

ANNEXURE

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◆ NY N281442 📅 Feb 08, 2017

Type : Classification • HTSUS : 2106.90.9898

CLA-2-21:OT:RR:NC:N4:228

Ms. Sandra R. Calloway
 Herbalife International of America, Inc.
 950 West 190th Street
 Torrance, CA 90502

RE: The tariff classification of lycopene 10% CWD powder from China

Dear Ms. Calloway:

In your letter dated September 14, 2016 you requested a tariff classification ruling.

An ingredients breakdown, manufacturing process flow chart, product specification sheet and a sample accompanied your first letter dated June 29, 2016. The sample was examined and discarded. Marketing literature and product labeling accompanied your second correspondence dated September 14, 2016. Lycopene 10% CWD powder (LY1220) is said to contain 83 percent modified food starch, 10 percent lycopene, 5 percent water and 2 percent DL alpha tocopherol. The product will be imported in bulk and will be used as an ingredient in the production of a nutritional dietary supplement for human use.

In your letter, you suggested the product may fall in subheading **3203.00.8000**, Harmonized Tariff Schedule of the United States (HTSUS), which provides for coloring matter of vegetable or animal origin: other. Based on the composition of materials and functions it will be classified elsewhere.

The applicable subheading for the lycopene 10% CWD powder will be 2106.90.9898, HTSUS, which provides for food preparations not elsewhere specified or included . . . other . . . other . . . other . . . other . . . other . . . other. The general rate of duty will be 6.4 percent ad valorem.

Duty rates are provided for your convenience and are subject to change. The text of the most recent HTSUS and the accompanying duty rates are provided on the World Wide Web at <https://hts.usitc.gov/current>.

This merchandise is subject to The Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (The Bioterrorism Act), which is regulated by the Food and Drug Administration (FDA).
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Information on the Bioterrorism Act can be obtained by calling FDA at 301-575-0156, or at the Web site www.fda.gov/oc/bioterrorism/bioact.html.

This ruling is being issued under the provisions of Part 177 of the Customs Regulations (19 C.F.R. 177).

A copy of the ruling or the control number indicated above should be provided with the entry documents filed at the time this merchandise is imported. If you have any questions regarding the ruling, contact National Import Specialist Bruce N. Hadley Jr. at bruce.hadleyjr@cbp.dhs.gov.

Sincerely,

Steven A. Mack
Director
National Commodity Specialist Division

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