

U.S. FOOD IMPORT INDUSTRY

ANNUAL 2020 REPORT
EDITION

Includes:

FDA Preparing For New Era of Smarter Food Safety

Primer on Antidumping Duty Investigations

Directory of Leading U.S. Importers and Exporters Shipping to the U.S.

U.S. Food Import Industry Annual Report 2020



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AFI Chairman's Report

James Libby, Finck-Jones-Libby Co.

Before I review another successful season of AFI activities, a personal note. More than 60 years ago, my great-uncle, the founding partner of my firm, served as president of what was then the Association of Food Distributors of New York. A plaque thanking him for his service from 1957-1959 still hangs in our office and cites the growth in 'membership & scope' under his leadership.

I suspect he would be pleased that this growth would only accelerate as the second and third generations would enter the trade and AFI would achieve the formidable presence in the food industry it enjoys today. The confidence in the future is perhaps his most valuable legacy, but there is also a disciplined professionalism that still inhabits the culture of the AFI worth commenting on.

My own involvement in AFI, now spanning decades, was one of reliance on the professional engagement with industry challenges that I would face as a young man right out of college with no commercial experience, starting in business. One of the first observations I made was that small- and medium-sized firms were the heart and soul of the industry and made up the core of the association.

In my early years, AFI offered a chance to meet experienced leaders in my field, whose discipline and experience would provide a rich trove of advice and counsel over the years. AFI immediately offered a professional insight into understanding issues as varied as tariffs, U.S. FDA regulation, contracts, customs and host of other issues, which

I was to encounter as I began what was to become a multi-decade career. Contract standards, as well as arbitration services remain a valuable part of AFI's work.

Looking over the notes of a recent Board of Directors meeting, I happened to notice the discussion of the association's "mission statement" which includes, amongst other things, "free and fair trade" and to "foster compliance with U.S. laws and regulations." Those principles have been for many years and will continue to be crucial parts of the association's mission.

The complex period of implementation of the Food Safety Modernization Act proved a challenging period for many firms and especially for smaller firms that originally did not have in-house regulatory or compliance specialists. AFI President Bob Bauer was a leader in developing the curriculum for the Foreign Supplier Verification Program course and continues to offer two-day seminars in implementation and management of FSVP which will meet FDA standards. This has proven invaluable to many firms throughout the industry and AFI's involvement in the FSMA development and implementation process has put its members well ahead of the learning curve.

In the divisive and contentious period that we have entered in the last year or so, AFI has continued to confront a growing protectionist atmosphere that threatens the free trade, which is a basic principle. The core value of open markets remains under the greatest threat that I can recall

since the beginning of my career. When you consider the value of AFI membership, the constant work of reporting on and confronting tariff barriers is an essential function that I hope you will join me in continuing to support. A prime example is the aggressive and ultimately successful campaign AFI waged on behalf of importers to include several food products in the 2018 Miscellaneous Tariff Bill, a process we repeated for the next MTB that's under consideration now. Many of our membership continue to benefit from the competitive advantage the rapid reporting of changing tariff levels and AFI will continue to lead in this.

When the possibility of punitive duties on products from the European Union was announced, AFI wasted little time in responding with timely reporting and constant updates. In addition to filing comments on behalf of the industry, it provided members with tools to help them submit comments of their own and to help their customers submit comments detailing the harm the tariffs would cause.

Today, the membership and scope of AFI is international, with its international membership nearly five times the domestic membership and growing apace; AFI has widened its involvement in international trade at a pace I couldn't imagine when I was just starting out.

The quality and vigor of our present work owes much to my fellow members of the Board of Directors, whose continuous generosity with both their time and expertise is perhaps one of AFI's finest assets. Warmest thanks!



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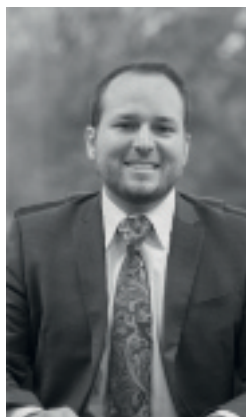


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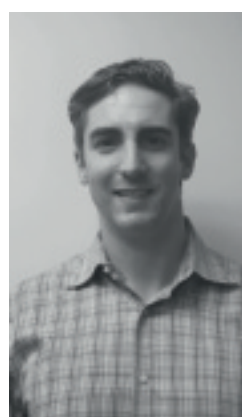
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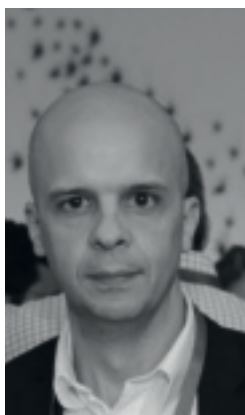
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AFI President's Report

Bob Bauer, AFI

“Tariff” may not be a four-letter word but it may as well be. AFI and its members have been besieged by tariff issues over the past 12+ months and it’s going to continue for the foreseeable future. One particularly frustrating facet of the tariff mess for me and the rest of the AFI staff is that we’re unable to give members definitive answers and timetables because things are being carried out by the U.S. government in ways not seen before – different procedures, different timetables, different implementation procedures and allowances in the various disputes.

Compare that to, for example, when a new regulation is passed. It’s usually black and white. We boil the legalize down, present it in a way it can be understood, tell members when it will go into effect and offer advice on how to comply.

The tariff actions were a different animal. Members were still in a better position than most because AFI staff was continually monitoring the various disputes, receiving ongoing updates from various sources, making the industry’s concerns known to the Trump Administration and members of Congress and providing members with a summary of the best-available information, including expected dates of new tariff announcements.

BUT – so much was and still is unknown. For example:

- The items subject to the punitive tariffs in any of the disputes could change with little or no warning.
- The punitive duty rates could change.
- A list of possible new products subject to punitive tariffs could be issued,

creating yet another round of uncertainty.

Of course, there could be progress as well. In fact, I’m among those who think there will be significant progress in the disputes between both China and the European Union. In fact, it’s possible both will be resolved this year. China’s economy simply can’t withstand the pressure the tariffs are creating and the Trump Administration is coming under increasing fire for the impact the tariffs are having on U.S. consumers and businesses. I think both sides will see it’s time to put together an agreement that in some way lets both sides claim a victory of sorts. The impact of the Coronavirus could bring about an even-faster resolution, though, of course, we’re all hoping something can be done to stem the tide on that fast-spreading illness.

There are moving parts – airplane parts – in the EU dispute as well. The tariffs imposed by the U.S. came as a result of a World Trade Organization ruling in its favor over subsidies paid to Airbus. The EU has a similar case against the U.S. regarding support given to Boeing. While there’s not much motivation for the U.S. to act while it’s the only one able to impose tariffs, the U.S. likely will act soon, so as not to add another issue to those already on Boeing’s plate.

AFI acted quickly when the EU dispute surfaced. We provided templates and guidance to members to help them and their customers submit comments in opposition to the tariffs. We encouraged our members in EU countries to put as much pressure as possible on their governments to work toward a solution. We attended

hearings and had discussions with staff at the U.S. Trade Representative’s office. And we supported and encouraged our members to support the Fair Trade Act, which, if passed, will allow for refunds for product that was on the water when the EU tariffs were announced.

While it’s hard to figure out why some products were included on the tariff lists in the China dispute (some of them have little or no exports to the U.S.), it’s a different story for the products on the EU lists. Every product on the proposed lists is on there for a reason. Whether it’s an item with a large footprint in an EU country with an Airbus facility, whether it was a popular product produced largely in the EU and not elsewhere or whether for some other reason, a lot of thought went into what products were put on the lists. Of course, in putting out lists of potential products that far exceeded the value of the amount the U.S. was allowed to impose, the U.S. maximized the unrest it wanted to create surrounding this dispute.

Those types of tactics will continue on both sides. As with the China dispute, I expect both sides will make some concessions and come up with something that makes both look as though won something. In the meantime, AFI will continue to keep members informed as much as possible because we know the information we provide could save members many thousands of dollars – just as it did last year when members brought in products that ultimately became subject to the punitive duties but they beat the clock by following the expected timetable provided by AFI. □

ORLANDO

FOODS

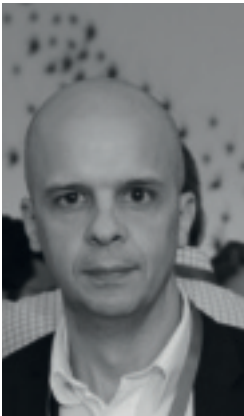
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North American Olive Oil Association

Annual Report Gabriel Estevez, Sovena USA

They say that bad things come in threes.

Last year, I was pleased to continue working with my fellow executive committee members: Bill Monroe from Pompeian, Marco DeCeglie from Salov, Francesc Sola from Borges (until his resignation late in 2019)—along with Bob Bauer (president) and Joseph R. Profaci (executive director). Early last year, Craig Grantham from Deoleo resigned his position on the board and I decided it would be best to fill that seat after holding an election at the NAOOA summer meeting in June. At the meeting, Don Griego, former chair, was elected to serve out the Craig’s term, bringing much-valued experience to bear. Late this year, upon Francesc’s resignation and at his suggestion, Francisco Cuenca from Borges was appointed to finish out Francesc’s term. I have to say that it’s been a pleasure to work with this group, since even though with very diverse and sometimes conflicting commercial interests, we always were able to handle each situation as a whole, a clear example of what association boards should do for current (and new) members facing critical and urgent subjects in their industry.

But 2019 will be remembered as a year of unexpected challenges. First, not long after the last NAOOA report was distributed in last year’s edition of this publication, we learned that olive oil was on the list of E.U. agricultural products targeted for retaliatory tariffs flowing from the U.S. dispute with the E.U. over Airbus subsidies. Of course, olive oil was among hundreds of products targeted, probably all of which are represented in some fashion among AFI members. So

we argued that olive oil should be considered “unique” because domestic producers in their best year could only meet roughly 5 percent of U.S. demand and because olive oil was the only product on the list consistently recommended by nutritionists and physicians for the treatment and prevention of chronic disease.

Although we believed the argument was compelling, apparently the USTR was not convinced. In October USTR imposed a 25-percent tariff on bottled olive oil from Spain. Of course, the situation for the industry at large would have been worse had all E.U. olive oil had been impacted, but as it is, the tariff on Spanish olive oil has been devastating to Spanish producers put at a disadvantage to producers in other countries and to U.S. importers whose business depends on Spanish imports.

Although this was not an election year in the U.S., the NAOOA was in for a November surprise. As I reported last year, we had made great progress in 2018 working to build collaborative relationships with leaders of the domestic industry for the establishment of a federal standard of identity among other projects. That work continued in 2019, as the NAOOA and representatives of the American Olive Oil Producers Association met with the FDA in June 2019 and then again in September, along with representatives of Deoleo (which had resigned in June and who had also attended the first meeting with FDA). A third meeting was pending for mid-November when at the beginning of November, AOOPA and Deoleo announced that they had jointly filed a petition for a standard

of identity, excluding NAOOA from the process. Suddenly, Deoleo’s resignation started to make sense as a change of heart in the works for a while.

There is no doubt the filing of the petition by AOOPA/Deoleo will make it harder to achieve the goal of a standard of identity for olive oil but NAOOA will not be daunted. We immediately picked up the ball and in due course we plan to file our own petition—from an association representing far more volume than does this bi-head partnership. The very good news is that although it may now take longer, the FDA is engaged on the subject and cooperating with our efforts.

One positive public policy development worth mentioning, during the period of collaboration with the domestic industry, the NAOOA and representatives of AOOPA also met with USDA officials to discuss the establishment of a research and promotion order for olive oil. Although the recent falling out with AOOPA may make this project more challenging, work is continuing apace.

Throughout the year, the NAOOA also continued its efforts to fight fake news and again, the number of negative news stories in mainstream media declined in 2019. Key among our gains came in connection with the widely disseminated myth that you can’t cook with extra virgin olive oil. A publication in US News and World Report was probably the best placement we got on this subject from our public relations efforts.

We’re looking forward to the year ahead and hope for continued progress toward achievement of our strategic objectives. □

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Processed Foods Section

Annual Report

Josh Gellert, Camerican International

The biggest issue facing members of AFI's Processed Foods Section over the past year has been tariffs. There were lots of questions, among them: Were our products going to be subject to punitive tariffs? Why were our products being considered to be on the various lists of products subject to those tariffs? When would the tariffs go into effect? What would the punitive tariff rate be?

Though there were other tariff actions, I'm going to focus on the disputes with China and the European Union because those impacted more members than the other disputes.

China is the longer running of the two disputes. There are five lists of existing and potential tariff items. Agricultural products were spared on the first two lists. We weren't so fortunate on the third and fourth lists. In fact, hundreds of food items were included on the third list and continue to be subject to an additional punitive duty of 25 percent. The fourth list also contained hundreds of food items. Duties of 15 percent were imposed on Sept. 1, 2019. Following the announcement of a partial agreement between the two countries, the U.S. reduced the duties on the items on that list to 7.5 percent as of Feb. 14, 2020. Imposition of tariffs on the fifth proposed list, which contains only a few food items, was postponed following the partial agreement.

While we're all pleased to see some progress, U.S. companies are still paying penalties designed to punish China and there's still no indication as to how long

the tariffs will remain in place. There's also no way to plan for what might happen if the negotiations hit a roadblock.

The EU situation is a different kind of dispute. The U.S. won a World Trade Organization case that allowed it to impose tariffs on EU products. As is always the case, the country that wins the right to impose tariffs puts out a list of targeted products that far exceeds the amount granted by the WTO. It's done to make as many residents and businesses in the other party's country or countries upset about the proposed tariffs that as many as possible will put pressure on their government(s) to rectify the situation. In this instance, the U.S. put out two lists of possible products – the value of those products being approximately four times the ultimate figure set by the WTO panel.


Again, hundreds of food products were included as potential targets. This created even more angst than the China dispute because the punitive duties on the EU products could have been as much as 100 percent and many companies import many of the products that were on the potential list.

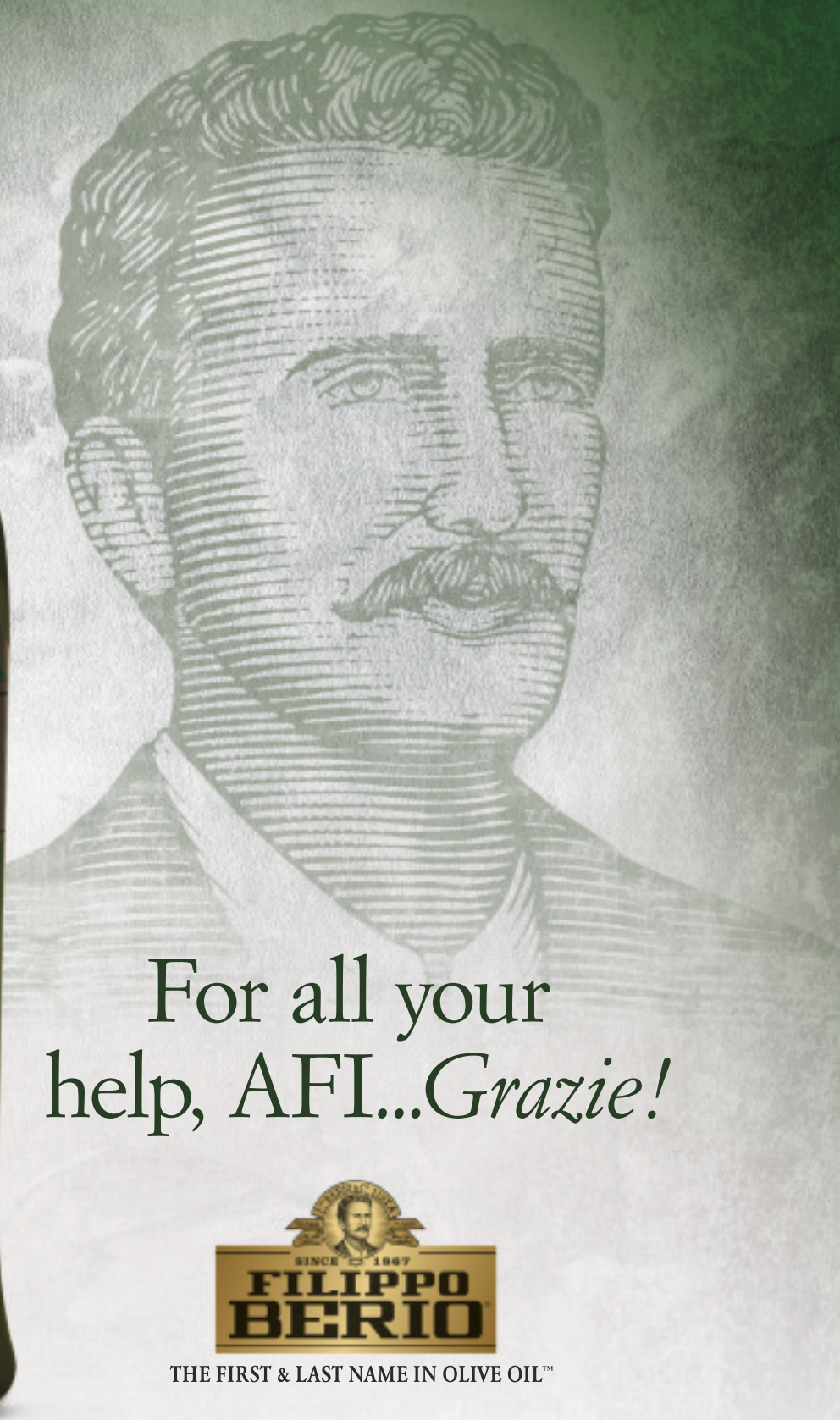
In addition to submitting comments from the association, AFI helped its members submit comments by providing templates we could use to submit our own and a template we could send to our customers to make it easier for them to submit comments. While there's no way anyone can know if any comments had any impact on what products ended up on the final list, the industry's voice is important and must be heard.

When the list was revised in late January, the major change was to increase the punitive tariff on airplane components – the sector involved in the initial dispute. Perhaps that came about because so many people in the food sector and other industries voiced displeasure with paying the price for a dispute with no ties to them.

There's some good news on tariffs, however. As it's done since the early 2000s, AFI coordinated efforts to help its members seek temporary duty suspensions on several products via the Miscellaneous Tariff Bill.

Through the MTB, requests are made for temporary duty reductions or eliminations on products where there is little or no domestic production. Essentially, the MTB allows for a reduction in duties collected for each Harmonized Tariff Schedule number submitted of up to \$500,000 per year. So every time AFI is successful in getting items included on the MTB, we're eliminating up to \$1.5 million in costs from the system for each of those HTS numbers over three years. It's a process that's supposed to take place every three years, though Congress has not always kept to that schedule.

Though Congress doesn't keep to its schedule, those of us filing MTB petitions must. The current suspensions are in place through the end of 2020 but the work for the next renewal period began in the summer of 2019. Petitions regarding items such as pepperoncini and processed artichokes have been filed. Now we wait to see when Congress acts. 



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Nut & Agricultural Products Section

Annual Report

Diana Thompson, Anchor Ingredients

We expect to share – perhaps even before most people read this report – drafts of updates to AFI’s product specifications. More than 30 years ago, our predecessors in the Nut & Ag Section had the foresight to create AFI specs for four products sold by members of the section: cashew kernels, Brazil nuts, hazelnuts and dried apricots.

The AFI specs were needed to address ongoing quality issues the industry was experiencing with these products. The creation of the specifications put an end to many disputes regarding quality because the parameters were in black and white and contracts started to include language referring to the AFI specifications. The specs quickly became the standards against which those products were sold, not only to U.S. buyers but to buyers around the world. Still today, most contracts/purchase orders involving those four products include language about meeting the AFI specs.

The standards were adopted after much input from both a scientific and commercial standpoint. In fact, the introduction to the apricot standard says: “This standard outlines specifications for Fancy, Natural and Industrial Quality dried apricots. It is a consolidation of the USDA, FDA, Codex, Turkish government and U.S. trade standards, historically recognized by the importing community organized under the Nut and Agricultural Products Section of AFI.”

At the 2019 AFI Convention, members of the Nut & Ag Section spent several hours discussing the standards and suggesting updates. Task forces were created for each item and those task forces have had further discussions. Shortly after AFI’s

2020 convention, in April, we expect to share drafts of the proposed updates with people throughout the industry.

It’s important to note that no change to an AFI spec is ever made without seeking input from importers and suppliers of the product. The goal is to give all interested parties, including trade associations in producing countries, the opportunity to provide input to ensure the suggested changes are valid and attainable. The final step in the process is a vote by the membership.

All four standards are available on the Resources section of the AFI website: www.afius.org. Updated versions will appear on the site as soon they become final.

I encourage all reading this to provide input. Even if a specification has been updated before you read it, we want to hear from you if you think we’ve missed something. We’re not a government agency, so we can make changes more regularly – as the need arises. What’s important to us is that we get it right – that each of our specs reflects and addresses the needs of those trading in that particular product.

Working on industry specifications is something we can control. We know the products. We know what quality parameters are needed. As discussed in other places in this publication, we’ve all been faced and will continue to face for the foreseeable future with things out of our control, primarily tariffs.

The uncertain nature of the tariff wars has created much difficulty for our sector. For the Nut & Ag Section, the China tariff situation has been more problematic than the European Union dispute because more items from our sector were targets.

Several members within our section took advantage of AFI’s program through which companies worked together to submit petitions for exclusions from the punitive tariffs on Chinese product. Though we still don’t know the result of most of the petitions, filing them was a wise move because for a relatively small cost – when the legal fees were shared by the companies instead of each paying to file petitions individually – there’s at least a chance the duties will be refunded.

There doesn’t appear to be any rhyme or reason to how exclusions are granted but for a comparatively nominal cost, at least our members gave it a shot. It’s another example of how membership in a trade association such as AFI helps individual companies and the entire sector. Those outside our membership may not have been aware of the effective dates of the tariffs or of the opportunity to request exclusions. AFI members knew what was expected to happen and we could plan accordingly. We further benefitted – as did companies across all sectors – when AFI joined others to successfully request an allowance be made for product that was en route to the U.S. when the tariffs were announced. That allowance saved companies millions of dollars.

I encourage those reading this who are from companies not already members of AFI to become more familiar with AFI and to consider joining the association. Most companies that are members of AFI have been members for many, many years. That speaks volumes about the benefits of AFI membership. □

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National Honey Packers & Dealers Association

Annual Report
Greg Olsen, Lamex Foods, Inc.

The past 12 months have seen the National Honey Packers and Dealers Association continue its long history of identifying and addressing industry issues.

For example, a team of representatives from NHPDA member firms met several times with officials with Customs & Border Protection to discuss our concerns about the agency's use of a trace metals test in decisions regarding country-of-origin determinations. This is a huge issue because of existing antidumping and countervailing duties on honey. We said the trace elements test has shortcomings, uses a limited database and is not available for use by the industry. It's resulted in CBP erroneously determining that entries of honey from India were Chinese honey being transhipped to avoid antidumping duties.

Importers and packers outlined steps many in the industry take to ensure quality and traceability and expressed frustration that the trace elements test can't even be considered for inclusion in their efforts because CBP doesn't share the methodology. We also offered to help develop a template of sorts that would outline recommended traceability documents specific to honey. We pushed for risk-based protocol or a decision tree following a testing concern on CBP's part that would show that if the importer could produce documents A, B and C, it could be reasonably sure the issue would be resolved.

While our dialogue hasn't resulted in CBP halting use of the trace metals test, it's brought the industry's efforts to the

agency's attention and resulted in significant progress in that agency officials have said they're willing to consider other factors as well.

CBP officials continue to tout the Customs-Trade Partnership Against Terrorism and Importer Self-Assessment programs as ways importers can demonstrate due diligence. Even after industry reps said they've been told by CBP personnel that antidumping/countervailing duty concerns override C-TPAT and ISA participation, CBP reps said participation in those programs would be viewed upon positively by CBP. I recommend members of other sections within AFI keep those comments in mind.

Regarding the database issue, CBP officials have been in contact with government officials in India for information and assistance. We offered guidance and assistance for a CBP trip to visit beekeepers in India in 2019 and another one that was scheduled to take place at about the time this report was being written.


NHPDA representatives have also met several times, sometimes alone and sometimes as part of an industrywide group, with officials at FDA.

NHPDA's meetings with FDA have been focused on creating and maintaining a dialogue with key agency personnel regarding measures such as testing procedures and food safety/quality control efforts within the honey sector.

The industry as a whole is concerned about FDA's approach to the added sugars requirement on the new Nutrition Facts

panel. Though a jar of honey won't be required to list added sugars, FDA is requiring some wording and awkward spacing that raise concerns. Per FDA's request, the industry conducted consumer research that proves our point – the proposed labeling creates a mixture of confusion and mistrust. Consumers feel "added sugars" refer to additional sweeteners, beyond any naturally occurring sugars, that are included in a product's ingredients. Consumers don't understand what's happening with the blank spaces; many believe it was a mistake or manufacturing error. The research also confirms our biggest fear – the suggested labeling creates concerns that lead to a decreased intent in purchasing honey.

NHPDA will continue to work with others in the industry on this important issue. We're fortunate that although there are several sectors within the honey industry, all of those sectors are represented on an industrywide task force that meets regularly to discuss and address industry issues. The task force represents an excellent example of the value of industry associations. In this case, associations from each sector have equal representation on the task force. If one of the sectors didn't have an association, that sector's voice wouldn't be heard.

I encourage all reading this to become members of the trade association that represents your sector in your home country and in countries to which to you export. The voice, the knowledge and the contacts make trade association membership an incredibly powerful tool for you. 

7 Insurance MYTHS

MYTH

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1

A Product Recall would be covered by my standard insurance policy.



Standard Insurance policies do NOT provide coverage for a Product Recall, rather they only cover losses once bodily injury or property damage has occurred. Most product recalls are due to the POTENTIAL for bodily injury or property damage.

2

We have Product Recall Insurance already in our policy and we are covered for all of the expenses related to a recall.



Basic Product Recall policies are programmed to cover the expense to pull the product off the shelf. However, a well written policy may also cover loss of profits, for you AND your customers, including remarketing expense and the costs to hire a crisis consultant.

3

I am covered for the cost of a Product Recall if the FDA suggests I should initiate one.



Many Product Recall policies are not programmed with the wording necessary to cover a "suggested" recall by the FDA. A well programmed policy will allow for this coverage.

4

You cannot get coverage for loss due to vermin or pest on my Ocean Cargo, Domestic Transit, or Warehouse policy.



This is often, but not always the case. On Ocean Cargo or Ocean Marine policies, the underwriter may have the ability to create a custom policy to meet your needs.

5

There is no need for my company to purchase transportation insurance because the ocean cargo vessel, trucking company, and warehouse have coverage.



Most of the transportation and warehouse vendors will have some form of liability coverage. However, coverage is generally limited both in amount, and in covered causes of loss. Also, the claims handling process will not be in your control and can take a significant amount of time to be paid.

6

The best way to cover my inventory in a warehouse is to include that location in my property coverage.



Property coverage will cover your inventory, but only at replacement cost. Also, the rate for property insurance is significantly higher than for Ocean Cargo or Stock Throughput insurance without coverages such as selling price, flood, and earthquake.

7

If my company sends payment for a fraudulent invoice or wire transfer, my Crime coverage will reimburse me for my loss.



Either your Crime policy or Cyber Liability policy must be endorsed to include Social Engineering coverage. This provides coverage to your company for the willful transfer of money to another through a trick, scheme, or device.

Cannabidiol – Looking Back and Forward

Tish E. Pahl, Esq., Olsson Frank Weeda Terman Matz PC

Six months ago, the appetite for cannabidiol was insatiable. CBD was everywhere – candy, snacks, beverages and instant consummables; dog and cat food and livestock feed; malt beverages and wine; creams and lotions; in clothing and tampons; in vape cartridges and smokable bud; and in tinctures, pills, and elixirs. Analysts estimated the CBD market to be at least \$20 billion in 2022 to 2024.

By the end of 2019, however, major CBD companies had missed their 2019 sales targets. Retailers were pulling CBD products from their shelves and consumer product companies that had been looking to introduce CBD in their brands went silent.

The dampened enthusiasm stems from several events in 2019, with that uncertainty continuing in 2020.

What is CBD?

Parts of the Cannabis sativa plant have been controlled as marijuana under the Controlled Substances Act since 1970. The most commonly known compounds are delta-9-tetrahydrocannabinol and cannabidiol. THC produces marijuana's psychoactive effects; CBD is not, by itself, psychoactive.

The Farm Bills, Hemp and CBD

The 2014 Farm Bill removed "hemp" – defined as Cannabis sativa containing no more than 0.3% THC on a dry weight basis – from the definition of marijuana in the CSA. The 2014 Farm Bill enabled pilot programs for cultivation and market research of hemp-based products, including CBD.

The 2018 Farm Bill, signed into law on Dec. 20, 2018, amended the CSA and removed hemp and its extracts, derivatives and cannabinoids, including CBD, from the definition of marijuana. The 2018 Farm Bill, however, preserved the

FDA has long made clear that, regardless of claims made, CBD was an active drug ingredient that was not permitted in supplements or conventional food.

authority of FDA over hemp and its derivatives in foods, dietary supplements, drugs and other regulated products.

The FDA and CBD

FDA's assertion of authority over CBD and CBD-containing products is not new. In early 2013, FDA began permitting GW Pharmaceuticals to make a CBD extract available to severely ill epilepsy patients under an "expanded access" or "compassionate use" program. On May 7, 2014, FDA accepted GW Pharmaceuticals' Investigational New Drug application for its CBD-containing extract, Epidiolex®, signaling the commencement of clinical trials. FDA approved Epidiolex® in June 2018 to treat two severe epilepsies.

FDA has been issuing warning letters to CBD marketers since at least 2015. Marketers were making claims that their CBD products would treat and cure serious diseases such as pain and cancer in humans and animals, thus rendering the products as "new" and unapproved drugs in violation of the Federal Food, Drug and Cosmetic Act.

FDA has long made clear that, regardless of claims made, CBD was an active drug ingredient that was not permitted in supplements or conventional food. By May 2015, FDA's Marijuana Q&A ex-

plained that CBD was excluded from the dietary supplement definition under section 201(ff) of the FDC Act because CBD had been authorized for investigation as a new drug. In warning letters it issued in February 2016, FDA specifically cited to the CBD clinical development underway. (See, e.g., Warning Letter to HealthyHempOil.com Feb. 4, 2016). Since at least July 2016, FDA has been equally clear that section 301(ll) of the FDC Act similarly prohibits the addition of CBD in conventional foods. While there is an exception if the substance was marketed as a dietary supplement or a conventional food before the new drug investigations were authorized, FDA concluded this was not the case for CBD.

FDA's articulation of its authority over CBD has continued. With the passage of the 2018 Farm Bill in December 2018, FDA issued a press release reiterating that its traditional authorities were preserved. The agency convened a public meeting on cannabis and cannabis compounds in May 2019 and opened a docket for receipt of data and information. Nearly 4,500 comments were submitted to the agency. The agency indicated an intent to develop a "regulatory framework" for CBD that might permit the ingredient for non-drug uses.

FDA's November 2019 Actions

FDA continued to issue warning letters in 2019 (seven through October), including to prominent cannabis company Curaleaf, Inc. The agency ramped up enforcement in November 2019 and, in one day, issued 15 warning letters to CBD marketers. All the letters cited companies both for making illegal drug claims and for CBD being an illegal ingredient in human and animal foods and supplements.

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PREMIUM BANANA CHIPS



FDA Preparing for a New Era of Smarter Food Safety

Norman E. "Ned" Sharpless, MD

Commissioner of Food and Drugs - Food and Drug Administration

This article contains excerpts from a speech given by FDA Commissioner of Food and Drugs Ned Sharpless at an October 2019 public meeting hosted by FDA.

I'm delighted to join you today for this important meeting to gather public input on our proposal for a "new era of smarter food safety." As a doctor, I've long appreciated the importance of nutrition and diet and the role it plays in health and disease. Obesity is a leading cause of cancer in this US, and so I was very interested in the topic of nutrition, given that I am cancer doctor and had been working at National Cancer Institute. I also was well aware that research could be better in this area, having co-chaired a trans-NIH working group addressing research priorities in nutrition.

But food safety specifically – the issue of how to prevent food borne illness – was frankly not something I had thought much about since medical school, with topics like salmonella, Listeria, and E. Coli, being the subjects of medical board questions.

So, when I was preparing to come to FDA, this topic provided cause for some trepidation. But I have to say that I've found the topic of food safety fascinating and the FDA's work in this area very rewarding. And through long conversations with Frank Yiannas and others, I have realized the topic is not as foreign as I thought.

Some of the epidemiologic approaches I knew well from studying cancer clusters are not dissimilar to approaches used in studying food outbreaks. And that experience taught me the power of, and the critical need for, great data and great data analysis. That research is very dependent on how we can collect high quality data and how we analyze those data using cutting-edge analytical tools. And I realized how excited I am about our opportunity to support the modernization of our system to

So, one of the first things I did when I learned I was coming to FDA was to commit myself and FDA to advancing the vision of a "New Era of Smarter Food Safety"

help prevent and ensure more timely responses to foodborne illness outbreaks.

Food safety is a critical public health responsibility that this agency takes very seriously. We have oversight of approximately 80 percent of the foods Americans eat – including seafood, fresh fruits and vegetables, milk and dairy products, baby food and infant formula, frozen, canned, packaged and snack foods, juice, soft drinks and much more. In short, the FDA's responsibility in this area touches every American, every day of our lives.

So, one of the first things I did when I learned I was coming to FDA was to commit myself and FDA to advancing the vision of a "New Era of Smarter Food Safety". This began as I was transitioning to the agency. I learned early on about the FDA's plans that were being developed and immediately I appreciated what an important opportunity it offered to make an impact in this area. Last spring, right after arriving at the FDA, I was pleased to join with Frank to announce the steps we planned to take to usher the FDA and the United States into a "New Era of Smarter Food Safety".

As you are aware, our proposal is a dynamic initiative with enormous potential to make a difference in the lives of all

Americans. As I mentioned, several of the issues this initiative focuses on – including strengthening predictive capabilities, accelerating prevention, speeding response and using and analyzing data – are things I really understand from my time as NCI director, working on cancer treatment and prevention.

I have been strong proponent of leveraging new and emerging technologies and of developing novel analytical tools in the service of saving lives throughout my career, so doing this for food safety makes perfect sense to me. Harnessing computing power and applying state-of-the-art data storage and computing to support initiatives are approaches I fully believe in, and they play a key role in the "New Era of Smarter Food Safety". We will employ such approaches to mine new types and sources of data and we will develop new ways to share those data, allowing us to work together across public and private sector boundaries in the development of new possibilities and solutions for food safety. So, I welcome the opportunity to work on food safety, employing the full range of the most modern and effective scientific and technological resources to strengthen the FDA's work in this area.

Improving food safety is a big challenge. And, it's a target that's constantly in motion. That's because the world of food supply and demand has been dramatically transformed. The foods we eat increasingly are grown and manufactured in countries other than our own. Other countries now supply more than 50 percent of fresh fruit, almost 30 percent of vegetables, over 90 percent of spices and an estimated 95 percent of seafood eaten by U.S. consumers.

Foods are also being produced ... and delivered ... differently. For example, consumers are increasingly ordering products

on line, taking advantage of new methods of delivery, packaging and communications. I, for one, am looking forward to the day when drones are delivering my groceries.

There's also a change in demand. Consumers want different foods. Sometimes for reasons of health and nutrition, sometimes just because they can get them.

Each of these changes and choices can have benefits -- particularly when they support improved health or nutrition. But each can also present the potential for new or changed risks relating to the safety of foods. It's up to the FDA to make sure we have the tools and expertise to effectively evaluate these changes -- to ensure food safety while not stifling innovation or choice.

We're in the midst of a new revolution in food technology. The advances in science and technology that are changing the trajectory in so many different areas of public health, including cancer, are also having an enormous impact on food safety and nutrition. The smarter food safety plan embraces many of these developments. By employing new technologies and gathering more rigorous data and applying it in new ways, this plan will help us develop new and more effective tools to find more solutions to the challenges we face.

This includes accelerating our response time to crises, improving our effectiveness in detecting and preventing outbreaks and ultimately, helping more people and saving lives.

We're in the midst of a new revolution in food technology. The advances in science and technology that are changing the trajectory in so many different areas of public health, including cancer, are also having an enormous impact on food safety and nutrition.

I should point out that using the best available science is not a new approach for the FDA. Since the earliest days of the agency's food safety oversight authority, we've seen advances in science and technology and changes in the food supply. And, as a science-focused organization, we've always embraced and relied on these advances to inform our decisions and fulfill our mission to protect and promote the public health.

To give you just one such example, I call to your attention the case of Burton J. Howard, a microanalyst who joined what was then called the Bureau of Chemistry in

1901. One of the primary goals of the bureau at that time was use regulatory science to develop evidence that would hold up in court. Dr. Howard devised a quantifiable method to detect mold in ketchup. This relied on the exciting new technology back then of a good tabletop microscope. Thanks to his scientific prowess, the government soon was able to invoke his mold count to establish consistently in court a product's decomposition and therefore it's level of contamination.

As an agency -- and as food safety professionals -- we will continue to apply scientific diligence and creativity to help determine the most effective ways to apply the most modern technologies and best tools to protect public health and facilitate innovation. Fast forward now to the "New Era of Smarter Food Safety", which once again sees the agency applying today's most cutting-edge science and technology to the topic. This is an idea whose time has come.

Our foods and veterinary program has already made enormous strides in strengthening food safety protections through implementation of the landmark FDA Food Safety Modernization Act. The "New Era" builds on the foundation established by FSMA and takes the next important steps to address the safety issues involved in our changing world of food production and delivery. Today's meeting is a critical part of this process. And your presence is very important to our efforts. Your ideas will inform and shape this blueprint and the development of smarter food safety tools and processes. □

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2020s: A New Decade

Where Education Meets Enforcement

Paul K. Jeka Vice President All-Ways Forwarding International, Inc.

AFI has led the way in advising its members and others in the U.S. food import industry to prepare for FSMA, FSVP compliance, FSVP importer audits, VQIP participation, C-TPAT and Importer Security Filing. There's no doubt that enforcement is now upon us. For example, if you have not already applied for C-TPAT certification – you can't. C-TPAT is suspending applications from Jan. 1, 2020 - June 1, 2020, while it updates the eligibility requirements and the security profile with new minimum security criteria.

Many in the industry are scrambling to get up to speed with these regulations. If you have vendors or customers that are asking "why are we suddenly subject to these regulations?", you may want to advise them to attend the next AFI FSVP training program. FDA has made it clear it's moving away from the "Educate While We Regulate" approach to enforcement.

BE PREPARED: FDA IS COMING TO VISIT YOU

FDA announced it will conduct 1,400 FSVP inspections for FY 2020. Having participated in the FSVP audit process many times, the experience can vary widely, depending on the FDA officer assigned to conduct your audit and, of course, your company's preparation. One of the first questions you'll hear is "are you familiar with FSVP and have you received any FSVP training?"

Some audits have been in conducted in a very friendly (educational) environment and take about two hours. The agency provides the FDA official with a guideline that includes the below listed 7 principles and the official simply checks off that you are compliant if presented with accurate supporting documents immediately when requested. Alternatively,

Having participated in the FSVP audit process many times, the experience can vary widely, depending on the FDA officer assigned to conduct your audit and, of course, your company's preparation.

during a recent FSVP audit, the auditing official seemed ill-prepared and downright hostile and spent more than eight hours reviewing what we believed to be sufficient documentation. Even after presenting everything requested, the importer was written up for three violations. Of course, the importer had the opportunity to address the violations and defend itself after the official was literally shown the door!

The seven principles are:

- Principle 1 - Conduct a Hazard Analysis. ...this can be found on FDA's website...it helps you identify what each of your products should be tested for. The FDA Link for Hazard Analysis can be found here: <https://www.fda.gov/media/99581/download>
- Principle 2 - Identify the Critical Control Points.
- Principle 3 - Establish Critical Limits.
- Principle 4 - Monitor CCP.

- Principle 5 - Establish Corrective Action ... in the event of a positive lab result.
- Principle 6 - Verification.
- Principle 7 - Record keeping.

Importers are required to have documentation that demonstrates each product from each of its foreign suppliers addresses all seven principles.

FDA also likes to see a complete listing of all your imported items available in one excel file, though you'll be required to show the inspector the information below for only the entry or entries subject to the inspection. Below is a list of the minimum scope of information that's expected to be included within these files. The key here is redundancy. Please note this very important detail: EVERY DOCUMENT PRESENTED TO FDA MUST BE SIGNED AND DATED!

- Importer of Record IRS# & DUNS #
- Item #/SKU
- Exact product description as listed on the retail or wholesale import label (manufacturing process flow charts, ingredient statements and copies of the labels should be readily available)
- Supporting documentation for label claims such as Non-GMO, Gluten-Free, Organic, Allergens, Kosher etc.
- Actual manufacturer full name and address
- Manufacturer MID # and DUNS #

Continued on page 75






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Trump Economic Policy at it Relates to the Global Economy

Wilbur Ross, U.S. Secretary of Commerce

This article contains excerpts from a February 2020 speech by U.S. Secretary of Commerce Wilbur Ross.

We are incorrectly blamed for global economic problems. From the late 1980s through the early 2000s, global merchandise export growth was usually double that of world GDP growth. But during four of the past five years, goods trade growth lagged global GDP growth. Globalization had gotten out of control. It takes 200 suppliers in 43 countries on six continents to make an iPhone.

Global trade growth likely turned negative in 2019 while GDP increased by nearly 3 percent, their first move in opposite directions. A contraction of auto exports accounted for 30 percent of the world trade slowdown. Another reason is that intermediate product exports have declined from 54 percent of the total in 2008 to 52 percent now.

Developing countries had increased their share of value-added international trade from 31 percent in 2005 to 39 percent in 2015. But their share of global trade will likely decrease in coming years — due in part to higher wages and shipping rates, and partly due to the Fourth Industrial Revolution, or 4IR. 4IR is the expanded analytical capability generated by the 5G and the Internet of Things and it is ushering in a new age of productivity, efficiency, customization, and sustainability. As a result, exports peaked as a percentage of GDP at 26 percent in 2008.

These shifts may not adversely affect global GDP, but they could redistribute it to more developed countries. For example, the textile and apparel industry employs about 125 million people globally, mostly in less-developed countries, and a total that is more than the combined totals of

the automobile and electronics industries. But that industry and others are susceptible to the rapid adoption of 4IR digital technologies.

The EU — the world's largest goods exporter — made about 34 percent of global goods exports in 2018. By comparison, the United States was just 8.8 percent. But the United States was the world's biggest importer, at \$2.5 trillion worth of goods in 2018 — 50 percent more than its exports and 15 percent of world imports.

In 2018, the U.S. goods trade deficit reached an unsustainable \$887 billion. The United States runs deficits with 97 trading partners, of which China, followed by the EU, Mexico, Japan, and Vietnam are the largest. These five account for 92 percent of the U.S. trade deficit.

Free-trade folklore says countries export what they do best; import what they do worst; and internally produce and consume the rest. But that is not how trade really works. The five markets I mentioned, and others, have tariff and non-tariff import barriers and they subsidize exports. The U.S. is the least protectionist major country. Therefore, our trade policy issues are: How much of the \$887 billion goods deficit is artificial and how do we reduce these artificial deficits? To answer these questions, we must study history.

Right after World War II, the United States had recurring trade surpluses. The U.S. economy was so strong that its leaders decided to help Europe and Asia's fragile economies recover with direct aid like the Marshall Plan and with trade concessions to help them export to our market. These concessions were made permanent via GATT and the WTO. They remain in effect today, even for export

powerhouses like China, Germany and Japan. It took 25 years for these policies to shift the United States from trade surpluses to deficits. Now, many countries, including China, have a positive balance of trade solely because their surpluses with United States exceed their deficits with the rest of the world. Without their U.S. surpluses, they could not buy as much as they do from everyone else.

Almost half the U.S. merchandise trade deficit is with China, partly because wages are lower there and partly because we let them into the WTO on the theory that they would obey global trade rules. Unfortunately, China disobeyed the rules; and the WTO has no real enforcement mechanisms. Therefore, the United States had to defend itself. We have 450 WTO-compliant trade actions in force against foreign exporters. Almost half of them involve China. And just this week, the U.S. government subjected currency undervaluation to countervailing duties. Artificial devaluation subsidizes exports but will now be less useful to countries using it to provide their exporters with a price advantage.

But piecemeal trade enforcement using anti-dumping and countervailing duty laws is expensive and slow because it requires extensive and detailed analysis of long-term market and pricing data. Once a case is eventually decided, exporters get around enforcement by using slight product modifications or illegal transshipments through ports in other countries.

If you doubt the impact of China's WTO entry, then consider that before China's admission into the WTO, its GDP grew slowly. But think about what happened after 2001! Its GDP soared, increas-

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CBP Looking to Work Closely with Trade

Mark Morgan, Acting Commissioner, U.S. Customs and Border Protection

This article contains excerpts of a speech by Mark Morgan, acting commissioner, U.S. Customs and Border Protection, at the July 2019 CBP Trade Symposium.

Nineteen years ago, when U.S. Customs held the first trade symposium in Washington DC, there were only about six dozen attendees. Today, it is about 10 times that size. That's all thanks to the thoughtful and productive interactions between CBP trade professionals and you, our trade stakeholders, at this event. You all provide significant and valuable perspective that helps CBP target our efforts in the trade space, and I thank you for that interaction. The Trade Symposium is so important for bringing together the top decision-makers in both industry and government – making sure that our dialogue is as robust and productive as possible. In fact, other countries view our interaction with trade stakeholders as a “best practice” – a model for this kind of engagement.

That said, most of you don't know me. I've been at the helm of CBP for all of 16 days. However, this isn't my first rodeo with CBP ... I was honored to serve as Acting Assistant Commissioner for Internal Affairs – now called the Office of Professional Responsibility – and I was also Chief of the U.S. Border Patrol.

I must acknowledge that I face a bit of a learning curve when it comes to the nuts and bolts of trade enforcement and facilitation. With the expert guidance of Executive Assistant Commissioner Todd Owen, EAC Brenda Smith and Office of Trade Relations Deputy Director Valarie Neuhart, I vow to make sure that CBP continues our close partnership with the trade community and to seize on opportunities and address challenges as they arise ... in a transparent and real time manner.

This year, we are celebrating the 230th anniversary of U.S. Customs, so we have well over two centuries of experience in the trade arena. It is a proud legacy and it has contributed significantly to our country's history and growth.

We do so much more than most people might casually observe – and that especially applies to trade. From our import specialists to our auditors, from our Centers of Excellence and Expertise to our international trade specialists, from our CBP officers and agriculture specialists to our drawback experts, CBP's trade responsibilities remain front and center in our daily operations.

Just look at the numbers. In Fiscal Year 2018, CBP processed more than \$2.6 trillion in imports and nearly 28 million imported cargo containers through the nation's ports of entry, an increase of 4.2 percent from FY 2017. CBP collected approximately \$52 billion in duties, taxes and other fees in FY 2018, including more than \$40.6 billion in duties, an increase of nearly 23 percent over the previous fiscal year.

These rising volumes are spurred, in part, by technology. E-Commerce, for example, is radically changing the face of the global supply chain, increasing its complexity and challenging all of us to stay ahead of the curve.

Let me briefly touch on my top commitments as acting commissioner. My first commitment to you is transparency. We know that being open about how and why we adopt certain rules and regulations will help your businesses and your bottom lines. Transparency protects the one thing we cannot afford to lose – and that is your trust. I am 100-percent committed to ensuring that CBP is as transparent as possible and I intend to make sure that transparency is not just a goal – I want it to be part of

CBP's very culture. We owe that to the stakeholders who place their trust in us, including from the trade community.

I want to make sure that when a decision is made, everybody understands why. To that end, I understand that CBP holds a weekly call with our trade stakeholders to keep them updated on the current status of trade operations as we work to manage the ongoing migration crisis. So, in the spirit of transparency, let me address this crisis for a few minutes, because I know it has had an impact on cross-border commerce.

This past March, CBP deployed 545 CBP officers from ports of entry along the Southwest border to support the U.S. Border Patrol with the care and custody of migrants. The initial reduction in Southwest Border port staffing caused CBP to reduce the number of open lanes at some of the Southwest Border POEs. In addition, CBP suspended Unified Cargo Processing at Santa Teresa, New Mexico and suspended weekend commercial cargo operations on one of the El Paso bridges. These actions led to increases in wait times for both commercial cargo and travelers. The average commercial cargo wait time at the top 10 Southwest Border POEs spiked to 88.1 minutes, a 283% increase over the 23-minute average for the same time a year ago.

CBP quickly responded, sending 300 more officers from various seaports, airports, and Northern Border land ports, letting the same number of officers who had been deployed to the Southwest border return to their home ports. In May, we deployed an additional 186 officers – bringing the total reallocation to 731. The average commercial cargo wait time at the top 10 Southwest Border ports of entry is now down to 24.6 minutes. This represents

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Foreign Supplier Verification Program Training



The United States requires food produced in or imported to the U.S. to meet U.S. food safety requirements. The Food Safety Modernization Act states importers are responsible to ensure the food they import meets U.S. regulations through a Foreign Supplier Verification Program.

AFI President Bob Bauer served on the task force that developed the standardized curriculum recognized by FDA and is an FSVP Lead Instructor. His work on the task force, understanding of the food import industry and experience in conducting 30+ sessions of this course since it was ready in early 2017 make AFI's offerings a valuable experience for attendees from all sectors.

FDA-Recognized Curriculum: The FSVP course is a two-day course that takes participants through the FSVP requirements and includes exercises to help them develop their company's program. Attendees receive a certificate upon completion of the course.

You'll get information to help you:

- Understand the purpose of the FSVP rule
- Identify what's needed in your FSVP
- Develop your FSVP
- Implement your FSVP
- Implement a compliant recordkeeping system
- Understand how FDA will oversee your FSVP

The course is scheduled to run from 9 a.m. – 5 p.m. on the first day and 9 a.m. – 3 p.m. on the second day. Course fees include lunch both days, course materials and the certificate fee. Seating is limited.

Check www.afius.org for course dates.

A Look at the New NAFTA - USMCA

Nicole Biven Collinson, Sandler, Travis & Rosenberg, P.A.

USMCA: What Can We Expect and When?

The United States-Mexico-Canada Free Trade Agreement was finalized in an amended agreement on Dec. 11, 2019. It had originally been signed on Nov. 30, 2018 but the terms of the agreement were not sufficient to garner Democrats' support in the House of Representatives, so United States Trade Representative Robert Lighthizer began a series of negotiations with members of Congress and officials in Mexico and Canada to amend the original agreement so that Democrats could support it.

Ratification

Mexico moved very quickly to ratify the agreement with a vote on Dec. 12, 2019. The U.S. Congress moved very quickly as well, with the House holding a vote on Dec. 19. The vote was an amazing show of bipartisan support, with 385 members voting to approve the agreement. After the holidays, the Senate quickly followed suit passing the agreement by a vote of 89 – 10. On Jan. 29, 2020 the president signed the bill.

We are now awaiting Canada to ratify the agreement.

Implementation

We don't know, however, when the agreement will be implemented. There are several steps that must be taken before it actually goes into effect. We will know that we are close when the president notifies congress that the parties have undertaken all the necessary measures to meet their commitments under the agreement. It can by law, go into effect 30 days later. If I were to wager a

guess as to the possible dates for being able to import or export under the new USMCA, I would say that July 1, 2020 would be the absolute earliest, although it's more likely to be Jan. 1, 2021, or sometime in between these two dates.

Modification

For the most part, the new USMCA does not impact manufacturing schemes for AFI members. The rules of origin on almost all agricultural products (prepared and fresh) did not significantly change. However, there are some overall changes of which members should be aware that may impact their business operations under the agreement.

Specifically, the changes on food products is more on access than on rules of origin. The focus of the negotiators was on gaining more unrestricted access to Canada and Mexico than to the rules.

Companies will no longer be required to use a "NAFTA" certificate for entry. Previously, a specially designed form had to be used to make entry and if any information was incorrectly inserted into the wrong box, Customs could reject the entry. Now there is a list of specific entry information that is required but, in theory, one could write that information on the back of a napkin and provided it was complete, CBP would have to accept it! Some companies have stated they likely will continue to use the NAFTA forms just because they have become the standard for such shipments, but others may choose to use a format that is more consistent with internal practices.

The marking rules for goods under NAFTA are going away. As you know, all imported goods must be marked with

country of origin. Under the NAFTA, a special set of "marking rules" was devised so that one could possibly have a NAFTA-qualifying product that was actually marked made in another country. It was a convoluted system that took years to adjust to, but which now will disappear; many companies are emitting a sigh of relief because it sometimes caused great consternation with Customs.

Other changes that may impact AFI members include an increase in the amount of low-value shipments limitations. The U.S. has an \$800 limit and Mexico increased its limit to \$117 for duty purposes and \$50 before taxes are assessed, while Canada increased its limits to CA\$ 150 for duty and CA\$40 for taxes.

The amount of non-originating content one can have in its product was increased from 7 percent to 10 percent, making it more consistent with many of our other trade agreements.

A provision that one might think at first glance is more restrictive is actually better for importers in the long run. Previously, when a duty-free claim was made under NAFTA and a customs entity challenged the eligibility, the agreement specified that the "exporter" or "manufacturer" was responsible for ensuring that their goods were FTA-eligible. This practice resulted in the U.S. importer making the claim for duty-free treatment, only for Customs to then reach out to the exporter or manufacturer with a demand letter seeking additional documentation proving the eligibility of the product. The exporter/manufacturer

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Some Things Exporters Should Know About US Antidumping Law and Practice

AFI Staff Report

When an antidumping petition is filed against companies in a certain country or countries exporting a food product to the U.S., it will be a first-time experience for many of them and it will be confusing. They may look on the case as being political and then waste time trying to find a political solution. Instead, they need a lesson on antidumping from an expert. They need legal representation and they need to know the costs associated with legal representation. They need to understand the importance of working together so they can share the legal bills in some equitable and economical way, with appropriate procedures for protecting confidential information of each individual company.

Chaos to Be Expected

Antidumping cases throw the industry into chaos. They threaten the ability of an exporter to sell any longer in the U.S. market. They put the importer in a very vulnerable position because he/she is the one who will have to pay any dumping duty that is assessed and the rate of duty is always calculated retroactively.

The initiation of an antidumping case tells the importer in effect he/she can only safely do business for about two months. After that his/her vulnerability begins and he/she may not know the duty for which he will be liable until two years later. He/she may think the duty liability will be the fixed percentage the DOC sets in its final determination of the dumping margin but subsequent investigation during an administrative review can retroactively set that duty much higher.

Filing an Antidumping Petition

Antidumping petitions are filed with the Department of Commerce by U.S. companies against overseas companies exporting to the U.S. The charge is that the overseas companies are selling product to the U.S. at less than its fair market value; that is, below the price of the product in the exporter's home market. The petitioners also must show the less-than-fair-market pricing is causing unfair injury to U.S. companies.

Where there are minimal or no sales in the home market of the companies being investigated, the comparison may be made with sales to another market comparable to the U.S., e.g. the EU market.

When the dumping charges are against companies in non-market economies such as China or some of the still-somewhat newly independent states of Eastern Europe, dumping margins may be calculated on the basis of sales in a surrogate country that has a "market economy" and a similar standard of living or on the basis of the cost of production in the surrogate country when it also has no home market sales of the product. The cost of production calculation may be based on publicly available data that does not give a true picture of cost but that is one of the many risks exporters face in an antidumping investigation.

It is quite possible that in a non-market economy, companies survive via government help; profit may not part of the system. However, in DOC calculations, a reasonable profit and overhead

costs are factored in to determine a fair market value.

Cannot Estimate Dumping Margin

No one is really in a good position to ascertain what dumping margin may result from an antidumping investigation. The petitioners will indicate a dumping margin they think exists but the findings of the DOC may be much higher or lower.

One cannot compare U.S. import prices with domestic prices and estimate the dumping margin. If one, for example, knew the U.S. domestic price for an item was \$1 a pound and the price for the import was \$0.75 a pound, one could not conclude the dumping would be no more than 25 cents a pound and the dumping margin no more than 33 percent. The investigation may determine the dumping margin was 180 percent, meaning the imported product should have been priced at \$1.35. The lesson one should draw from this is: never base business decisions on estimates of what one thinks the highest dumping margin will be.

One may expect the U.S. to be the high-cost producer on items under investigation in antidumping cases but after the technical analysis is done by the DOC, it often appears the high-cost producers are in the countries targeted for dumping, as unlikely as that may often seem.

Coordinating Defense

Once an antidumping petition is filed, there is little time for exporters to learn what's involved, to coordinate their defense and engage suitable legal representation.

Trade intelligence may indicate the likelihood of an impending antidumping action. If exports have increased dramatically to the U.S. while prices have declined significantly over a period of a couple of years and there are reports the domestic industry in the U.S. is not operating profitably, then the conditions are ripe for an antidumping case.

Crisis Management

The threat of an antidumping case really calls for a crisis management plan to keep damage to a minimum should an antidumping investigation actually get under way. This plan should include:

- an assembling of the exporters to explore what is involved in an antidumping case. This should include an orientation by an attorney experienced in antidumping law.
- an understanding of the legal costs likely to be faced in an initial investigation as well as in subsequent investigations carried out while an antidumping order is in place.
- a mechanism should be agreed upon for establishing a legal defense fund.
- a law firm in the U.S. should be retained to begin preparations for

defense against a possible antidumping petition.

- a relationship between the exporters as a group and the importers as a group in the U.S. should be established to better coordinate the defense.

Cost Factors

Antidumping cases require legal expertise. The cost can vary depending on the law firm and the number of exporters being represented by the law firm.

As antidumping cases are technical and not political in nature, attorneys with big political profiles such as former Congressmen or cabinet members are not necessary but could be useful if they also happen to be experts in antidumping law.

What is needed is a law firm that deals in trade matters and has considerable experience in antidumping law. The firm needs to know the current personnel, procedures and practice of the Department of Commerce and the U.S. International Trade Commission.

The cost of engaging a law firm with good antidumping credentials would have at least the following approximate fees (these are very conservative estimates):

\$30,000 for a lawyer to visit the foreign country for an orientation session with the companies likely to be the respondents in the antidumping case. One needs to fully explain in layman's language U.S. antidumping law, how an antidumping investigation is conducted and what risks are involved with ongoing business.

\$180,000 representation of an exporting company in an antidumping case. This will require two visits to the company in the foreign country: 1.) when it is preparing its response to a quite burdensome questionnaire used by the DOC at the start of its investigation; and 2.) when a team from the DOC visits the company to verify the accuracy of its response. The attorney will also monitor the case in the U.S. and may coordinate the defense with an importer group.

\$425,000 for a joint representation of four companies. Some economies, particularly in regard to travel time and time spent in the foreign country, can be achieved in a joint representation, bringing the individual company cost down to about \$90,000.

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Time Frames for an Antidumping Case

- Day 1 Petition for an antidumping investigation is filed.
- Day 20 Decision to formally initiate an investigation. One should presume a petition will lead to an investigation because the petitioner has likely met with the DOC prior to filing the petition and has received advice from the DOC as to what is needed in the petition.
- Day 45 The International Trade Commission (ITC) makes a preliminary determination as to whether or not there has been injury or the threat of injury to the domestic industry from imports. On rare occasions the ITC has decided at this early stage that there has been no injury. That decision closes the case.
- Day 160 Preliminary Determination of dumping margins by the DOC.
- Day 235 Final Determination of dumping margins by the DOC.
- Day 280 Final Determination by the ITC as to whether or not injury or the threat of injury to the domestic industry exists.
- Day 290 Approximate publication date for an antidumping order in the Federal Register. Instruction is given to Customs not to liquidate any entries subject to the antidumping order.

The minimum time in which a full antidumping investigation can be conducted is 280 days, but various extensions can stretch out the investigation to 410 days.

Managing Uncertainty in Volatile Times

Louis J. Biscotti, Partner, National Leader, Food & Beverage,
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Running a business day-to-day in the F&B space is difficult enough. Regulation, globalization and taxation add a little—or a lot—more uncertainty, making managing risk an even-bigger part of managing your business. You need to analyze what you’re doing right and wrong and be prepared to make adjustments. With so much change and volatility, food and beverage executives need to focus on methods to minimize and manage the risks that can derail a business. Whether it’s strategy that missed the mark, cyber-attacks, product recalls, labeling issues, input price swings, economic conditions or poor employment practices, companies need to focus not only on increasing margins, income and revenue, but reducing risk.

The SWOT Team

The first thing to do is send in the SWOT team. In order to be prepared for the future, make sure you’re analyzing your strengths, weaknesses, opportunities and threats in the marketplace. A SWOT analysis asks and answers a lot of questions. What are you good at? Where are you ahead of the curve and where are you falling behind? Where are you strong and doing well and where do you need to improve? Make sure you have a strategic plan not only for the current year, but for the near-term future.

And make sure that your plan is updated each year based on your SWOT performed with the key people in your organization. A SWOT analysis should look at strengths as well as weaknesses not simply in one department, but across all your business operations.

Examples of the types of results you can expect from a SWOT: Our product is No. 1 in the marketplace and our team is strong. Our finances are in a good position.

We’re a little weak in this geographic area. We need to step up in innovation. We have tremendous potential in plant-based foods. This means looking at what you’re doing and not doing. That kind of conversation with key management helps you design and execute your strategy. Once the SWOT is completed, prioritize your action steps in each of the four areas and share the results with your team. It’s been estimated that a whopping 95 percent of companies’ employees don’t understand the company strategy. Look at rewards and risks – and do what you can to increase the former and decrease the latter.

Captive Insurance

While a SWOT can help you become aware of and determine actions related to uncertainty, executives also can use other strategies to manage risk. One way to mitigate risk is through a captive insurance company, a self-funded insurer that any company can set up. You are permitted to pay up to \$2.2 million in tax-deductible funds into your captive and use the money to pay claims and deal with issues. Think about the possibility of a product recall or a cyber-attack. You can have policies to cover those risks through a captive insurance company. Almost all Fortune 500 companies have captives and smaller companies can also take advantage of this strategy. But you need to be careful. Captives are one of the items on the IRS’s “dirty dozen” list, because they’ve been abused. Properly structured, a captive is a wonderful way to mitigate risks in this age of cyber-attacks, recalls and adulteration.

Cybersecurity Testing

While insurance can provide protection from big problems, preventative controls and testing are critical. If cybersecurity is

getting better, so are the hackers. Are you ready? One report for IBM found that nearly 80 percent of IT and security professionals didn’t have a cybersecurity incident response plan. The best way to be prepared is to test how your company will respond in the event of attack. You use a fire drill to prepare for a fire. A cybersecurity drill falls into the same life-saving category. Forego one at your peril. We routinely perform cyber penetration studies at an alarmingly increasing rate. We show where the vulnerabilities are. Better to find out through a simulated test than through the real thing.

Food Safety Regulations

Companies need to be aware of and prepared for food safety regulations. And the regulations, along with the times, are changing. Under the Food Safety Modernization Act, or FSMA, signed into law in 2011, rules are continually being developed and rolled out. The Foreign Supplier Verification Program, or FSVP, which went into effect in 2017, requires U.S. importers to have proof that their foreign suppliers are manufacturing food in ways that meet U.S. standards. It’s mandatory there by documentation of all of control procedures for food safety. If you haven’t done it already, you’re late. There are strict regulations about traceability of all of ingredients that go into food and beverages. You need to know where it all comes from, its origins and contents. And you have to document that. FDA is staffing up to prepare for cracking down. Compliance is better for business and, in the long run, cheaper than ignorance.

The regulations are there to protect consumers in an age of globalization and a call for transparency. If there’s an outbreak or

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Some Things Exporters Should Know About US Antidumping Law

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\$175,000 for company representation during an administrative review, which is a subsequent investigation to determine the levels of dumping, if any, after an antidumping order has been in effect.

In addition to legal fees, there is frequently the need for the services of an economist, who will try to show that any injury suffered by U.S. companies is due to factors other than imports. The cost of the economist's services can vary widely, but it can easily reach \$90,000.

Legal Services

The law firm will provide essential information on how an antidumping case is conducted. It will explain:

- the service the firm will provide to the respondents
- the technical nature of the investigation
- the role of the DOC
- the role of the U.S. International Trade Commission
- the important time frames in the investigation and their affect on business decisions
- the consequences of not cooperating fully in the investigation.

The law firm should review all submissions by the exporters to the DOC so they will be consistent with other information available to the DOC and so the data is presented in the clearest possible way so as to fairly represent the business of the exporters. That will also help to avoid ambiguities that will allow the DOC to draw a negative inference when a positive one should be drawn.

The law firm must also be present when the DOC visits the exporters and verifies the accuracy of the information they have supplied in the investigation. Defense lawyers will understand the mindset of the DOC technicians and make sure the exporters have a clear idea of what they are being asked and will attempt to make sure their answers are not misconstrued by the investigators.

Roles of DOC and ITC

There are two parts to the dumping case, both of which are very technical but involve different agencies of the U.S. government. The Department of Commerce makes determinations as to the level of dumping margins. The U.S. International Trade Commission makes injury determinations. It determines the answer to the question: have the dumped imports actually caused injury to the like industry in the U.S. or do they threaten injury to the like industry?

Dumping Margins to Be Expected

Once a petition for an antidumping case has been initiated, exporters should expect there will be a dumping margin. They should not feel they have lost the case because the DOC establishes dumping margins. However, they must do their best to keep the margins to a minimum by fully cooperating in the investigation. Nothing can substitute for the failure of a company to supply the complete information being sought by the DOC. Such failure will lead to an extremely punitive dumping margin by the DOC. It will be based upon whatever information is available and is always harmful to the company.

As long as there is likely to be a dumping margin, the objective must be to keep that margin to the lowest possible level so business can continue even after an antidumping order has been issued. To meet this objective there must be a very professional, comprehensive and skillful presentation of the facts.

Exporters need to know that in 95 percent of the antidumping cases the U.S. Department of Commerce determines there has been dumping during the period under investigation.

Proving Injury Is More Difficult

Even when the DOC determines there has been dumping, that dumping may not necessarily cause injury. Even if a domestic U.S. industry can show it has been unprofitable during the period being investigated, the reason may not be

due to lower-priced imports but to very aggressive competition by their U.S. competitors or to crop failure or to poor business decisions.

When antidumping petitions are denied it is usually on the basis that injury has not occurred. Some reports indicate that as many as 40 percent to 50 percent of petitions are denied because there has been no finding of injury or threat of injury to the U.S. domestic industry.

Preliminary Determination

120 days after the petition has been filed, the DOC will normally make a preliminary determination as to the dumping margin. Sometimes the deadline for a determination is extended up to 60 days.

The level of the dumping margin is different for each company examined, because each has its own unique cost structures and selling price both in the local market as well as in the U.S. market. Only a limited number of companies get investigated, provided they represent a substantial part of the exports to the U.S. Those not investigated fall into an "all other group". Weighted averages of the dumping margins on the companies investigated serve as the basis for the dumping margin for the "all other" group.

Duty Deposits

If dumping margins are established at the preliminary determination, importers must begin to make duty deposits or post bonds equal to the antidumping margins.

If the margins change at the final determination, as is likely, the duty deposits are adjusted.

Final Determinations

A final determination will be made by the DOC 120 days after the preliminary determination is published. In order to make a final determination as to what the dumping margin should be, a team of auditors from the DOC will visit each

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company under investigation and examine its records. It will have already examined the completed questionnaires that were received from the companies earlier on in the investigation and will know exactly what it wants to verify through the audit. The audit often results in some adjustments to the preliminary margins. Deposit rates put in place with the preliminary determination will be adjusted accordingly.

About a year after the petition was originally filed, the ITC will make a final determination as to whether the U.S. industry is suffering material injury or is threatened with material injury. The ITC's determination is based on a factual record consisting primarily of responses to a second round of questionnaires issued to U.S. producers, importers and purchasers and to foreign producers as well as on briefs submitted to the ITC by interested parties and testimony presented during an extensive, day-long hearing conducted by the ITC.

If the ITC issues a final negative determination, the investigation is terminated, the deposit requirement is lifted and the deposits previously made by importers are refunded. If the ITC issues a final affirmative determination, an antidumping order is issued.

Duration of Antidumping Order

Antidumping orders are in effect until revoked. It takes several consecutive administrative reviews showing an absence of dumping to terminate the antidumping order. There is also a five-year sunset provision for an antidumping order, meaning that at the end of five years the DOC must do an investigation to determine if there is still need for the order. Only if the dumping has ceased will the order be revoked.

Suspension Agreement

If in the preliminary determination of the DOC large dumping margins are set, the exporters should immediately consider the possibility of having their country enter into a suspension agreement with the Department of Commerce. Under a suspension agreement, minimum prices and/or quotas will be set. Suspension agreements last for five years.

When minimum prices are set, the exporters can continue to do business as long as the minimum prices are low enough for them to still sell competitively in the U.S. When China entered into a suspension agreement on honey in 1995, the agreement coincided with a run up in prices due to world shortages. The high prices allowed China to sell at prices much higher than the minimum prices it had agreed to. The minimum prices were based on an average of world prices over a six-month period that ended three months before the minimum prices went into effect. In the rising market, this helped the Chinese exporters. However, when the market declined in the following year, China's minimum prices were always higher than world prices. Therefore, it could not compete.

Administrative Review

In the anniversary month of an antidumping order, an administrative review may be requested for one or more of the exporters. The petitioner can request an administrative review for any exporter, thus submitting that exporter to a costly investigation which may lead to a new and higher dumping margin. An exporter can also request an administrative review for the period covered by the order if it believes an investigation will lower the dumping margin. This frequently happens.

If no administrative review is requested for a particular year in which an antidumping order is in effect, duty deposits made during the year are liquidated at the duty deposit level.

It can take a year or more for an administrative review to be concluded. Only when it is concluded does an importer know what the dumping margin has been for the period under review. At least two years will have passed before he learns what his/her retroactive exposure to duties is.

Administrative reviews can be requested in each anniversary month of an antidumping order to cover the prior year or in the case of the first review to cover a period of approximately 18 months.

The failure of an exporter to cooperate fully in an antidumping investigation is

likely to result in a very high dumping margin, because it will be based upon the most negative inference that can be drawn from the evidence before the DOC. This is not only damaging to the individual exporter but also to other exporters in the "all other group". The high dumping margin calculated against it will also be used in calculating an average margin affecting companies not investigated. They are placed in a category for "all others" and all have the same dumping margin.

Importer Is at Mercy of Exporter

The importer is at the mercy of the exporter. As noted above, if an exporter fails to cooperate with the DOC in an investigation during an administrative review, the worst possible duty that can be set will be set. In the 1990s, in an antidumping case on canned pineapple imported from Thailand, an exporter was given a 24-percent dumping duty based upon the initial investigation. In a subsequent investigation during an administrative review covering the time period when the dumping order was in effect, the exporter did not cooperate fully because it was no longer planning to export to the U.S. As a result, the DOC increased the duty to 55 percent retroactively for a two-year period. The duty liability for that 31-percent increase in the duty fell on the importers. Such an increase could force an importer into bankruptcy. The exporter didn't realize the consequences its lack of cooperation would have but did its best to cooperate in later stages because it wanted to have the ability to get back into the U.S. market at a later point.

In a pasta antidumping case, a dumping margin was set in the initial investigation. The exporter continued to ship to the United States for a period of time but then ceased doing business in the U.S. In a subsequent investigation during an administrative review the exporter refused to participate in the investigation. Therefore, the DOC raised the dumping margin retroactively from 21 percent to 71 percent. This is a risk of which the importer must be aware whenever there is an antidumping duty. □

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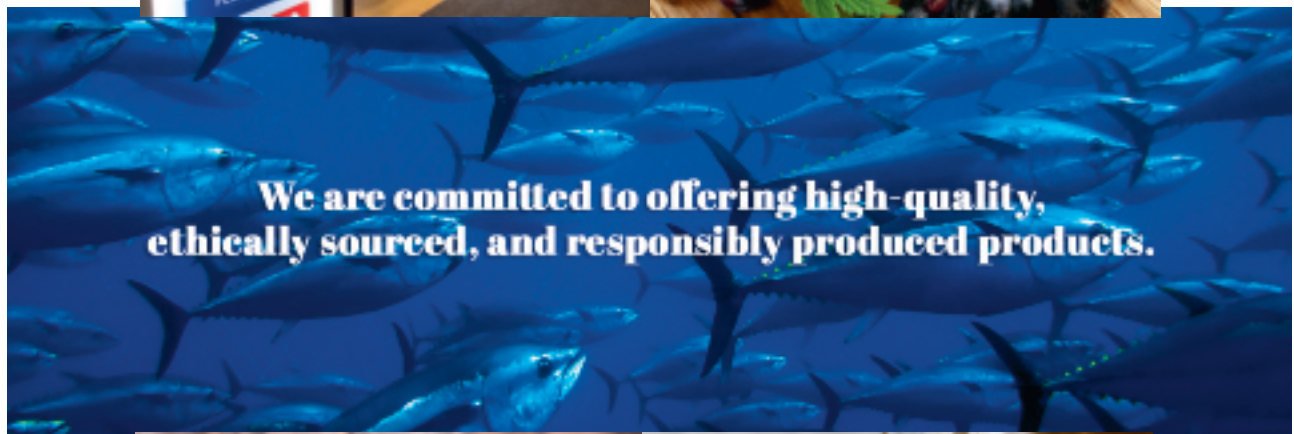
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Trump Economic Policy at it Relates to the Global Economy

continued from page 24

ing from \$1.3 trillion to \$14.3 trillion. The only change since 2001 was its membership in the WTO, not its inherent competitive advantage.

Another U.S. mistake was the North America Free Trade Agreement. Before NAFTA in 1993, the U.S. had a trade surplus with Mexico of \$5 billion in 1992. But after NAFTA's first year, that trade surplus had become a \$16 billion trade deficit in goods. It is now over \$100 billion annually. The cumulative U.S. trade deficit with Mexico post NAFTA exceeds \$1.2 trillion, a huge number!

President Trump campaigned against such artificial trade deficits. No country can afford permanent, huge trade deficits — no more than a family can afford increasing credit-card debt year after year because of excess spending. The U.S. cumulative 10-year trade deficit in goods is \$7.7 trillion, and cost millions of good jobs.

Some economists claim our deficit comes from a savings rate lower than other countries. But that doesn't explain the impacts of NAFTA, China's WTO accession, other countries' protectionist practices, or the preferential trade treatment accorded 90 percent of WTO members. It doesn't explain the fact that China can airmail a package to a customer in the United States for far less than it costs for a shorter distance within the U.S. It doesn't explain the impact of subsidized export financing by countries. In short, the low U.S. savings theory — at best — only partially explains the U.S. trade deficit.

President Trump's stated objective is to eliminate foreign export subsidies and all tariff and non-tariff trade barriers. Why then is he imposing some tariffs and threatening others? Tariffs are his only tool to offset the historic unilateral concessions I described and to motivate trading partners to negotiate away some of their artificial advantages. Without tariffs and the threat of additional tariffs, countries would remain with trade barriers lopsided in their favor. For example, the U.S. tariff on imported autos is 2.5 percent, but Europe's tariff on U.S.-made autos is 10 percent. China's is much higher.

Similar ratios are true for other industries. They would give up that differential

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only if the cost of not doing so would be even worse, namely, higher — or additional — U.S. tariffs. The fact is that Trump's tariff-tactics work, as his Phase One trade deal with China proves.

China has committed to buy \$200 billion more goods from U.S. producers over the next two years. This would reduce the U.S. deficit by an average of \$100 billion per year and add one-half percentage point to U.S. GDP. More importantly, China agreed to end forced technology transfers and show more respect for intellectual property rights. In return, the U.S. agreed not to impose tariffs scheduled for Dec. 15, 2019 and to reduce the October tariffs. The United States retained \$72.5 billion of tariffs on some \$370 billion of Chinese goods, pending further negotiations. Tariff threats also facilitated the USMCA; the renegotiation of the pact with Korea; and two new agreements with Japan.

Further shifts in global supply chains are occurring due to new U.S. policies regarding regulations and taxes. Deregulation of shale gas and oil has moved the United States from being a substantial net importer to a net exporter of fuels. It also has created a much larger export business for petrochemicals.

In total, the U.S. government has cut eight regulations for every new one imposed. This makes it easier and cheaper to do business in the U.S. The U.S. also went from being one of the highest business tax countries to one of the lowest.

The most important U.S. tax reform was allowing an immediate 100 percent write-off of capital expenditures, cutting the effective cost of investment by 21 percent. Nothing improves rate of return

better than lower initial investment. The new U.S. corporate tax code is so effective that one foreign minister considered filing a WTO complaint over the tax plan being an unfair trade practice.

Beyond these policy changes, the shift in global supply chains will be further impacted by the digital technologies of the Fourth Industrial Revolution. Historically, production location decisions sought large pools of low-cost unskilled and low-skilled workers. Now, almost every day, another breakthrough in robotics is announced. Some machines even can fold garments and insert them into packages. Others can pick up dissimilar components and place them in precise locations error-free over and over.

The substitution of capital equipment and software for labor will intensify. But the radical transformation of the global production system is just beginning. Korea is a leader in automation technologies but still only has 710 robots per 10,000 workers. In the U.S., there are only 200 robots per 10,000 workers and our wages are higher than Korea's. We and China both also need robots to offset bad demographic trends.

Manufacturing is 68 percent of U.S. goods exports, and McKinsey & Co. believes 4IR will increase U.S. manufacturing exports by 14-20 percent by 2025. McKinsey also projects that 42 percent of ALL occupations are at least 50 percent automatable. And it is not just robots.

4IR, the Internet of Things and capturing and analyzing vast amounts of real-time data will greatly improve efficiency. Examples abound. 3D printing uses less material, less energy and less labor. AI-empowered production reduces the time between product design and full production. AI also reduces the need for inventory, labor and its related costs.

Meanwhile, other factors are changing global supply-chain dynamics. Growing cost pressures on low-wage, highly polluted countries hurt their competitive advantage. Sustainability is increasingly important to both consumers and global executives and environmental concerns are influencing supply-chain decisions. Manufacturing consumes 54 percent of

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Trump Economic Policy at it Relates to the Global Economy

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world energy and emits 20 percent of the CO2. I doubt the developed world will continue paying twice for improving the environment: first through higher domestic costs and, second, through job displacement by countries with lower environmental standards. One sign of this change is the new maritime industry

fuel rules effective this year. Ocean-going vessels must either use more expensive, lower-sulfur fuels or invest capital to reduce pollution from existing bunker fuels. Some countries are considering a carbon tax on imports to offset the disparity in environmental laws and enforcement.

As one can clearly see, Fourth Industrial Revolution technologies and sustainability will do more to transform the 20 trillion dollars in global trade than U.S. tariffs on a few hundred billion dollars of goods ever could. It will disrupt those economies that lack highly trained workers. □

CBP Looking to Work Closely with Trade

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a 72% reduction from the initial spike that occurred in early April and is now only 11% percent higher than the same time last year. Of course, we want to continue to lower that number.

As DHS and CBP leadership has testified before Congress many times, we have real resource challenges, and we must always be ready to respond and prevent emerging threats.

I know the past few months have been painful for many of you – and, believe me, we share that pain -- because we want to serve you as efficiently as we can. We know the stakes are high. So, I pledge to you that we will share as much information as we can and that we will be as candid as possible.

That brings me to my second commitment, which is communication. We cannot effectively serve our country if we do not effectively communicate our policies. The late Lee Iacocca said, “You can have brilliant ideas but if you can’t get them across, those ideas won’t get you anywhere.” That is as true in the government arena as it is in the business realm. CBP is steadfast in its commitment to communicating with you, not just talking at you.

Effective communication is dialogue – a two-way channel. We want to explain to you what our challenges and environment are, and then we want to listen to you about your challenges and your environment. Learning from each other and understanding how supply chains work and the risks associated with them – and then managing those challenges – will definitely support a stronger U.S. economy. I look forward to

Effective communication is dialogue – a two-way channel. We want to explain to you what our challenges and environment are, and then we want to listen to you about your challenges and your environment.

taking part in a great CBP tradition and that is our “Trade Day” sessions, when we invite members of the trade community to join us for productive discussions about the latest trade issues.

Since we are here in Chicago, let me note another truism – something that the great Chicago journalist, Sidney Harris, once said: “Information and communication are often used interchangeably, but they signify quite different things. Information is ‘giving out.’ Communicating is ‘getting through.’” That is spot on. CBP is thoroughly committed to “getting through,” ... so that our stakeholders and partner government agencies never wonder what we are doing or why we are doing it. I want feedback – fearless feedback – from everyone involved.

That brings me to my third commitment: collaboration. CBP does not fly solo. We collaborate closely with our industry

stakeholders through relationships with our advisory committees: COAC and the UFAC. CBP also maintains robust dialogue with associations representing everyone from brokers to importers, from exporters to express consignment companies, as well as all kinds of transport: airlines, trucking, rail, and maritime companies.

We also work closely with partner government agencies, including the FDA, the departments of Commerce and Transportation and many more. And we work with the Border Interagency Executive Council to ensure that trade runs as efficiently as possible.

Finally, our collaborative efforts extend into the international realm, reflected by our valuable partnerships with foreign governments and participation in the World Customs Organization and the Border Five.

Our meetings with our stakeholders are incubators for great ideas. Our Centers of Excellence and Expertise, for example – forged with the input and assistance of COAC – represent the very best aspects of government-industry partnership.

I want to emphasize that CBP is acutely aware of the dual nature of our trade mission: facilitation as well as enforcement. We must focus on both ... because a single-minded emphasis on one or the other serves nobody’s interests in the end. In addition, I am committed to listening to you. This commitment is imperative for fostering the kind of collaboration, communication and transparency I have touched on here this morning. □

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Cannabidiol – Looking Back and Forward

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The agency made another important announcement at the same time. Having reviewed the available data, FDA announced that it could not conclude that CBD was generally recognized as safe among qualified experts for use in human or animal food. FDA cited specific safety concerns for CBD, including liver injury, interactions with other drugs and male reproductive toxicity. FDA also noted there were significant data gaps with little information on the cumulative use of CBD in the diet across multiple products.

The only avenue that would seem to remain for CBD in foods would be through a formal food additive petition process to the agency – a long and expensive proposition that could be difficult to achieve given FDA’s current views on the lack of safety data for CBD in foods.

Though the agency continued to object both to the claims and to the presence of CBD in foods and supplements, many in industry assumed that a company could evade FDA problems if it avoided therapeutic claims. Many of the companies receiving warning letters simply removed objectionable claims (sometimes only temporarily) and continued to market CBD-containing products.

The Class Action Lawsuits

Companies continuing to market CBD products are facing another, significant risk in the form of class action lawsuits for violations of state law. Actions include:

- *Dasilva v. Infinite Product Company LLC*, 2:19-cv-10148 (C.D. Cal.)
- *McCarthy v. Charlotte’s Web Holdings, Inc.*, 5:19-cv-07836-BLF (N.D. Cal.)
- *Snyder et al v. Greens Road of Florida LLC*, 0:19-cv-62342-UU (S.D. Fla)
- *Potter v. Potnetwork Holdings, Inc. et al*, 1:19-cv-24017-RNS (S.D. Fla.)
- *Gaddis v. Just Brands USA, Inc. et al.*, 0:19-cv-62067-RS (S.D. Fla.)
- *Ahumada v. Global Widget LLC*, 1:19-cv-12005-ADB (D. Mass.)

In addition, a class action complaint accuses Curaleaf of violating federal securities laws by making materially false and misleading allegations regarding the efficacy of its CBD products. In re Curaleaf

Congressional pressure on FDA to support hemp agriculture by permitting CBD in foods and supplement is considerable.

Holdings, Inc. Securities Litigation, 1:19-cv-04486-BMC (E.D. N.Y.).

Congress losing patience

Congressional pressure on FDA to support hemp agriculture by permitting CBD in foods and supplement is considerable. In September 2019, 26 House members sent a letter urging the agency to allow CBD in dietary supplements and as a food additive.

The fiscal year 2020 budget appropriation signed into law on Dec. 20, 2019 includes directions to FDA on CBD. Congress appropriated \$2 million to FDA for “research, policy evaluation, market surveillance, issuance of an enforcement discretion policy, and appropriate regulatory activities.” FDA is also required to provide reports to Congress within 60 and 180 days, respectively, 1) regarding progress on an enforcement discretion policy for CBD and 2) the results of a sampling study examining which CBD products are mislabeled or adulterated.

Congress appropriated \$2 million to FDA for “research, policy evaluation, market surveillance, issuance of an enforcement discretion policy, and appropriate regulatory activities.”

In January 2020, House Agriculture Committee Chairman Collin Peterson (D-MN) introduced H.R. 5587 that would override the statutory bar that prohibits CBD in dietary supplements and conventional foods because it is an active drug ingredient with no history of use in the food supply. The bill would amend section 201(ff) of the FDC Act so that CBD could be considered a dietary ingredient and would amend section 301(ll) of the FDC Act so that conventional foods would not be unlawful solely because they contain CBD.

The law would not otherwise amend the FDC Act. Consequently, CBD would still have to be either GRAS or approved under a food additive petition to be added to food; to be included in a dietary supplement, it would have to be subject to a new dietary ingredient (NDI) notification which includes the basis on which the manufacturer concluded CBD is reasonably expected to be safe under the labeled conditions of use.

The same week Chairman Peterson released his bill, Dr. Douglas Throckmorton from FDA’s Center for Drug Evaluation and Research testified before the House Energy and Commerce Committee. Dr. Throckmorton reiterated FDA’s authority over CBD, restated the agency’s safety concerns and emphasized the dearth of data about CBD consumption in the diet. Dr. Throckmorton estimated that developing a regulatory framework for CBD in foods and supplements could take three to five years.

What happens in the meantime?

The future for CBD in 2020 remains muddled. Looking ahead,

- • Consumer class actions pose a serious threat. One court, *Snyder et al v. Greens Road of Florida LLC*, 0:19-cv-62342-UU (S.D. Fla), has stayed the lawsuit pending FDA’s action and other courts may follow. Nevertheless, the costs of defending a class action can be catastrophic.
- • CBD-containing topicals will continue to be popular options as the

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Cannabidiol – Looking Back and Forward

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ingredient can be used in cosmetics. However, marketers have had difficulty avoiding therapeutic, drug-type claims for supposed cosmetic products, such as for pain relief, acne, psoriasis, and eczema, which are unlawful under the FDC Act.

- The Federal Trade Commission might pursue CBD marketers making unsubstantiated advertising claims. Given the FTC's ability to extract financial concessions and pursue corporate owners individually, an FTC order could be crippling. The agency sent warning letters in September and the more outlandish CBD claims would make for easy FTC enforcement.

FDA activity will certainly continue. With the 2020 appropriations, FDA will be issuing two reports in the coming months on CBD.

- FDA activity will certainly continue. With the 2020 appropriations, FDA will be issuing two reports in the coming months on CBD. Given that so many companies are continuing to ignore FDA's warning that CBD is

not a permissible ingredient in foods or supplements, it's possible the agency might use its other enforcement tools, such as recalls, court remedies, seizures and injunctions.

- If FDA waits too long to develop its regulatory framework, Congress could amend the FDC Act to clear a pathway for CBD. However, it's possible legislators will be less eager to amend the FDC Act for the benefit of a single product and especially when doing so means ignoring the FDA's scientific and medical judgment regarding CBD safety. Deference to FDA's expertise, however, did not stop the introduction of H.R. 5587. 

2020s: A New Decade Where Education Meets Enforcement

continued from page 22

- Manufacturer/facility FDA Registration #
- U.S. agent for each item that you import.
- FSVP Importer (All FSVP Importer required documentation should available by SKU)
- HACCP reports for each SKU you import
- USHTS # & duty rates (with supporting documentation to prove it)
- USDA permits, OGA certificates, licenses and forms that may be required

***Be prepared.
If it hasn't happened
already, FDA is
coming to visit you.***

cial and others, developed the program. Whether it's through AFI or another entity, you'll be well-served to have at least two employees take the course. Why two? What if you only send one and that person leaves the company or is away for business or personal reasons when FDA comes knocking?


TRADE DISPUTES

Be prepared. If it hasn't happened already, FDA is coming to visit you. AFI offers the Food Safety Preventive Controls Alliance FSVP training program. In fact, AFI President Bob Bauer was on the task force, that along with FDA offi-

As tensions between the U.S. and China ease somewhat, The EU Airbus dispute takes center stage. Thankfully, another dispute involving the French digital services tax appears to be on hold for the remainder of 2020.

Many in the industry – on both sides of the Atlantic – are already feeling the effects from the Airbus Annex 1. As this was being written, possible changes via a second annex were possible within weeks. The Annex 1 additional duties have been applied and the impact on U.S. importers has been harsh. To say the least, importers are feeling the pinch and looking, where possible, at alternative solutions to satisfy consumer needs.

Exporters from EU Member States should be putting pressure on their governments to address this issue. U.S. importers can't absorb a 25-percent increase in costs. Some are buying less. Others are looking for other sources. Still others can't stay in business if the dispute drags on. Once a customer is lost and/or finds another source of supply, it could be quite a challenge to regain that business.

Tough times! Let's see what the market will bear and what the future will bring. 

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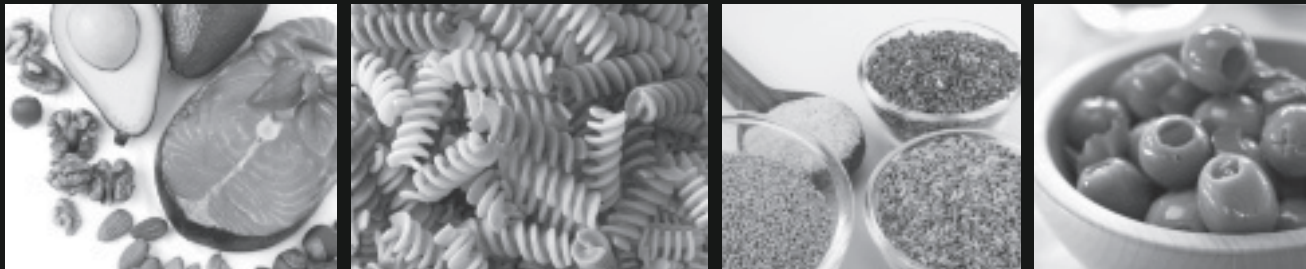
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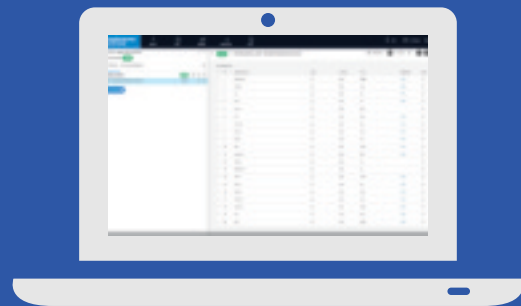
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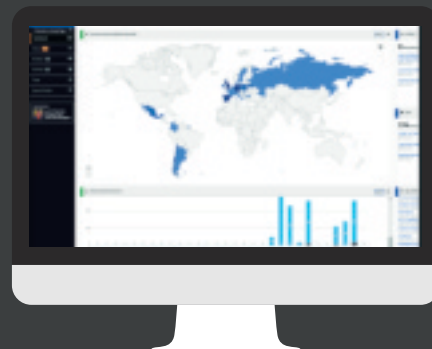
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Managing Uncertainty in Volatile Times

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recall, you should be able to trace product back from the retailer to the source of origin to reveal where it came from, where it was shipped, who shipped it and in what quantities. And you must have a written hazard protection plan in place, so if there's a recall, you are ready to take the necessary steps. In cases of gross negligence, CEOs can be held criminally liable. This goes beyond a civil penalty where they simply shut down your plant. Technology can help you with transparency and compliance. Blockchain, a shared ledger of every transaction that occurs along the path of purchased goods, can be helpful. Only the parties to the transaction can enter the information into the Blockchain ledger. No one else can alter or change this permanent record.

Labeling

You need to be very mindful of how you label your products. The term "natural" is not regulated. Not knowing or following the labeling rules can expose you to risks. What exactly does "meatless" mean? The meat industry is pushing very hard regarding labeling of plant-based products. The dairy industry is trying to protect the word "milk." Check in with your legal advisors about appropriate labeling. There are regulations about organic products, GMOs and non-GMOs. Companies are getting letters from FDA if they claim health benefits from CBD. You must be careful how you advertise and label your products in this litigious environment. Be aware of trends emerging in food and beverage and make sure that adaptation and innovation are part of your company's DNA. So many companies are being left behind by not being cognizant and taking advantage of the latest trends, such as plant-based, private label or new fulfillment options for online orders.

Input Volatility

The industry has seen price increases of 200 percent to 300 percent a year in certain commodities. Because of the volatility of commodity prices, it's important to be prepared. Companies can look at forward exchange contracts and hedging. Let's say a manufacturer buys 20 tons of sugar. If you anticipate that sugar prices will increase, lock in the prices with a forward exchange

***You must be careful
how you advertise and
label your products in
this litigious
environment.***

contact. If prices increase, you won't take the price hit on your end. Otherwise you'll have to absorb the hike, since you likely will not be able to pass it on to customers. The problem with a hedge is that if prices fall, you can get hurt. A prudent approach would be to hedge 50 percent of your purchases and build in a floor.

Interest Rates

There's talk of a looming recession. You need to account for that in budgeting and planning for 2020. What if we do have a recession? What would your action steps be? Because of the low interest rates that exist right now, have you looked at all your financial arrangements and loans to consider whether any of the rates you're paying can be negotiated down? And that brings us to the impending change from LIBOR to the Secured Overnight Financing Rate. It's potentially a new benchmark that will replace or at least supplement LIBOR and affect loan documents and loan arrangements. It's not due until 2021 and it's not even a definite, but companies need to become aware of it and take it into consideration. Talk to your advisors about the potential impact and how to handle the transition. If you have an existing document in place, how does that get revised? What impact will that have on your business? And what about rising interest rates? Be sure you're aware of and ready for the impact of changing rates. Be mindful of credit risks with your customers, especially in retail markets.

Tariffs, Taxes and Tax Benefits

This brings us to tariffs and overlooked tax benefits. You need to be in touch with regulatory agencies to make sure you're aware of new tariffs and incorporate those into your pricing strategies. If you were

buying aluminum at \$1 per can and there's a 25 percent tariff, can you pass that on to your customer? Sometimes you can't, which would impact your margins significantly. While you need to be ready for any tax increases, many companies don't avail themselves of tax benefits currently available to them, including the highly advantageous research and development tax credit. It doesn't require research and development that is new to the world, just new to your company. Any new products or processes could potentially qualify.

Retention Recipe

Low unemployment is good for the economy, but executives need to look at how it impacts their companies. Because of the present high employment level, retention programs have become more important. Do you have an effective retention program in place? What's your turnover? Lack of retention programs increases the risk of losing qualified, trained employees. Companies should be looking into employee reward programs such as pension and 401(K) plans. ESOPs (employee stock ownership plans) are becoming more common. These can be valuable tactics to put into effect when you have a retention issue.

All in all, be prepared by working on your business and not just in your business. Running a successful business is tough enough, but if you don't manage uncertainty and volatility effectively, you might not have a business to manage. □

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A Look at the New NAFTA - USMCA

continued from page 28

many times could not read English or would ignore the demand, which after 30 days, resulted in Customs issuing a notice to the importer requiring payment of duties. The change puts the onus of demonstrating eligibility for a duty preference claim on the importer. This change also puts control of responding to Customs in a timely fashion in the hands of the importer – the entity that will either benefit or suffer the consequences.

Another change that may be a difference without a distinction is the duration of the agreement provision. This agreement has a sunset clause that may be triggered every six years. At that point, a review of the agreement shall be undertaken by the parties and if one believes the agreement is not working, it can notify the other parties of its intent to withdraw from the agreement and who then have 10 years to address the concerns of the aggrieved party. If during that 10 years the parties agree the problems have been resolved, the clock for a

On the whole the additional changes and amendments will bring the agreement into the 21st century and provide added protections to intellectual property, labor, environment, ecommerce and data.

review will reset. Thus, if a party determines it intends to withdraw from the agreement, it cannot do so until a 10-year period has passed. Although some are not pleased there is a withdrawal clause, it is significantly better than the six-month notice clause of the NAFTA.

All of these changes may be tricky at first, but because the agreement has been in place for more than 25 years and the three economies have become so intertwined, on the whole the additional changes and amendments will bring the agreement into the 21st century and provide added protections to intellectual property, labor, environment, ecommerce and data. □

###

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AFI Food Products Directory

Only company names are listed. Company Representatives, addresses, telephone, fax and email addresses are located in the Membership Directories beginning on Page 38. For quick reference, first check the Index to Advertisers appearing on Page 126.

North American Olive Oil Association.....38

Importers & Packers of Olive Oil

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American Associate Members.....69

Companies providing services to AFI; Banks, Laboratories, Insurance Companies, Surveyors, etc.

Overseas Members.....76

Exporters of All Food Products, Associations

CODES

B	Briner
D	Distributor
DFB	Domestic Food Broker
DM	Domestic Merchant
E	Exporter
I	Importer
IA	Import Agent
L	Laboratory
M	Manufacturer
P	Packer
S	Supplier

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Balconi SPA Industria Dolciaria - E
Bessone SA - E
Biscottificio Primavera S.r.l. - E
Bonomi S.P.A. - E
Cento Fine Foods, Inc. - I, D
Coins Foods and Spices (Pvt.) Ltd. - E
D. Coluccio & Sons, Inc. - I, D
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Grissinificio Zingonia SRL - E
Jacobsens Bakery Ltd. - E
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North Trading, Lda. - E
Profanter Backstube GmbH - E
Roodenrijs Kaastabletten Industrie
"ROKA" B.V. - E
Ryvita Co. Ltd. - E
Vieira de Castro Prod. Alim., S.A. - E
Vigo Importing Company - I, P
Vitavigor srl - E
World Finer Foods, Inc. - I, E, M

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Finck-Jones-Libby Co., Inc. - IA

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Borges USA / Star Fine Foods, Inc. - M
Mercantum (U.S.) Corp. - I, E, IA, DFB
Reliable Mercantile Co., Inc. - IA
World Finer Foods, Inc. - I, E, M

CANDIED FRUITS

Bazzini Co., Inc., A.L. - S
Bedemco Inc. - IA
JFE Shoji Trade America, Inc. - I, E
Mercantum (U.S.) Corp. - I, E, IA, DFB
Sahadi Fine Foods - I, M
Setton International Foods, Inc. - I

CANDY

Aran Candy Ltd.
t/a The Jelly Bean Factory - E
D. Coluccio & Sons, Inc. - I, D
Musco Food Corp. - I
Nutrexpa, S.A. - E
Sucs. Lorenzo Estepa Aguilar - E
Vieira de Castro Prod. Alim., S.A. - E

CANNED FRUITS

ALMME - Association of Agricultural
Cooperatives - E
Alexander Ltd. - E
Alcurnia Alimentacion, S.L. - E
Angel Camacho, S.A. - E
Arlavan S.A. - E
Atalanta Corporation - I, IA
Bedemco Inc. - IA
BMT Commodity Corp. - I
CV. Keong Mas Permai - E
Camerican International - I, IA, DFB
CONEX S.A. - E

Conservas de Murcia, S.L. - E
Conservas del Valle S.A. - E
Conservas y Frutas, S.A. - E
Costa de Oro Internacional - E
Fairteck Holding PTE Ltd. - E
Fenix S.A. - E
Filiberto Martinez, S.A. - E
Golden Beach, Inc. - I
Goya Foods, Inc. - I, M
Great Lakes International
Trading, Inc. - I, E
Hop Chong Trading Co., Inc. - I
Ibericos Canned Foods, S.A. - E
Inaexpo USA Ltd. - I
Industrias Alimenticias
Mendocinas S.A. - E
Inter-Iberia Comercio de
Alimentos, Ltda. - E
InterBusiness USA, Inc. - IA
Intercomm Foods, S.A. - M
International Food Network - IA
J.A. Kirsch Corp. - I
J.M.B. International, Ltd. - E
JFE Shoji Trade America, Inc. - I, E
Jorday Foods International - IA
Kronos S.A. - E
Kuiburi Fruit Canning Co., Ltd. - E
Luisky (Shaanxi) Food Co., Ltd. - E
Manuel Garcia Campoy S.L. - E
Marin Gimenez Hnos., S.A. - E
Marin Montejano, S.A. - E
Mateo Hidalgo, S.A. - E
Materne - Conflux S.A. - E
Mercantum (U.S.) Corp. - I, E, IA, DFB

AFI TRADE INTELLIGENCE REPORTS

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Merwanjee Poonjajee & Sons Pvt. Ltd. - E
National Cortina Corp. - I
Odenwald Fruechte Gmbh - E
Ongkorn Special Foods Co., Ltd - E
P. Pavlides S.A. - E
PAFCO Importing - I, E
Pedro Guillen Gomariz, S.L. - E
Port Royal Sales - I
Pranburi Hotei Co. Ltd. - M, E
Productos Bionaturales
Calasparra S.A. - E
PT. Inni Pioneer Food Industry - E
Rema Foods, Inc. - I
Sanmenxia Luck Fruit Industry Co., Ltd. - E
Schreiber Foods International, Inc. - I
Sclafani Corp., Gus - I
Simco Sales - I
Sinco, Inc. - I
SMP Foods Products Co., Ltd. - E
Soprimex, S.A. - I, E
T'boli Agro Industrial Development, Inc. - E
Tianshui Cangsheng Food Co., Ltd. - E
Tropical Food Industries Co., Ltd - E
UB Global Corporation - E
UGS Urla Gida ve Tarim Urunleri - E
San. Tic. Ltd. - E
Vegetexco Ho Chi Minh City - E
Victoria Pacific Trading Corp. - I
Weishan Ciway Food Co. Ltd. - E
World Finer Foods, Inc. - I, E, M

CANNED MEATS

Atalanta Corporation - I, IA
Camerican International - I, IA, DFB
Export Packers - E
Goya Foods, Inc. - I, M
JFE Shoji Trade America, Inc. - I, E
Musco Food Corp. - I
Pastene Companies, Ltd., The - I
Rema Foods, Inc. - I
Sampco, Inc. - I

CANNED SEAFOOD

Acme Food Sales, Inc. - I
Atalanta Corporation - I, IA
Atlantic Sardine Anchovies Tan Tan - E
BMT Commodity Corp. - I
Barkey Importing Co., Inc. - IA
Bedemco Inc. - IA
Bluewave Peru Marine Sac - E
Borges USA / Star Fine Foods, Inc. - M
Briosa - Conservas de Pescado Lda. - E
Bumble Bee Seafoods, LLC - M, I
Camerican International - I, DFB, IA
Cannex, S.A. - E
Cento Fine Foods, Inc. - I, D
Chotiwat Manufacturing Co., Ltd. - E
Cofaco Açores - E
Coins Foods and Spices (Pvt.) Ltd. - E
Conservas Cerqueira, S.A. - E
Conservas Fredo, S.A. - E
Conservas Portugal Norte, LDA. - E
Crown Prince, Inc. - I
Dana Imports, Inc. - I
Euroaliment P.A.C. S.L. - E
Export Packers - E
Fabrica de Conservas da Murtosa LDA - E

Foodtech Co. Ltd. - E
Foshan Shunde Hai-Ding Aquatic Resources
Foodstuff Co., Ltd. - E
Frinsa del Noroeste, S.A. - E
Golden Beach, Inc. - I
Goya Foods, Inc. - I, M
Graal S.A. - E
Highland Dragon Enterprise - E
Hop Chong Trading Co., Inc. - I
Industry Moroccan Anchovies - E
Inter-Iberia Comercio de Alimentos, Ltda. - E
International Food Network - IA
J.A. Kirsch Corp. - I
J.M.B. International, Ltd. - E
JCS Tradecom, Inc. - I
JFE Shoji Trade America, Inc. - I, E
Jie Yang Rex Foods Co. Ltd. - E
John Ross Jnr. (Aberdeen) Ltd. - E
Joao M. Neto Pereira - E
M.W. Polar Foods - I, D
MMP International Co. Ltd. - E
Majestic Seafood Corporation Limited - E
McLane Global - I
Musco Foods Corp. - I
Ongkorn Special Foods Co., Ltd - E
ORBE, S.A. - E
Orlando Food Corp. - I, IA, DFB
PAFCO Importing - I, E
Pataya Food Industries, Ltd. - E
Pastene Companies, Ltd., The - I
Permex Producer & Exporter Corp. - E
Port Royal Sales - I
PRANAS S.A. - P
PT. Avila Prima Intra Makmur - E
PT Deho Canning Co. - E
PT. Inni Pioneer Food Industry - E
PT. Juifa International Foods - E
PT Rex Canning - E
Pt. Samudra Mandiri Sentosa - E
PT Sinar Purefoods International - E
R S Cannery Co., Ltd. - E
Ramirez & Co (Filhos), S.A. - P, E, I, S
Rema Foods, Inc. - I
Royal Food Import Corp. - I
Sampco, Inc. - I
Sass Foods - I, DFB
Schreiber Foods International, Inc. - I
Sclafani Corp., Gus - I
Shafer-Haggart, USA - I
Shinjin Moolsan Co. Ltd. - E
Silver Food - E
Simco Sales - I
Sinco, Inc. - I
SOPRAL - E
Soprimex, S.A. - I, E
Strohmeier & Arpe Co., Inc. - I
Sulljung Foods Co. Ltd. - E
Unicord Company Limited - E
Vigo Importing Company - I, P
Worldly Delights, Ltd. - IA, DFB
World Finer Foods, Inc. - I, E, M
Yurrita & Sons, S.A. - E

CANNED VEGETABLES

AGARCAM, S.A. - E

Aceitunas Guadalquivir S.A. - E
Acme Food Sales, Inc. - I
Agrucapers, S.A. - E
ALIMINTER, S.A. - E
Amanida, S.A. - E
Angel Camacho, S.A. - E
Arguimbau & Co. - IA, DFB
Atalanta Corporation - I, IA
Barkey Importing Co., Inc. - IA
Bartlett Foods International, LLC - IA
Bedemco Inc. - IA
Blue Planet Foods - I
Bonduelle Polska S. A. - E
Borges USA / Star Fine Foods, Inc. - M
C. Zafiroopoulos - A. Tomaras S.A. - E
Camerican International - I, IA, DFB
Cento Fine Foods, Inc. - I, D
Clement Faugier - E
Conservas de Murcia, S.L. - E
Conservas del Valle S.A. - E
Conservas El Raal S.C.L. - E
Consortio Peru-Murcia - M
Costa de Oro Internacional - E
Dana Imports, Inc. - I
Euroaliment P.A.C. S.L. - E
EUROPI S.r.l. - E
F.J. Sanchez Sucesores, S.A. - E
Fenix S.A. - E
Filiberto Martinez, S.A. - E
Food Match - I
Golden Beach, Inc. - I
Golden Foods S.A. - E
Gonzalez Garcia Hnos. S.L. - E
Goya Foods, Inc. - I, M
Guangxi Hengyong Industrial Commercial Dev - E
Guangxi Jisheng Foods Inc. - E
Ibericos Canned Foods, S.A. - E
Inaexpo USA Ltd. - I
Inter-Iberia Comercio de Alimentos, Ltda - E
InterBusiness USA, Inc. - IA
International Food Network - IA
Italfoods, Inc. - I
J.A. Kirsch Corp. - I
J.M.B. International, Ltd. - E
JFE Shoji Trade America, Inc. - I, E
Jorday Foods International - IA
John H. Elton, Inc. - I
Konstantopoulos S.A. - E
Luisly (Shaanxi) Food Co., Ltd. - E
Lutece B.V. - E
M.W. Polar Foods - I, D
Macarico S.A. - E
Manuel Garcia Campoy S.L. - E
Manuel Mateo Candel S.L. - E
Marin Montejano, S.A. - E
Marocapres - E
Mateo Hidalgo, S.A. - E
McLane Global - I
Menu SRL - E
Mercantum (U.S.) Corp. - I, E, IA, DFB
Merwanjee Poonjajee & Sons Pvt. Ltd. - E
MJ Rosenmayer - I
Musco Food Corp. - I
Nagajati Food Sdn Bhd - E
National Cortina - I
Omega Foods - I
Ongkorn Special Foods Co., Ltd - E
Orlando Food Corp. - I, IA, DFB

Pastene Companies Ltd., The - I
Pedro Guillen Gomariz, S.L. - E
Port Royal Sales - I
Prochamp BV - E
Productos Bionaturales
Calasparra S.A. - E
PT. Inni Pioneer Food Industry - E
RDA S.r.l. - E
Reliable Mercantile Co., Inc. - I, IA
Rema Foods, Inc. - I
Ron-Son Foods, Inc. - P, I
Royal Food Import Corp. - I
Safe Food Corporation - I
Sampco, Inc. - I
Scelta - Champimer BV - E
Schreiber Foods International, Inc. - I
Sclafani Corp., Gus - I
Setton International Foods, Inc. - I
Shafer-Haggart, USA - I
Shandong International Service
Trade Corp. - E
Simco Sales - I
Siouras A.S. - E
Sinco, Inc. - I
SOPRAL - E
Strohmeyer & Arpe Co., Inc. - I
Vegetexco Ho Chi Minh City - E
Victoria Pacific Trading Corp. - I
Vigo Importing Company - I, P
Weishan Ciway Food Co. Ltd. - E
World Finer Foods, Inc. - I, E, M

CHEESE

Agriform SCA - E
Atalanta Corporation - I, IA
Azienda Agricola La Bottera S.S. - E
Camerican International - I, IA, DFB
Caseificio Olanda Michele - E
Cento Fine Foods, Inc. - I, D
D. Coluccio & Sons, Inc. - I, D
Cooperativa Agricola IL FORTETO - E
Goya Foods, Inc. - I, M
Italformaggi S.R.L. - E
Italfoods, Inc. - I
Kavli International AS - E
Lopez & C Srl - E
Musco Food Corp. - I
Orlando Food Corp. - I, IA, DFB
Pastene Companies, Ltd., The - I
Roodenrijs Kaastabletten
Industrie "ROKA" B.V. - E
Setton International Foods, Inc. - I
Sclafani Corp., Gus - I
Societa Agricola La Bruna Di Fiandino Davide & C. S.S. - E
Tianshui Cangsheng Food Co., Ltd. - E
Trucco, Inc., A.J. - I
UGS Urla Gida ve Tarim Urunleri
San. Tic. Ltd. - E
Vigo Importing Company - I, P
World Finer Foods, Inc. - I, E, M

CHOCOLATE, COCOA PRODUCTS, CAROB

Bazzini Co., Inc., A.L. - M
Bedemco Inc. - IA
Braun & Sons, Inc., J.F. - I

Brauner International Corp - I
Elizabeth Shaw Ltd. - E
Goya Foods, Inc. - I, M
Ludwig Weinrich GmbH & Co. KG - E
Nutrexpa, S.A. - E
Persnam Corporation - E
Rema Foods, Inc. - I
Setton International Foods, Inc. - I
Trucco, Inc., A.J. - I

COCONUT

CC-Creamed Coconut
DC-Dessicated Coconut
CM-Coconut Milk
4Care Co., Ltd. - I, D
Bazzini Co., Inc., A.L. (DC) - E, I, M
Braun & Sons, Inc., J.F. - I
Fairteck Holding PTE Ltd. - E
Goya Foods, Inc. (CC,CM) - I, M
Great Lakes International
Trading, Inc. (DC)
Red River Foods - I
Sahadi Fine Foods (DC) - I, M
Sari Segar Husada, PT (DC) - E
Schreiber Foods International, Inc. - I
Setton International Foods, Inc. (DC) - I
Superstar Coconut Products Co., Inc. - E
Trucco, Inc., A.J. - I
Unity Food Co., Ltd. - E

COFFEE, ESPRESSO & TEA

Amazon Trading (Pvt.) Ltd. - E
Biancasse - E
Blair Shipping Services (Pty) Ltd. - E
Brauner International Corp - I
D. Coluccio & Sons, Inc. - I, D
Emilpack Isca SRL - E
J. Wolff & Company B.V. - E
Musco Food Corp. - I
Vegetexco Ho Chi Minh City - E
Vigo Importing Company - I, P
VINALIMEX - E

CONDIMENTS

Angel Camacho, S.A. - E
Arguimbau & Co. - IA, DFB
Charbonneaux-Brabant - E
Delouis SA - E
Goya Foods, Inc. - I
Herbarum Veroniceae Srl - E
Madama Oliva s.r.l. - E
Menu SRL - E
Santini Foods, Inc. - M, D
Sclafani Corp., Gus - I

DRIED FRUIT

AKC Commodities, Inc. - I, IA
Agrovim S.A. - E
Andes Quality SA - E
TreeHouse Foods/Ann's House of Nuts - I, M
Arslanturk Tarim Urunleri Ihracat
Ithalat A. S. - E
Atlantix Commodities - I
BMT Commodity Corp. - I

Balsu USA, Inc. - I, E
Barkey Importing Co., Inc. - IA
Bazzini Co., Inc., A.L. - E, I, M
Bedemco Inc. - IA
Bellafrut S.A. - E
Belmar Dis Ticaret AS - E
Boyrazoglu Tarim Tic. San. Ltd. Sti. - E
Braun & Sons, Inc., J.F. - I
Cevdet Aksut ve Ogul. Koll. Sti - E
Dalian Jinyu Foods Co., Ltd. - E
EBI France Sarl - E
Finck-Jones-Libby Co., Inc. - IA
Foreign Trade Service Corp. - L
Four Seasons Fruits Corporation - E
Franco Agency, Inc., The Richard - IA
Gigi & Associates Corp. - I
Gocmez Tarim Urunleri Ve Gida
Sanayi A.S. - E
Gold Harbor Commodities - I
Great Lakes International
Trading, Inc. - I, E
GSL Foods Enterprises - E
Helmont Srl - E
Hopewell International Corp. - E
Ibericos Canned Foods, S.A. - E
IFS Tarim Urunleri Ltd.Sti. - E
International Nut Alliance LLC - I
ISIK Organik Gida Tarim Ur.Hayvancilik
San. Ve Tic. A.S. - E
JCS Tradecom, Inc. - I
John H. Elton, Inc. - I
Jorge E. Gallardo F.S.A.C. - E
Kalustyan Corp. - I
Kenkko Commodities PLC - E
KFC Gida San. A.S. - E
Leading Star Trading Company - E
MEM Fairway, Inc. - B, S
Mercantum (U.S.) Corp. - I, E, IA, DFB
National Cortina - I
Oguzcan Tarim Ve Gida
Ur. San Tic.A.S. - E
Olam Americas, Inc. - I
PT. Inni Pioneer Food Industry - E
Quality Control Inspections - L
Red River Foods - I
Reliable Mercantile Co., Inc. - IA
Safe Food Corporation - I
Sahadi Fine Foods - I, M
Sass Foods - DFB, I
Setton International Foods, Inc. - I
Shandong International Service
Trade Corp. - E
Shunda Food Company Ltd. - E
SMP Foods Products Co., Ltd. - E
Somercor - S
Specialty Commodities, Inc. - I
Star Snacks Company - I
Sucs. Lorenzo Estepa Aguilar - E
Summit Import Corp. - I
Sunrise Commodities - I, E, M
Tagum Commodities - E
Taris Union of Agricultural
Coops for Figs - E
Tem Ngun Food Corp. - E
The Hemisphere Group - I
Totally Nuts & More - DFB, I
Tropical Synergy International - E
Trucco, Inc., A.J. - I
Ultra Trading - I

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Unity Food Co., Ltd. - E
Vieira de Castro Prod. Alim., S.A. - E
Waymouth Farms, Inc. - P
Worldly Delights, Ltd. - IA, DFB
Ziba Nut, Inc. - I, E

DRIED VEGETABLES

BMT Commodity Corp. - I
Bedemco Inc. - IA
Franco Agency, Inc.,
The Richard - IA
Gold Harbor Commodities - I
Ibericos Canned Foods, S.A. - E
National Cortina - I
Red River Foods, Inc. - I
Sclafani Corp., Gus - I
Star Snacks Company - I
Wuxi Shiner Food Co., Ltd. - E

DYES - FOOD, DRUG, COSMETIC - INDUSTRIAL

Finck-Jones-Libby Co., Inc. - IA

EDIBLE SEEDS

AKC Commodities, Inc. - I, IA
Barkey Importing Co., Inc. - IA
Bazzini Co., Inc., A.L. - E, I, M
Bedemco Inc. - IA
Braun & Sons, Inc., J.F. - I
Dalian Jinyu Foods Co., Ltd. - E
Finck-Jones-Libby Co., Inc. - IA
Franco Agency, Inc., The Richard - IA
Gigi & Associates Corp. - I
Great Lakes International
Trading, Inc. - I, E
Interagro Ltd - E
Kalustyan Corp. - I
Leading Star Trading Company - E
Leavitt Corporation, The - I, E, M
Mercantum (U.S.) Corp. - I, E, IA, DFB
Occidental International Foods, LLC - I
Red River Foods, Inc. - I
Reliable Mercantile Co., Inc. - I, IA
Sahadi Fine Foods - I, M
Sass Foods - DFB, I
Setton International Foods, Inc. - I
Shandong International Service
Trade Corp. - E
Shunda Food Company Ltd. - E
Star Snacks Company - I
Sunder Deri Sanayi Gida Turizm Ve Dis Tic.
Ltd. Sti. - E
The Hemisphere Group - I
Totally Nuts & More - DFB, I
Trucco, Inc., A.J. - I
Ultra Trading - I

ESCARGOT

Bourgogne Escargots - E

FROZEN FRUIT

Arguimbau & Co. - IA, DFB
Bedemco Inc. - IA
Camerican International - I, IA
Compañía Frutera La Paz - E

Congelados de Tecoman, S.A. de C.V. - E
Costa de Oro Internacional - E
CROP'S N.A. - E
Freezitt - E
Fruticola Olmue S.A. - E
Fruveco S.A. - E
Golden Beach, Inc. - I
Goya Foods, Inc. - I, M
Grandfond International Ltd. - E
Great Lakes International
Trading, Inc. - I, E
Ibericos Canned Foods, S.A. - E
International Food Network - I
JBH Intertrade LLC - I
JFE Shoji Trade America, Inc. - I, E
Mondi Polska Sp. z o.o. - E
National Cortina - I
Sinco, Inc. - I

FROZEN MEAT

JFE Shoji Trade America, Inc. - I, E
Sinco, Inc. - I

FROZEN SEAFOOD

Acme Food Sales, Inc. - I
Atalanta Corporation - I, IA
Bangkok Dehydrated Marine
Product Co. - E
Camerican International - I, IA, DFB
Consorcio Industrial El Pacifico SAC - E
Goya Foods, Inc. - I, M
International Food Network - I
Inter-Iberia Comercio de
Alimentos, Ltda. - E
J.M.B. International, Ltd. - E
JFE Shoji Trade America, Inc. - I, E
Jie Yang Rex Foods Co. Ltd. - E
Kerala Nut Food Co. - S
PT Rex Canning - E
Pesquera Veraz S.A. - E
Shinjin Moolsan Co. Ltd. - E
Sinco, Inc. - I

FROZEN VEGETABLES

Arguimbau & Co. - IA, DFB
Bedemco, Inc. Inc. - IA
Camerican International - I, IA, DFB
Compañía Frutera La Paz - E
Costa de Oro Internacional - E
CROP'S N.A., Inc. - E
Fruticola Olmue S.A. - E
Fruveco S.A. - E
Golden Beach, Inc. - I
Goya Foods, Inc. - I, M
Ibericos Canned Foods, S.A. - E
Inter-Iberia Comercio de
Alimentos Ltda. - E
JFE Shoji Trade America, Inc. - I, E
Mondi Polska Sp. z o.o. - E
National Cortina - I
Rema Foods, Inc. - I
Sinco, Inc. - I

GARLIC

Agrucapers, S.A. - E
Alminter S.A. - M, S

Amanida, S.A. - E
Bedemco, Inc. - IA
F.J. Sanchez Sucesores, S.A. - E
Mercantum (U.S.) Corp. - I
Shandong International Service
Trade Corp. - E
Star Snacks Company - I
Summit Import Corp. - I
Trucco, Inc., A.J. - I

GIARDINIERA/PEPPERONCINI

Alminter S.A. - M, S
Arguimbau & Co. - IA, DFB
Borges USA / Star Fine Foods, Inc. - M
C. Zafiroopoulos - A. Tomaras S.A. - E
Cento Fine Foods, Inc. - I, D
Gaea Products S.A. - E
KFC Gida San. A.S. - E
Madama Oliva s.r.l. - E
Musco Food Corp. - I
Orleans Packing Co. - P
Safe Food Corporation - I
Sclafani Corp., Gus - D, I
Panayiotis N. Kipriotis - E
Pastene Companies, Ltd., The - I
Tee Pee Olives, Inc. - I, IA, M
Vigo Importing Company - I, P
World Finer Foods, Inc. - I, E, M
Worldly Delights, Ltd. - IA, DFB

GLACE FRUIT

Arguimbau & Co. - IA, DFB
Bazzini Co., Inc., A.L. - E, I, M
Bedemco, Inc. - IA
Braun & Sons, Inc., J.F. - I
Kuiburi Fruit Cup Co. Ltd. - E
Sahadi Fine Foods - I, M
Trucco, Inc., A.J. - I

GRAINS

Bedemco, Inc. - IA
Cento Fine Foods, Inc. - I, D
P.P.H. Elpol Lukasz Łuzniak - E
Export Packers - E
Kalustyan Corp. - I
Poliselli S.P.A. - E
Sahadi Fine Foods - I, M
Setton International Foods, Inc. - I
World Finer Foods, Inc. - I, E, M

HONEY

Apiario Diamante Comercial
Exportadora Ltda - E
Apicola Gianoni Seylinco S.A. - E
Apimiel GmbH - E
Ashurst's American Honey - P, S
Bedemco, Inc. - IA
Bee Maid Honey - P
Bee Products Industry Co. Ltd. - E
Bees Brothers, LLC - P
Best Food Supplies Corp. - S
Bezpeka Medu LLC - E
Burlison's Inc. - P
Capilano Honey Limited - E
Deer Creek Honey Farms - P, M
Dutch Gold Honey - I
Esperança Agropecuária e
Indústria Ltda. - E

Fischer Honey Co., Inc. - P
Forwind Inc - P
Glorybee Foods, Inc. - P
Goya Foods, Inc. - I, M
Great Lakes International
Trading, Inc. - I, E
Honeymax S.A. - E
HoneyTree, Inc. - P
Hoyts Honey Farm / Honey Holding - P
Impex Group, Inc., The - I
Jorge E. Gallardo F.S.A.C. - E
Lamex Foods, Inc. - P, I
MIELSO, S.A. - E
Miller's American Honey Company - P
Miller's Honey Company, Inc. - P
Minamel Agroindústria Ltda. - E
NEXCO S.A. - E
Nutrexpa, S.A. - E
Odem International - E
Quality Services International - L
Sweet Harvest Foods Company - P
Seylinco S.A./Nimelcor S.A. - E
Smitty Bee Honey - P
Sunland Trading LLC - I
Suzanne's Specialties - P
Tropical Blossom Honey Co., Inc. - P
Trucco, Inc., A.J. - I
Ukrainian Honey Ltd. - E
Villamora LLC - I
World Finer Foods, Inc. - I, E, M

INGREDIENTS

BMT Commodity Corp. - I
Bedemco, Inc. - IA
Braun & Sons, Inc., J.F. - I
Camerican International - I, IA, DFB
Gerber Ingredients - E
Global Ingredients Sourcing - I
SOPRAL - E
Soprimex S.A. - E
World Finer Foods, Inc. - I, E, M

JAMS, JELLIES, MARMALADES & PRESERVES

Arguimbau & Co., - IA, DFB
Atalanta Corporation - I, IA
Bedemco, Inc. - IA
Conservas y Frutas, S.A. - E
Goya Foods, Inc. - I, M
Intercomm Foods, S.A. - M
Sanmenxia Luck Fruit Industry Co., Ltd. - E
Schreiber Foods International, Inc. - I
UGS Urla Gida ve Tarim Urunleri
San. Tic. Ltd. - E
World Finer Foods, Inc. - I, E, M

JUICE CONCENTRATE

Atalanta Corporation - I, IA
BMT Commodity Corp. - I
Barkey Importing Co., Inc. - IA
Bedemco Co. - IA
Camerican International - I, IA, DFB
Elgin Fruit Juices (Pty) Ltd. - E
Export Packers - E
Goya Foods, Inc. - I, M
Great Lakes International
Trading, Inc. - I, E
Haraka Kitri Endah, PT - E

Ibericos Canned Foods, S.A. - E
Inter-Iberia Comercio de
Alimentos, Ltda. - E
International Food Network - I
JBH Intertrade LLC - I
Kuiburi Fruit Canning Co., Ltd. - E
Mercantum (U.S.) Corp. - I, E, IA, DFB
National Cortina - I
Pranburi Hotei Co. Ltd. - M, E
Rema Foods, Inc. - I
Sinco, Inc. - I
Vefa Bozacisi A.S. - E

MARASCHINO CHERRIES

Alminter S.A. - M, S
Bedemco, Inc. - IA
Borges USA / Star Fine Foods, Inc. - M
Espagry Iberica S.L. - E
Pastene Companies, Ltd., The - I
Schreiber Foods International, Inc. - I

OLIVE OIL

AMD Oil Sales LLC - I
Aceites Borges Pont, S.A. - E
Aceites del Sur, S.A. - E
Aceitunas Guadalquivir S.A. - E
Ace Endico - D
Acesur De Prado North America - I, E
Acesur North America, Inc. - I
Acorsa USA Inc. - I
Agrofood Srl - E
Agropecuaria Riojana Srl - E
Aldi Inc. US - D
Alminter S.A. - M, S
Amore Trade - M, I
Ana Gida Ihtiyac Mad. San. Tic. A.S. - E
Agricola i Caixa Agraria SC
Agritalia s.r.l. - E
Agro Sevilla U.S.A., Inc. - P, M
Agrovim S.A. - I, E, M
Angel Camacho, S.A. - E
Arguimbau & Co. - IA, DFB
ASSITOL (Italy) - Assn.
Atalanta Corporation - I, IA
Balsari Yag Sanayi Ve Tic. Ltd. Sti. - E
Barkey Importing Co., Inc. - IA
Bedemco, Inc. - IA
BLM Prod.-und Vertriebsges mbH & Co. KG - E
Borges Tunisie - E
Borges USA / Star Fine Foods, Inc. - I
California Olive Ranch - P
Cambriels SCCL - E
Camerican International - I, IA, DFB
Catania-Spagna Corp. - M, I
Cento Fine Foods, Inc. - I, D
CH. Giannoulis S.A. - E
Colavita, USA - I
Columbus Foods Company - P
Coricelli Pietro SPA - E
Cosmopolitan Food Group - I
D. Coluccio & Sons, Inc. - I, D
Del Ponte Srl - E
Drogheria Alimentari S.p.a. - E
Drua, S.A. - E
Eli-Ad - E
Euroaliment P.A.C. S.L. - E

F.J. Sanchez Sucesores, S.A. - E
Filippo Berio Brand, A Div. of SALOV North
America Corp. - I, D
Finex Trade - I
Food Match - I
Food Specialties Trading LLC - I
Frantoio Oleario Bartolini Emilio SNC - E
Gaea Products S.A. - E
Gallo Worldwide, Lda. - E
Goya Foods, Inc. - I
Gruppo Caro S.R.L.
Henry Lamotte Oils GmbH - IA
I.M.E.T. SRL - E
Ibericos Canned Foods, S.A. - E
InterBusiness USA, Inc. - IA
International Bazaar - I
INTRAMARK SRL - E
Italfoods, Inc. - I
J. Ballester Roses, Sucesores, S.A. - E
JCS Tradecom, Inc. - I, E
JFE Shoji Trade America, Inc. - I, E
Joaquim Santos Lima - E
John J. Stamos U.S.A. - I
KraftHeinz Company - I, D
Lesieur Cristal - E
LOUED - E
Maeva USA - I
Minerva S.A. Edible Oil Enterprises - E
wMusco Food Corp. - I
NKM Dis Ticaret Ve
Gida San. Ve Tic. A.S. - E
National Cortina - I
Oesse Foods, Inc. - I
Office National de L'Huile Export - E
Oilerie USA, Inc. - D
Oleificio Coppini Angelo - E
Oleificio Fabbri SPA - E
Oleificio R.M. s.p.a - E
Oleificio Sardelli S.P.A. - E
Oleificio Zucchi S.P.A. - E
Oleo-Moron, S.L. - E
Olitalia S.r.l. - E
Olivias Selecciones, SLU - E
Open Country S.L. - E
Orlando Food Corp. - I, D
Overseas Food - I
Ozaltin Tarim Isl. San. Ve Tic A.S. - E
Oz Olive gida San.Ve Ticaret A.S. - E
Palazzo Varignana Inc. - M, E
Pastene Companies, Ltd., The - I
Pastificio Attilio Mastromauro Pasta
Granoro S.r.l - E
Pietro Isnardi Alimentari Spa - E
Pompeian, Inc. - I
Port Jersey Logistics - IA
Rema Foods, Inc. - I
Ron-Son Foods, Inc. - I
SGS Control Services, Inc. - L
Santini Foods, Inc. - M, D
Sapori d'Italia - I
Sclafani Corp., Gus - I
Schiralli SRL - E
Societe Generale de Surveillance - L
Somercor - E
Sovena Iberica de Aceites, S.A. - E
Spruce Foods - D
Stonewall Kitchen LLC - D
Sunset Olive Oil LLC - M
Tee Pee Olives, Inc. - I, IA, M

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Umbria Olii S.R.L. - E
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Verde Yag Besin Maddeleri
San. Tic. A.S. - E
Vigo Importing Company - I, P
Vincenzo Salvo S.P.A. - E
World Finer Foods, Inc. - I, E, M

OLIVES

A. Camacho, Inc. - I
Aceitunas de Mesa S.L. - E
Aceitunas Guadalquivir S.A. - E
Aceitunas Rumarin S.A. - E
Aceitunas Sevillanas, S.A. - E
Acorsa USA Inc. - I
Agricola i Caixa Agraria SC
Cambrils SCCL - E
Agrofood Srl - E
Agropecuaria Riojana Srl - E
Arguimbau & Co. - IA, DFB
Artestilo Art y Regalo S.L. - E
Agro Sevilla U.S.A., Inc. - P, M
Agrosparta - P, M
Agrovim S.A. - E
Agrucapers, S.A. - E
ALIMINTER, S.A. - E
Amanida, S.A. - E
ASEMESA (Spain) - Assn.
Barkey Importing Co., Inc. - IA
Barnier Production - E
Bell-Carter Foods, Inc. - I
Blue Planet Foods - I
Borges USA / Star Fine Foods, Inc. - M
Braun & Sons, Inc., J.F. - I
Camerican International - I, IA, DFB
Cento Fine Foods, Inc. - I, D
COPERMA - E
Dana Imports, Inc. - I
Dotta Foods LLC - I
Euroaliment P.A.C. S.L. - E
EXOLIVA S.A. - E
F.J. Sanchez Sucesores, S.A. - E
Food Match - I
Gaea Products S.A. - E
Gallo Worldwide, Lda. - E
Georgoudis Co. S.A. - E
Goya Foods, Inc. - I, M
Ibericos Canned Foods, S.A. - E
IDEAL SA - E
Industria Aceitunera Marciense, S.A. - E
Industrias Alimentarias de Navarra S.A. - E
InterBusiness USA, Inc. - IA
Intercomm Foods, S.A. - M
Internacional Olivarera, S.A. - E
Italfoods, Inc. - I
JCS Tradecom, Inc. - I
JOLCA, S.A. - E
Jarrar Group Imports - IA
Konstantopoulos S.A. - E
La Bella Di Cerignola S.C.A. - E
Macarico S.A. - E
Madama Oliva s.r.l. - E
Minerva S.A. Edible Oil Enterprises - E
Musco Food Corp. - I
Oleo-Moron, S.L. - E
Omega Foods - I

Panayiotis N. Kipriotis - E
Pastene Companies, Ltd. - I
Rema Foods, Inc. - I
Ron-Son Foods, Inc. - I
Schreiber Foods International, Inc. - I
Sclafani Corp., Gus - I
Sinco, Inc. - I, DM
Siouras A.S. - E
Tee Pee Olives, Inc. - I, IA, M
Transmed Foods - I
UGS Urla Gida ve Tarim Urunleri
San. Tic. Ltd. - E
Uniteks Tekstil Gıda Motorlu Araçlar San. ve
Tic. A.Ş. - E
Vigo Importing Company - I, P
World Finer Foods, Inc. - I, E, M
Worldly Delights, Ltd. - IA, DFB

PASTA

Agrialia S.R.L. - E
Camerican International - I, IA, DFB
Cento Fine Foods, Inc. - I, D
Colavita, USA - I
COREX S.p.A. - E
D. Coluccio & Sons, Inc. - I, D
De Matteis Agroalimentare SPA - E
Favellato Srl - E
Golden Beach, Inc. - I
Grandi Pastai Italiani Spa - E
Ind. Alimentare Ferraro - E
InterBusiness USA, Inc. - IA
Meridionale Alimenti SRL - M
Musco Food Corp. - I
Oesse Foods, Inc. - I, M
Orlando Food Corp. - IA
Pagani Industrie Alimentari SPA - E
Pastene Companies, Ltd., The - I
Pastificio Attilio Mastromauro
Pasta Granoro S.r.l. - E
Pastificio Bolognese SRL - E
Pastificio de Sortis S.r.l. - E
Port Royal Sales - I
Rema Foods, Inc. - I
Ron-Son Foods, Inc. - C, I
Schreiber Foods International, Inc. - I
Sclafani Corp., Gus - I
Sinco, Inc. - I
Tee Pee Olives, Inc. - I, IA, M
Transmed Foods - I
Vigo Importing Company - I, P
World Finer Foods, Inc. - I, E, M

PEANUTS

AKC Commodities, Inc. - I, IA
TreeHouse Foods/Ann's House of Nuts - I, M
Bazzini Co., Inc., A.L. - E, I, M
Bedemco, Inc. - IA
Leavitt Corporation, The - I, M, E
Red River Foods, Inc. - I
Sass Foods - DFB, I
Setton International Foods, Inc. - I
Somercor - E
Totally Nuts & More - DFB, I
Trucco, Inc., A.J. - I

PEAS, BEANS & LENTILS

AKC Commodities, Inc. - I, IA
BMT Commodity Corp. - I
Bedemco, Inc. - IA
Boyrazoglu Tarim Tic. San. Ltd. Sti. - E
Camerican International - I, IA, DFB
Finck-Jones-Libby Co., Inc. - IA
Franco Agency, Inc., The Richard - IA
Goya Foods, Inc. - I, M
Great Lakes International
Trading, Inc. - I, E
Jorge E. Gallardo F.S.A.C. - E
Kalustyan Corp. - I
Mercantum (U.S.) Corp - I, IA, DFB, E
Meridionale Alimenti SRL - M
Pastene Companies, Ltd., The - I
R. Muelle S.A. - E
Red River Foods, Inc. - I
Reliable Mercantile Co., Inc. - IA
Sahadi Fine Foods - I, M
Sclafani Corp., Gus - I
Setton International Foods, Inc. - I
Somercor - E
Trucco, A.J. - I
Vestkorn Milling AS - E
World Finer Foods, Inc. - I, E, M
Ziba Nut, Inc. - E, I

PET SUPPLIES

MMP International Co. Ltd. - E

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Buildmore Enterprise Co., Ltd. - E
Euroaliment P.A.C. S.L. - E
Goya Foods, Inc. - I
Macarico S.A. - E
MAFIN SPA - E
Materne - Confilux S.A. - E
Menu SRL - E
Preparados Alimenticios S.A. - E
RDA S.r.l. - E
SAOR Srl - E
Vigo Importing Company - I, P
World Finer Foods, Inc. - I, E, M

PRODUCE

Camerican International - I, IA, DFB
Trucco, Inc., A.J. - I

RICE & GRAINS

Agritalia s.r.l. - E
AKC Commodities, Inc. - DFB
Alinsesa - E
Ascot Commodities S.A. - E
Bedemco, Inc. - IA
Cento Fine Foods, Inc. - I, D
Euroaliment P.A.C. S.L. - E
Gold Harbor Commodities - I
Goya Foods, Inc. - I, M
JFE Shoji Trade America, Inc. - I, E
Kalustyan Corp. - I
M/S. Al-Riaz Rice Mills - E
Ongkorn Special Foods Co., Ltd - E
Riseria Vignola Giovanni SPA - E
Sclafani Corp., Gus - I
Simco Sales - I
Somercor - E
Tuska S.A.C - E
Vigo Importing Company - I, P
World Finer Foods, Inc. - I, E, M

SNACKS

Balconi SPA Industria Dolciaria - E
Biscuterie Jules Destrooper - E
Coins Foods and Spices (Pvt.) Ltd. - E
Leading Star Trading Company - E
Madama Oliva s.r.l. - E
Materne - Confilux S.A. - E
Ryvita Co. Ltd. - E

SPICES

Agritradox Commodities
(India) Pvt. Ltd. (2) - E
AKC Commodities, Inc. - I, IA
Alminter S.A. - M, S
Bedemco, Inc. - IA
Belmar Dis Ticaret AS - E
Camerican International - I, IA, DFB
Coins Foods and Spices (Pvt.) Ltd. - E
Condimentos Dona Tonita SL - E

Conservas de Murcia, S.L. - E
Drogheria Alimentari S.p.A. - E
Euroaliment P.A.C. S.L. - E
Global Ingredients Sourcing - I
Goya Foods, Inc. - I, M
Great Lakes Int'l Trading, Inc. - I, E
Herbs N Spices International - E
John H. Elton, Inc. - DFB
Jorge E. Gallardo F.S.A.C. - E
Kalustyan Corp. - I
Leading Star Trading Company - E
Madama Oliva s.r.l. - E
Menu SRL - E
Mercantum (U.S.) Corp. - I, E, IA, DFB
Merwanjee Poonjajee & Sons Pvt. Ltd. - E
Millar Importação E Exportação - E
Morris J. Golombeck, Inc. - I
Occidental International Foods, LLC - I
Pt Matahari Food Ingredients - E
Red River Foods, Inc. - I
Reliable Mercantile Co., Inc. - I
SIDI Marketing 90 - E
SLD Commodities, Inc. - IA
Sabirlar Findik Ihracat Ltd. - S, E
Schreiber Foods International, Inc. - I
Second House Products - E
Setton International Foods, Inc. - I
Shandong Int'l Service Trade Corp. - E
Somercor - E
Star Snacks Company - I
Sunder Deri Sanayi Gida Turizm Ve Dis Tic.
Ltd. Sti. - E
Trucco, Inc., A.J. - I
UB Global Corporation - E
Unity Food Co., Ltd. - E
Vegetexco Ho Chi Minh City - E
Vigo Importing Company - I, P
Worldly Delights, Ltd. - IA, DFB

SYRUP

Alminter S.A. - M, S
Bedemco, Inc. - IA
Intercomm Foods, S.A. - M
Santini Foods, Inc. - M, D
World Finer Foods - I, E, M

TOMATO PRODUCTS

Agritalia s.r.l. - E
Alminter S.A. - M, S
Atalanta Corporation - I, IA
BMT Commodity Corp. - I
Barkey Importing Co., Inc. - IA
Bedemco, Inc. - IA
Camerican International - I, IA, DFB
Cento Fine Foods, Inc. - I, D
D. Coluccio & Sons, Inc. - I, D
Filiberto Martinez, S.A. - E
Finex Trade - I
Food Specialties Trading LLC - I
Goya Foods, Inc. - I, M
Great Lakes International
Trading, Inc. - I, E
Industrias Alimentarias de Navarra S.A. - E
Inter-Iberia Comercio de
Alimentos, Ltda. - E
International Food Network - I
Italfoods, Inc. - I

J.M.B. International, Ltd. - E
JFE Shoji Trade America, Inc. - I, E
La Formica SRL - E
Madama Oliva s.r.l. - E
Manuel Mateo Candel S.L. - E
Meridionale Alimenti SRL - E
Mercantum (U.S.) Corp. - I, E, IA, DFB
Musco Food Corp. - I
National Cortina - I
Oesse Foods, Inc. - I, M
Oguzcan Tarim Ve
Gida Ur. San Tic.A.S. - E
PAFCO Importing - I, E
Pastene Companies, Ltd., The - I
Pastificio Attilio Mastromauro
Pasta Granoro S.r.l. - E
Port Royal Sales, Ltd. - I
Productos Bionaturales Calasparra S.A. - E
RDA S.r.l. - E
Rema Foods, Inc. - I
Rispoli Luigi & C. SRL - E
Ron-Son Foods, Inc. - I
Safe Food Corporation - I
Schreiber Foods International, Inc. - I
Sclafani Corp., Gus - I
Sinco, Inc. - I
Somercor - E
Sunrise Commodities - I
Trucco, Inc., A.J. - I
Unsoy Food Industries Inc. - E
World Finer Foods, Inc. - I, E, M
Ziba Nut, Inc. - E, I

TREE NUTS

1. S-Brazilnuts Inshell & Shelled
2. S-Cashew Kernels
3. S-Cashew Nut Shell Liquid
4. S-Filberts Inshell & Shelled
5. Macadamia Nuts

Abod Success Investment Limited (2) - E
African Cashew Alliance (2) - E
Alin Cashews (2) - E
Apex Ventures Pvt. Ltd. (2) - E
Arslanturk Tarim Urunleri Ihracat
Ithalat A. S. - (4) E
AFICEL-A.Ferreira Industriai
Com. Exp (2) - E
AFRUSE, S.L. - E
Agritradox Commodities
(India) Pvt. Ltd. (2) - E
Ajanta Industries (2) - E
AKC Commodities, Inc. - I, IA
Almendras "BOLITAL" S.R.L. (1) - E
Amberwood Trading Ltd. - E
Amendoas do Brasil Ltda (2). - E
Angel Camacho, S.A. - E
TreeHouse Foods/Ann's House of Nuts - I, M
Archer Daniels/Midland-Specialty Commo-
dities, Inc. (1, 2) - I
Assorted Food Packers Pvt. Ltd. (2) - E
Balcorp Limited - E
Balsu USA, Inc. (4) - I, E
Bazzini Co., Inc., A.L. - E, I, M
Bedemco, Inc. - IA
Bellafrut S.A. - E
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 Beneficiadora de Almendras
 Lourdes (1) - E
 Beneficiadora de Almendras Rolando
 Bowles Rivero (1) - E
 Beneficiadora Puerto Rico (1) - E
 Beneficiadora San Agustin SRL (1) - E
 Bismi Cashew Company (2) - E
 Blair Shipping Services (Pty) Ltd. - E
 Braun & Sons, Inc., J.F. - I, E
 Cashew Export Promotion
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 Chandra Cashew Factory (2) - E
 Chandra Cashew Imports & Exports PVT
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 Clement Faugier - E
 Coins Foods and Spices (Pvt.) Ltd. (2) - E
 Commodity Trading Agency (2) - E
 Companhia Industrial de Oleos do Nordeste
 – CLONE (2) - E
 Dalian Jinyu Foods Co., Ltd. - E
 Ecofruit LTDA (1) - E
 Empresa Industrial Forestal Cabrera Taval-
 ara S.R.L. (1) - E
 Exportadora Florenzano Ltda. (1) - E
 Finck-Jones-Libby Co., Inc. (1,2) - IA
 Foreign Trade Service Corp. - L
 Franco Agency, Inc., The Richard - IA
 Gigi & Associates Corp. - I
 Global Nut Company - I
 Golden Macadamias (Pty)/Ltd (5) - E
 Great Lakes International Trading Inc. - I, E
 Gursoy Tarimsal Urunler Gida San.
 Ve Tic. A.S. (4) - E
 Halomex (2) - E
 Harold Claude Lens (1) - E
 Hermanos Cardenas S.R.L. (1) - E
 Hopewell International Corp. (1,2,3,4) - E
 Hnos. S.R.L. (1) - E
 Import & Export Almendras S.J. (1) - E
 India Food Exports (2) - E
 Indian Resins and Polymers (2) - E
 International Nut Alliance LLC (1,2,4) - I
 IRACEMA Industrias de Caju, Ltda (2) - E
 JCS Tradecom, Inc. (2, 4) - I
 Jaya Cashews (2) - E
 Jayalakshmi Cashew Exports (2) - E
 Jinnah Shajahan Exports (2) - E
 Jorge E. Gallardo F.S.A.C. - E
 K Subraya Anatha Kamath and
 Sons (2) - E
 Kalustyan Corp. - I
 Kailas Cashew Exporters(2) - E
 Kairali Exports (2) - E
 Kerala Nut Food Co. (2) - E
 Kerala State Cashew
 Development Corp., Ltd. (2,3) - S
 Kerala State Cashew
 Workers Apex Ind. Co-op. (2) - E
 Krishnan Food Processors (2) - E
 Kumbukattu Cashews (2) - E
 Lakshman & Company (2,3) - S
 Leading Star Trading Company - E
 Leavitt Corp., The (1,2,4) – DFB, M, I
 LongAn Food Processing Export

Joint Stock Co. (2) - E
 Long Son Joint Stock Company (2) - E
 MEM Fairway, Inc. – B, S
 M M K Exports (2) - E
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Recent changes to U.S. law have complicated the role of the U.S. agent. One thing that hasn't changed: AFI is the best option.

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Did You Know?

- As of December 12, 2013, the last foreign facility involved in processing food exported to the U.S. must be registered with the U.S. Food and Drug Administration.
- Failure to register will prevent your product from entering the U.S.
- This is a new registration requirement not covered by any existing registrations with FDA, such as low-acid canned foods registration.
- Foreign facilities must name a U.S. agent when registering. This agent is to act as a liaison between the facility and FDA should issues arise regarding a facility's registration. This registration provision does not impact existing relationships between suppliers and their selling agents and/or importers.

How AFI Can Help!

- The Association of Food Industries can serve as your U.S. agent with regard to this provision. You will not have any conflict among current customers as we are an independent organization specializing in U.S. food imports.
- AFI, which has served the U.S. food industry since 1906, will work with you to ensure the correct information is supplied to FDA and timely updates are made when necessary.

Why Choose AFI?

- Choose AFI to avoid conflicts when you are working with several importers and import agents.
- Choosing AFI ensures permanent agency registration compliance, no matter what changes occur in commercial relationships among suppliers, importers and agents.
- This service is being offered at no cost to Overseas Associate Members of AFI. Join AFI and in addition to having a reliable registration agent, you'll regularly receive e-mail with news on issues in the U.S. food import industry from AFI, the voice of the U.S. food industry. Overseas members have access to all association news and services and may network with importers at events such as the annual AFI Convention.
- Overseas Members share a common bond with the most prestigious group of U.S. food importers of food products such as canned seafood, nuts and dried fruit, pasta, canned fruit and olive oil.
- Your membership in AFI will help the association in endeavors such as efforts to reduce duties on imported foods, fight antidumping duty petitions and support free trade agreements.
- AFI membership is less than other firms are charging simply to serve as your agent, without all the added benefits of AFI membership. The reason is simple: AFI has the best interests of the food import industry at heart.

Legal Resources

OFW Law

Washington, D.C.

Represents clients before federal agencies, courts and the Congress with primary attention to the United States Department of Agriculture, the Food and Drug Administration, and the Federal Trade Commission.

Richard Frank is a Phi Beta Kappa graduate from the University of Michigan. His Juris Doctor degree was granted by the Michigan Law School where he was a member of the Law Review. He has authored numerous articles, published regulatory guides, and lectured extensively before food trade groups. He has devoted a major part of his legal practice to food trade matters, especially insofar as they have been impacted by legislation and regulation, or have been threatened by proposed legislation and regulation. He is a specialist in USDA and FDA food regulations.



Arthur Y. Tsien served as FDA's Associate Chief Counsel for Veterinary Medicine and Enforcement before he joined the firm in 1986. He concentrates his practice in FDA regulatory issues and litigation. Mr. Tsien received his B.S. magna cum laude, from Tufts University and his J.D. from the University of Washington. Following law school, Mr. Tsien clerked for Chief Judge Frank James of the Washington State Court of Appeals.



Michael J. O'Flaherty concentrates his practice and counsels clients extensively in food and dietary supplement regulatory matters, especially labeling and advertising, formulation, compliance and enforcement risk, and administrative procedures. He has spoken to audiences and authored numerous books and articles about his areas of expertise, including "U.S. Food Labeling Guide" and "The Ongoing Epidemic of Class Action Lawsuits Challenging Food Claims." He was the Law Clerk for The Quaker Oats Company (now part of PepsiCo) while he studied and received his law degree from Loyola University of Chicago School of Law.



David L. Durkin has assisted clients and addressed groups in North and South America, as well as the European Union,

on trade and federal regulatory and compliance matters, including food importation into the United States, compliance with the Food Safety Modernization Act, dispute resolution before the World Trade Organization (WTO), country-of-origin issues, fair trade in perishable agricultural commodities, and food safety equivalency for growers, manufacturers, and processors, with special emphasis on fresh produce and seafood. He received his law degree from the Catholic University of America, where he was the Publication Editor of the Law Review, and his bachelor's degree in Philosophy from John Carroll University. Prior to joining the firm in 1988, he served as Law Clerk to the Honorable Jaime Pieras, Jr., in the United States District Court for the District of Puerto Rico.



Jolyda O. Swaim, before becoming an attorney, served as the Corporate Food Safety Director for Sara Lee Corporation, with oversight of its meat and poultry operations in the United States and Mexico, and before that worked for ConAgra Foods, Inc. and The Campbell Soup Company. She has experience in all matters relating to food production, gained from direct control of departments governing Food Safety, Sanitation, Quality Assurance, Consumer Affairs, and Production. Her current practice focuses on FSIS/USDA and FDA food regulatory matters. She assists clients with inspections and regulatory actions; provides onsite risk assessments; and counsels on import and export issues.



J. Mason Weeda began his career in sales and marketing at a biologics manufacturer, which lends to his ability to counsel clients on the requirements surrounding the promotion, manufacture, and import of FDA-regulated products. He counsels clients on various food and dietary supplement regulatory matters, including formulation, labeling, advertising, and food safety issues (e.g., FSMA requirements, recalls, allergen requirements). He is a frequent speaker at industry events, and provides training to FDA staff. Mr. Weeda has also authored a number of articles and blogs, and is a contributor to the "U.S. Food Labeling Guide."



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Legal Resources, cont.

Sandler, Travis & Rosenberg P.A.

Sandler, Travis & Rosenberg, P.A. (ST&R) has been providing legal representation to food and beverage importers, exporters, manufacturers, distributors, retailers, advertisers and trade and logistics service providers since 1977. Our attorneys and trade professionals regularly assist foreign and domestic businesses, manufacturers, distributors, importers, exporters, and research institutions with regulatory compliance, trade and enforcement matters involving the Food and Drug Administration, U.S. Customs and Border Protection, the Federal Trade Commission, the Consumer Product Safety Commission, the Department of Justice, the Alcohol and Tobacco Tax and Trade Bureau, the Environmental Protection Agency, and other federal, state and local authorities.

The firm possesses extensive industry and government experience in all aspects of the regulation and conduct of domestic and international trade in goods and services associated with the food and beverage industry. Along with representing clients before regulatory, legislative and judicial bodies throughout the world, we provide innovative solutions to assist our clients with strategic planning and with designing and implementing cost-saving and compliant business techniques to increase their competitive advantage in the global marketplace.

Our staff includes former senior CBP and FDA attorneys; former officials from U.S. Customs and Border Protection and the Commerce department; import specialists and regulatory auditors; former officials from the Office of the United States Trade Representative; licensed customs brokers; freight forwarders; and foreign-trade zone and warehouse operation specialists.

With employees in nine offices across the United States and Asia and strategic alliances around the globe, ST&R is the largest dedicated international trade, customs and export law firm in the world. The firm hosts more than 100 seminars and webinars each year and publishes a free daily Trade Report to keep clients up-to-date on the latest news in global trade.

Gerald B. Horn is a member of the firm, resident in its New York office. Mr. Horn specializes in U.S. Customs, International Trade and Transportation Law with particular emphasis on cross-border transactions between the United States and Canada. This has included the establishment of numerous related



party and three-tiered sales transactions, Customs audits, including those of numerous food importers, seizure and penalty cases, classification determinations, NAFTA verifications and origin determinations. Mr. Horn has been widely recognized for his presentations and lectures on international trade matters before the Canadian Apparel Federation, the American Management Association and the Canadian Importers Association and for his in-house audit program for members of the AFI. Mr. Horn graduated from American University Washington College of Law in 1974. He is a member of the Bar of the State of New York and the District of Columbia Bar. E-mail address: ghorn@strtrade.com.

Lenny Feldman is a Senior Member of Sandler, Travis & Rosenberg, P.A., and serves on the firm's Operating Committee. He served as a senior attorney at U.S. Customs' Office of Regulations and Rulings from 1991 to 2000, where he issued hundreds of decisions and trained agency officials on customs laws and regulations relating to classification, origin, trade preference, valuation, and enforcement. Today he serves as counsel to numerous corporate officials on global compliance and enforcement issues and serves as co-chair of the Commercial Customs Operations Advisory Committee. E-mail address: lfeldman@strtrade.com



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AFI Service Directory

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AFI Salutes Those Who Have Served As Arbitrators

AFI is grateful to the following members who volunteered their time and expertise over the past year

Kerri Goad-Berrios
Kalustyan Corp.

Gigi Mojica
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John Sessler
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