



“TOP 10 TIPS* WHEN IMPORTING FOOD INTO THE U.S. TO ENSURE COMPLIANCE”

1. Ensure your product complies with FDA labeling requirements. (Is in English, Contains Principal Display Panel, Nutrition Facts and Informational Panel requirements).
2. Ensure your Manufacturer is registered with the FDA and provides you with their Bioterrorism Act (BTA) Registration Number. (If the manufacturer is foreign, ensure they have a U.S. agent www.FDA-USA.com)
3. Perform Due diligence.
 - a. Perform a meaningful risk analysis (trust but verify), review Warning Letters, Import Alerts, Inspections, and Recalls.
4. Ensure you and your manufacture comply with FDA Food Safety Modernization Act (FSMA) standards
 - a. Preventative Controls for Human Food
 - b. Preventative Controls for Animal Feed
 - c. Produce Safety
 - d. Foreign Supplier Verification Program
 - e. 3rd Party Accreditation and Certification
 - f. Sanitary Transportation
 - g. Food Defense
5. Keep records proving you used Reasonable Care
 - a. **Importing into the U.S.: A Guide for Commercial Importers** (Includes a reasonable care checklist) -
<https://www.cbp.gov/sites/default/files/documents/Importing%20into%20the%20U.S.pdf>
6. Do you source products from many countries? Confirm you’re using the correct **Country of Origin (COO)** and that your product is labeled with the valid COO.
7. Confirm you’re using the correct HTSUS & FDA Product Code.
 - a. **Harmonized Tariff Schedule** – <http://www.usitc.gov/tata/hts/bychapter/index.htm>
8. Confirm you’re using the correct **value** for your product, do you use related parties? Request a binding ruling from CBP.
9. Determine whether you should request a binding ruling from Customs.
 - a. **Customs Rulings Online** - <http://rulings.cbp.gov/>
10. If you receive a Notice of FDA Action, be RESPONSIVE and request an extension if needed!

ADDITIONAL RESOURCES FOR IMPORTING:

- Basic Importing and Exporting - <https://www.cbp.gov/trade/basic-import-export>
- CBP's Rulings and Legal Decisions - <https://www.cbp.gov/trade/rulings>
- Trade Data Online - <http://www.ic.gc.ca/eic/site/tdo-dcd.nsf/eng/Home>
- Stay in the Know! Sign Up For our Customs and Trade Blog – www.customsandinternationaltradelaw.com



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