

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION  
of the 111<sup>th</sup> Congress<sup>1</sup>**

[Date approved: April 23, 2010]<sup>2</sup>

**Bill No. and sponsor:** S. 2023 (Mr. Robert Menendez of New Jersey).

**Proponent name,<sup>3</sup> location:** World Finer Foods, Inc., Bloomfield, NJ.

**Other bills on product (111<sup>th</sup> Congress only):** None.

**Nature of bill:** Extension of temporary duty suspension through December 31, 2011.<sup>4</sup>

**Retroactive effect:** None.

**Suggested article description(s) for enactment (including appropriate HTS subheading(s)):**

Giardiniera, prepared or preserved otherwise than by vinegar or acetic acid, not frozen (provided for in subheading 2005.99.97).

**Check one:**  Same as that in bill as introduced.  
 Different from that in bill as introduced (see Technical comments section).

**Product information, including uses/applications and source(s) of imports:**

Giardiniera is a mixture of certain vegetables typically prepared or preserved by vinegar, but it also can be prepared or preserved in other ways (e.g., in oil). Giardiniera is used as a canned-vegetable side dish or a garnish on salad bars. Canned giardiniera is imported principally from Italy, Spain, Greece, and Turkey,<sup>5</sup> in both retail-size containers and in larger containers for sale to the institutional and food-service trade.

<sup>1</sup> Industry analyst preparing report: Tim McCarty (202-205-3324); Tariff Affairs contact: Dan Shepherdson (202-205-2598).

<sup>2</sup> Access to an electronic copy of this memorandum is available at [http://www.usitc.gov/tariff\\_affairs/congress\\_reports/](http://www.usitc.gov/tariff_affairs/congress_reports/).

<sup>3</sup> The sponsor/proponent did not identify any additional beneficiaries of this bill.

<sup>4</sup> Heading 9902.10.30 expired on December 31, 2009.

<sup>5</sup> Imports of the subject product from Turkey are eligible for duty-free treatment under the Generalized System of Preferences.

**Estimated effect on customs revenue for the subject product classifiable in HTS subheading 2005.99.97:<sup>6</sup>**

	2010	2011	2012	2013	2014
Col. 1-General rate of duty	11.2%	11.2%	11.2%	11.2%	11.2%
Estimated value <i>dutiable</i> imports <sup>a</sup>	\$475,000	\$500,000	\$525,000	\$550,000	\$575,000
Customs revenue loss <sup>b</sup>	\$53,200	\$56,000	\$58,800	\$61,600	\$64,400

a/ Dutiable imports were estimated by Commission staff based on industry information and official U.S. Government import statistics from 2008.

b/ At the request of Congress, customs revenue loss is provided for 5 years, although the effective period of the proposed legislation may differ.

**Contacts with domestic firms/organizations (including the proponent):**

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
			(Yes/No)	
World Finer Foods, Inc. (Proponent) Barbara Harloe, 973-338-0300	12/02/2009	No	No	No
Association of Food Industries Bob Bauer, 732-922-3008	12/02/2009	No	No	No
Schreiber Foods International, Inc. Howard Schreiber, 201-327-3535	12/02/2009	No	No	No

**Technical comments:<sup>7</sup>**

Based on information from industry and Customs officials,<sup>8</sup> the Commission staff suggests that the article description of HTS heading 9902.10.30 be modified as shown on page 1 of this report by inserting the phrase “or acetic acid” after the word “vinegar” to be consistent with the HTS nomenclature.

<sup>6</sup> The proponent of this bill stated that imports of giardiniera prepared or preserved otherwise than by vinegar and not frozen have been entered under HTS subheading 2005.99.55 in recent years. Data for such giardiniera provided for in subheading 2005.99.55 have been reported for subheading 9902.10.30. However, the National Import Specialist for vegetables stated that imports of giardiniera prepared or preserved otherwise than by vinegar may not be entering under subheading 9902.10.30 because of the language attendant to subheading 2005.99.55 (i.e., fruits of the genus *Capsicum* (peppers) or mixtures thereof) and have been entering instead under HTS 2005.99.97. For calculating the estimated effect on customs revenue, Commission staff used imports entered under HTS 2005.99.97.

<sup>7</sup> The Commission may express an opinion on the HTS classification of a product to facilitate consideration of the bill. However, by law, only the U.S. Customs Service is authorized to issue a binding ruling on this matter. The Commission believes that the U.S. Customs Service should be consulted prior to enactment of the bill.

<sup>8</sup> Commission staff conversation with Stan Hopard (646-733-3029), National Import Specialist, U.S. Customs and Border Protection, December 1, 2009.

111TH CONGRESS  
1ST SESSION

# S. 2023

To modify and extend the temporary duty suspension on certain giardiniera prepared or preserved otherwise than by vinegar.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 29, 2009

Mr. MENENDEZ introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To modify and extend the temporary duty suspension on certain giardiniera prepared or preserved otherwise than by vinegar.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. CERTAIN GIARDINIERA PREPARED OR PRE-**  
4 **SERVED OTHERWISE THAN BY VINEGAR.**

5 (a) IN GENERAL.—Heading 9902.10.30 of the Har-  
6 monized Tariff Schedule of the United States (relating to  
7 giardiniera prepared or preserved otherwise than by vin-  
8 egar) is amended—

9 (1) in the article description, by striking  
10 “2005.99.55” and inserting “2005.99.97”; and

1           (2) in the effective period column, by striking  
2           “12/31/2009” and inserting “12/31/2011”.

3           (b) EFFECTIVE DATE.—The amendments made by  
4 subsection (a) apply to goods entered, or withdrawn from  
5 warehouse for consumption, on or after the 15th day after  
6 the date of the enactment of this Act.

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