goods through the busiest inland ports of entry in the United States.

Geography

Upstate New York offers a variety of topographical features including Niagara Falls, the Great Lakes, the Finger Lakes, rich farmland, and rolling mountainous regions similar to the Laurentians and those found in Northern Ontario.

Climate

The climate is typical of the northern United States and similar to that of southwestern Ontario ranging from very damp, cold, windy weather in January and February to a few hot and humid weeks in July and August. The balance of the year is quite comfortable, with an average temperature of nearly 10°C (50°F) and 75 per cent relative humidity. Annual total precipitation is 90.4 cm. (35.6 in.), of which most is in the form of rain. There is a snow belt to the south of the upstate territory.

Local Time

Eastern Standard and Daylight Saving Time, as in Ontario and Quebec, are observed throughout upstate New York.

Population

Population estimates for 1980 are:	
New York State	17,526,300
Upstate New York	4.959,600
Opsiale New Tork	,,,

Principal Cities and Towns

Buffalo metropolitan area	1,233,300
Rochester metropolitan area	972,000
Syracuse metropolitan area	642,400
Binghamton	55,200
Elmira	35,000
Ithaca	28,000
Jamestown	36,000
Niagara Falls	70,300
Rome	43,400
Utica	74,500
Watertown	27,500

Weights and Measures; Electricity

United States measures that differ from those used in Canada are:

1 U.S. pint
1 U.S. quart
1 U.S. quart
1 U.S. gallon
16 fluid ounces 473.1 millilitres
946.2 millilitres
1 U.S. gallon
128 fluid ounces 3.8 litres

1 U.S. gallon 128 fluid ounces 3.8 litres 1 Imperial gallon 1.36 U.S. gallons 4.5 litres

Electricity for domestic use is supplied at 115 volts, 60 cycles AC.

U.S. Federal Public Legal Holidays*

New Year's Day Washington's Birthday Memorial Day Independence Day Labour Day Columbus Day Veterans Day Thanksgiving Day Christmas Day

January 1st
February, third Monday
May, last Monday
July 4th
September, first Monday
October, second Monday
November 11th
November, fourth Tuesday

December 25th

*You should check with the Canadian Consulate General regarding any local public holidays, in addition to federal public holidays, which might affect your planned visit.

The Canadian Consulate General itself observes a total of eleven statutory holidays made up of a selection of some of each of the main American and Canadian holidays.

II. ECONOMY AND INDUSTRY

Industry

Buffalo

Buffalo, the second largest city in New York State, is a centre of the wholesale, retail, manufacturing and services industries, as well as of international trade. It is the major commercial centre of upstate New York and is the leading wholesale distribution point in all but two product categories. Buffalo is a lake port, railway, and truck terminal, and is developing as a major air freight port. Regional directors of the United States Department of Commerce, Defense Contract Administration Services, New York State Department of Commerce and United States Customs are located here. It is a convenient port of call for most Canadian businessmen seeking marketing help in upstate New York, since it is only 80 km (50 mi.) from Hamilton, 161 km (100 mi.) from Toronto and 201 km (125 mi.) from London.

Based on value added by manufacturer, the ranking of Buffalo in the U.S. is as follows:

10th in primary metals industries (It has the fourth largest steel mill in the U.S.)

10th in non-electrical machinery

12th in stone, clay and glass

15th in rubber and plastics

16th in miscellaneous products

20th in food and foodstuffs

21st in chemicals and allied products

23rd in paper and allied products

25th in electrical machinery

27th in printing and publishing.

It is one of the largest volume flour milling cities in the world.

Net effective buying power of the area is over \$9,000,000,000, and annual retail sales total over \$4.500.000.000.

An all-encompassing program to revitalize Buffalo through the development of the waterfront and construction of office, hotel, residential, restaurant and

retail conplexes is underway. Work on a light Rail Transit system is in progress. Total value of these projects is estimated at \$700 million.

Rochester

Rochester, New York State's third largest city, leads the world in the manufacture of photographic cameras and supplies, dental equipment, optical goods, office copiers and supplies, gear-cutting machinery, enameled steel tanks, and industrial fluid mixers.

Rochester also ranks high in the manufacture of automotive products, men's clothing, car air filters, process control instruments, printing and lithography, publications for the legal profession, malt and soft drinks, buttons, communications and electronic equipment, food processing and cheque protectors.

Syracuse

Greater Syracuse is both a rural and an urban community. Its highly diversified industrial base produces electrical machinery, pharmaceuticals, food and brewing products, transportation equipment (including automotive parts) and primary metals.

The wide range of industrial activity in Syracuse tends to dampen the impact of downward trends in the national economy. Over the past five years, Syracuse had double the state's average rate of growth in business. It leads all metropolitan areas in New York with the exception of Long Island in industrial growth.

Agriculture

The chief agricultural areas of New York State are in the northern and western parts. There are 44,000 farms covering approximately 4,000,000 hectares of land. Dairy farming is the principal activity. New York ranks third in the U.S. in milk production and is among the leading states in the production of apples, pears, cherries, grapes, potatoes and maple syrup. Farm crops also support a large food canning, freezing and processing industry. New York State has established an excellent nationwide reputation for its beer and wine, cheddar cheese and maple syrup.

Natural Resources

New York State has more than 6.9 million hectares (17 million acres) of forest, nearly 1.2 million of which is preserved forest land. Commercially grown varieties are maple, red oak, black cherry, white ash, and white pine. Reserves of oil and natural gas are small but the electrical power output is vast. The Niagara Power Project is one of the largest electrical generating stations in the Western Hemisphere. There are more than 112,560 kilometres (70,000 miles) of navigable waterways and a marine shoreline of 1,600 kilometres (1,000 miles).

The chief mineral deposits of New York State are: zinc ore, salt, crushed stone, sand and gravel. Gypsum, clay and limestone are also mined. The state has the largest titanium mine and the only known deposit of high-quality abrasive garnet in North America. There are 2,500 active mines in New York State which produce revenues of \$1.5 billion per year.

Transportation

Highways

New York State boasts a transportation system that is second to none, both in quality and capacity. The state's 2,330-kilometre Interstate System, which includes the New York Thruway, is the major highway network interconnecting all regions of the state.

In the Buffalo area there are four major highway crossing points, five interconnecting arterials, two interstates

In the northern area of upstate New York there are three major highway crossing points, eight interconnecting arterials, two interstates.

Highway Distances from Buffalo

Albany, New York	475 km (295 mi.)		
Boston, Massachusetts	764 km (475 mi.)		
Chicago, Illinois	801 km (498 mi.)		
Cleveland, Ohio	291 km (181 mi.)		
New York, New York	676 km (420 mi.)		
Ottawa, Ontario	547 km (340 mi.)		
Philadelphia, Pennsylvania	653 km (406 mi.)		
Montreal, Quebec	618 km (384 mi.)		
Toronto, Ontario	161 km (100 mi.)		

Truck Transport

Truck transport in the upper state area is handled by five transcontinental carriers, 11 U.S.-Canada international carriers, two transcontinental heavy equipment haulers.

Water Transport

Bulk cargo and freighter shipping through the seaway to upstate ports is carried out by: 33 Great Lakes shipping lines 17 overseas steamship lines.

Barge canal shipping to the Hudson River is undertaken by:

13 dry cargo carrier companies 16 bulk liquid carrier companies.

Rail Service

The Buffalo metropolitan area and the rest of upstate New York are well served by a number of railway companies, including Conrail, Chessie System, Canadian National, Delaware & Hudson, and Norfolk and Western.

Airline Service

There are direct flights to Rochester and Buffalo from Toronto. These centres offer connecting flights to New York State destinations and other major U.S. cities.

III. SELLING TO THE UPSTATE NEW YORK MARKET

The Canadian Image

Canadian suppliers can take advantage of the fact that many U.S. firms do not regard Canadian products as "foreign" and, consequently, buy and invoice them through domestic purchasing departments. Proximity to Canada, together with personal and corporate connections, can help attain competitive transportation costs and delivery times. Such factors tend to make U.S. buyers receptive to the idea of purchasing from a Canadian company on the same basis as from domestic U.S. sources. Nonetheless, Canadians should expend every marketing effort to establish acceptance of their products on the basis of design and quality.

Before selling in the United States, Canadian companies should be prepared to:

- pursue business on a continuing basis;
- expend more effort on making a favourable first impression than may be required in Canada;
- quote, deliver and follow-up aggressively in competition with U.S. suppliers.

The Initial Approach

The best introduction to a buyer is a personal visit. A representative or distributor may be appointed later but, initially, large-volume buyers prefer to meet their prospective suppliers personally. It is usually advisable to make an appointment with the director of purchasing or his equivalent and, through him, meet the actual buyers.

It is important to give a complete presentation on the first call. Such a presentation should include literature, specifications, samples if possible and all the price, delivery and quality-control data the buyer may need to evaluate your company's capabilities against his current sources.

Many buyers maintain files on their suppliers. You will create a favourable impression if, at the time of your first visit, you provide a résumé which includes the following:

- your (company) name, address and telephone number
- name, address and telephone number of your local representative (if you have one)
- the year the firm was established
- number of employees
- size of plant
- geographical location of the plant
- principal products
- a description of the production facilities and procedures
- available transportation facilities
- approximate volume of annual sales
- a financial statement and credit rating
- a list of customers you consider representative.

Before your visit to the territory, we suggest you write to the Canadian Consulate General, Commercial Division, One Marine Midland Center, Suite 3550, Buffalo, NY, 14203, to obtain preliminary information on local opportunities. Your letter should contain the following information:

- a summary of your past experience, if any, in this market
- the channel of distribution you wish to pursue
- prices, in U.S. dollars f.o.b. factory, but particularly c.i.f. Buffalo or an American port of entry
- delivery scheduling from date of receipt of order
- warranty offered
- rate of commission to a manufacturer's representative or percentage discount structure for a distributor.

The Commercial Division of the Canadian Consulate General in Buffalo functions as the liaison between Canadian and local U.S. business and industry. It actively seeks business opportunities for Canada in its territory and relays pertinent information to interested and capable Canadian companies. Potential buyers and sellers are introduced, and guidance is provided to either as required. Market surveys of reasonable proportions are conducted on behalf of Canadian firms and recommendations are made concerning marketing alternatives.

Reciprocal Visits

Many buying organizations visit a new vendor's facilities personally before making long-term commitments. If the buyer does not come as a matter of course, it is good sales strategy to invite him or her.

Following up the Initial Call

United States buyers expect to be visited by suppliers more frequently than their Canadian counterparts. Such calls may be made as often as every two weeks during specific periods of the buyer year. Although small Canadian companies may lack the necessary sales force, the problem can be overcome by appointing a manufacturer's representative or selling through brokers, jobbers or distributors, as warranted.

Price Quotations

The price quotation should compare in format to quotations from United States sources. Quotations, unless otherwise requested, should be submitted in U.S. funds on a laid-down basis, buyer's warehouse, factory or an American port of entry, or on f.o.b. Canadian plant basis exclusive of Canadian sales and excise taxes. The landed price should include transportation charges, U.S. customs duties if applicable, brokerage fees, and insurance. Buyers cannot be expected to understand customs duties or other matters peculiar to international transactions. That is the sole responsibility of the Canadian exporter and a "cost" of international business.

It is important to remember that U.S. buyers often work to tighter purchasing deadlines and target prices and, therefore, accept the first bid as final. As a result, Canadian exporters may not be granted the same opportunities for re-negotiating initial quotations as they have been accustomed to in Canada.

The Manufacturer's Representative

American businessmen rely much more on commission agents or manufacturers' representatives than do Canadian firms. The better "reps" are highly qualified by

education, training and experience. They know their customers and visit the buyers, engineering, design and quality-control personnel on a regular basis. The advantages of this marketing technique are economy, closer (sometimes social) contact with buyers, and representation near the source of possible problems. The Canadian Consulate General in Buffalo keeps ongoing files on most manufacturers' representatives operating in its market territory and can often make useful suggestions to Canadian firms seeking such services.

Delivery

Delivery must be exactly to customers' specifications, which you will find are as rigid as any in the world. Many U.S. plants work on inventories as short as one or two days, and could be shut down by a delay of a few hours. Failure to adhere to rigid delivery schedules is one of the surest ways of losing a U.S. client.

IV. YOUR BUSINESS VISIT TO BUFFALO

Advise and Consult the Trade Commissioner

When planning your first business visit to Buffalo, advise the Consulate General well in advance of your arrival. Inform the staff of the objective of your visit and forward several copies of your product brochures. It is extremely helpful if you work out the c.i.f. prices on at least a part of your product range. You should also list any contact you may already have made with the local business community. With this information, the commercial staff will be pleased to arrange a tentative itinerary and make appointments which you can confirm on arrival. (It is recommended that you arrange for hotel reservations through your travel agent.) The Maple Leaf Room of the Consulate General is available for product displays and in-office shows. Hours of the Consulate General are 8:30 a.m. to 4:30 p.m., Monday to Friday.

When to Go

The best time to visit Buffalo is during the spring and fall. Avoid the Christmas-New Year holiday period and the July-August vacation period.

How to Get There

Airlines

Eastern and U.S. Air are the only airlines to fly into Buffalo from Canada. From Syracuse, U.S. Air and Eastern fly to Rochester, and then on to Toronto or Montreal.

Buses

Greyhound Bus Lines maintains routes to the major cities in Upstate New York from major Canadian cities.

Where to Stay

The Consulate will be pleased to recommend suitable hotels or motels in our territory. Please refer to "Useful Addresses" for the names and addresses of some of the better hotels and motels in our area.

V. SERVICES FOR EXPORTERS

Banking

There are no Canadian banks with representatives in Upstate New York, but the branches of Canadian banks in Fort Erie and Niagara Falls, Ontario, are in constant contact with their counterparts on the American side of the Niagara frontier. In addition, the international divisions of the Canadian banks in Montreal and Toronto are in a position to assist exporters.

Please refer to the "Useful Addresses" section for a listing of prominent upstate banks and customs brokers serving this market territory.

Patents, Trademarks and Copyrights

An information booklet entitled *General Information*Concerning Patents is available from the Superintendent
of Documents, U.S. Government Printing Office,
Washington, DC. 20302, at a cost of 20 cents.

Patents

All business concerning patents should be transacted in writing with the Commissioner of Patents, U.S. Patent Office, Washington, DC 20231.

U.S. patent laws make no reference to the citizenship of an inventor although, with some exceptions, it is the inventor who must make application for patent and sign related papers.

Most inventors use the services of patent attorneys or patent agents. The U.S. Patent Office cannot specifically recommend attorneys or agents but does publish the names of those who are willing to accept new clients. They are listed by state, city and foreign country.

Trademarks

A trademark relates to the name or symbol used in trade to indicate the source or origin of goods. Trademark rights will prevent others from using the same name or symbol on identical goods, but do not prevent anyone from making similar goods without the trademark.

The procedure for registering trademarks is given, along with other general information on trademarks, in a pamphlet entitled *General Information Concerning Trademarks*. It can be obtained from the U.S. Patent Office in Washington, DC 20231.

Copyright

The copyright protects the writings of an author against plagiarism. The copyright law also protects literary, dramatic, musical and artistic works and, in some instances, also confers performing and recording rights. The copyright shields the forms of expression rather than the subject matter.

(Note: Copyrights are registered in the Copyright Office in the Library of Congress: the Patent Office has nothing whatsoever to do with them. Relevant information may be obtained from: Register of Copyrights, Library of Congress, Washington, DC 20540.)

Licensing and Joint Ventures

If you wish to market a patented invention or product in the United States, either under a joint licensing agreement or other arrangement, the Canadian Consulate General in Buffalo can help you choose a firm specializing in patent and marketing services.

Commercial Disputes

In the event of disputes, a Canadian firm can seek advice from the Canadian Council, International Chamber of Commerce, c/o The Canadian Chamber of Commerce, 1080 Beaver Hall Hill, Montréal (Québec) H2Z 1T2.

VI. CUSTOMS REGULATIONS AND DOCUMENTATION

U.S. Exports to Canada

Enquiries concerning the importation of U.S. products into Canada should be referred to the United States Embassy, 100 Wellington Street, Ottawa or the U.S. Consulate or Consulate General in Vancouver, Calgary, Winnipeg, Toronto, Montreal, Quebec, Saint John, Halifax or St. John's.

Canadian Export Documents

Canadian exports to the United States, including returned American merchandise, should be accompanied by Canada Customs export from B-13. Canada Customs normally requires three copies at the time of exportation, one of which is returned to the exporter. It should be noted that Canada Customs have a monthly summary reporting system available to large volume exporters. Further information on the summary reporting system as well as supplies of B-13 forms may be obtained from Canada Customs.

U.S. Customs and Market Access Information

To enjoy success in the United States market, a Canadian exporter requires market access information on Customs documentation, tariff classification, and value for duty and rates of duty, as well as on the many other U.S. laws affecting imports such as food and drugs, consumer product safety, environmental protection, etc.

Accordingly, Canadian exporters of products destined for the U.S. are strongly urged to obtain such market access information from:

United States Tariff Affairs Division (TWT) Department of External Affairs 235 Queen Street Ottawa, Ontario K1A 0H5 Tel: (613) 996-5471

The Division contacts U.S. Customs and other agencies on behalf of Canadian exporters and, over the years, has developed an in-depth knowledge of the interpretation and implementation of U.S. tariffs and regulations related to access for imports into the U.S. market.

The Division can also provide Canadian exporters with information and assistance regarding: labelling of food, drug, cosmetic and alcohol products; customs penalty assessments; antidumping and countervail issues; customs valuation; consumer product safety standards, and other questions related to U.S. market access.

U.S. Customs Tariff Classification, Documentation and Regulations

Request for a Binding Tariff Classification Ruling

The Tariff Affairs Division can obtain a binding tariff classification ruling from the U.S. Customs Service on behalf of a Canadian exporter for a prospective transaction (i.e. articles which have not yet been exported to the U.S. and are not currently, nor have been previously, under consideration by the U.S. Customs Service). Such ruling is considered "binding" inasmuch as it will be honoured at all U.S. Customs ports of entry and thereby ensures that the exporter will receive uniformity in tariff treatment regardless of which U.S. port of entry is used.

To obtain such a ruling, the following information is required:

- a written request signed by a person who has a direct and demonstrable interest in the question, confirming that the merchandise or subjet of the request has not been previously, nor is currently, under consideration by the U.S. Customs Service;
- 2) a full and complete description of the article;
- indication of the article's chief use in the United States:

- the commercial, common or technical designation of the article;
- where the article is composed of two or more materials, the relative quantity (by weight and by volume) and the value of each;
- 6) textile materials and articles should be identified as in (5) and should include the method of construction (such as knit or woven), the fibres present and, if wearing apparel, by whom it is designed to be worn (e.g. child, man or woman);
- chemical products should be identified by their specifications and chemical analysis and a sample should be submitted for U.S. Customs use;
- 8) generally, a sample and descriptive literature of the article in question should be submitted. Where a sample is not practical, a photograph, drawing or other pictorial representation of the article should be submitted. Failure to supply all of this data will only result in delays and confusion for the exporter.

NOTE:

- a) Samples are not usually returned by U.S. Customs since they properly form part of their file. If return of the sample is desired, it can be requested.
- Privileged or confidential information should be clearly marked, with an explanation as to why it is considered confidential.

Assistance with a Request for Internal Advice

U.S. Customs regulations provide that questions arising in connection with current or completed transactions should be resolved by means of the *Internal Advice Procedure* at the port where entry was made. A request for internal advice can be filed by either the importer or his customs broker. The U.S. Customs field office will review the request and notify the importer of any points with which they do not agree.

The Tariff Affairs Division can provide valuable assistance and suggestions regarding points of law and previously established customs practice which may support the importer's request for internal advice.

Submissions to the Tariff Affairs Division should contain:

 copies of all documents related to the entry of the merchandise to which the request refers, including those issued by U.S. Customs;

 a statement of all facts relative to the transaction and generally following the outline of a request for a

binding tariff classification ruling.

The Customs Service may, at its discretion, refuse to consider a request for internal advice if in their opinion there is a clear and definitive Customs precedent which supports their position. If the importer is validly not in agreement with this position he may, within 90 days after liquidation of the entry, file a request with U.S. Customs for a *Protest Review*.

Assistance with a Request for Protest Review

On issues where a request for protest review is to be undertaken, the Tariff Affairs Division can assist the importer and his broker in preparing the request by providing advice and suggestions on what information can be used to support the importer's case.

In order for this assistance to be effective, this Division must be furnished with all information regarding what has taken place. Such information should include the following:

 all information as listed for a binding tariff classification ruling request;

2) a copy of the Customs entry under protest;

 all correspondence (no matter how trivial) between the importer, broker and the U.S. Customs authorities regarding the subject under protest.

In those particular cases where a protest review is to be requested because an importer's request for internal advice in denied by the U.S. Customs Service, as previously outlined, the following additional information should be submitted to the Tariff Affairs Division:

 a copy of the U.S. Customs refusal to consider the Internal Advice Request;

 a copy of the Request for Internal Advice, including all supporting documents, and information as outlined for a request for internal advice assistance.

Entry at Customs

Goods may be entered for consumption or entered for warehouse at the port of arrival in the United States, or they may be transported in bond to another port of entry and entered there under the same conditions as at the port of arrival.

For such transportation in bond to an interior port, an immediate transportation entry (I.T.) must be filled out at the port of arrival by either the consignee, the carrier. the U.S. custom house broker or any other person having a sufficient interest in the goods for that purpose. In cases where the Canadian exporter assumes responsibility for entering the goods through U.S. Customs, he may find that there are advantages in having shipments entered for consumption at the nearest or most convenient port of arrival. In this way he can remain in close touch with the broker and U.S. Customs at that port of entry. However, where the U.S. purchaser intends making his own entries it may be more convenient to have the goods transported in bond from the port of arrival to the interior port nearest the importer.

Who May Enter Goods

Goods may be entered by the consignee, his authorized employees or his agent. The only agents who can act for importers in customs matters are licensed U.S. customhouse brokers. They prepare and file the necessary customs entries, arrange for payment of duties and release of goods, and otherwise represent their principals in customs matters.

Goods may be entered by the consignee named in the bill of lading under which they are shipped or by the holder of a bill of lading properly endorsed by the consignee. When the goods are consigned "to order", they may be entered by the holder of the bill of lading properly endorsed by the consignor. An air waybill may be used for merchandise arriving by air. In most instances, entry is made by a person or firm certified by the carrier to be the owner of the goods for customs purposes. When goods are not imported by a common carrier, possession of the goods at the time of arrival in the United States is sufficient evidence of the right to make entry.

Entry of goods may be made by a non-resident individual or partnership, or a foreign corporation through an agent or representative of the exporter in the United States, a member of the partnership, or an officer of the corporation. The surety on any customs bond required from a non-resident individual or organization must be incorporated in the United States. In addition, a Canadian corporation in whose name merchandise is entered must have a resident agent authorized to accept service of process in its behalf in the state where the port of entry is located.

In general, to facilitate customs clearance it is advisable to contact a licenced U.S. customhouse broker who will outline the service he can provide, together with particulars on brokerage fees and other related matters.

Documentation

Normally the only documents required when shipping to the United States are a bill of lading or air waybill, a special U.S. Customs invoice 5515 and a commercial invoice. The use of a typewriter in preparing documents is preferred; in any case, they should be legible.

Note: Do not use red ink to fill out documents.

Bill of Lading or Air Waybill

Normally a bill of lading or air waybill for Canadian shipments is required by U.S. Customs authorities. In lieu of the bill of lading or air waybill, the shipping receipt may be accepted if customs is satisfied that no bill of lading or air waybill has been issued. Entry and release of merchandise may be permitted without the bill of lading or air waybill if satisfactory bond is given in a sum equal to one and one-half times the invoice value of the merchandise. A carrier's certificate or duplicate bill of lading or air waybill may, in certain circumstances, be acceptable.

Invoice

Shipments in excess of \$500 and subject to an ad valorem rate of duty, conditionally free of duty or subject to duty depending in some manner upon its value, should be accompanied at entry by a U.S. special customs invoice form 5515 and a commercial invoice. However, copies of the commercial invoice are

sufficient for shipments with an aggregate value not exceeding \$500, duty-free shipments or shipments of articles subject to specific rates of duty.

Completion of Form 5515

U.S. Customs forms 5515 are available free of charge from U.S. consular offices in Canada or can be obtained from commercial stationers. While only one copy is required by U.S. Customs, it is usual to forward three: one for the use of U.S. Customs when the goods are examined, one to accompany the entry and one for the U.S. customhouse broker's file. District directors of U.S. Customs are authorized to waive production of special and commercial invoices if satisfied that the importer, because of conditions beyond his control, cannot furnish a complete and accurate invoice; or that the examination of merchandise, final determination of duties and collection of statistics can properly be made without the production of such an invoice. In these cases, the importer must file the following documents:

- any invoice or invoices received from the seller or shipper;
- a statement pointing out in exact detail any inaccuracies, omissions or other defects in such invoice or invoices;
- 3) a properly executed pro forma invoice;
- any other information required for classification or appraisement or for statistical purposes.

Special information with respect to certain classes of goods is sometimes required when either the customs or commercial invoice does not give sufficient information to permit classification and appraisal.

Packing List

U.S. Customs authorities require three copies of a detailed packing list. This should indicate what is in each box, barrel or package in the shipment. If the shipment is uniformly packed, this can be stated on the invoice indicating how many items are in each container.

Payment of Duties

There is no provision for prepayment of duties in Canada before exportation to the United States, but it is feasible for the Canadian exporter to arrange payment

by a U.S. customhouse broker or other agent and thus be able to offer his goods to U.S. buyers at a duty-paid price.

Liability for payment of duty usually becomes fixed at the time an entry for consumption or for warehouse is filed with U.S. Customs. The liability is fixed, but not the amount of duty, which is only estimated at the time of the original entry. When the entry are liquidated, the final rate and amount of duty are ascertained. Obligation for payment is upon the person or firm in whose name the entry is filed.

Temporary Free Importation

Certain articles not imported for sale, or for sale on approval, may be admitted into the United States under bond without the payment of duty. Generally, the amount of the bond is double the estimated duties.

Such articles must in most cases be exported within one year from the date of importation. Upon application to the district or port director, this period may be extended for further periods which, when added to the initial one year, are not to exceed a total of three years.

Such articles may include the following:

- articles for repair, alterations or processing (not manufacture):
- models of women's wearing apparel by manufacturers;
- articles for use as models by illustrators and photographers solely for illustrating;
- samples for order taking;
- articles for examination and reproduction (except photo-engraved printing plates for examination and reproduction);
- motion picture advertising films;
- articles for testing, experimental or review purposes (plans specifications, drawings, blueprints, photographs for use in study or for experimental purposes may be included). In the case of such articles, satisfactory proof of destruction as a result of the tests, with the production of a proper affidavit of destruction will relieve the obligation of exportation:
- automobiles, motorcycles, bicycles, airplanes, airships, balloons, boats, racing shells, and similar vehicles and craft and related equipment by nonresidents for taking part in races or other specific contests;

 locomotives and other railroad equipment for use in clearing obstructions, fighting fires, or making emergency railroad repairs in the United States;

 containers for compressed gases and other containers and articles for covering or holding merchandise during transportation and suitable for

such re-use;

 professional equipment, tools of trade, repair components for equipment or tools admitted under this item, and camping equipment imported by or for non-residents sojourning temporarily in the United States and for use by such non-residents;

articles of special design for temporary use exclusively in the production of articles for export;

animals and poultry for breeding, exhibition, or competition for prizes;

 theatrical scenery, properties and apparel for use by arriving proprietors or managers of theatrical

exhibitions;

- works of art, photographs, philosophical and scientific apparatus brought into the U.S. by professional artists, lecturers or scientists arriving from abroad for use by them in the exhibition and promotion of art, science or industry in the United States;
- automobiles, automobile chassis, automobile bodies
 finished, unfinished or cutaway when intended solely for show purposes. The temporary importation bond in the case of these articles is limited to six months, with no right of extension.

Commercial Travellers - Samples

Samples accompanying a commercial traveller may be admitted and entered on the importer's baggage declaration. In such cases, an adequate descriptive list or a U.S. special customs invoice must be provided. The personal bond of the commercial traveller is usually accepted to guarantee the timely exportation of the samples under U.S. customs supervision. Penalty for failure to export the samples entails loss of the privilege on future trips.

U.S. Anti-Dumping and Countervail Statutes

Due to the complexity of these statutes, exporters are encouraged to contact the Office of United States Relations of the Dept. of External Affairs for answers to any specific questions.

The U.S. Trade Agreements Act of 1979, was enacted into law on July 26, 1979, and encompasses those changes to the current United States anti-dumping and countervailing duty law necessary for the implementation of the international agreements negotiated in the Multilateral Trade Negotiations (Tokyo round) of the General Agreement of Tariffs and Trade (GATT).

Anti-Dumping

If a U.S. company has reason to believe that a product is being sold in the U.S. at a price lower than the price at which it is sold in its home market, an anti-dumping complaint may be filed with the U.S. Commerce Department. The anti-dumping petition must contain information to support the dumping allegations, along with evidence of injury suffered by the U.S. industry affected.

A U.S. anti-dumping investigation must be conducted within specified time frames:

- 1) Within 20 days of receipt of an anti-dumping petition, the Secretary of Commerce must decide whether or not to initiate an investigation. If it is determined that a petition does not properly establish the basis on which anti-dumping duties may be imposed, the proceeding is terminated. If the Secretary of Commerce determines that the petition contains sufficient information supporting the allegations, a full-scale investigation is initiated.
- 2) Within 45 days from the date a petition was filed, the International Trade Commission (ITC) must determine if there is a reasonable indication of injury. If the decision is negative, the case is terminated.
- 3) In general, within 160 days after the date on which a petition is filed, the Secretary of Commerce makes a preliminary determination of dumping. If the preliminary determination is affirmative, suspension of liquidation of all entries of merchandise subject to the determination is ordered, and provisional duty in the form of a cash deposit or bond is required for the entry of the merchandise concerned, equal to the estimated amount by which the foreign market value exceeds the United States price.
- 4) Within 75 days of the preliminary determination, a final determination by the Secretary of Commerce of sales at less than fair value will be due.

- 5) Following an affirmative preliminary decision of sales at less than fair value, the ITC must make an injury determination within 120 days of the preliminary determination. If the ITC injury determination is negative, the case is terminated and any cash deposited is refunded and any bond posted is released. If the injury determination is affirmative, the Secretary of Commerce will publish an anti-dumping duty on the merchandise equal to the amount by which the home market value of the merchandise exceeds the price to the United States customer.
- 6) An anti-dumping duty order is subject to an automatic annual review, and requests for a review at any time will be entertained, provided changed circumstances are sufficient to warrant the review.

Countervail

Under the revised U.S. Countervailing Duty Statute, an additional duty may be imposed upon articles, whether or not dutiable, imported in the U.S., if any bounty or grant upon their manufacture, production or export has been made. However, all cases are subject to an injury determination by the ITC. The time frame for an investigation is similar to the time frame for an antidumping investigation. The decision on the subsidy by the Secretary of Commerce and the injury determination by the ITC may be appealed to the U.S. Court of International Trade.

In any difficulties arise with reference to this statute, it is suggested that exporters contact the Office of United States Relations of the Department of External Affairs as soon as possible.

Marking of Goods

Country of Origin Marking

Generally, all goods imported into the U.S. must be legibly and conspicuously marked in English to identify their country of origin to the ultimate purchaser in the United States.

The use of stickers or tags is permitted if they are used in such a manner as to be permanent, unless deliberately removed, until receipt by the ultimate purchaser.

Certain small instruments and utensils must be marked by die-stamping, cast-in-the-mould lettering, etching, or engraving, or by means of metal plates securely attached to the articles.

The U.S. Customs Service may exempt certain articles from this marking. In such cases, the container must be suitably marked.

Composition Marking

Any product containing woollen fibre (except carpets, rugs, mats and upholsteries, or articles made more than 20 years before importation) must be clearly marked: 1) to identify the manufacturer or the person marketing the product; 2) with a statement denoting in percentage terms the total fibre content of the product; and 3) with the maximum percent of the total weight of the product of any nonfibrous loading, filling or adulterating matter. If not suitably marked, an opportunity to mark under U.S. Customs supervision may be granted.

When the fabric contained in any product is imported, it is necessary to state the fabric's country of origin.

Fur products must be marked as to type (particular animal), country of origin and manufacturer's or marketer's name. In addition, where they are used or damaged; bleached, dyed or otherwise artificially coloured; or composed substantially of paws, tails, bellies or waste fur, they must be so marked.

Food Labelling

All imported foods, beverages, drugs, medical devices and cosmetics are subject to inspection by the United States Food and Drug Administration (FDA) at the time of entry into the U.S. The FDA is not authorized to approve or pass upon the legality of specific consignments before they arrive and are offered for entry into the U.S. However, the FDA is always willing to offer comments on proposed labels or answer other enquiries from importers and exporters. Advice on prospective food labels may also be obtained from the Office of United States Relations, Department of External Affairs in Ottawa.

Import Prohibition and Restrictions

In addition to goods prohibited entry by most countries in the world (such as obscene, immoral or seditious literature; narcotics, counterfeit currency or coins) certain commercial goods are also prohibited or restricted. Moreover, various types of merchandise must conform to laws enforced by government agencies other than the United States Customs Service. Fur products are also subject to the Endangered Species Act, and importation of certain fur skins would be prohibited.

Animals

Cattle, sheep, goats, swine and poultry should be accompanied by a certificate from a salaried veterinarian of the Canadian government to avoid delays in quarantine.

Wild animals and birds are prohibited from importation into the U.S. if captured, taken, shipped, possessed or exported contrary to laws of the foreign country of origin. In addition, no such animal or bird may be taken, purchased, sold or possessed contrary to the laws of any state, territory or possession of the United States.

Plants and Plant Products

Import permits issued by the U.S. Department of Agriculture are required. Regulations may restrict or prohibit importation.

Shipments of agricultural and vegetable seeds and screenings are detained pending the drawing and testing of samples. Such items are governed by the provisions of the Federal Seed Act of 1939 and regulations of the Agricultural Marketing Services, U.S. Department of Agriculture.

Postal Shipments

Parcels of aggregate value not exceeding five dollars (U.S.) may be admitted free of duty.

Commercial shipments valued at more than five dollars must include a commercial invoice and a customs declaration on the form provided by the Canadian Post Office and give an accurate description and value of the contents. The customs declaration must be securely attached to the package.

If the shipment comprises two or more packages, the one containing the commercial invoice should be marked "Invoice Enclosed"; other packages of the same shipment may be marked as "No. 2 of 3, Invoice Enclosed in Package No. 1".

A shipment in excess of \$500 aggregate value must include a U.S. special customs invoice (form 5515) and a commercial invoice. A shipment under \$250 aggregate value will be delivered to the addressee. Duties and delivery fees for each package are collected by the postman. Parcels containing bona fide gifts (excluding alcoholic beverages, tobacco products and perfumes to persons in the United States) will be passed free of duty provided the aggregate value received by one person on one day does not exceed \$25. No postal delivery fee will be charged. Such parcels should be marked as a gift and the value and contents indicated on the parcel.

American Goods Returned

U.S. products may be returned to the United States duty-free provided they have not been advanced in value or improved in condition while abroad.

Articles exported from the United States for repair or alterations abroad shall be subject to duty upon the value of the repairs or alterations. The term "repairs or alterations" means restoration, change, addition, renovation, cleaning or other treatment which does not destroy the identity of the article exported or create a new or different article. Any article of metal (except precious metal) manufactured in the United States, exported for further processing, and again returned to the United States for additional processing, is subject to a duty upon the value of processing outside the United States.

The cost or value of U.S. origin component parts exported abroad ready for use only in the assembly of foreign produced goods subsequently imported into the U.S., may be deducted from the value for duty provided the parts have not been subject to any further fabrication while abroad except operations incidental to the assembly process such as cleaning, lubricating and painting.

Special U.S. Customs procedural requirements must be followed upon the exportation and return of American goods. Details may be obtained from United States

import specialists at border points or from the Office of United States Relations, Department of External Affairs, Ottawa.

Duty on Containers

If used in shuttle service, the following types of containers may enter free of duty:

- U.S. containers and holders (including shooks and staves of U.S. production), when returned as boxes or barrels containing merchandise;
- foreign containers previously imported and duty paid, if any;
- containers of a type specified by the Secretary of the Treasury as instruments of international traffic.

One-trip containers are dutiable as part of the dutiable value of the goods.

VII. USEFUL ADDRESSES

Canadian Consulate General One Marine Midland Center Suite 3550 Buffalo, NY 14203 Tel.: (716) 852-1247 Telex: 009-1329 (DOMCAN-BUF) Canadian Government Travel Bureau One Marine Midland Center Suite 3550 Buffalo, NY 14203 Tel.: (716) 852-7369 Telex: 009-1329 (DOMCAN-BUF)

Transportation Companies

Truck Service

Canadian Freightway Eastern Ltd. (Consolidated Freightways) 877 Niagara Tonawanda, NY 14213 Tel.: (716) 695-3110

The Direct System 175 Katharine Buffalo NY 14210 Tel.: (716) 854-3101

Gottry Inc. 125 Milens Road Tonawanda, NY 14150 Tel.: (716) 849-8050

Kingsway Transport Limited 360 Woodward Avenue Tonawanda, NY 14217 Tel.: (716) 876-2239

Oneida Motor Freight Inc. 1394 Military Road Tonawanda, NY 14150 Tel.: (716) 873-5513 Roadway Express 383 Sawyer Avenue Tonawanda, NY Tel.: (716) 877-8775

Wallace Transport Ltd. 6650 Transit Road Williamsville, NY 14221 Tel.: (716) 634-7300

Colonial Consolidated
Express Inc.
566 Hopkins

Buffalo, NY Tel.: (716) 824-8585

McKinley Transport Ltd. 51 Peru Place Buffalo, NY 14206 Tel.: (716) 825-5110

Motorways Ontario Ltd. 81 Botsford Place Buffalo, NY 14216 Tel.: (716) 874-3321 Smith Transport (U.S.) Ltd. 151 Botsford Place Buffalo, NY 14216 Tel.: (716) 877-6922

Smith Transport (U.S.) Ltd. 112 Plum Street Syracuse, NY 13204 Tel.: (315) 422-8101

Maislin Brothers Transport Ltd.

4400 River Road Tonawanda, NY 14217 Tel.: (716) 874-4500

Maislin Brothers Transport Ltd.

900 Jefferson Road Rochester NY 14623 Tel.: (716) 442-9333

Overland Express Inc. 150 Milens Road Tonawanda, NY 14217 Tel.: (716) 877-1467

Rail Service

Canadian National Railway 1765 Niagara Street Buffalo, NY 14207 Tel.: (716) 875-6900

Norfolk & Western Railway

9705 Park Avenue Buffalo, NY Tel.: (716) 824-3260

Conrail

Penn Central Station Buffalo, NY 14212 Tel.: (716) 853-3449

Airline Service

U.S. Air Greater Buffalo International Airport Tel.: (716) 632-3000

U.S. Air One Mony Plaza Syracuse, NY Tel.: (315) 422-1121

U.S. Air Monroe County Airport Rochester, NY Tel.: (716) 546-4660 Prior Aviation Greater Buffalo International Airport Cheektowaga, NY Tel.: (716) 633-1000

American Airlines Greater Buffalo International Airport Tel.: (716) 856-4242

American Airlines Monroe County Airport Rochester, NY Tel.: (716) 546-4660 **Eastern Airlines** Greater Buffalo International Airport

Tel.: (716) 852-3170

Eastern Airlines Syracuse Hotel Syracuse, NY Tel.: (315) 472-5541

Eastern Airlines Monroe County Airport Rochester, NY Tel.: (716) 325-2840

Principal Banks

Liberty National Bank and Trust Co. 424 Main Street Buffalo, NY 14202 Tel.: (716) 854-4520

Manufacturers and Traders Trust Co.

One M & T Plaza Buffalo, NY 14202 Tel.: (716) 824-4200

Chase Manhattan Bank Ellicott Square Buffalo, NY Tel.: (716) 849-4631

Citibank 490 Main Street Buffalo, NY Tel.: (716) 849-2400

Chemical Bank 5 Niagara Square Buffalo, NY Tel.: (716) 852-5280

United Airlines Greater Buffalo International Airport Tel.: (716) 232-1550

American Airlines Hancock International Airport Syracuse, NY Tel.: (315) 474-3311

The Bank of New York 284 Main Street Buffalo, NY Tel.: (716) 847-7851

Marine Midland Bank One Marine Midland Center Buffalo, NY 14203 Tel.: (716) 843-2424

Marine Midland Bank 19 Main Street West Rochester NY 14614 Tel.: (716) 428-3700

Lincoln National Bank & Trust Company of **New York** One Mony Plaza

Syracuse, NY Tel.: (315) 473-3600

Marine Midland Bank 344 South Warren Syracuse, NY 13202 Tel.: (315) 473-4000

Customs Brokers

C.J. Tower & Sons 128 Dearborn Buffalo, NY 14207 Tel.: (716) 874-1300

John V. Carr & Son Inc. 631 Niagara Street Buffalo, NY 14201 Tel.: (716) 881-6550

W.R. Filbin Co. Inc. 901 Fuhrman Boulevard Buffalo, NY Tel.: (716) 842-0901

Customshouse Broker Maple View Oswego, NY Tel.: (607) 963-7071

F.W. Myers & Co. Inc. 100 South Elmwood Buffalo, NY (Myers Building Rousse's Point, NY 12979 Tel.: (518) 297-2222, Home Office)

Hotels and Motels

Holiday Inn (Downtown) 620 Delaware Avenue Buffalo, NY 14202 Tel.: (716) 886-2121

Holiday Inn (Block from Airport)

4600 Genesee Street Cheektowaga, NY Tel.: (716) 634-6969

Buffalo Hilton Hotel 120 Church Street Buffalo, NY Tel.: (716) 845-5100 Associated Customs House Brokers 36 West Main Street Rochester, NY Tel.: (716) 546-1645

E.D. Dillingham, Inc.
Ogdensburg Bridge and
Port Authority Building
Administration Building
Ogdensburg, NY 13669
Tel.: (315) 393-1830

and at Thousand Island Bridge Alexandria Bay Tel.: (315) 482-2231

The Charter House Motor Hotel

(Suburban Buffalo) 6643 Transit Road Williamsville, NY 14221 Tel.: (716) 634-2700

Marriott Inn Thruway Exit 46 Route 15 5257 West Henrietta Road Rochester, NY Tel.: (716) 359-1800 Genesee Plaza 120 Main Street East Rochester, NY 14604 Tel.: (716) 546-6400

Syracuse Airport Inn Hancock Airport Syracuse, NY Tel.: (315) 454-9362

The Executive Motor Inn 4243 Genesee Street Cheektowaga, NY 14225 Tel.: (716) 634-2300 Marriott Hotels Carrier Parkway East Syracuse, NY Tel.: (315) 432-0200

Hotel Syracuse
Hotel Syracuse Square
Syracuse NY 13202
Tel.: (315) 422-5121

REGIONAL CONTACTS

If you have not previously marketed abroad, contact any regional officer of the Department of External Affairs at the addresses listed below.

Newfoundland-Labrador

P.O. Box 64 Atlantic Place, Suite 702 215 Water Street St. John's, Newfoundland A1C 6C9

Tel: (709) 737-5511 Telex: 016-4749

Nova Scotia

Duke Tower, Suite 1124 5251 Duke Street Scotia Square Halifax, Nova Scotia B3J 1P3

Tel: (902) 426-7540 Telex: 019-21829

New Brunswick

440 King Street, Suite 642 Fredericton, New Brunswick E3B 5H8

Tel: (506) 452-3190 Telex: 014-46140

Prince Edward Island

P.O. Box 2289
Dominion Building
97 Queen Street
Charlottetown, Prince
Edward Island
C1A 8C1

Tel: (902) 892-1211 Telex: 014-44129

Québec

C.P. 1270, Succursale B 685, rue Cathcart, pièce 512 Montréal (Québec) H3B 3K9 Tel: (514) 283-6254

Telex: 055-60768

2, Place Québec, pièce 620 Québec (Québec) G1R 2B5 Tel: (418) 694-4726 Telex: 051-3312

Ontario

P.O. Box 98 1 First Canadian Place, Suite 4840 Toronto, Ontario M5X 1B1

Tel: (416) 369-4951 Telex: 065-24378

Manitoba

Manulife House, Suite 507 386 Broadway Avenue Winnipeg, Manitoba R3C 3R6 Tel: (204) 949-2381 Telex: 075-7624

Saskatchewan 2002 Victoria Avenue, Room 980 Regina, Saskatchewan S4P 0R7

Tel: (306) 359-5020

Telex: 071-2745

Alberta-Northwest Territories Cornerpoint Building, Suite 505

10179 105th Street Edmonton, Alberta T5J 3S3

Tel: (403) 420-2944 Telex: 037-2762 British Columbia-Yukon

P.O. Box 49178
Bentall Centre, Tower III,
Suite 2743

595 Burrard Street Vancouver, British Columbia

V7X 1K8 Tel: (604) 666-1434

Telex: 04-51191

APPENDIX I

Counties in Upstate New York

Chataugua
Cattaraugus
Erie
Niagara
Orleans
Genesee
Wyoming
Allegany
Livington
Monroe
Broome
Cortland
Onondaga
Oswego

Jefferson St. Lawrence Lewis

Oneida Madison Chenango Wayne Ontario Yates Steuben Chemung Schuvler Seneca Cayuga Tioga Delaware Otsego Herkimer Montgomery Fulton Hamilton Essex Franklin Clinton **Tompkins**

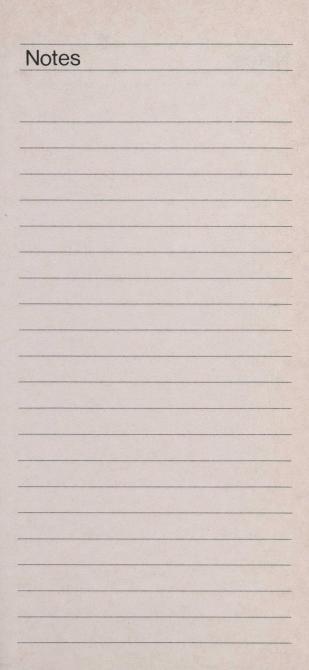
APPENDIX II

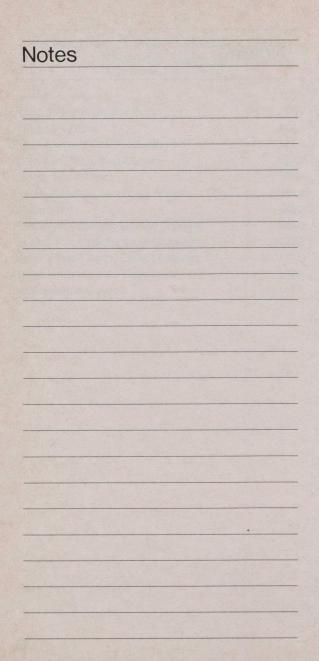
Canadian Exports to New York State 1981 — (Canadian \$ millions)

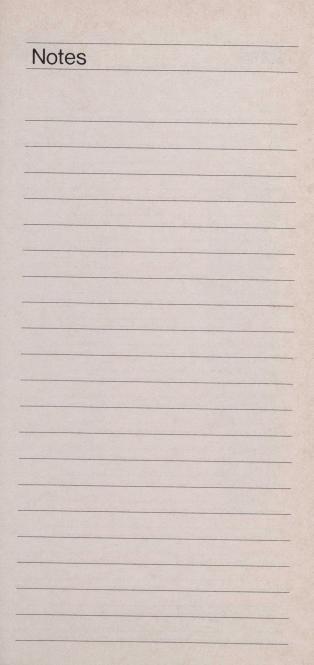
Live Animals	45.0
	15.8
Food, Feed, Beverages and Tobacco	268.4
Crude Materials, Inedible	275.0
Fabricated Materials, Inedible	4,083.7
End Products, Inedible	
Industrial Machinery	133.6
Agricultural Machinery and Tractors	15.5
Transportation Equipment	1,243.0
Other Equipment and Tools	402.8
Personal and Household Goods	104.1
Miscellaneous End Products	616.1
Total End Products, Inedible *	2,515.1
Special Transactions Trade	5.9
Total Domestic Exports	7,163.8

Breakdown of Main Canadian Exports to New York State, 1981 (Canadian \$ millions)

Lumber, Softwood	108.1
Wood Pulp and Similar Pulp	235.7
Newsprint Paper	492.1
Petroleum and Coal Products	371.6
Aluminum, Including Alloys	493.7
Copper and Alloys	107.4
Precious Metals, Including Alloys	1,068.4
Electricity	436.2
Passenger Automobiles and Chassis	585.0
Trucks, Truck Tractors and Chassis	299.2
Motor Vehicle Parts, Except Engines	177.6
Office Machines and Equipment	176.4
Photographic Goods	142.7







Notes

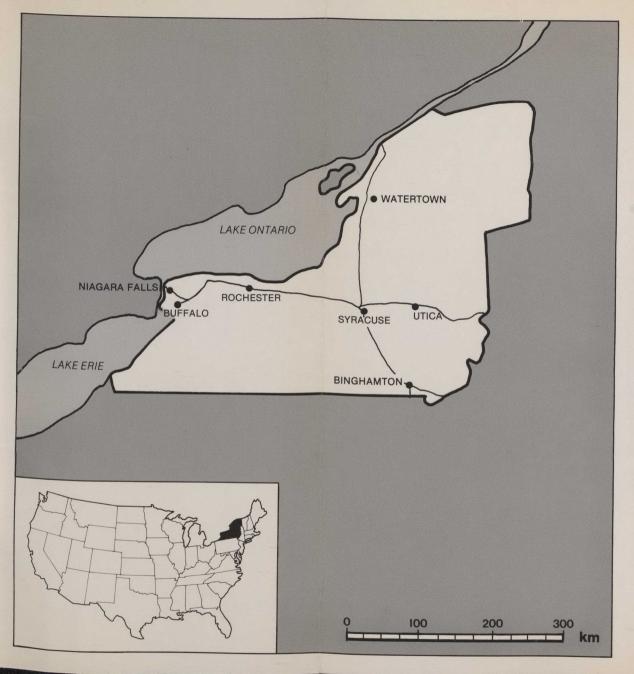


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Storage HF 1010 .G85U68 1982 STORAGE United States (Upstate New York), a guide for Canadian exporters. --15234105

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External Affairs Canada Affaires extérieures Canada

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