



The trend of importing consumer-ready, fresh cut flower bouquets, or assembling such articles upon importation for sale directly to retailers, has increased in recent years, making it necessary to address the marking of this particular commodity. This fact sheet discusses the country of origin marking requirements applicable to fresh cut flowers imported into the United States.

### General Requirements for Marking

All commodities imported into the United States must be marked with the country of origin. The country of origin is the country in which the commodity is manufactured, produced or grown. The purpose of marking is to inform the 'ultimate purchaser' in the United States of the country in which the imported article was made. The ultimate purchaser is generally the last person in the United States who will receive the article in the form in which it was imported. It is imperative that the marking be in a conspicuous place, as legibly, indelibly and permanently, as the nature of the article (or its container) will permit, and in such a manner as to indicate to the ultimate purchaser in the United States the English name of the country of origin of the article. (See 19 U.S.C. § 1304 and 19 CFR Part 134.)



### Reasons for Marking

- The consumer has a right to know.
- Allows the consumer to be selective about purchasing certain products made in certain countries.
- Allows CBP to maintain commodity statistics of import volumes.
- Allows U.S. manufacturers to analyze competition.
- Allows U.S. manufacturers and/or distributors of licensed commodities to track counterfeit goods.

Marking is required by law (19 U.S.C. § 1304 and 19 CFR § 134.11); however, there are exceptions to the rule. 19 CFR § 134.33 lists certain commodities which are excepted from individual country of origin marking. This list is known as the J-List. "Cut flowers" are excepted articles set forth on the J-List. Thus, if fresh cut flowers are imported in bulk and are not sold to retail customers in a pre-packaged outermost container, they are not required to be individually marked, but some marking is still required.

For any J-List article, for example cut flowers, which is imported in a container, the outermost container (shipping carton) in which the article ordinarily reaches the ultimate purchaser is required to be marked to indicate the origin of its contents. If an article on the J-List is repacked in a new container for sale to an ultimate purchaser after its release from CBP custody (for example, the fresh cut flowers are put together into bouquets), or if the Center of Excellence and Expertise (Center) director has reason to believe such article will be repacked after its release, the importer must certify to the Center director that:

- If the importer does the repacking, the new container will be marked to indicate the country of origin of the article according to the marking requirement.
- If the article is intended to be sold or transferred to a subsequent purchaser or repacker, the importer will notify such purchaser or transferee, in writing, at the time of sale or transfer, that any repacking of the article must conform to the aforementioned requirements.

In any instance in which the above scenarios may occur, the importer, or its authorized agent, must sign a statement certifying that the commodity was repacked in a new container while in the importer's possession, and the new container, unless excepted, must be marked in accordance with the requirements of 19 U.S.C. § 1304 and 19 CFR Part 134. Furthermore, the importer, or its authorized agent, must certify

that if the commodity is intended to be sold or transferred to a subsequent purchaser or repacker, the party will be notified in writing, at the time of sale or transfer, of the marking requirements.

The certification statement (example on right) may appear as a typed or stamped statement on an appropriate entry document or commercial invoice, or on a preprinted attachment to such entry or invoice; or it may be submitted in blanket form to cover all importations of a particular product for a given period (e.g., calendar year). If the blanket procedure is used, a certification must be filed with CBP, either at the port of entry or electronically.

### Advance Ruling Program

In order to help facilitate legitimate trade, CBP recommends requesting a binding advance ruling. Any person or business that plans to import a particular product into the United States may request a binding ruling from CBP. A ruling is a written decision in the form of a letter issued by Regulations and Rulings pursuant to 19 CFR Part 177 that informs the requester how CBP will treat a good or conveyance when it is imported into or arrives in the United States. In other words, the ruling letter may discuss the appropriate tariff classification, country of origin marking of the good, the country of origin for purposes of determining the duty rate of a good, etc., for a prospective shipment. The purpose of a ruling letter is to enable the trade to make business decisions that are dependent on how the goods will be treated upon importation. Once issued, a prospective ruling is something members of the trade can rely and depend on wherever the goods are imported into the United States.



Trade stakeholders are encouraged to submit ruling requests electronically via the Electronic Ruling (eRuling) Template, which is transmitted directly to the National Commodity Specialist Division (NCSN) in New York. Please visit <https://erulings.cbp.gov/s/> to start your request. To learn more about the requirements for filing a ruling request, please visit <https://www.cbp.gov/trade/rulings/eruling-requirements>.

### e-Allegations

If you suspect there are companies engaging in illicit trade activities and not abiding by the rules, you are encouraged to visit U.S. Customs and Border Protection's e-Allegations portal. The portal provides a means for the public to report to CBP any suspected violations of trade laws or regulations related to the importation of goods into the United States. These types of violations include misclassification of merchandise, false country of origin markings, health and safety issues, valuation issues, and counterfeiting. When filing an allegation, please be as specific, detailed, and concise as possible to help expedite the complaint. Please visit <https://eallegations.cbp.gov> to report the allegation.

**CERTIFICATE OF MARKING BY IMPORTER—  
REPAKED ARTICLES SUBJECT TO MARKING**

(Port of entry) \_\_\_\_\_

I, \_\_\_\_\_ of \_\_\_\_\_, certify that if the article(s) covered by this entry (entry no.(s) \_\_\_\_\_ dated \_\_\_\_\_), is (are) repacked in retail container(s) e.g., blister packs), while still in my possession, the new container(s) will not conceal or obscure the country of origin marking appearing on the article(s), or else the new container(s), unless excepted, shall be marked in a conspicuous place as legibly, indelibly, and permanently as the nature of the container(s) will permit, in such manner as to indicate the country of origin of the article(s) to the ultimate purchaser(s) in accordance with the requirements of 19 U.S.C. 1304 and 19 CFR part 134. I further certify that if the article(s) is (are) intended to be sold or transferred by me to a subsequent purchaser or repacker, I will notify such purchaser or transferee, in writing, at the time of sale or transfer, of the marking requirements.

Date \_\_\_\_\_

Importer \_\_\_\_\_

*Image of Certification of Marking by Importer Statement*

