

Prohibitions on Cuban Cigars (and more!)

The revival of interest in cigars and cigar smoking underscores the need to remind the public of the prohibitions that have been in place for many years with respect to cigars of Cuban origin. The number of attempted importations of Cuban cigars into the United States is rising and because dealing in such cigars may lead to Treasury enforcement actions, the public should be aware of — and make every effort to observe — the prohibitions which are in effect.

There is a total ban on the importation into the United States of Cuban-origin cigars and other Cuban-origin tobacco products. This prohibition extends to such products acquired in Cuba, irrespective of whether a traveler is licensed by Office of Foreign Asset Controls (OFAC) to engage in Cuba travel-related transactions, and to such products acquired in third countries by any U.S. Traveler, including purchases at duty-free shops. Contrary to what many people may believe, it is illegal for travelers to bring into the United States Cuban cigars acquired in third countries, such as Canada, United Kingdom, or Mexico.

Importation of Cuban-origin cigars and other Cuban-origin tobacco products is prohibited whether the goods are purchased by the importer or given to the importer as a gift. Similarly, the import ban extends to Cuban-origin cigars and other Cuban-origin tobacco products offered for sale over the Internet or through a catalog.

It is also illegal for U.S. persons to buy, sell, trade, or otherwise engage in transactions involving illegally-imported Cuban cigars. The penalties for doing so include, in addition to confiscation of the cigars, civil fines of up to \$55,000 per violation and in appropriate cases, criminal prosecution which may result in higher fines and/or imprisonment.

These prohibitions are applicable to all goods of Cuban origin and are an important element of the comprehensive program of economic sanctions against the Cuban Government which have been in place since 1963. Those sanctions have had the support of the last seven Administrations.

The U.S. Treasury Department, Office of Foreign Assets Control (OFAC), administers the embargo of Cuba. Suspected embargo violations may be reported telephonically to OFAC Enforcement Division at 202.622.2430 or via facsimile at 202.622.1657.

Other Prohibited and Restricted Items

CBP has been entrusted with enforcing some 400 laws for 40 other government agencies, such as the U.S. Fish and Wildlife Service and the U.S. Department of Agriculture. These other agencies have a need to know what people bring into the United States, but they are not always at ports of entry, guarding our borders. CBP officers are *always* at ports of entry—their primary mission is to safeguard America's borders.

The products we need to prevent from entering the United States are those that would injure community health, public safety, American workers, children, or domestic plant and animal life, or those that would defeat our national political interests. Sometimes the products that cause injury, or have the potential to do so, may seem fairly innocent. But, as you will see from the material that follows, appearances can be deceiving.

Before you leave for your trip abroad, you might want to talk to CBP about the items you plan to bring back to be sure they're not prohibited or restricted. *Prohibited* means the item is forbidden by law to enter the United States. Examples of prohibited items are dangerous toys, cars that don't protect their occupants in a crash, or illegal substances like absinthe and Rohypnol.

Restricted means that special licenses or permits are required from a federal agency before the item is allowed to enter the United States. Examples of restricted items include firearms and certain fruits, vegetables, pets, and textiles.

Absinthe (Alcohol)

The importation of Absinthe and any other liquors or liqueurs that contain *Artemisia absinthium* is prohibited.

Automobiles

Automobiles imported into the United States must meet the fuel-emission requirements of the Environmental Protection Agency (EPA) and the safety, bumper, and theft-prevention standards of the U.S. Department of Transportation (DOT). Trying to import a car that doesn't meet all the requirements can be a frustrating experience for the following reasons. (See the CBP brochure, ***Importing a Car***)

Almost all cars, vans, sport utility vehicles, and so on that are bought in foreign countries must be modified to meet American standards. Passenger vehicles that are imported on the condition that they be modified must be exported or destroyed if they are not modified acceptably. Also under these circumstances, the vehicle could require a bond upon entry until the conditions for admission have been met.

And even if the car does meet all federal standards, it might be subject to additional EPA requirements, depending on what countries it was driven in. You are strongly encouraged to contact EPA and DOT before importing a car.

Information on importing vehicles can be obtained from visiting the Environmental Protection Agency web site at www.epa.gov [Environmental Protection Agency](http://www.epa.gov), or by writing to Attn.: 6405J, Washington, DC 20460, or by telephone at 202.564.9240 for EPA forms 202.564.9660. You may also contact the U.S. Department of Transportation, Office of Vehicle Safety Compliance (NEF 32) NHTSA, Washington, DC 20590, by telephone at 1.800.424.9393, or by visiting the DOT web site at www.nhtsa.dot.gov [NHTSA](http://www.nhtsa.dot.gov).

Copies of the brochure ***Importing or Exporting a Car*** can be obtained by writing to U.S. Customs and Border Protection, P.O. Box 7407, Washington, DC 20044; or visiting the CBP web site at www.cbp.gov. The EPA *Automotive Imports Fact Manual* can be obtained by writing to the Environmental Protection Agency, Washington, DC 20460; or by visiting www.epa.gov [Environmental Protection Agency](http://www.epa.gov).

Cars being brought into the United States temporarily (for less than one year) are exempt from these restrictions. It is illegal to bring a vehicle into the United States and sell it if it was not formally entered on a CBP Form 7501.

Biologicals

You may need a U.S. Department of Agriculture permit to import biological specimens including bacterial cultures, culture medium, excretions, fungi, arthropods, mollusks, tissues of livestock, birds, plants, viruses, vectors for research, biological or pharmaceutical use. Permit requirements are located under "Permits" on the USDA Website at www.aphis.usda.gov [USDA](http://www.aphis.usda.gov). For some permits you may have to contact the Centers for Disease Control at www.cdc.gov [Centers for Disease Control](http://www.cdc.gov).

Ceramic Tableware

Although ceramic tableware is not prohibited or restricted, you should know that such tableware made in foreign countries may contain dangerous levels of lead in the glaze, which can seep into

foods and beverages. The U.S. Food and Drug Administration recommends that if you buy ceramic tableware abroad—especially in Mexico, China, Hong Kong, or India—you have it tested for lead release when you return, or use it for decorative purposes only.

Cultural Artifacts and Cultural Property (Art/Artifacts)



Most countries have laws that protect their cultural property: art/artifacts/antiquities; archaeological and ethnological material are also terms that are used. Such laws include export controls and/or national ownership of cultural property. Even if purchased from a business in the country of origin or in another country, legal ownership of such artifacts may be in question if brought into the United States. Therefore, although they do not necessarily confer ownership, you must have documents such as export permits and receipts when importing such items into the United States.

While foreign laws may not be enforceable in the United States, they can cause certain U.S. laws to be invoked. For example, under the U.S. National Stolen Property Act, one cannot have legal title to art/artifacts/antiquities that were stolen—no matter how many times such items may have changed hands. Articles of stolen cultural property from museums or from religious or secular public monuments originating in any of the countries party to the 1970 UNESCO Convention specifically may not be imported into the United States.

U.S. law may also restrict the importation of specific categories of art/artifacts/antiquities. For example, U.S. laws restrict the importation of: 1) Any pre Columbian monumental and architectural sculpture and murals from Central and South American countries; 2) Native American artifacts from Canada; Mayan pre Columbian archaeological objects from Guatemala; pre Columbian archaeological objects from El Salvador and Peru; archaeological objects like terracotta statues) from Mali; Colonial period objects such as paintings and ritual objects from Peru; 3) Byzantine period ritual and ecclesiastic objects such as icons from Cyprus; and 4) Khmer stone archaeological sculpture from Cambodia.

Importation of items such as those listed above is permitted only when an export permit issued by the country of origin, where such items were first found accompanies them. Purveyors of such items have been known to offer phony export certificates.

As additional U.S. import restrictions may be imposed in response to requests from other countries, it is wise for prospective purchasers to visit the State Department cultural property web site. This web site also has images representative of the categories of cultural property for which there are specific U.S. import restrictions.

Merchandise determined to be Iraqi cultural property or other items of archaeological, historical, cultural, rare scientific and religious importance illegally removed from the Iraq National Museum, the National Library and other locations in Iraq, since August 6, 1990, are also prohibited from importation.

Dog and Cat Fur

It is illegal in the United States to import, export, distribute, transport, manufacture, or sell products containing dog or cat fur in the United States. As of November 9, 2000, the Dog and Cat Protection Act of 2000 calls for the seizure and forfeiture of each item containing dog or cat fur.

The Act provides that any person who violates any provision may be assessed a civil penalty of not more than \$10,000 for each separate knowing and intentional violation, \$5,000 for each separate gross negligent violation, or \$3,000 for each separate negligent violation.

Drug Paraphernalia

It is illegal to bring drug paraphernalia into the United States unless they have been prescribed for authentic medical conditions such as diabetes. CBP will seize any illegal drug paraphernalia. Law prohibits the importation, exportation, manufacture, sale, or transportation of drug paraphernalia. If you are convicted of any of these offenses, you will be subject to fines and imprisonment.

Firearms

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) regulates and restricts firearms and ammunition; and approves all import transactions involving weapons and ammunition. If you want to import or export weapons or ammunition, you must do so through a licensed importer, dealer, or manufacturer. Also, if the National Firearms Act prohibits certain weapons, ammunition, or similar devices from coming into the country, you will not be able to import them unless the ATF provides you with written authorization to do so.

You do not need an ATF permit if you can demonstrate that you are returning with the same firearms or ammunition that you took out of the United States. To prevent problems when returning, you should register your firearms and related equipment by taking them to any CBP office before you leave the United States. The CBP officer will register them on the same CBP Form-4457 used to register cameras or computers. (See the section on **Register Items Before You Leave the United States**).

For further information about importing weapons, contact the Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice, Washington, DC 20226; or call 202.927.8320; or visit www.atf.gov [Bureau of Alcohol, Tobacco, Firearms and Explosives](http://www.atf.gov/Bureau%20of%20Alcohol,%20Tobacco,%20Firearms%20and%20Explosives) .

Many countries will not allow you to enter with a firearm even if you are only traveling through the country on the way to your final destination. If you plan to take your firearms or ammunition to another country, you should contact officials at that country's embassy to learn about its regulations.

Fish and Wildlife

Certain fish and wildlife, and products made from them are subject to import and export restrictions, prohibitions, permits or certificates, and quarantine requirements. We recommend that you contact the U.S. Fish and Wildlife Service before you depart if you plan to import or export any of the following:

- Wild birds, land or marine mammals, reptiles, fish, shellfish, mollusks, or invertebrates.
- Any part or product of the above, such as skins, tusks, bone, feathers, or eggs.
- Products or articles manufactured from wildlife or fish.

Endangered species of wildlife, and products made from them, generally may not be imported or exported. You will need a permit from the U.S. Fish and Wildlife Service to import virtually all types of ivory, unless it is from a warhog. The U.S. Fish and Wildlife Service has so many restrictions and prohibitions on various kinds of ivory—Asian elephant, African elephant, whale, rhinoceros, seal, pre-Endangered Species Act, post-CITES (Convention on International Trade in Endangered



Species), and many others—that they urge you to contact them before you even think of acquiring ivory in a foreign country. You may contact them at 800.358.2104.

You may import an object made of ivory if it is an antique. To be an antique the ivory must be at least 100 years old. You will need documentation that authenticates the age of the ivory. You may import other antiques containing wildlife parts with the same condition, but they must be accompanied by documentation proving they are at least 100 years old. Certain other requirements for antiques may apply.

If you plan to buy such things as tortoiseshell jewelry, or articles made from whalebone, ivory, skins, or fur, contact the U.S. Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 3247, Arlington, VA 22203-3247, or call 800.358.2104 or visit www.fws.gov [U.S. Fish and Wildlife Service](#). Hunters can get information on the limitations for importing and exporting migratory game birds from this office as well. Ask for their pamphlet, **Facts About Federal Wildlife Laws**.

The U.S. Fish and Wildlife Service has designated specific ports of entry to handle fish and wildlife entries. If you plan to import anything discussed in this section, please contact CBP. CBP will tell you about designated ports and send you the brochure **Pets and Wildlife**, which describes the regulations CBP enforces for all agencies that oversee the importation of animals.

Some states have fish and wildlife laws and regulations that are stricter than federal laws and regulations. If you are returning to such a state, be aware that the stricter state laws and regulations have priority. Similarly, the federal government does not allow you to import wild animals into the United States that were taken, killed, sold, possessed, or exported from another country if any of these acts violated foreign laws.

Food Products (Prepared)

You may bring bakery items and certain cheeses into the United States. The APHIS web site features a Travelers Tips section and Game and Hunting Trophies section that offers extensive information about bringing food and other products into the country. Many prepared foods are admissible. However, almost anything containing meat products, such as bouillon, soup mixes, etc., is not admissible. As a general rule, condiments, vinegars, oils, packaged spices, honey, coffee and tea are admissible. Because rice can often harbor insects, it is best to avoid bringing it into the United States.

Some imported foods are also subject to requirements of the U.S. Food and Drug Administration.

Prior Notice for Food Importation

The Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Bioterrorism Act or BTA), Public Law 107-188, established the requirement that food items, imported (or offered for import) for commercial use, including hand-carried quantities, be properly reported to the U.S. Food and Drug Administration (FDA) prior to arrival of those items in the United States. The FDA prior notification timeframes (by transport mode) are two hours by land, four hours by rail or air, eight hours by vessel and prior to the “time of mailing” for international mail.

Food that was made by an individual in his/her personal residence, or food purchased by an individual from a vendor that is sent by that individual as a personal gift (for non-business reasons) to someone in the United States is not subject to BTA requirements. However, food that is sent to an individual in the U.S. by a business **is** subject to special requirements of the Food and Drug Administration. For instance, if you go to a food shop in England and buy a gift basket, then take it to the post office or a courier service to send to a friend, the shipment is not subject to BTA requirements. But if you go to that same shop and ask them to send the gift basket for you, the shipment is subject to BTA requirements, and the vendor will have to file Prior Notice. Many

travelers are finding that vendors will not ship food directly to U.S. residents because the reporting requirements can be time-consuming to complete.

In general, failure to provide complete, timely and accurate prior notice for BTA regulated items, can result in refusal of admission of the merchandise, movement of the goods to an FDA registered facility (at importer expense) and/or civil monetary penalty liabilities for any party that was involved in the import transaction.

For full details regarding the latest FDA BTA requirements, including those food items exempt from these requirements, access the FDA Website at www.fda.gov/oc/bioterrorism/bioact.html
[The Bioterrorism Act of 2002.](#)

Fruits and Vegetables

Bringing fruits and vegetables can be complicated. For instance, consider the apple you bought in the foreign airport just before boarding and then did not eat? Whether or not CBP will allow the apple into the United States depends on where you got it and where you are going after you arrive in the United States. The same would be true for those magnificent Mediterranean tomatoes. Fresh fruits and vegetables can carry plant pests or diseases into the United States.

One good example of problems imported fruits and vegetables can cause is the Mediterranean fruit fly outbreak during the 1980s. The outbreak cost the state of California and the Federal Government approximately \$100 million to get rid of this pest. The cause of the outbreak was one traveler who brought home one contaminated piece of fruit. It is best not to bring fresh fruits or vegetables into the United States. However, if you plan to, contact either CBP or check the Travelers Information section on the USDA-APHIS web site for a general approved list on items that need a permit.

Game and Hunting Trophies

If you plan to import game or a hunting trophy, please contact the U.S. Fish and Wildlife Service before you leave at 800.358.2104. Currently, 14 ports of entry are designated to handle game and trophies; other ports must get approval from the U.S. Fish and Wildlife Service to clear your entry.

Depending on the species you bring back, you might need a permit from the country where the animal was harvested. Regardless of the species, you are required to fill out a Fish and Wildlife Form 3-177, Declaration for Importation or Exportation.

Trophies may also be subject to inspection by CBP for sanitary purposes. General guidelines for importing trophies can be found on APHIS web site under Travelers Information; or by writing to USDA, APHIS, VS, NCIE Products Program, 4700 River Road, Unit 40, Riverdale, MD 20737-1231; or by calling 301.734.3277.

Also, federal regulations do not allow the importation of any species into a state with fish or wildlife laws that are more restrictive than federal laws. If foreign laws were violated in the taking, sale, possession, or export to the United States of wild animals, those animals will not be allowed entry into the United States.

Warning: There are many regulations, enforced by various agencies, governing the importation of animals and animal parts. Failure to comply with them could result in time-consuming delays in clearing your trophy through CBP. You should always call for guidance before you depart.

Gold

Gold coins, medals, and bullion, formerly prohibited, may be brought into the United States.

However, under regulations administered by the Office of Foreign Assets Control, such items originating in or brought from Cuba, Iran, Iraq, Libya, Serbia, and Sudan are prohibited entry. Copies of gold coins are prohibited if not properly marked by country of issuance.

Meats, Livestock, and Poultry

The regulations governing meat and meat products are very strict. You may not import fresh, dried, or canned meats or meat products from most foreign countries into the United States. Also, you may not import food products that have been prepared with meat.

The regulations on importing meat and meat products change frequently because they are based on disease outbreaks in different areas of the world. APHIS, which regulates meats and meat products as well as fruits and vegetables, invites you to contact them for more information on importing meats. You may write to USDA-APHIS Veterinary Services National Center for Import/Export (NCIE), 4700 River Road, Unit 40, Riverdale, MD 20737-1231; or call 301.734.7830.

Medication

Rule of thumb: When you go abroad, take the medicines you will need, no more, no less.

Narcotics and certain other drugs with a high potential for abuse—Rohypnol, GHB, and Fen-Phen, to name a few — may not be brought into the United States, and there are severe penalties for trying to do so. If you need medicines that contain potentially addictive drugs or narcotics (e.g., some cough medicines, tranquilizers, sleeping pills, antidepressants, or stimulants), do the following:

- Declare all drugs, medicinals, and similar products to the appropriate CBP official.
- Carry such substances in their original containers.
- Carry only the quantity of such substances that a person with that condition (e.g., chronic pain) would normally carry for his/her personal use.
- Carry a prescription or written statement from your physician that the substances are being used under a doctor's supervision and that they are necessary for your physical well being while traveling.

U.S. residents entering the United States at international land borders, who are carrying a validly obtained controlled substance (other than narcotics such as marijuana, cocaine, heroin, or LSD), are subject to certain additional requirements. If a U.S. resident wants to bring in a controlled substance (other than narcotics such as marijuana, cocaine, heroin, or LSD) but does not have a prescription for the substance issued by a U.S.-licensed practitioner (e.g., physician, dentist, etc.) who is registered with, and authorized by, the Drug Enforcement Administration (DEA) to prescribe the medication, the individual may not import more than 50 dosage units of the medication into the United States. If the U.S. resident has a prescription for the controlled substance issued by a DEA registrant, more than 50 dosage units may be imported by that person, provided all other legal requirements are met.

Please note that only medications that can be legally prescribed in the United States may be imported for personal use. Be aware that possession of certain substances may also violate state laws. As a general rule, the FDA does not allow the importation of prescription drugs that were purchased outside the United States. Please see their Website for information about the enforcement policy for personal use quantities.

Warning: The U.S. Food and Drug Administration (FDA) prohibits the importation, by mail or in person, of fraudulent prescription and nonprescription drugs and medical devices. These include unorthodox “cures” for such medical conditions as cancer, AIDS, arthritis, or multiple sclerosis. Although such drugs or devices may be legal elsewhere, if the FDA has not approved them for

use in the United States, they may not legally enter the country and will be confiscated, even if they were obtained under a foreign physician's prescription.

For specifics about importing controlled substances, call 202.307.2414. For additional information about traveling with medication, contact your nearest FDA office or write to the U.S. Food and Drug Administration, Division of Import Operations and Policy, Room 12-8 (HFC-170), 5600 Fishers Lane, Rockville, MD 20857.

Merchandise from Embargoed Countries

Generally, you may not bring in any goods from the following (if not followed by an asterisk or where specified that the embargo only applies to diamonds): Cuba, Iran*, Iraq*, Serbia and Montenegro*, North Korea*, Burma (Myanmar), Angola, Liberia and Sierra Leone (diamonds only) and Sudan. The Office of Foreign Assets Control (OFAC) of the U.S. Department of Treasury enforces this ban.

*The embargo on Iranian goods has been revised to allow the importation of food stuffs intended for human consumption, carpets and other textile floor coverings. Please check with your local port for further details.

* Only certain Iraqi cultural property or other items of archaeological, historical/cultural, rare scientific and religious importance illegally removed from the Iraq National Museum, the National Library and other locations in Iraq is prohibited.

*There is a general lifting of the embargo on Serbia and Montenegro (exception relates to certain "Specially Designated Nationals" and "Blocked Persons" involving transactions prior to January 19, 2000. For more information visit OFAC web site at [http://www.treas.gov/offices/eotffc/ofac/Office of Foreign Assets Control](http://www.treas.gov/offices/eotffc/ofac/Office_of_Foreign_Assets_Control) .

*The importation of merchandise from North Korea requires a letter of approval issued by the OFAC.

You may, however, may bring in *information and informational materials*—books, magazines, films, posters, photographs, microfilms, tapes, CDs, records, works of art, etc. Blank tapes and blank CDs are not informational materials.

If you want to import merchandise from any of these countries, you will first need a specific license from the Office of Foreign Assets Control. Such licenses are rarely granted.

There are strictly enforced restrictions on travel to these countries. Therefore, before making plans to visit any of the countries on this list, you should write to the Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, or visit their web site at www.treas.gov/ofac [Office of Foreign Assets Control](http://www.treas.gov/ofac) .

Pets

If you plan to take your pet abroad or import one on your return, please get a copy of the CBP brochure *Pets and Wildlife*. You should also check with state, county, and local authorities to learn if their restrictions and prohibitions on pets are stricter than federal requirements.

Importing animals is closely regulated for public health reasons and also for the well being of the animals. There are restrictions and prohibitions on bringing many species into the United States.



Cats must be free of evidence of diseases communicable to humans when they are examined at the port of entry. If the cat does not seem to be in good health, the owner may have to pay for an additional examination by a licensed veterinarian. As a rule, both cats and dogs must be free of fleas and ticks, and have a health certificate that was issued by the country of residence.

Dogs must also be free of evidence of diseases that could be communicable to humans. Puppies must be confined at a place of the owner's choosing, which can be a private residence, until they are three months old and then they must be vaccinated against rabies. The puppy will then have to stay in confinement for another 30 days following the vaccination.

Dogs older than three months must get a rabies vaccination at least 30 days before they come to the United States and must be accompanied by a valid rabies vaccination certificate if coming from a country that is not rabies-free. This certificate should identify the dog, show the date of vaccination, the date it expires (there are one-year and three-year vaccinations), and be signed by a licensed veterinarian. If the certificate does not have an expiration date, CBP will accept it as long as the dog was vaccinated 12 months or less before coming to the United States. Dogs coming from rabies free countries do not have to be vaccinated.

Birds may be imported as pets as long as you comply with APHIS and U.S. Fish and Wildlife requirements. These requirements may include quarantining the birds at one of the three APHIS' Animal Import Centers at your expense. You must make advance reservations at the quarantine facility. If you intend to import a bird, call APHIS' National Center for Import and Export at 301.734.8364 for more information.

In any case, birds may only be imported through ports of entry where a USDA port veterinarian is on duty; and you must make arrangements in advance to have the bird examined by a USDA port veterinarian at the first U.S. port of entry. There is a minimum user fee for this service of \$23.00 based on an hourly rate of \$76/hour. For more information, contact the USDA, APHIS, Veterinary Services, National Center for Import and Export (NCIE), 4700 River Road, Riverdale, MD 20737; call 301.734.8364; or visit the APHIS web site at www.aphis.usda.gov/travel/pets.html [APHIS Travel Web \(Pets\)](#) .

Other common pets such as rabbits, ferrets, hamsters, gerbils, and guinea pigs may be imported if they are in good health. The importation of reptiles and invertebrates is restricted, please contact the U.S. Fish and Wildlife Service for additional guidance. Most species of snails are not admissible. Contact APHIS for additional information.



Plants and Seeds

Some plants, cuttings, seeds that are capable of propagation, unprocessed plant products, and certain endangered species are allowed into the United States but require import permits; some are prohibited entirely. Threatened or endangered species that are permitted must have export permits from the country of origin.

Every single plant or plant product including handicraft items made with straw, must be declared to the CBP officer and must be presented for CBP inspection, no matter how free of pests it appears to be. For information write to USDA-APHIS-PPQ, 4700 River Road, Riverdale, MD 20737; call 301.734.8645; or visit the APHIS web site at www.aphis.usda.gov/travel/ [APHIS Travel](#).

Soil

Soil is considered the loose surface material of the earth in which plants, trees, and scrubs grow. In most cases, the soil consists of disintegrated rock with an admixture of organic material and soluble salts. Soil is prohibited entry unless accompanied by an import permit. Soil must be declared and the permit must be verified.

Textiles and Clothing

In general, there is no limit to how much fabric and clothing you can bring back as long as it is for your personal use or as gifts. If you have exceeded your personal exemption, you may have to pay duty on the items. Unaccompanied personal shipments (packages that are mailed or shipped), however, *may* be subject to limitations on amount.

On January 1, 2005, quotas for all countries that are part of the World Trade Organization (WTO) will be eliminated. There are still some countries, like Vietnam, that are not part of the WTO that have quotas in place for commercial shipments. These countries may require an additional document called a "visa" accompany the shipment.

China could have limits on particular garments called "safeguards." It is recommended that you contact a CBP import specialist in your area or at the port where you plan to import to determine what countries are subject to quotas and what products from China are subject to safeguards.

There may be additional documentation required for textiles from other countries such as the African countries that require a visa to be placed on a commercial invoice in order to get duty-free treatment. There may also be a certificate of eligibility document requirement to get duty-free treatment under many of the free trade agreements that are negotiated between the United States and the foreign government. These are not admissibility documents, but allow you to import your garments duty-free, provided certain conditions are met.

Trademarked and Copyrighted Articles

CBP enforces laws relating to the protection of trademarks and copyrights. Articles that infringe a federally registered trademark or copyright or copyright protected by the Berne Convention for the Protection of Literary and Artistic Works are subject to detention and/or seizure. Infringing articles may consist of articles that use a protected right without the authorization of the trademark or copyright owner or articles that copy or simulate a protected right.

Articles bearing marks that are counterfeit or inappropriately using a federally registered trademark are subject to seizure and forfeiture. The importation of articles intended for sale or public distribution bearing counterfeit marks may subject an individual to a civil fine if the registered trademark has also been recorded with CBP. Articles bearing marks that are

confusingly similar to a CBP recorded registered trademark, and restricted gray market articles (goods bearing genuine marks not intended for U.S. importation for which CBP granted gray market protection) are subject to detention and seizure.

However, travelers arriving in the United States may be permitted an exemption and allowed to import one article of each type, which must accompany the person, bearing a counterfeit, confusingly similar or restricted gray market trademark, provided that the article is for personal use and is not for sale.

This exemption may be granted not more than once every 30 days. The arriving passenger may retain one article of each type accompanying the person. For example, an arriving person who has three purses, whether each bears a different infringing trademark, or whether all three bear the same infringing trademark, is permitted only one purse. If the article imported under the personal exemption provision is sold within one year after the date of importation, the article or its value is subject to forfeiture.

In regard to copyright infringement, articles that are determined by CBP to be clearly piratical of a protected copyright, i.e., unauthorized articles that are substantially similar to a material protected by a copyright, are subject to seizure. A personal use exemption for articles, similar to that described above also applies to copyrighted articles for the personal, non-commercial use of the importer and are not for sale or distribution.

You may bring back genuine trademarked and copyrighted articles (subject to duties). Products subject to copyright protection most commonly imported include software on CD-ROMs, sound recordings, toys, stuffed animals, clothing with cartoon characters, videotapes, DVDs, music CDs, and books. Products subject to trademark protection most commonly imported include handbags and accessories, and clothing.