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**CONSULTANTS:**

GST, CUSTOMS,  
FOREIGN TRADE LAWS,  
FOREIGN EXCHANGE MANAGEMENT ACT.

## OPINION

1. **Queriest :**

M/s. Scope Ingredients Pvt. Ltd.,  
S-10, 2<sup>nd</sup> Floor, Raja Annamalai Building,  
No.19, Marshalls Road, Egmore,  
Chennai – 600 008.

2. **Facts :**

Queriest seeks to import Mosquito Repellent which is described as ‘NANO ICARIDINA’. It is reported that this is made using encapsulated technology and is many times better than DEET, which is the active ingredient in common mosquito repellents.

3. **Query :**

With regard to the proposed import, the queriest would like to seek opinion regarding the classification of the product and its importability.

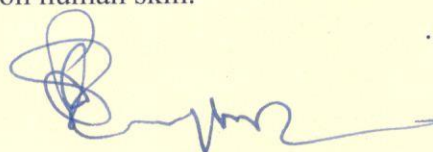
4. **Opinion :**

- 4.1 For providing the opinion, the queriest has made available Safety Datasheet as well as two Test Reports dated 16.09.2016 and 09.01.2017 and a brief write-up of the product. As per the write-up covering an “analysis between DEET and Icaridina”, the following is stated.

“Icaridina, or also known as Picaridin, was developed by the German pharmaceutical company Bayer in the 1980s. It has become available since 1998 in Australia and Europe, and later, in 2005, in the United States. Icaridina is a synthetic chemical compound that is produced imitate the natural chemical Piperidine, which is found in plants that include common black pepper.

The use and release of Icaridina as a repellent was carried out by safety tests for both adults and the elderly, as well as for use in children and infants over 2 years old. There have been several laboratory studies on the continued use of Icaridina as repellents, tests performed on laboratory rats, including exposure to high doses of Icaridina for long periods. These studies report that Icaridina is essentially safe. In the United States, the EPA has determined that Icaridina is safe for use on human skin.”

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- 4.2 The safety datasheet submitted further indicates that the product is a mixture and is organic based. It contains several acids, Glycol and Hydroxyethyl Isobutyl Piperidine Carboxylate. The test reports mentioned above also contain the same composition details. In the test report the following conclusion is provided.

“The tested product **NANO ICARIDINA 25 % IN NANOESTRUTURED ULTRA FLUID BASE** presented repellent property against the mosquitoes from families *Anopheles species An. Albimanus*, and *Culex species Quinquefasciatus*, for **480 minutes** after its application, and **360 minutes** for *Aedes aegypti species, Culicidae species* according to the methodology EPA -Insect Repellents to be Applied to Human Skin – Product Performance Test Guidelines – OPPTS 810.3700 – EPA Environmental Protection Agency 712 – C-10-001 July 7, 2010.”

- 4.3 From the information provided as above, it is clear that the product under reference is an “insecticide” used for repelling mosquitoes and it is, by composition, a mixture. Such products will be covered by Heading 3808 of the Schedule to the Customs Tariff Act 1975 as “Insecticides”. As far as Import Policy is concerned, the relevant Heading will be 3808 9191 which covers “repellents for insects such as flies and mosquitoes”.

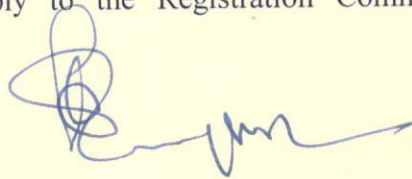
- 4.4 The product is freely importable if the importer is registered with the authorities and the product is not prohibited under Insecticides Act 1968.

- 4.5 As per Section 3(e) of Insecticides Act 1968,

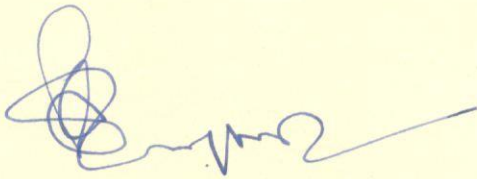
“Insecticide” means-

- i. any substance specified in the schedule; or
- ii. such other substances (including fungicides and (weedicides) as the Central Government may, after consultation with the Board, by notification in the official Gazette, include in the schedule from time to time; or
- iii. Any preparation containing any one or more of such substances.

- 4.6 Section 9 of the Insecticides Act requires a person who wants to import or manufacture any insecticide to apply to the Registration Committee for registration of such insecticide.



- 4.7 Therefore, the querist has to provide the details of the product and get registered for importing the goods under Insecticides Act 1968.
- 4.8 From the Schedule to the Insecticides Act, as of now, it does not appear that this product is specifically prohibited for import. This being the case, subject to registration formalities and complying with the other requirements of Insecticides Act, the goods will be freely importable.



**S. MURUGAPPAN**

sm/ss

**Disclaimer:-** The above opinion is provided based on the information and documents made available to us by the querist and further based on the laws and rules prevalent as on date and the understanding of such provisions by the author and is meant for the private use of the person to whom it is provided without assuming any liability for any consequential action taken based on the views expressed here.