

Crafting an Article Description for Your Miscellaneous Tariff Bill (MTB) Petition

What is an article description?

The proposed article description is a critical piece of information in your petition.

It MUST:

- Describe your product using language that is clear and administrable by U.S. Customs and Border Protection (CBP);
- Include all applicable subheading number(s) in the Harmonized Tariff Schedule of the United States (HTS), and
- Include any standard identification numbers or names, such as CAS number(s) for chemicals.

Your article description is **not the same as a product description!** The former goes into an HTS heading in chapter 99; the latter is a narrative that informs everyone of other details about the product.

Description problems you want to avoid:

- Descriptions that specify the likely user or the purpose for which the article will be used (often saying “for use by” a type of user or “for use in” a certain application), without including words that describe the physical characteristics of the article.
- Words and terms that are not found in existing HTS provisions and that may be ambiguous or require interpretation, including words such as “predominantly” and “primarily” or terms used in commercial marketing but not in the HTS or in rulings in the Customs Rulings Online Search System (CROSS).
- Descriptions that do not list physical characteristics of the imported article at the time of importation.
- Descriptions that include two or more distinct articles of commerce and thus have multiple/different HTS subheadings, rather than describe a single composite good that is dutiable based on its components.

Examples:

Deficient article description	Problem presented	Corrected article description
<u>Other</u> basketballs (provided for in subheading 9506.62.80)	It is not possible to determine what “other” means. It is necessary to specify exactly what is excluded.	Basketballs, other than basketballs with an external surface of leather or rubber (provided for in subheading 9506.62.80)
Footwear with outer soles of leather and uppers of leather, covering the ankle, <u>NESOI</u> (provided for in subheading 6403.51.90).	It is not possible to determine what is covered in NESOI. It is necessary to specify what is excluded.	Footwear with outer soles of leather and uppers of leather, covering the ankle, other than for women (provided for in subheading 6403.51.90)
Collars <u>for</u> small dogs (provided for in subheading 4201.00.30)	It is impossible to tell which collars would be worn by small dogs—or what “small” means. It is necessary to provide the physical characteristics of the collars for small dogs—such as length of the collar or sizing by weight of the dog.	Dog collars at least 20.32 centimeters (8 inches) in length and less than 25.4 centimeters (10 inches) in length (provided for in subheading 4201.00.30) [Note: naming the material used to make the dog collar can narrow the scope.]
Women’s ensembles of woven fabric of artificial fibers (provided for in subheading 6204.29.20)	These garments are dutiable at the rates applicable to each garment in the ensemble, if imported separately. We would need to know the type of garments in each ensemble and what	Women’s ensembles of woven fabric of artificial fibers (provided for in subheading 6204.29.20), each comprising a skirt of a type described in subheading 6204.59.20 and a suit-type jacket or blazer of a type
Batteries of a kind used as the primary source of electrical power for electrically powered vehicles sourced in Spain (provided for in subheading 8703.90.00)	Since the batteries will enter separately from the vehicles, CBP may not be able to determine whether the batteries will be used in vehicles from Spain or from another country.	Batteries of a kind used as the primary source of electrical power for electrically powered vehicles (provided for in subheading 8703.90.00)
Exhaust gas recirculation (EGR) is a nitrogen oxide (NOx) emissions reduction technique used in petrol/gasoline and diesel engines (provided for in subheading 8481.80.90)	The description must describe the good, not define its function. Instead, characteristics that specify which goods are suited for the named use should be provided.	Exhaust gas recirculation (EGR) valves (provided for in subheading 8481.80.90)
Escalators, with steps not wider than 91.5 cm, Acme Corp. Model A1 (provided for in subheading 8428.40.00)	Company names and model designations cannot be used in article descriptions.	Escalators, with steps not wider than 91.5 cm (provided for in subheading 8428.40.00)

REMEMBER: If you need to change your article description, you must withdraw your petition and file a new petition that includes the corrected description. This must be done no later than 5:15 p.m. on December 12, 2016.

REMEMBER: Commission staff *may* alert you to possible deficiencies in your article description *as time and resources permit*. Such time and resources may not be available towards the close of the petition submission period.