

May 09

FDA prior notice (PN) final rule for food imports effective May 6

The FDA PN final rule for food imports, including vitamins, became effective May 6, 2009. The essential changes are that in many cases, more complete information on the ACTUAL manufacturer/producer is required – we can no longer elect to provide headquarters as the manufacturer/producer. Further, the manufacturer is now defined as “the last facility, as defined in registration rule, that manufactured/processed the food”. This does not include *de minimis* activities such as washing, labeling, storing, or re-packaging. The deadlines for PN filing remain the same: 8 hours for ocean shipments, 4 hours for air/rail, and 2 hours for truck. We can, however, submit the PN as much as 15 days prior by the FDA Prior Notice System Interface and as much as 30 days prior by ABI. FDA has indicated that it will initiate enforcement actions including penalties for violators. Please advise us as far in advance of your shipment as possible so we can help keep you in compliance.

U.S. Trade Representative cancels anticipated modifications to 100% tariffs covering certain EU-origin goods (From our friends at Grunfeld Desiderio)

The US and EU have reached a provisional agreement under which the US will not modify the current list of EU products subject to the 100% tariffs as previously reported in the March newsletter. Under this new agreement, the US will simply maintain its current 100% tariff list, which consists primarily of meat and a few other foodstuffs. If you would like the complete list of EU products that are affected, please contact our office.

Please contact us with any questions.

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