DEPARTMENT OF THE TREASURY
U.S. CUSTOMS SERVICE

PORT OF CHICAGO PIPELINE

NO. 98-35

October 2, 1998

TO : **Customhouse Brokers, Importers and Others Concerned**

SUBJECT: Compliance with FDA Notice of Refusal

Effective October 1, 1998, the U.S. Customs and the U.S. Food and Drug Administration (FDA) will begin using revised procedures for tracking the disposition of shipments refused entry under FDA's Notice of Refusal Form.

Importers who receive this Notice of Refusal should immediately contact the Export Control Section of U.S. Customs Service to coordinate compliance with the Notice. The action required by the Notice must be done under Customs supervision. An Importer's failure to comply with the Notice of Refusal, including securing Customs supervision, will result in the assessment of liquidated damages against the importer. The Export Control Section of U.S. Customs may be contacted at 847-616-4060, Extension 126.

Generally, Customs supervision of exportations will require the Importer to export the shipment under bond using Customs Form 7512 annotated for "export only" and referencing the original import entry number. Regardless of the final port of exportation, the Importer must submit the Customs Form 7512 along with a copy of the Notice of Refusal, to Customs Export Control Office at CenterPoint Business Center. Please use the attached coversheet for your submission.

Generally, Customs supervision of destructions will require the Importer to file for destruction using Customs Form 3499. The Importer must submit the Customs Form 3499 along with a copy of the Notice of Refusal, to Customs Export Control Office at CenterPoint Business Center. Please use the attached coversheet for your submission.

We advise importers that all arrangements and costs associated with the exportation or destruction of merchandise refused admission are the responsibilities of the importer. Customs responsibility is limited to the supervision of the action. If exportation or destruction is being done as part of the Drawback Entry process, the Importer must advise Customs of the FDA Refusal Status of the merchandise.

Reminder: We remind importers/filers that when FDA issues a notice of sampling or examination, we require a formal entry. If you have filed an informal entry that entry must be replaced or changed to a formal entry.

Chicago District Pipeline 90-39 is hereby rescinded.

Larry Shirk
(Acting) Port Director

Attachment

UNITED STATES CUSTOMS SERVICE
Port of Chicago

(Request for Customs Supervision for Outbound: Drawbacks, TIBs, FDA Refusals)

DATE: _____

TO: EXPORT CONTROL SECTION

FROM: _____
(BROKER/COMPANY NAME)

CONTACT: _____

PHONE: _____

EXAMINATION/DESTRUCTION LOCATION:_____

(CUSTOMS USE ONLY)

EXAMINATION/DESTRUCTION REQUIRED: **YES** **NO**
(CIRCLE ONE)

AUTHORIZED SIGNATURE: _____
Supervisory Customs Inspector

Please complete in duplicate