

**§ 151.83 Method of sampling.**

For determining the staple length of any lot of cotton for any Customs purposes, samples of the lot shall be taken in accordance with commercial practice.

**§ 151.84 Determination of staple length.**

The port director shall have one or more samples of each sampled bale of cotton stapled by a qualified Customs officer, or a qualified employee of the Department of Agriculture designated by the Commissioner of Customs for the purpose, and shall promptly mail the importer a notice of the results determined.

**§ 151.85 Importer's request for redetermination.**

If the importer is dissatisfied with the port director's determination, he may file with the port director, within 14 calendar days after the mailing of the notice, a written request in duplicate for a redetermination of the staple length. Each such request shall include a statement of the claimed staple length for the cotton in question and a clear statement of the basis for the claim. The request shall be granted if it appears to the port director to be made in good faith. In making the redetermination of staple length, the port director may obtain an opinion of a board of cotton examiners from the U.S. Department of Agriculture, if he deems such action advisable. All expenses occasioned by any redetermination of staple length, exclusive of the compensation of Customs officers, shall be reimbursed to the Government by the importer.

**Subpart G—Fruit Juices**

**§ 151.91 Brix values of unconcentrated natural fruit juices.**

The following values have been determined to be the average Brix values of unconcentrated natural fruit juices in the trade and commerce of the United States, for the purposes of the provisions of the Additional U.S. Notes to Chapter 20, Harmonized Tariff Schedule of the United States (HTSUS) (19 U.S.C. 1202), and will be used in determining the dutiable quantity of im-

ports of concentrated fruit juices, using the procedure set forth in Additional U.S. Note 2, Chapter 20, HTSUS:

Kind of fruit juice	Average Brix value (degrees)
Apple .....	13.3
Apricot .....	14.3
Bilberry (Whortleberry, Vaccinium Myrtillicum) .....	13.4
Black currant .....	15.0
Blackberry .....	10.0
Black raspberry .....	11.1
Blueberry .....	14.1
Boysenberry .....	10.0
Carob .....	40.0
Cherry .....	14.3
Crabapple .....	15.4
Cranberry .....	10.5
Date .....	18.5
Dewberry .....	10.0
Elderberry .....	11.0
Fig .....	18.2
Gooseberry .....	8.3
Grape (Vitis Vinifera) .....	21.5
Grape (Slipskin varieties) .....	16.0
Grapefruit .....	10.2
Guava .....	7.7
Lemon .....	8.9
Lime .....	10.0
Loganberry .....	10.5
Mango .....	17.0
Naranjilla .....	10.5
Orange .....	11.8
Papaya .....	10.2
Passion Fruit .....	15.3
Peach .....	11.8
Pear .....	15.4
Pineapple .....	14.3
Plum .....	14.3
Pomegranate .....	18.2
Prune .....	18.5
Quince .....	13.3
Raisin .....	18.5
Raspberry (Red raspberry) .....	10.5
Red currant .....	10.5
Soursop (Guanabana, Annono Muricata) .....	16.0
Strawberry .....	8.0
Tamarind .....	55.0
Tangerine .....	11.5
Youngberry .....	10.0

[T.D. 73-175, 38 FR 17470, July 2, 1973, as amended by T.D. 74-41, 39 FR 2470, Jan. 23, 1974; T.D. 84-173, 49 FR 31852, Aug. 9, 1984; T.D. 89-1, 53 FR 51269, Dec. 21, 1988]

**Subpart H [Reserved]**

**Subpart I—Cigars, Cigarillos, and Tobacco**

**§ 151.111 Cigars, cigarillos, and tobacco of Cuban origin.**

The tobacco National Import Specialist at the port of New York shall have general supervision of the examination of (a) all cigars or cigarillos which may be made or derived in whole

or in part of Cuban articles, and (b) all tobacco which may be of Cuban origin.

[T.D. 81-189, 46 FR 37888, July 23, 1981]

## PART 152—CLASSIFICATION AND APPRAISEMENT OF MERCHANDISE

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AUTHORITY: 19 U.S.C. 66, 1401a, 1500, 1502, 1624;

Subpart B also issued under 19 U.S.C. 1315; Subpart C also issued under 19 U.S.C. 1503; Section 152.3 also issued under 19 U.S.C. 1499;

Section 152.13 also issued under 19 U.S.C. 1202 (General Note 20, Harmonized Tariff Schedule of the United States (HTSUS)).

SOURCE: T.D. 73-175, 38 FR 17477, July 2, 1973, unless otherwise noted.

### § 152.0 Scope.

This part contains regulations pertaining to the tariff classification and appraisal of imported merchandise. Other applicable provisions are contained elsewhere in this chapter, such as in part 10 for articles conditionally free or subject to a reduced rate of duty, and in part 159 for relief from duties on articles lost, damaged, etc.

### Subpart A—General Provisions

#### § 152.1 Definitions.

The following are general definitions for the purposes of part 152:

(a)–(b) [Reserved]

(c) *Date of exportation.* “Date of exportation,” or the “time of exportation” referred to in section 402, Tariff Act of 1930, as amended (19 U.S.C. 1401a), means the actual date the merchandise finally leaves the country of exportation for the United States. If no positive evidence is at hand as to the actual date of exportation, the port director shall ascertain or estimate the date of exportation by all reasonable ways and means in his power, and in so doing may consider dates on bills of lading, invoices, and other information available to him.

(d) *Fair retail value.* “Fair retail value” or “fair market value” as used in Section XXII, Harmonized Tariff Schedule of the United States, and part 148 of this chapter means the price actually paid or payable for all imported merchandise, or if not purchased, the value as otherwise ascertained under 19 CFR 152.100 *et seq.*

[T.D. 73-175, 38 FR 17477, July 2, 1973, as amended by T.D. 87-89, 52 FR 24446, July 1, 1987; T.D. 89-1, 53 FR 51269, Dec. 21, 1988]

#### § 152.2 Notification to importer of increased duties.

If the port director believes that the entered rate or value of any merchandise is too low, or if he finds that the quantity imported exceeds the entered quantity, and the estimated aggregate of the increase in duties on that entry exceeds \$15, he shall promptly notify the importer on Customs Form 29, specifying the nature of the difference on the notice. Liquidation shall be