



What Exhibitors Need to Know About Importing Food

By Michelle Bruno

Besides firearms, live animals and nuclear waste, food—especially perishables like produce, cheese or meat—are among the most difficult items to import for a trade show. Even though they (presumably) won't reach the general public, the same Customs and Border Protection rules and regulations apply for show samples as they do for non-exhibition food imports. Here's what exhibitors need to know.

FDA governs food imports

The **U.S. Food and Drug Administration** (FDA) governs the importation of food products into the U.S. Imported food products are subject to FDA inspection when they arrive at any U.S. port of entry. Shipments must be compliant with current FDA regulations or risk being detained.

Food facilities must be registered

Foreign facilities that manufacture, process, pack, or hold food for human or animal consumption in the United States have to be registered with the FDA before products from those facilities may be imported. The registration must be renewed every two years. Foreign facilities must designate a U.S. agent, who lives or maintains a place of business in the U.S. and is physically present in the U.S.,

for purposes of registration. The U.S. agent may be authorized to register the facility.

Invoice information must match the registration information

The address associated with the correct (current) FDA registration number must match the shipper's address on the commercial invoices. The registration must be current for the year and exhibitors must supply the FDA registration form confirmation along with the invoices to confirm the address to avoid a mismatch of information in the automated customs clearance system.

Exhibitors have to facilitate “prior notice”

The Public Health Security and Bioterrorism Preparedness and Response Act of 2002 requires that the FDA be notified of any food shipments prior to importation. This “prior notice” allows the FDA and Customs to target inspections more effectively and help protect that nation's

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food supply against terrorist acts and other public health emergencies. The exhibitor's designated U.S. customs broker in cooperation with the broker's foreign representative handles this procedure; however, the exhibitor is responsible for providing them with the appropriate information to make the filing.

Clearance process for food is generally longer

Because of strict FDA requirements, it can take 5 to 7 days to clear food shipments (compared to 2 to 3 days for non-food items). Exhibitors should take these delays into consideration when budgeting as storage charges at the airline or steamship line can begin to mount if problems—incorrect documentation, outdated FDA numbers, goods being sent for intensive examination—occur during the clearance process.

Packing is critical for food shipments

Because delays are not uncommon, food shipments (frozen foods especially) should be packed and/or handled accordingly. Frozen foods should be packed in dry ice. Foods that require refrigeration must be appropriately marked.

Checking import alerts can prevent delays

The FDA offers periodic import alerts regarding specific food items that may require special permits. Exhibitors or their shippers should check these **alerts** before shipping to ensure that all documentation is in order.

Acidified and low-acid canned foods require additional registration

Foreign commercial processors that manufacture, process, or pack acidified foods (AF) and/or thermally processed low-acid foods packaged in hermetically sealed containers (historically referred to as “low-acid canned foods” or “LACF”) must be registered with the FDA. Shipments of foods, such as tomato sauce, vinegars, juices with citric flavorings and tuna in cans, for example, require a Food Canning Establishment (FCE) registration number in addition to the FDA's food facility registration number.

Combining food shipments on one master bill of lading is a recipe for delays

There are a number of reasons why an exhibitor would want to consolidate his shipment with those of other exhibitors. The principal reason is cost. It is generally less expensive to ship in a consolidation than to ship any goods alone. Food changes the game, however. If one exhibitor's shipment in an incorrectly documented shipment (no separate “house” airway bills for each exhibitor's shipment) encounters problems or delays, the entire shipment—every exhibitor in the shipment—is delayed. In addition to delays in clearance and the possibility that every exhibitor in the group will miss the show, storage charges will be assessed to all exhibitors.

Food items must be classified correctly

The **Harmonized Tariff Schedule of the United States** gives customs brokers the information they need to file customs entries. Each commodity is assigned a unique number according to the tariff. Because the clearance system is automated, the only way that customs authorities (and other regulatory agencies) know what the items are, what duties (if any) should be assessed and what registrations and permits are required is through the use of these numbers. Exhibitors, with the help of their in-country freight forwarder, must put the correct tariff numbers on the commercial invoices. Incorrect numbers will result in delays or confiscation of the shipment.

Food is not an uncommon importation for trade shows. Even when the exhibition is not food related, international exhibitors often import foods, wines and spirits for consumption at the booth and as a representation of their country and culture. When they do, however, they must remember three important points: food requires additional handling on both sides—the exhibitor's side and the customs brokers side; food clearances take longer than non-food clearance and because of that fact, they should be documented separately from non-food shipments; the savings gained from consolidating food shipments is often lost from storage charges incurred when such shipments are delayed.

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