



Understanding U.S. Customs & FDA Requirements

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LUND & PULLARA, INC

U.S. Customs Brokers and International Freight Forwarders

Our Company: A Brief Background

- Lund & Pullara Inc. was incorporated in 1964
- Known for its' knowledgeable staff and excellent customer service
- Located in southeast Florida
- Handle import and export shipments anywhere in the continental United States
- Lisa Lynn, Certified Customs Specialist
- Licensed Customs Broker since 1995
- President and part owner of Lund & Pullara Inc.



Do You Have What it Takes?

Two government agencies you need to satisfy when importing prepared food products:

- U.S. Customs & Border Protection
- U.S. Food and Drug Administration

Do You Have What it Takes?

- Selling your prepared food products in the United States is possible!
- Exceptions and special regulations for certain commodities

Always best to check directly with:

- U.S. Customs at the port where your products will be shipped
- Licensed Customs Broker
- Import consulting firm that specializes in your products

Take Your Time!

- The “set up” may take some time and effort
- Do your due diligence to learn the regulations
- Apply for necessary registrations
- Will reduce chances of having any problems and possible refusal of entry into the United States.



U.S. Customs Requirements

- U.S. Customs – Besides having their own regulations and procedures, U.S. Customs & Border Protection is the main “watch dog” for all the other government agencies

Marking Requirements



- Goods must clearly state “Product of Trinidad”
- Label of the bottle/jar/can
- Boxes they are loaded in
- If the product is **NOT** made in Trinidad
- Must state in which country it was manufactured
- <https://www.cbp.gov/trade/rulings/informed-compliance-publications/markings-country-origin-us-imports>

Shippers Invoice Requirements

- Must be in English
- Full name/address of the manufacturer and the seller
- Full name/address of buyer of the goods in the USA
- Complete description of the goods being shipped
- Number of boxes and number of items per box
- Net and gross weight in kilos
- Value of each item in U.S. Dollars
- Country of manufacture

COMMERCIAL INVOICE 42967307001025000

SHIPPER/EXPORTER ABC FOOD SELLERS 2121 ENTERPRISE STREET PORT OF SPAIN, TRINIDAD					DATE	INVOICE No.	CONTAINER NUMBER				
					10/18/2021	123	TRLU1234567				
					COUNTRY OF EXPORT		BILL OF LADING/SEAWAY BILL				
					TRINIDAD		MEDU T123456				
CONSIGNEE/IMPORTER XYZ FOOD IMPORTERS 12345 TASTY LANE WEST PALM BEACH, FL 33406 PH: 340-473-7590					PORT OF LOADING		PORT OF UNLOADING				
					PORT OF SPAIN		MIAMI				
					FINAL DESTINATION		SEAL NO. CONTAINER				
					WEST PALM BEACH, FL		TRLU1234567				
NOTIFY PARTY/INTERMEDIATE CONSIGNEE LUND & PULLARA INC 1305 N PERIMETER RD WEST PALM BEACH, FL 3406 PH 561-683-0311 FX 561-842-9836					PALLETS		4				
					QTY		PIECES	LENGTH	DIM	No. Pallets	DESCRIPTION
					40 CTNS					4	HOT PEPPER SAUCE 24 X 300 ML
									GROSS WEIGHT 178 KGS, NET WEIGHT 160 KGS		
		PRICE	US\$ 1,000.00								
PRODUCT OF TRINIDAD											

Great Selling Point! Duty-Free

- Do you qualify for Duty-Free Treatment

Two free trade programs that apply to Trinidad and Tobago:

- Caribbean Basin Economic Recovery Act (CBERA)
 - U.S. Harmonized Tariff General Note 7
- United States-Caribbean Basin Trade Partnership Act of 2000 (CBTPA)
 - U.S. Harmonized Tariff General Note 17

Strict Guidelines

- 1. The article must:
- Imported directly from the “beneficiary” country (the country of manufacture)
- 2. The sum of the cost of materials produced in the “beneficiary” country – or two or more “beneficiary” countries, plus the direct costs of processing operations performed in a beneficiary country or countries is not less than 35 percent of the appraised value
- The direct cost of processing in another beneficiary country (United States, Puerto Rico, U.S. Virgin Islands) may not make up more than 15 percent of the appraised value of the goods when the goods are entered for clearance with U.S. Customs in the United States.
- Link to the U.S. Customs Harmonized Tariff Schedule
- <https://hts.usitc.gov/current>
- Look under the Section - General Notes; General Rules of Interpretation; General Statistical Notes

Examples

- Total appraised value \$100.00
- Direct cost of processing \$25.00 *
- Cost of materials made \$75.00 *
in Trinidad & Tobago
- Makes up at least 35% of the appraised value
- **Qualifies for duty free status**

Examples (cont'd)

- Total appraised value \$100.00
- Direct cost of processing in U.S. Virgin Islands \$15.00 *
- Cost of materials manufactured in Trinidad & Tobago \$85.00 *
- Makes up at least 35% of the appraised value
- Direct cost of processing in other qualifying beneficiary country is not more than 15%
- **Qualifies for duty free status**

Examples (cont'd)

- Total appraised value \$100.00
- Direct cost of processing in U.S. Virgin Islands \$20.00 *
- Cost of materials manufactured in Trinidad & Tobago \$80.00 *
- Makes up at least 35% of the appraised value
- Direct costs of processing in other qualifying beneficiary country is greater than 15%
- **DOES NOT qualify for duty free status**

Importer Security Filing

(this is for cargo shipping by ocean only)

- Must be transmitted electronically (via computer) to U.S. Customs at least 24 hours prior to loading on the ship
- Usually requires 10 data elements PLUS the AMS/ACE bill of lading number and SCAC (Carrier) code
- 1. Importer of Record Number
- 2. Consignee Number
- 3. Seller (Owner) name/address
- 4. Buyer (Owner) name/address
- 5. Ship to Party
- 6. Manufacturer (Supplier) name/address
- 7. Country of Origin
- 8. Commodity HTS-6
- 9. Container Stuffing Location
- 10. Consolidator (Stuffer) name/address

U.S. Food & Drug Administration

- U.S. Food & Drug Administration regulates food products

Definition of "Food":

- Articles used for food or drink for man or other animals; chewing gum; and articles used for components of any such articles

What do I need to be able to ship prepared food products into the United States?

U.S. Food & Drug Food Facility Registration Number

- If you manufacture produce, grow, hold, or pack food products
- Must obtain a Food & Drug Food Facility Registration Number before you can ship food products to the United States.
- Link to apply: <https://www.fda.gov/food/online-registration-food-facilities/food-facility-registration-user-guide-step-step-instructions>

U.S. Food & Drug Prior Notice

- The U.S. Food & Drug requires “Prior Notice” of any food products that will be shipped to the United States
- How much Advanced notice required varies by method of transport
- Can be done online - <https://www.fda.gov/food/importing-food-products-united-states/prior-notice-system-interface-pnsi-step-step-instructions-wizards>

“Special Stuff”

- Low Acid & Acidified Foods
- Definition of Low Acid & Acidified Foods
- A low-acid canned food (LACF) is any food (other than alcoholic beverages) with a finished equilibrium pH greater than 4.6 and a water activity greater than 0.85, excluding tomatoes and tomato products having a finished equilibrium pH less than 4.7.
- An acidified food (AF) is a low-acid food to which acid(s) or acid food(s) are added and which has a finished equilibrium pH of 4.6 or below and a water activity (a_w) greater than 0.85.
- Examples of low-acid and acidified foods:
 - Some chutneys
 - Canned food
 - Some condiments and sauces such as pepper sauce and some soy sauces

Low Acid & Acidified Foods (cont'd)

- The manufacturer must apply for a Food Canning Establishment Number and must file their manufacturing process with the U.S. Food & Drug Administration for approval for each item and size and get an SID number for each item
- Here is a link to some information about this topic:
- <https://www.fda.gov/food/guidance-documents-regulatory-information-topic-food-and-dietary-supplements/acidified-low-acid-canned-foods-guidance-documents-regulatory-information>

Import Alerts

- “Import alerts inform the FDA's field staff and the public that the agency has enough evidence to allow for Detention Without Physical Examination (DWPE) of products that appear to be in violation of the FDA's laws and regulations. These violations could be related to the product, manufacturer, shipper and/or other information. Before importing into the United States, importers should know if their products are subject to DWPE. DWPE allows the agency to detain a product without physically examining it at the time of entry”. (From the U.S. Food & Drug website)

Import Alerts (cont'd)

- If your product, product type and/or company is on the Import Alert list your product will automatically be detained in the United States and will not be released until you produce laboratory evidence to prove that your product does not violate a particular regulation.
- The violation may be due to unsanitary manufacturing process, the presence of salmonella or maybe even the use of an uncertified “color” in your product. Make sure you have up to date Color Certificates!
- Current Import Alerts for Trinidad and Tobago
- https://www.accessdata.fda.gov/cms_ia/country_TT.html
- More Information about Import Alerts
- <https://www.fda.gov/industry/actions-enforcement/import-alerts>

Nutritional Labeling

- The U.S. Food & Drug has strict guidelines for the appearance and required information for labeling
- It is important that the product is labeled correctly, or the product may be refused entry into the United States
- <https://www.fda.gov/food/food-labeling-nutrition>

Nutritional Labeling (cont'd)

- ** It is always a good practice to provide your customer with a copy of all labels on your product so some questions may be asked before your product is shipped **



SIDE-BY-SIDE COMPARISON

Original Label

Nutrition Facts	
Serving Size 2/3 cup (55g)	
Servings Per Container About 8	
Amount Per Serving	
Calories 230	Calories from Fat 72
% Daily Value*	
Total Fat 8g	12%
Saturated Fat 1g	5%
<i>Trans Fat</i> 0g	
Cholesterol 0mg	0%
Sodium 160mg	7%
Total Carbohydrate 37g	12%
Dietary Fiber 4g	16%
Sugars 1g	
Protein 3g	
Vitamin A	10%
Vitamin C	8%
Calcium	20%
Iron	45%
* Percent Daily Values are based on a diet of 2,000 calories. Your daily value may be higher or lower depending on your calorie needs.	
	Calories: 2,000 2,500
Total Fat	Less than 65g 80g
Sat Fat	Less than 20g 25g
Cholesterol	Less than 300mg 300mg
Sodium	Less than 2,400mg 2,400mg
Total Carbohydrate	300g 375g
Dietary Fiber	25g 30g

New Label

Nutrition Facts	
8 servings per container	
Serving size	2/3 cup (55g)
Amount per serving	
Calories	230
% Daily Value*	
Total Fat 8g	10%
Saturated Fat 1g	5%
<i>Trans Fat</i> 0g	
Cholesterol 0mg	0%
Sodium 160mg	7%
Total Carbohydrate 37g	13%
Dietary Fiber 4g	14%
Total Sugars 12g	
Includes 10g Added Sugars 20%	
Protein 3g	
Vitamin D 2mcg	10%
Calcium 260mg	20%
Iron 8mg	45%
Potassium 23.5mg	6%
* The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.	

Note: The images above are meant for illustrative purposes to show how the new Nutrition Facts label might look compared to the old label. Both labels represent fictional products. When the original hypothetical label was developed in 2014 (the image on the left-hand side), added sugars was not yet proposed so the "original" label shows 1g of sugar as an example. The image created for the "new" label (shown on the right-hand side) lists 12g total sugar and 10g added sugar to give an example of how added sugars would be broken out with a % Daily Value.



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