

N298571

July 31, 2018

CLA-2-20:OT:RR:NC:N2:228

CATEGORY: Classification

TARIFF NO.: 2008.19.1040

Mr. Don Larson
Sunshine Nut Company
1004 West 9th Ave., Suite 220
King of Prussia, PA 19406

RE: The tariff classification and status under the African Growth and Opportunity Act (AGOA) of cashew nuts with flavoring from Mozambique

Dear Mr. Larson:

In your letter dated July 1, 2018, you requested a ruling on the tariff classification and status of cashew nuts covered in a sugar and cinnamon mixture under the African Growth and Opportunity Act (AGOA).

An ingredients breakdown, a product specification sheet, a manufacturing flowchart, a sample label of the product, and a sample of a similar product were provided with your inquiry. The sample was examined and discarded. The product is said to contain cashews nuts, sunflower oil, sugar, salt, spices, and natural flavoring. The product is packed for retail sale in a plastic bag weighing 200 grams (7 oz.), net weight.

The applicable subheading for the product will be 2008.19.1040, HTSUS, which provides for fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included . . . nuts, peanuts (ground-nuts) and other seeds, whether or not mixed together . . . other, including mixtures . . . Brazil nuts and cashews . . . cashews. The general rate of duty will be free.

In your letter, you requested to know whether the product qualified for free trade preference under the AGOA. There is no provision for AGOA preference under the applicable subheading. 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). 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