

# U.S. CUSTOMS SERVICE

## USE OF "MADE IN" AND "ASSEMBLED IN" IN ONE COUNTRY OF ORIGIN MARKING

*Federal Register July 11, 1996*

---

STATEMENT AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: General notice.

SUMMARY: This notice advises the public of a general country of origin marking exceptions that will be granted by Customs, commencing August 5, 1996, for three months for imported foreign articles which reach the ultimate purchaser in the United States containing a marking with the words "Made in," "Product of," or words of similar meaning, such as "Knit in," along with the use of "Assembled in" in a single country of origin marking statement.

FOR FURTHER INFORMATION CONTACT: Monika Rice, Special Classification and Marking Branch, Office of Regulations and Rulings (202-482-6980).

SUPPLEMENTARY INFORMATION: Background

Section 304 of the Tariff Act of 1930, as amended (19 U.S.C. 1304), provides that, unless excepted, every article of foreign origin (or its container) imported into the U.S. shall be marked in a conspicuous place as legibly, indelibly, and permanently as the nature of the article (or its container) will permit, in such a manner as to indicate to the ultimate purchaser in the U.S. the English name of the country of origin of the article. Part 134, Customs Regulations (19 CFR Part 134), implements the country of origin marking requirements and exceptions of 19 U.S.C. 1304.

Customs previously has determined that the use of "Made in," "Product of," or words of similar meaning, such as "Knit in" (when the country of origin was the country in which an article was knit to shape), along with the use of the words "Assembled in" in a single country of origin marking statement, was acceptable for purposes of 19 U.S.C. 1304. These prior determinations were based upon Customs position that the words, "Assembled in" were not a country of origin marking indicator, except as provided for in 19 CFR 10.22 for articles eligible for subheading 9802.00.80, Harmonized Tariff Schedule of the United States (HTSUS), treatment. See Headquarters Ruling Letter (HRL) 087271 dated January 17, 1991, (the expressions "Made in China, Assembled in Hong Kong" or "Knit in China, Assembled in Hong Kong" were acceptable under 19 U.S.C. 1304 and 19 CFR 134.46 indicating that the country of origin of sweaters was China). But see HRL 733564 dated August 10, 1990 (the marking "Made in Canada" needed to be removed from hoses manufactured in Canada, after assembly with brass fittings in Mexico, as the country of origin of the assembled article was Mexico pursuant to 19 CFR 10.22 and the article could be marked "Assembled in Mexico").

Due to the confusion generated by 19 CFR 10.22 concerning when it is acceptable to use the words "Assembled in," in country of origin marking, this section, effective August 5, 1995, will be removed from the Customs Regulations as part of a final

document which principally implemented Annex 311 of the North American Free Trade Agreement (T.D. 96-48, 61 FR 28932, 28955, June 6, 1996). That final rule document also included an amendment to 19 CFR 134.43(e) to provide for the use of the phrases, "Assembled in (country of final assembly)," "Assembled in (country of final assembly) from components of (name of country or countries of origin of all components)," or "Made in, or product of, (country of final assembly)," as methods of marking an imported article when the country of origin of such article is determined to be the country in which it was finally assembled.

Accordingly, for all goods entered or withdrawn from warehouse for consumption on or after August 5, 1996, the country of origin indicator, "Assembled in," may be used for the marking of imported articles only when the country of origin of that article is determined to be the country in which the article was finally assembled. Whether or not the article is eligible for entry under subheading 9802.00.80, HTSUS, will not be relevant to the use of this marking. Furthermore, as a result of the amendment of 19 CFR 134.43(e), the terms "Made in" and "Assembled in" are always words of similar meaning, and it will no longer be acceptable to use "Made in," "Product of," or words of similar meaning, along with the words "Assembled in" in a single country of origin marking statement on articles of foreign origin imported into the United States. However, the marking statute and regulations allow for exceptions to the marking requirements under certain circumstances. One of these exceptions concerns articles that cannot be marked prior to, or after, importation except at an expense that would be economically prohibitive.

See 19 U.S.C. 1304(a)(3)(C) and (K), and 19 CFR 134.32(c) and (o). In consideration of: (1) the fact that the use of "Made in," "Product of," or words of similar meaning, along with the use of the words "Assembled in" in a single country of origin marking statement has been acceptable until the amendment of 19 CFR 134.43(e), and many articles or labels containing such statements may have already been made; (2) the expectation that many individual requests will be received for marking exceptions on the ground of economic prohibitiveness; and (3) the importance of providing uniform Customs treatment, Headquarters has made a general finding under these circumstances that it would be economically prohibitive to require the marking of imported foreign articles (either before or after importation) in compliance with 19 CFR 134.43(e), as amended, as of the effective date of the new regulations. This general marking exception shall be granted for all imported foreign articles marked "Made in," "Product of," or words of similar meaning, such as "Knit in," along with the use of the words "Assembled in" in a single country of origin marking statement, for a period not to exceed three (3) months from the effective date of 19 CFR 134.43(e), as amended, (i.e., no later than November 5, 1996), which Customs views as a reasonable period of time for the exhaustion of existing inventory. Please note that, if information is obtained that the above articles or labels were made after August 5, 1996, this general marking exception will not apply.

Dated: July 11, 1996  
Stuart P. Seidel  
Assistant Commissioner  
Office of Regulations and Rulings