



Global Trends and Customs:

New Customs and FDA Procedures

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On October 17, 2007, Customs and Border Protection (CBP) updated its export and destruction procedures for merchandise refused admission by the U.S. Food and Drug Administration (FDA). If merchandise is refused entry by the FDA, the importer has 90 days to export or destroy the refused merchandise, and the exportation must be done under CBP supervision, while the destruction must be done under both FDA supervision. If the exportation or destruction is not done within 90 days, liquidated damages will be assessed for three times the entered value of the merchandise.

CBP/FDA Joint Team 488 must receive a validated CBP Form 7512 or CBP Form 3499, and a copy of the Notice of FDA Action in order to cancel the redelivery notice, and not assess liquidated damages. If assessed liquidated damages, you have 60 days to respond to CBP. Experienced customs and international trade attorneys may assist with mitigating liquidated damages, and in some cases may even get CBP to

cancel liquidated damages entirely. Examples of mitigating factors that CBP considers include lack of importing experience, general good performance, cooperation with CBP, and immediate remedial action.

The attached Information Bulletin clearly addresses the procedures you must use if you desire to export or destroy merchandise from the Miami Airport/Seaport, Port Everglades, and the Port of West Palm Beach.

Please feel free to contact Peter Quinter (954-985-4101), the Shareholder in charge of our Customs and International Trade Department, or me, with any questions you may have.

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