

WITHDRAWAL OF PROPOSED REVOCATION OF ELEVEN RULING LETTERS, PROPOSED MODIFICATION OF FIVE RULING LETTERS, AND PROPOSED REVOCATION OF TREATMENT RELATING TO THE TARIFF CLASSIFICATION OF CERTAIN SHEEP'S MILK CHEESES

AGENCY: U.S. Customs and Border Protection; Department of Homeland Security.

ACTION: Withdrawal of notice of proposed revocation of eleven ruling letters, proposed modification of five ruling letters, and proposed revocation of treatment relating to tariff classification of certain sheep's milk cheeses.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. § 1625(c)), as amended by section 623 of title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057), U.S. Customs and Border Protection (CBP) proposed to revoke eleven ruling letters, and modify five ruling letters, relating to the tariff classification of certain sheep's milk cheeses under the Harmonized Tariff Schedule of the United States (HTSUS). Notice of the proposed actions was published in the *Customs Bulletin*, Vol. 52, No. 39, on September 26, 2018. Nineteen comments were received in opposition to the proposed revocations and modifications. After further review, we have determined that revocation and modification of the subject rulings is not appropriate.

EFFECTIVE DATE: This action is effective immediately.

FOR FURTHER INFORMATION CONTACT: Parisa J. Ghazi, Food, Textiles, and Marking Branch, Regulations and Rulings, Office of Trade, at (202) 325-0272.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Current customs law includes two key concepts: informed compliance and shared responsibility. Accordingly, the law imposes an obligation on CBP to provide the public with information concerning the trade community's responsibilities and rights under the customs and related laws. In addition, both the public and CBP share responsibility in carrying out import requirements. For example, under section 484 of the Tariff Act of 1930, as amended (19 U.S.C. § 1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and to provide any other information necessary to enable CBP to properly assess duties, collect

accurate statistics, and determine whether any other applicable legal requirement is met.

Pursuant to 19 U.S.C. § 1625(c)(1), a notice was published in the *Customs Bulletin*, Vol. 52, No. 39, on September 26, 2018, proposing to revoke New York Ruling Letters (NY) C82288, dated December 8, 1997, NY D81251, dated September 3, 1998, NY D83014, dated October 2, 1998, NY I82452, dated May 22, 2002, NY I83887, dated July 16, 2002, NY J88309, dated October 10, 2003, NY M81478, dated April 11, 2006, NY N089415, dated January 20, 2010, NY N089417, dated January 20, 2010, NY N104824, dated May 24, 2010, and NY N236149, dated December 17, 2012, and proposing to modify NY 815281, dated October 4, 1995 (Rocinante Manchego cheese and Mini-Rocinante Manchego cheese), NY G85117, dated December 7, 2000 (“Creamy Premium Bulgarian Feta” (from sheep’s milk)), NY J81192, dated March 12, 2003 (White Bulgarian cheese (feta cheese – item 1) and Balkan cheese – item 4), NY N094196, dated March 9, 2010 (Item E - Gazi® White Sheep’s Milk Cheese in Brine 50%), and NY N099535, dated April 9, 2010 (“Allegretto” cheese imported in original loaves), with respect to the tariff classification of certain sheep’s milk cheeses under heading 0406, Harmonized Tariff Schedule of the United States (HTSUS), specifically, in subheading 0406.90.57, HTSUS, which provides for “Cheese and curd: Other cheese: Other cheeses, and substitutes for cheese, including mixtures of the above: Cheeses made from sheep’s milk: Pecorino, in original loaves, not suitable for grating.” In the September 26, 2018 *Customs Bulletin* notice, we proposed to classify certain sheep’s milk cheeses in heading 0406, HTSUS, specifically in subheading 0406.90.59, HTSUS, which provides for “Cheese and curd: Other cheese: Other cheeses, and substitutes for cheese, including mixtures of the above: Cheeses made from sheep’s milk: Other.” Commenters conceded that the HTSUS does not contain a definition for pecorino but argued that under decisions of the United States Customs Court, pecorino should be construed broadly. Upon reconsideration of the matter, while the definition cited in the proposed revocation provides some basis for limiting the term, CBP has determined that no revocation or modification is appropriate. Accordingly, we have determined that the subject sheep’s milk cheeses are properly classified in subheading 0406.90.57, HTSUS.

Pursuant to 19 U.S.C. § 1625(c), and 19 C.F.R. § 177.7(a), which states, in pertinent part, that “no ruling letter will be issued . . . in any instance in which it appears contrary to the sound administration of the Customs and related laws to do so,” CBP is withdrawing its proposed revocation of NY C82288, NY D81251, NY D83014, NY

I82452, NY I83887, NY J88309, NY M81478, NY N089415, NY N089417, NY N104824, and NY N236149, and its proposed modification of NY 815281 (Rocinante Manchego cheese and Mini-Rocinante Manchego cheese), NY G85117 (“Creamy Premium Bulgarian Feta” (from sheep’s milk)), NY J81192 (White Bulgarian cheese (feta cheese – item 1) and Balkan cheese – item 4), NY N094196 (Item E - Gazi® White Sheep’s Milk Cheese in Brine 50%), and NY N099535 (“Allegretto” cheese imported in original loaves).

Dated: March 15, 2019

MYLES B. HARMON,
Director
Commercial and Trade Facilitation Division



19 CFR PART 177

**MODIFICATION OF ONE RULING LETTER AND
REVOCATION OF TREATMENT RELATING TO THE
TARIFF CLASSIFICATION OF PLASTIC PLAY FOOD
PACKAGED IN A PLASTIC BACKPACK**

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of modification of one ruling letter, and of revocation of treatment relating to the tariff classification of plastic play food packaged in a plastic backpack.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. §1625(c)), as amended by section 623 of title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057), this notice advises interested parties that U.S. Customs and Border Protection (CBP) is modifying one ruling letter concerning tariff classification of plastic play food packaged in a plastic backpack under the Harmonized Tariff Schedule of the United States (HTSUS). Similarly, CBP is revoking any treatment previously accorded by CBP to substantially identical transactions. Notice of the proposed action was published in the *Customs Bulletin*, Vol. 52, No. 46, on November 14, 2018. No comments to the proposed modification were received in response to that notice.

EFFECTIVE DATE: This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after June 3, 2019.