

Alliance for Fair Dairy Promotion
December 13th 2010

Review scope of HTS List of Covered Products

Concern: The proposed rule contains overly broad inclusion of HTS line items that do not fit within internationally accepted standards defining milk and dairy products that is an unjustified impediment to trade

- The term “dairy products” is defined in Article II of the International Dairy Agreement should be used
- The Explanatory Notes for Chapter 4 of the Harmonized System Tariff Nomenclature (HS) lists seven subcategories of dairy products, such as milk, cream, whey etc and also states that the following product **do not** fall within the umbrella of “*dairy products*”:
 - (1) food preparations based on dairy products (under 1901)
 - (2) products obtained from milk by replacing one or more of the natural constituents by another substance (under 1901 or 2106)
 - (3) ice cream and other edible ice (under 2105)
 - (4) medicaments of HS Chapter 30
 - (5) casein (under 3501), milk albumin (under 3502) and hardened casein (under 3913)

Proposed amendment:

- Remove the list of product categories as set out in Appendix B of the Alliance for Fair Dairy Promotion submission

Appendix B: Product Categories Not Pertaining to Dairy Products

1702.11.0000 LACTOSE AND LACTOSE SYRUP, CONTAINING BY WEIGHT 99 % OR MORE LACTOSE, EXPRESSED AS ANHYDROUS LACTOSE, CALCULATED ON THE DRY MATTER

1702.19.0000 LACTOSE IN SOLID FORM AND LACTOSE SYRUP

1704.90.5400 DAIRY PRODUCTS (SUGAR CONFECTIONERY) DESCRIBED IN ADDTL U S NOTE 1 TO CHAP. 4; SEE ADD ADDTL U S NOTE 10 & ENTERED PURSUANT TO ITS PROVISIONS

1704.90.5800 DAIRY PRODUCTS (SUGAR CONFECTIONERY) DESCRIBED IN ADDITIONAL U S NOTE 1 TO CHAP. 4, NESOI

1806.20.2090 CHOCOLATE IN BLOCKS, SLABS OR BARS WEIGHING 4.5 KG OR MORE EACH, CONTAINING BUTTERFAT OR OTHER MILK SOLIDS

1806.20.2400 CHOCOLATE, BULK FORMS NESOI, CONTAINING OVER 5.5% BY WEIGHT OF BUTTERFAT, DESCRIBED IN ADDITIONAL US NOTE 2 TO THIS CHAPTER AND ENTERED PROVISIONAL

1806.20.2600 CHOCOLATE, BULK FORMS NESOI, CONTAINING OVER 5.5% BY WEIGHT OF BUTTERFAT, NESOI, CONTAINING LESS THAN 21% BY WEIGHT OF MILK SOLIDS

1806.20.2800 CHOCOLATE, BULK FORMS NESOI, CONTAINING OVER 5.5% BY WEIGHT OF BUTTERFAT, NESOI

1806.20.3400 CHOCOLATE, BULK FORMS NESOI, CONTAINING NOT OVER 5.5% BY WEIGHT OF BUTTERFAT OR OTHER MILK SOLIDS, DESCRIBED IN ADDITIONAL US NOTE 3; PROVISIONAL

1806.20.3600 CHOCOLATE, BULK FORMS NESOI, CONTAINING NOT OVER 5.5% BY WEIGHT OF BUTTERFAT, NESOI, CONTAINING LESS THAN 21% BY WEIGHT OF MILK SOLIDS

1806.20.3800 CHOCOLATE, BULK FORMS NESOI, CONTAINING NOT OVER 5.5% BY WEIGHT OF BUTTERFAT, NESOI

1806.20.8100 COCOA PREP (DAIRY) IN BULK FORMS NESOI, CONTAINING 65% OR LESS BY WEIGHT OF SUGAR, DESCRIBED IN ADDITIONAL US NOTE 10 TO CHAPTER 4 ENTERED PROVISIONAL

1806.20.8200 COCOA PREPARATIONS IN BULK FORMS NESOI DAIRY PRODUCTS CONTAINING DESCRIBED IN ADDITIONAL US NOTE 1 TO CHAPTER 4, DAIRY PRODUCTS

1806.20.8300 COCOA PREPARATIONS IN BULK FORMS NESOI CONTAINING 65% OR LESS BY WEIGHT OF SUGAR, DAIRY PRODUCTS DESCRIBED IN ADDITIONAL US NOTE 1 TO CHAPTER 4, NESOI

1806.20.8500 COCOA PREP (LOW FAT CHOCOLATE CRUMB) BULK NESOI, CONTAINING 65% OR LESS BY WEIGHT OF SUGAR, DESCRIBED IN ADDITIONAL US NOTE 3 TO THIS CHAPTER: PROVISION A

1806.20.8700 COCOA PREP (LOW FAT CHOCOLATE) IN BULK FORM NESOI, CONTAINING LESS THAN 21 % BY WEIGHT OF MILK SOLIDS

1806.20.8900 COCOA PREPARATIONS (LOW FAT CHOCOLATE CRUMB) IN BULK FORMS NESOI CONTAINING 65% OR LESS BY WEIGHT OF SUGAR, NESOI 1806.32.0400 CHOCOLATE, IN BLOCKS, SLABS OR BARS WEIGHING 2 KG OR LESS, NOT FILLED, CONTAINING > 5.5% BUTTERFAT, DESCRIBED IN ADDITIONAL US NOTE 2; PROVISIONAL

1806.32.0600 CHOCOLATE, IN BLOCKS, SLABS OR BARS WEIGHING 2 KG OR LESS, NOT FILLED, CONTAINING < 21% MILK SOLIDS, DESCRIBED IN GENERAL NOTE 15 OF TARIFF SCHEDULE

1806.32.0800 CHOCOLATE, IN BLOCKS, SLABS OR BARS WEIGHING 2 KG OR LESS, NOT FILLED, CONTAINING OVER 5.5% BY WEIGHT OF BUTTERFAT, NESOI

1806.32.1400 CHOCOLATE, IN BLOCKS, SLABS OR BARS WEIGHING 2 KG OR LESS, NOT FILLED, CONTAINING < 5.5% BUTTERFAT, DESCRIBED IN ADDITIONAL NOTE 3: PROVISIONAL

1806.32.1600 CHOCOLATE, IN BLOCKS, SLABS OR BARS WEIGHING 2 KG OR LESS, NOT FILLED, CONTAINING < 21% MILK SOLIDS, NESOI

1806.32.1800 CHOCOLATE, IN BLOCKS, SLABS OR BARS WEIGHING 2 KG OR LESS, NOT FILLED, CONTAINING LESS 5.5% BY WEIGHT OF BUTTERFAT, NESOI

1806.32.6000 COCOA PREPARATIONS (DAIRY PRODUCTS) IN BLOCKS, SLABS OR BARS, NESOI, WEIGHING 2 KG OR LESS, NOT FILLED, DESCRIBED IN ADDITIONAL US NOTE 10 TO CHAPTER 4

1806.32.7000 COCOA PREPS (DAIRY) NESOI IN BLOCKS, SLABS OR BARS WEIGHING 2 KG OR LESS, NOT FILLED, CONTAINING < 21% MILK SOLIDS,

ADDITIONAL U.S. NOTE 1 TO CHAPTER 4

1806.32.8000 COCOA PREPARATIONS (DAIRY PRODUCTS) IN BLOCKS, SLABS OR BARS, NESOI, WEIGHING 2 KG OR LESS, NOT FILLED, DESCRIBED IN ADDITIONAL NOTE 1 TO CHAPTER 4

1806.90.0500 COCOA PREPARATIONS NESOI NOT IN BULK FORMS, NOT FOR RETAIL SALE, DAIRY PRODUCTS DESCRIBED IN ADDITIONAL US NOTE 10 TO CHAPTER 4 AND PROVISIONAL

1806.90.0800 COCOA PREPARATIONS NESOI NOT IN BULK FORMS, NOT FOR RETAIL SALE, DAIRY PRODUCTS CONTAINING < 21% MILK SOLIDS, IN US NOTE 10 TO CHAPTER 4: PROVISIONAL

1806.90.1000 COCOA PREPARATIONS NESOI NOT IN BULK FORMS, NOT FOR RETAIL SALE, DESCRIBED IN ADDITIONAL US NOTE 10 TO CHAPTER 4 AND ENTERED TO ITS PROVISIONS

1806.90.1500 COCOA PREPARATIONS NESOI NOT IN BULK FORMS, NOT FOR RETAIL SALE, CONTAINING > 5.5% BUTTERFAT, DESCRIBED IN ADDITIONAL U.S. NOTE 2 : PROVISIONAL

1806.90.1800 COCOA PREPARATIONS NESOI NOT IN BULK FORMS, NOT FOR RETAIL SALE, CONTAINING LESS THAN 21% BY WEIGHT OF MILK SOLIDS

1806.90.2000 COCOA PREPARATIONS NESOI NOT IN BULK FORMS, NOT FOR RETAIL SALE, CONTAINING OVER 5.5% BY WEIGHT OF BUTTERFAT

1806.90.2500 COCOA PREPARATIONS NESOI NOT IN BULK FORMS, NOT FOR RETAIL SALE, CONTAINING < 5.5% BUTTERFAT, DESCRIBED IN ADDITIONAL U NOTE 3: PROVISIONAL

1806.90.2800 COCOA PREPARATIONS NESOI NOT IN BULK FORMS, NOT FOR RETAIL SALE, CONTAINING LESS THAN < 21% BY WEIGHT OF MILK SOLIDS

1806.90.3000 COCOA PREPARATIONS NESOI NOT IN BULK FORMS, NOT FOR RETAIL SALE, NESOI

1901.10.1500 PREPS FOR INFANT USE, INFANT FORMULA CONTAINING OLIGOSACCHARIDES AND > 10% MILK SOLIDS, DESCRIBED IN ADDITIONAL US NOTE 2: PROVISIONAL

1901.10.3000 PREPARATIONS FOR INFANT USE, PUT UP FOR RETAIL SALE, CONTAINING OVER 10 PERCENT BY WEIGHT OF MILK SOLIDS, CONTAINING OLIGOSACCHARIDES, NESOI

1901.10.3500 PREPARATIONS FOR INFANT USE, PUT UP FOR RETAIL SALE, CONTAINING > 10% MILK SOLIDS, DAIRY PRODUCTS DESCRIBED IN ADDITIONAL NOTE 10 TO CHAP: PROVISIONAL

1901.10.4000 PREPARATIONS FOR INFANT USE, PUT UP FOR RETAIL SALE, CONTAINING > 10% MILK SOLIDS, DAIRY PRODUCTS DESCRIBED IN ADDITIONAL U NOTE 1 TO CHAPTER 4: NESOI

1901.10.4500 PREPARATIONS FOR INFANT USE, PUT UP FOR RETAIL SALE, CONTAINING OVER 10 PERCENT BY WEIGHT OF MILK SOLIDS, NESOI

1901.20.0500 MIXES & DOUGHS FOR THE PREPARATION OF BAKERS WARES OF HEADING 1905, CONTAINING >25% BUTTERFAT, NOT RETAIL, DESCRIBED IN ADDITIONAL US NOTE 10 TO CH 10

1901.20.1500 MIXES & DOUGHS PREPARATION (DAIRY) OF BAKERS WARES OF HEADING 1905, CONTAINING >25% BUTTERFAT, NOT RETAIL, ADDTL US NOTE 1 TO CHAPTER 4: PROVISIONAL

1901.20.2000 MIXES AND DOUGHS FOR THE PREPARATION OF BAKERS WARES OF HEADING 1905, CONTAINING > 25% BUTTERFAT AND >65% SUGAR DESCRIBED IN ADDTL US NOTE 7 TO CHAP17

1901.20.2500 MIXES AND DOUGHS FOR THE PREPARATION OF BAKERS WARES OF HEADING 1905, CONTAINING OVER 25% BY WEIGHT OF BUTTERFAT, NOT PUT UP FOR RETAIL SALE, NESOI

1901.20.3000 MIXES AND DOUGHS FOR THE PREPARATION OF BAKERS WARES OF HEADING 1905, CONTAINING OVER 25% BUTTERFAT, NOT FOR RETAIL SALE, DESCRIBED IN ADDTL US NOTE 3

1901.20.3500 MIXES AND DOUGHS PREPS OF BAKERS WARES IF HEADING 1905, CONTAINING > 25% BUTTERFAT, NOT PUT UP FOR RETAIL SALE DESCRIBED IN ADDITIONAL US NOTE 1-CH 19

1901.20.4000 MIXES AND DOUGHS FOR THE PREPARATION OF BAKERS' WARES OF HEADING 1905, CONTAINING OVER 25% BUTTERFAT, NOT PUT UP FOR RETAIL SALE, NESOI

1901.20.4500 MIXES AND DOUGHS FOR THE PREPARATION OF BAKERS WARES OF HEADING 1905, NESOI, DAIRY PRODUCTS DESCRIBED IN ADDITIONAL US NOTE 10 TO CHAPTER 4

1901.20.5000 MIXES AND DOUGHS FOR THE PREPARATION OF BAKERS WARES OF HEADING 1905, NESOI, DAIRY PRODUCTS DESCRIBED IN

ADDITIONAL US NOTE 1 TO CHAPTER 4, NESOI

1901.90.2800 DRY MIXTURE CNTNG < 31% BUTRFT & > 17.5% SODIUM CASEINATE, BUTRFT, WHEY SLDS CNTNG > 5.5% BUTRFT & DRY WHOLE MILK, NOT CNTNG DRY MILK/WHEY/BUTTERFAT

1901.90.3400 MARGARINE CHEESE: DESCRIBED IN ADDITIONAL U.S. NOTE 23 TO CHAPTER 4 AND ENTERED PURSUANT TO ITS PROVISIONS

1901.90.3600 MARGARINE CHEESE: NESOI

1901.90.4200 DAIRY PREPARATIONS CONTAINING OVER 10 PERCENT BY WEIGHT OF MILK SOLIDS, MALTED MILK, DESCRIBED IN ADDITIONAL US NOTE 10 TO CHAPTER 4: PROVISIONAL

1901.90.4300 DAIRY PREPARATIONS CONTAINING OVER 10 PERCENT BY WEIGHT OF MILK SOLIDS, MALTED MILK, NESOI

1901.90.7000 FOOD PREPARATIONS, NESOI, CONTAINING OVER 5.5% BY WEIGHT OF BUTTERFAT AND NOT PACKAGED FOR RETAIL SALE, NESOI

1901.90.9082 FOR PREPARATIONS OF FLOUR, MEAL, STARCH OR MALT EXTRACT, NESOI, CORN-SOYA MILK BLENDS kg

2105.00.1000 ICE CREAM, WHETHER OR NOT CONTAINING COCOA, DESCRIBED IN ADDITIONAL U. S. NOTE 5 TO THIS CHAPTER AND ENTERED PURSUANT TO ITS PROVISIONS

2105.00.2000 ICE CREAM, WHETHER OR NOT CONTAINING COCOA, NESOI

2105.00.3000 EDIBLE ICE EXCEPT ICE CREAM, DAIRY PRODUCTS (SEE CHAP. 4- ADDITIONAL U S NOTE 1), DESCRIBED IN ADDITIONAL U S NOTE 10 TO CHAP. 4 & PROVISIONAL

2105.00.4000 EDIBLE ICE EXCEPT ICE CREAM, DAIRY PRODUCTS DESCRIBED IN ADDITIONAL U.S. NOTE 1 TO CHAPTER 4, NESOI

2106.90.0600 FOOD PREPS, 16% MILK SOLIDS CAPABLE OF BEING FURTHER PROCESSED BULK, SEE U S NOTE 10-CHAP. 4

2106.90.0900 FOOD PREPS, CONTAIN < 5.5% BUTTERFAT, MIXED WITH OTHER INGREDIENTS, IF > 16% MILK SOLIDS BY WEIGHT, CAPABLE OF BEING PROCESSED/MIXED WITH OTHERS,BULK,NESOI

2106.90.2400 BUTTER SUBSTITUTES CONTAINING OVER 10% BY WEIGHT OF MILK SOLIDS, CONTAINING OVER 45% BUTTERFAT, SEE ADDITIONAL U. S.

NOTE 14 - CHAP. 4 & PROVISIONAL

2106.90.2600 BUTTER SUBSTITUTES CONTAINING OVER 10% BY WEIGHT OF MILK SOLIDS, CONTAINING OVER 45% BUTTERFAT, NESOI

2106.90.2800 BUTTER SUBSTITUTES, IN LIQUID OR SOLID STATE, CONTAINING >15% BY WEIGHT OF BUTTER OR OTHER FATS OR OILS DERIVED FROM MILK, > 10% MILK SOLIDS, NESOI

2106.90.3400 BUTTER SUBSTITUTES WHETHER IN LIQUID OR SOLID STATE, NESOI, CONTAINING OVER 45 PERCENT BUTTERFAT, SEE ADDTL U.S. NOTE 14 - CHAP. 4 & PROVISIONAL

2106.90.3600 BUTTER SUBSTITUTES WHETHER IN LIQUID OR SOLID STATE, NESOI, CONTAINING OVER 45 PERCENT BUTTERFAT, NESOI

2106.90.3800 BUTTER SUBSTITUTES, WHETHER IN LIQUID OR SOLID STATE, CONTAINING OVER 15% BY WEIGHT OF BUTTER OR OTHER FATS OR OILS DERIVED FROM MILK, NESOI

2106.90.6400 FOOD PREPARATIONS NESOI, CONTNG >10% MILK SOLIDS, DAIRY PRODUCTS, SEE ADDTL U.S. NOTE 1-CHAP. 4, SEE ADDITIONAL U S NOTE 10-CHAP 4 & PROVISIONAL, NESOI

2106.90.6600 FOOD PREPS NESOI, CONTNG >10% MILK SOLIDS, DAIRY PRODUCTS, DESCRIBED IN ADDITIONAL U.S. NOTE 1 TO CHAPTER 4, NESOI

2106.90.6800 FOOD PREPS NESOI, CONTNG >10% MILK SOLIDS, BLENDED SYRUPS IN ADDITIONAL U.S. NOTE 4-CHAP 17, SEE ADDITIONAL U.S. NOTE 9 - CHAP 17 & PROVISIONAL, NESOI

2106.90.7200 FOOD PREPARATIONS NESOI, CONTNG > 10% MILK SOLIDS, BLENDED SYRUPS DESCRIBED IN ADDITIONAL U.S. NOTE 4 TO CHAPTER 17, NESOI

2106.90.7400 FOOD PREPARATIONS NESOI, CONTNG >10% MILK SOLIDS, CONTNG >65% SUGAR (ADDTL U.S. NOTE 2-CHAP 17), SEE ADDTL U.S. NOTE 7-CHAP 17 & PROVISIONAL, NESOI

2106.90.7600 FOOD PREPARATIONS NESOI, CONTAINING > 10% BY WEIGHT OF MILK SOLIDS, CONTAINING > 65% BY DRY WEIGHT OF SUGAR (ADDTL U.S. NOTE 2-CHAP 17), NESOI

2106.90.7800 FOOD PREPARATIONS NESOI, CONTNG >10% BY WEIGHT OF MILK SOLIDS, CONTNG >10% SUGAR (ADDTL U.S. NOTE 3-CHAP 17), ADDTL U S NOTE 8- CH.17&PROVISIONAL,NESOI