



SANDLER, TRAVIS & ROSENBERG, P.A.
International Trade, Customs & Export Law

Apparel Classification Series: The Basics

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Our Speaker

ELISE SHIBLES is a Member of Sandler, Travis & Rosenberg, P.A., resident in the San Francisco office. She leads the Firm's Textile and Apparel Practice, and its Forced Labor Practice. Ms. Shibles advises and counsels clients on trade agreement and preference program requirements for a variety of different types of goods under U.S. and non-U.S. trade programs. She also has extensive expertise in all aspects of textile and apparel trade and policy.



Agenda

- Resources
- Definitions & terminology
- Gender & age
- Fiber content & mixtures
- Essential character – multiple components
- Restraints
- Sets
- Stitch counting
- Apparel packed with hangers



Why?

Women's woven blouses

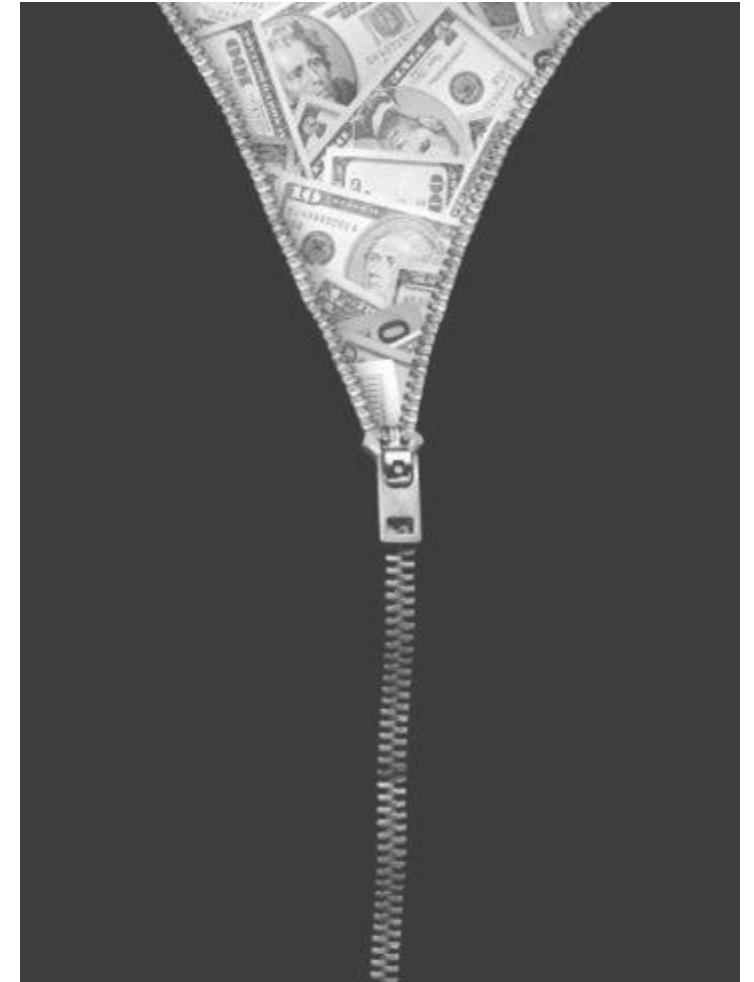
Of silk	6.9%
Of cotton	15.4%
Of man-made fiber	26.9%

Women's woven tops

Of silk	1.2%
Of cotton	8.1%
Of man-made fiber	16%

Women's woven jackets/blazers

Of silk	1%
Of cotton	9.4%
Of man-made fiber	27.3%



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Resources

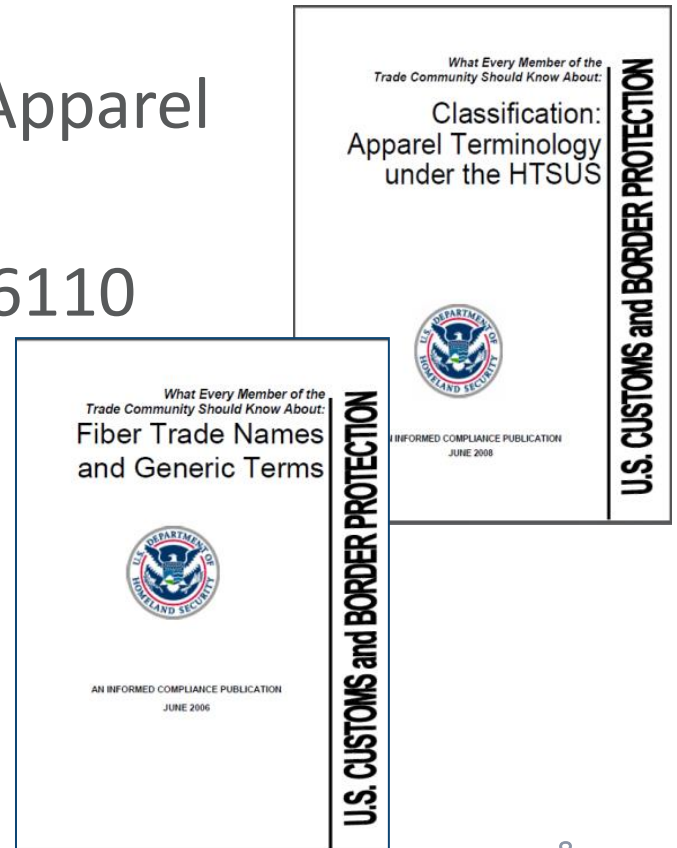
Resources

What Every Member of the Trade Community Should Know About:

- Apparel Terminology under the HTSUS
- Classification of Children's Apparel
- Fiber Trade Names and Generic Terms
- Classification of Coated and Water Resistant Apparel
- Gloves, Mittens & Mitts
- Classification of Knit to Shape Garments HTS 6110
- Textile Costumes

Find these all at www.cbp.gov

- Trade
 - Rulings and Legal Decisions
 - Informed Compliance Publications



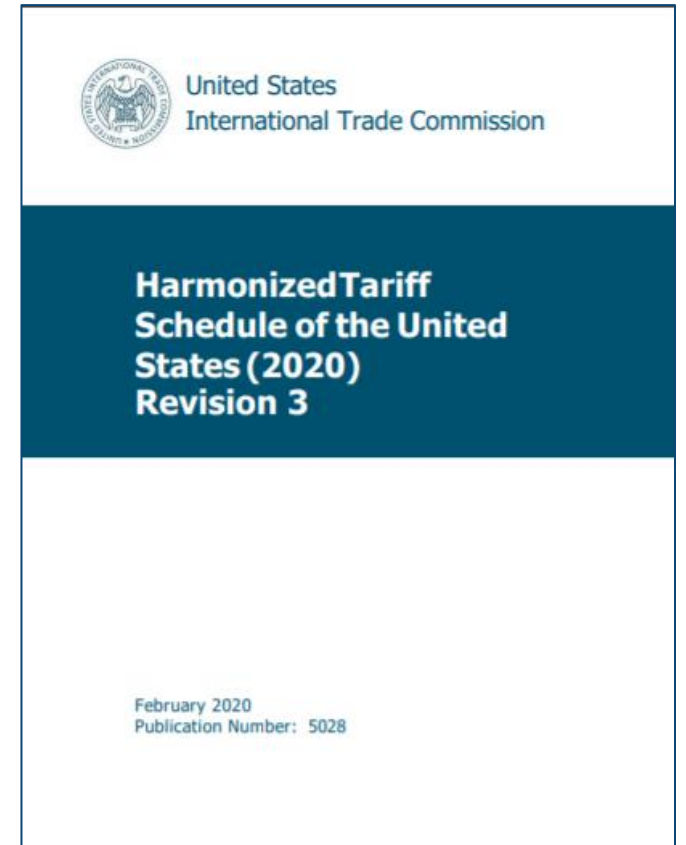
Resources

- Harmonized Tariff Schedule of the US (HTS)
 - www.usitc.gov/tata/hts/index.htm
 - Section XI Notes
 - Chapter 61 & Chapter 62
- Explanatory Notes
 - World Customs Organization
- Customs Rulings
 - CROSS - rulings.cbp.gov



The Harmonized Tariff Schedule (HTS)

- Rate of duty
- Admissibility
- Special tariff treatment
- Based on WCO Harmonized System (HS)



The Harmonized Tariff Schedule (HTS)

- Section
- Chapter 2 digit
- Heading 4 digit
- Subheading
 - 6 digit harmonized
 - 8 digit US legal
- US Statistical Suffix 10 digit
- Indentations
- Unit of Quantity
- Rates of Duty
 - Ad valorem, specific, compound
 - General
 - Special
 - Column 2 (e.g. North Korea, Cuba)

Heading/ Subheading	Stat. Suf- fix	Article Description	Unit of Quantity	Rates of Duty		
				1		2
				General	Special	
6101		Men's or boys' overcoats, carcoats, capes, cloaks, anoraks (including ski-jackets), windbreakers and similar articles, knitted or crocheted, other than those of heading 6103:				
6101.20.00		Of cotton.....		15.9% ¹	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	50%
	10	Men's (334).....	doz. kg			
	20	Boys' (334).....	doz. kg			
6101.30		Of man-made fibers:				
6101.30.10	00	Containing 25 percent or more by weight of leather (634).....	doz..... kg	5.6% ¹	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	35%
6101.30.15	00	Other: Containing 23 percent or more by weight of wool or fine animal hair (434).....	doz..... kg	38.6¢/kg + 10% ¹	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	77.2¢/kg + 54.5%

The Harmonized Tariff Schedule (HTS)

- Section Notes
 - What's not included
 - Definitions, e.g. fiber content mixtures
- Additional US Notes, e.g. quota information
- Statistical Notes, e.g. restraints

Harmonized Tariff Schedule of the United States (2020) Revision 3	
Annotated for Statistical Reporting Purposes	
SECTION XI	
TEXTILES AND TEXTILE ARTICLES	
XI-1	
<u>Notes</u>	
1. This section does not cover:	
(a) Animal brush-making bristles or hair (heading 0502); horsehair or horsehair waste (heading 0511);	
(b) Human hair or articles of human hair (heading 0501, 6703 or 6704), except straining cloth of a kind commonly used in oil presses or the like (heading 5911);	
(c) Cotton linters or other vegetable materials of chapter 14;	
(d) Asbestos of heading 2524 or articles of asbestos or other products of heading 6812 or 6813;	

The Harmonized Tariff Schedule (HTS)

- Chapter Notes
 - What's not included
 - Definitions, e.g. what is a suit for tariff purposes
- Additional US Notes, e.g. what is “water resistant”
- Statistical Notes, e.g. what are ski / snowboard pants

Harmonized Tariff Schedule of the United States (2020) Revision 3	
Annotated for Statistical Reporting Purposes	
CHAPTER 62	
ARTICLES OF APPAREL AND CLOTHING ACCESSORIES, NOT KNITTED OR CROCHETED <u>1/</u>	
XI	
62-1	
<u>Notes</u>	
1. This chapter applies only to made up articles of any textile fabric other than wadding, excluding knitted or crocheted articles (other than those of heading 6212).	
2. This chapter does not cover:	
(a) Worn clothing or other worn articles of heading 6309;	
(b) Orthopedic appliances, surgical belts, trusses or the like (heading 9021).	
3. For the purposes of headings 6203 and 6204:	
(a) The term " <u>suit</u> " means a set of garments composed of two or three pieces made up, in respect of their outer surface, pieces made up in identical fabric, and comprising:	

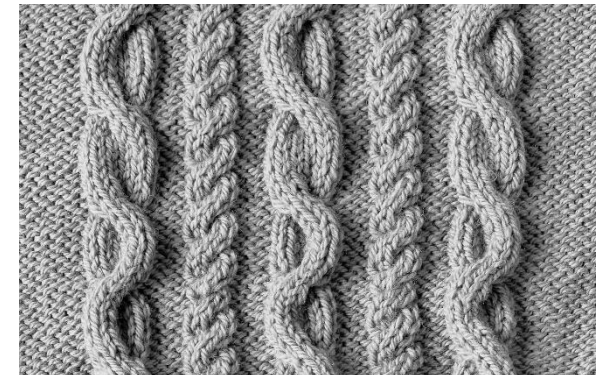
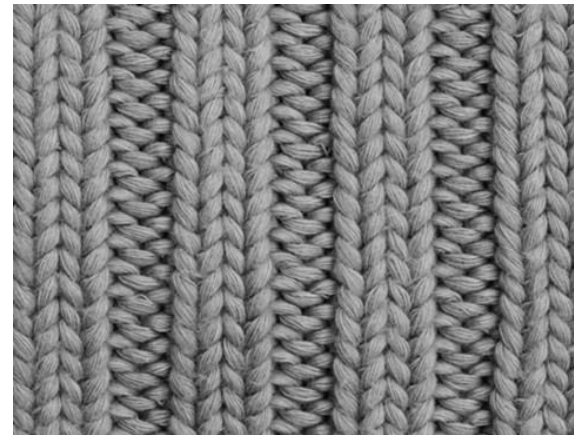
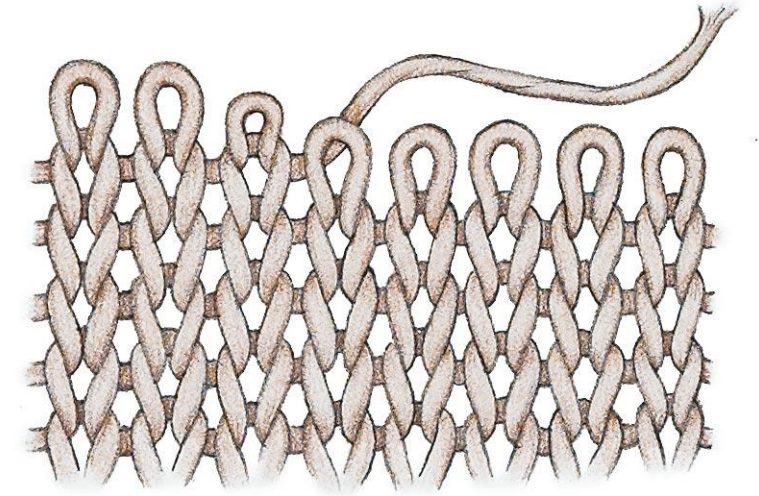
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Definitions & Terminology

Chapter 61 Knit or Crocheted

Articles of apparel and clothing accessories, knitted or crocheted

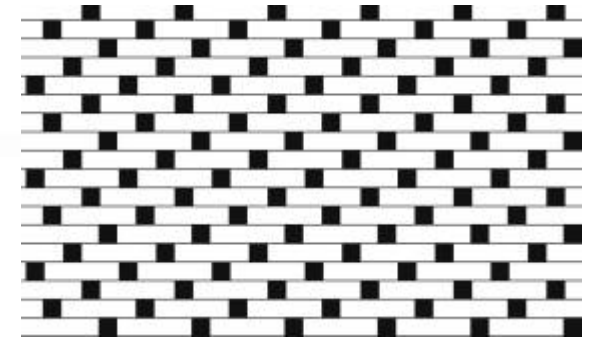
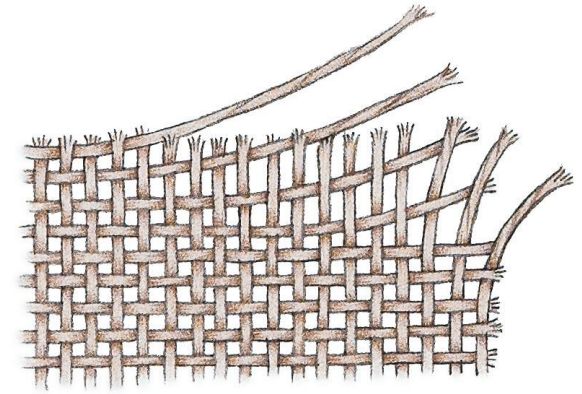
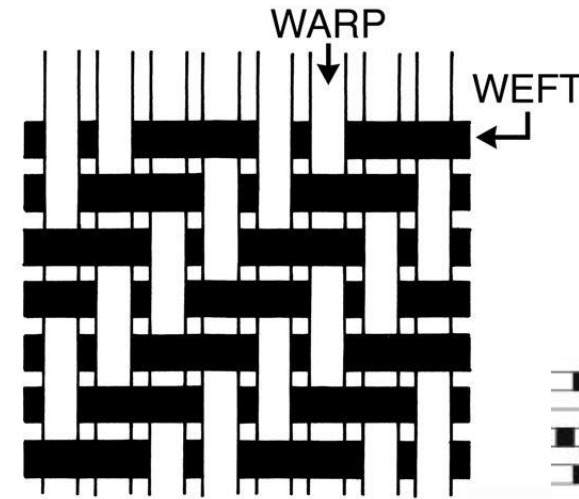
- Knit – Yarns are looped together (knit) to make a fabric
- Crochet – A continuous series of loops of yarn made by a single hooked needle



Chapter 62 Not Knit

Articles of apparel and clothing accessories, not knitted or crocheted

- Woven – Yarns are interlaced (woven) with each other to make a fabric
 - Plain weave
 - Twill weave
 - Satin weave
- Tulle
- Felt
- Nonwoven



Knitted or Crocheted Apparel

- 6101 / 6102 coats and jackets
- 6103 / 6104 suits, blazers, trousers, skirts, dresses
- 6105 / 6106 shirts, blouses (see stitch counting)
- 6107 / 6108 undergarments and sleepwear
- 6109 t-shirts and tank tops
- 6110 pullovers, sweaters, vests, sweatshirts (see stitch counting)
- 6111 babies
- 6112 track suits, ski suits, swimwear
- 6113 visibly coated with plastic
- 6114 other garments
- 6115 hosiery
- 6116 gloves and mittens
- 6117 accessories and parts

NOT Knitted or Crocheted Apparel

- 6201 / 6202 coats and jackets
- 6203 / 6204 suits, blazers, trousers, skirts, dresses
- 6205 / 6206 shirts, blouses
- 6207 / 6208 undergarments and sleepwear
- 6209 babies
- 6210 visibly coated with plastic
- 6211 other garments
- 6212 brassieres & shapewear (whether or not knit / crocheted)
- 6213 handkerchiefs
- 6214 scarves
- 6215 ties
- 6216 gloves and mittens
- 6217 accessories and parts

Other Materials Used to Make Apparel

- Leather – Heading 4203
- Plastic – Subheading 3926.20
- Rubber – Heading 4016
- Fur – Subheading 4303.10
- And other materials



Not in Apparel Chapters

- Chapter 65 headwear
- Chapter 42 bags
- Chapter 64 footwear
- Certain accessories



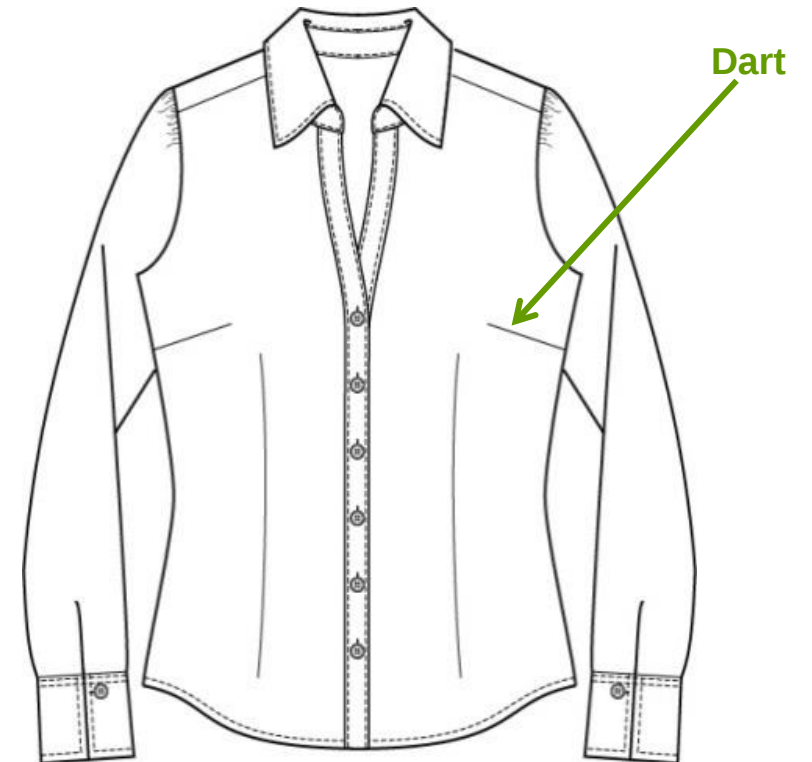
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Gender & Age

Gender

First look for a front opening and directional closure

- Buttons or snaps
- Men's or Boys' closes left over right
- Women's or Girls' closes right over left
- Unless the cut of the garment indicates otherwise
- HTSUS Chapter 61 Note 9 and Chapter 62 Note 8



Gender

- Garments without a front opening and a directional closure
 - Determined by the cut and design of the garment
- Unisex
 - Garments which cannot be identified as either men's or boys' garments or as women's or girls' garments are classified as women's or girls'



Age

- Babies
 - Infant, newborn, preemie
 - Body Height not Exceeding 86 cm
 - Normally Sizes 0 – 24 Months
 - HTSUS Chapter 61 Note 6 and Chapter 62 Note 4
 - HQ 082762
 - HTSUS Heading 6111 and 6209



See: What Every Member of the Trade Community Should Know About:
Classification of Children's Apparel

Age

- Girls'
 - Sizes 2 – 4
 - Toddler sizes 2T to 4T
 - Girls' sizes 4 to 6X
 - Girls' sizes 7 – 14 or 7 – 16
- Boys'
 - Sizes 2 – 4
 - Toddler sizes 2T to 4T (sometimes 5T)
 - Boys' sizes 4 to 7
 - Boys' sizes 8 to 20
- Women's
- Men's



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Fiber Content

Fiber

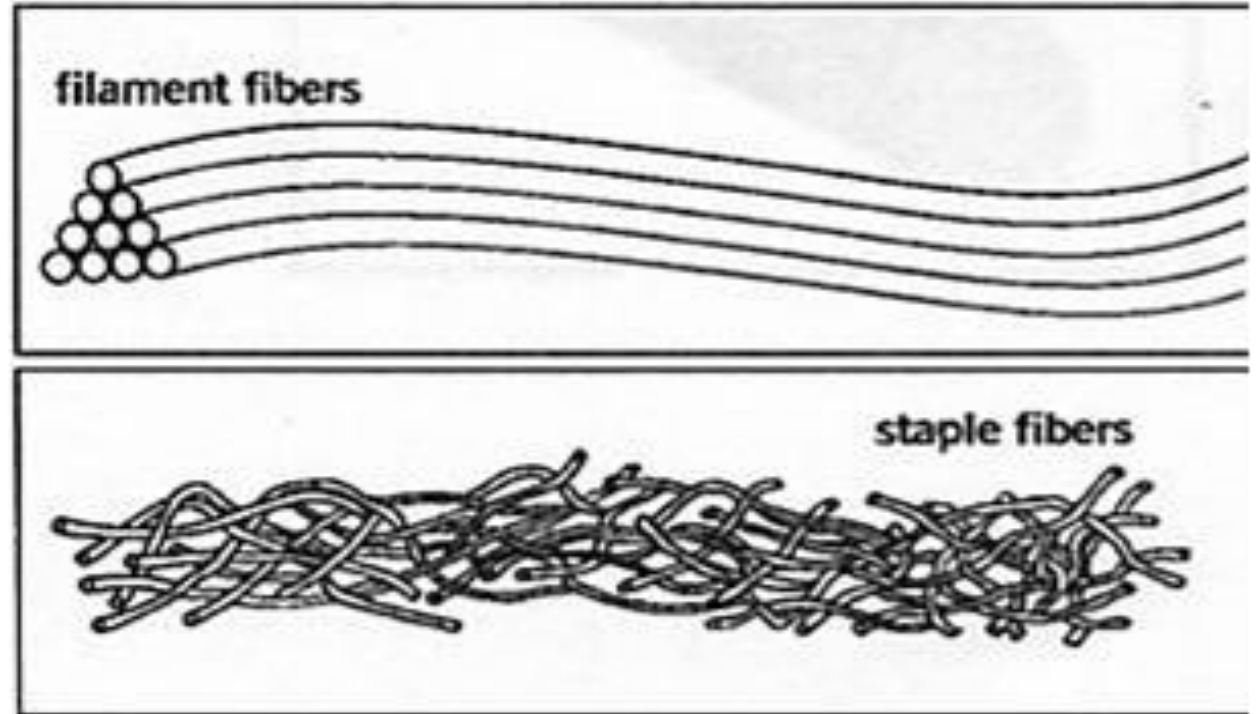
Cotton



Fiber

Man Made Fiber (MMF)

- Synthetic
- Artificial
- Filament
- Staple



Fiber

Synthetic Man Made Fiber (MMF)

- By polymerization of organic monomers to produce polymers such as polyamides, polyesters, polyolefins or polyurethanes, or by chemical modification of polymers produced by this process [for example, poly(vinyl alcohol) prepared by the hydrolysis of poly(vinyl acetate)].

- Acrylic
- Nylon
- Polyester
- Polyethylene
- Polypropylene
- Polyamide
- Spandex

Fiber

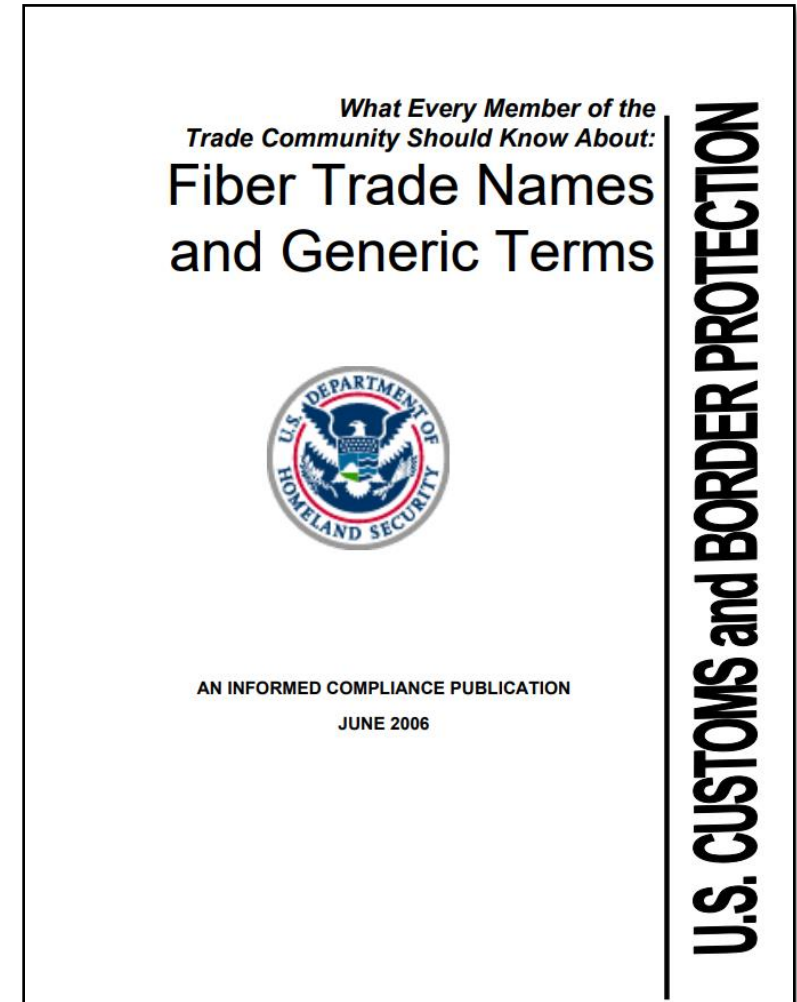
Artificial Man-Made Fiber (MMF)

- By dissolution or chemical treatment of natural organic polymers (for example, cellulose) to produce polymers such as cuprammonium rayon (cupro) or viscose rayon, or by chemical modification of natural organic polymers (for example, cellulose, casein and other proteins, or alginic acid), to produce polymers such as cellulose acetate or alginates.

- Rayon
- Viscose
- Acetate
- Lyocell
- Modal
- Triacetate

Fiber

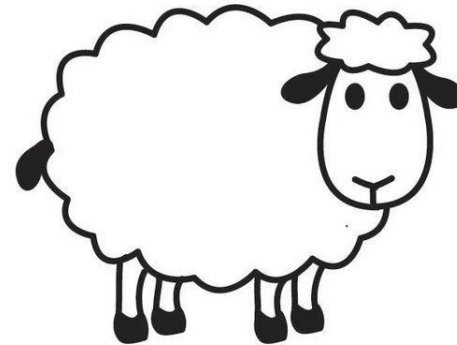
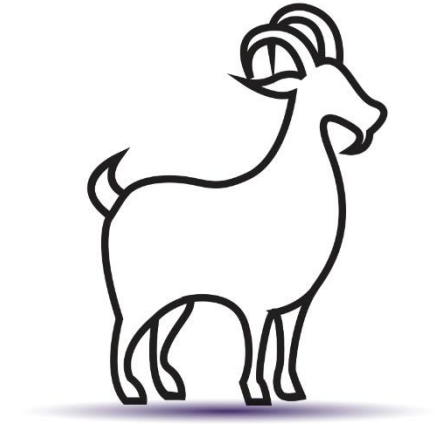
- Generic Name Requirement
 - Lycra = Spandex
 - Lurex = Metallic
 - Kevlar = Aramid
 - Tyvek = Olefin
- See Publication
 - What Every Member of the Trade Community Should Know About: Fiber Trade Names and Generic Terms



Fiber

Animal Hair

- Wool - Sheep or lambs
- Fine animal hair
 - Alpaca, llama, camel, some goats, rabbit
- Cashmere – Kashmir goats
- Angora - rabbit



Fiber

- Vegetable fiber (not including cotton)
 - Linen – made from the flax plant
 - Ramie
 - Jute
 - Hemp – is this rayon?
 - Bamboo – caution this is usually rayon
 - Others
- Silk
 - Silkworms



Fiber

- Tariff Term “Other”
 - Depends on what you are classifying
 - Other vegetable fiber is usually “other”
 - Silk is often “other”
 - Wool is sometimes “other”
 - Linen, Ramie & Hemp are normally “other” fibers
- Metallic fiber
 - Metallic yarn with any metal is “other”
 - Entire yarn weight is other for chief weight
 - If fabric is made with 2 yarns, one is metallic...

Women's or girls' blouses and shirts, knitted or crocheted: (con.)
Of other textile materials:
Of wool or fine animal hair.....
Women's (438).....
Girls' (438).....
Of silk or silk waste:
Containing 70 percent or more by weight of silk or silk waste (739).....
Other.....
Subject to cotton restraints (339).....
Subject to wool restraints (438).....
Subject to man-made fiber restraints (639).....
Other (838).....
Other.....

Mixture of 2 or More Fibers

- Examples
 - 60% cotton / 40% polyester
 - 40% cotton / 30% polyester / 30% rayon
- Chief weight or else last in numerical order
 - HTSUS Section XI Note 2(A)
 - HTSUS Section XI Subheading Note 2(A)
- 50% / 50% Red Flag
 - Last in the tariff



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Essential Character Apparel with Multiple Components

Multiple Fabric Components



Essential Character

For either upper or lower body garments:

If one component exceeds **60% of the visible surface area**, that component will determine the classification of the garment **unless the other component**:

- a. Forms the entire front of the garment; or
- b. Provides a visual and significant decorative effect, *e.g.*, a substantial amount of lace; or
- c. Is over 50% by weight of the garment; or
- d. Is valued at more than 10 times the primary component.

Essential Character

For full body garments:

The visible upper component will determine the classification of the garment **unless the other component:**

- a. Provides a visual and significant decorative effect, *e.g.*, a substantial amount of lace; or
- b. Is over 60% by weight of the garment; or
- d. Is valued at more than 2 times the primary component.

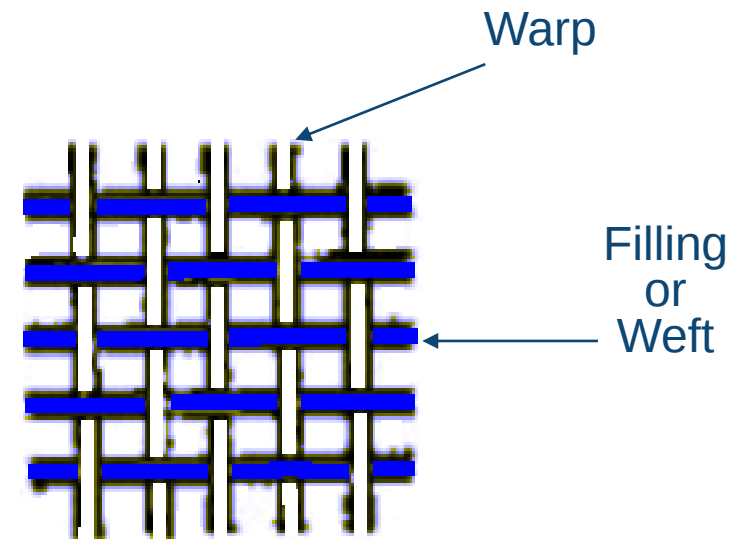
CBP Ruling HQ 084424

Multiple Fabric Components



“Two or More Colors” in Certain Woven Apparel

- In the warp and/or the filling
 - Warp yarns run the length of the loom
 - Filling yarns are woven across the warp to make the fabric
 - Another name for filling is weft
- Different colors or shades of the same color
- “yarn dyed”
- Don’t confuse with printed fabric



A light gray world map is centered in the background of the slide. The map shows the outlines of the continents. Overlaid on the map is a horizontal band with a light gray and white checkerboard pattern, which serves as a background for the title text.

Subject to Restraints

Subject to Cotton Restraints

Sweater:

- Not chief weight wool or fine animal hair
- Not chief weight cotton
- Not chief weight man-made fiber
- Not 70% or more silk

Subject to cotton restraints:

- Cotton equals or exceeds 50% by weight of all the fibers; OR
- Cotton and any wool, fine animal hair or mmf in the aggregate equals or exceeds 50% by weight of all the fibers and the cotton equals or exceeds the weight of each of the wool, fine animal hair and mmf.

E.g. 6110.90.9026

40% ramie, 33% cotton, 27% acrylic sweater

Subject to Wool Restraints

Men's knit cardigan:

- Not chief weight wool or fine animal hair
- Not chief weight cotton
- Not chief weight man-made fiber
- Not 70% or more silk
- Not subject to cotton restraints

Subject to wool restraints:

- Not subject to cotton restraints; AND
- Wool and fine animal hair exceeds 17% by weight.

E.g. 6110.90.9075

52% linen, 48% cashmere

Subject to Man-Made Fiber Restraints

Women's woven pants:

- Not chief weight wool or fine animal hair
- Not chief weight cotton
- Not chief weight synthetic, artificial
- Not chief weight silk
- Not subject to cotton restraints
- Not subject to wool restraints

Subject to man-made fiber (mmf) restraints:

- Not subject to cotton restraints; AND
- Not subject to wool restraints; AND
- Mmf equals or exceeds 50% by weight of all the fibers; OR
- Mmf and any cotton, wool or fine animal hair in the aggregate equals or exceeds 50% by weight of all the fibers.

E.g. 6204.69.8030

39% metallic, 36% nylon, 25% cotton

A light gray world map is centered in the background of the slide. The map shows the continents of North America, South America, Europe, Africa, Asia, and Australia. The title text is overlaid on the map.

Apparel Imported in Retail Sets

Sets

- Garments of different headings are to be classified in their own headings even if put up in sets for retail sale (GRI 3 sets).
 - Individually classified even if imported as sets
 - Textile garments headings 6101-6114 & 6201-6211
 - Not socks, gloves, accessories, bras, handkerchiefs, hats, shoes...
- “Eo Nomine” or GRI 1 sets
 - Classified as a set
 - Suits, ensembles, pajamas, swimwear, track suit, ski suit...

Sets



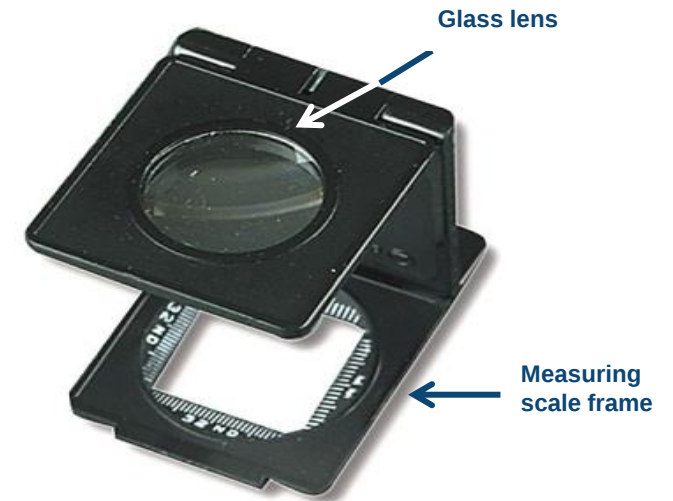
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Stitch Counting

Stitch Counting

Linen Tester

- pick glass, thread counter, pick counter, or loupe glass
- Strong magnifier with a measuring scale
- Used to
 - Check quality of fabrics
 - Measure the number of warp and fill yarns in woven fabric
 - Count the stitches in knit fabric.



Linen Tester

Stitch Counting – Knit Tops

Sweaters of 6110

- 9 or fewer stitches per 2 centimeters measured on the outer surface of the fabric, in the direction in which the stitches are formed

Shirts / Blouses of 6105 / 6106

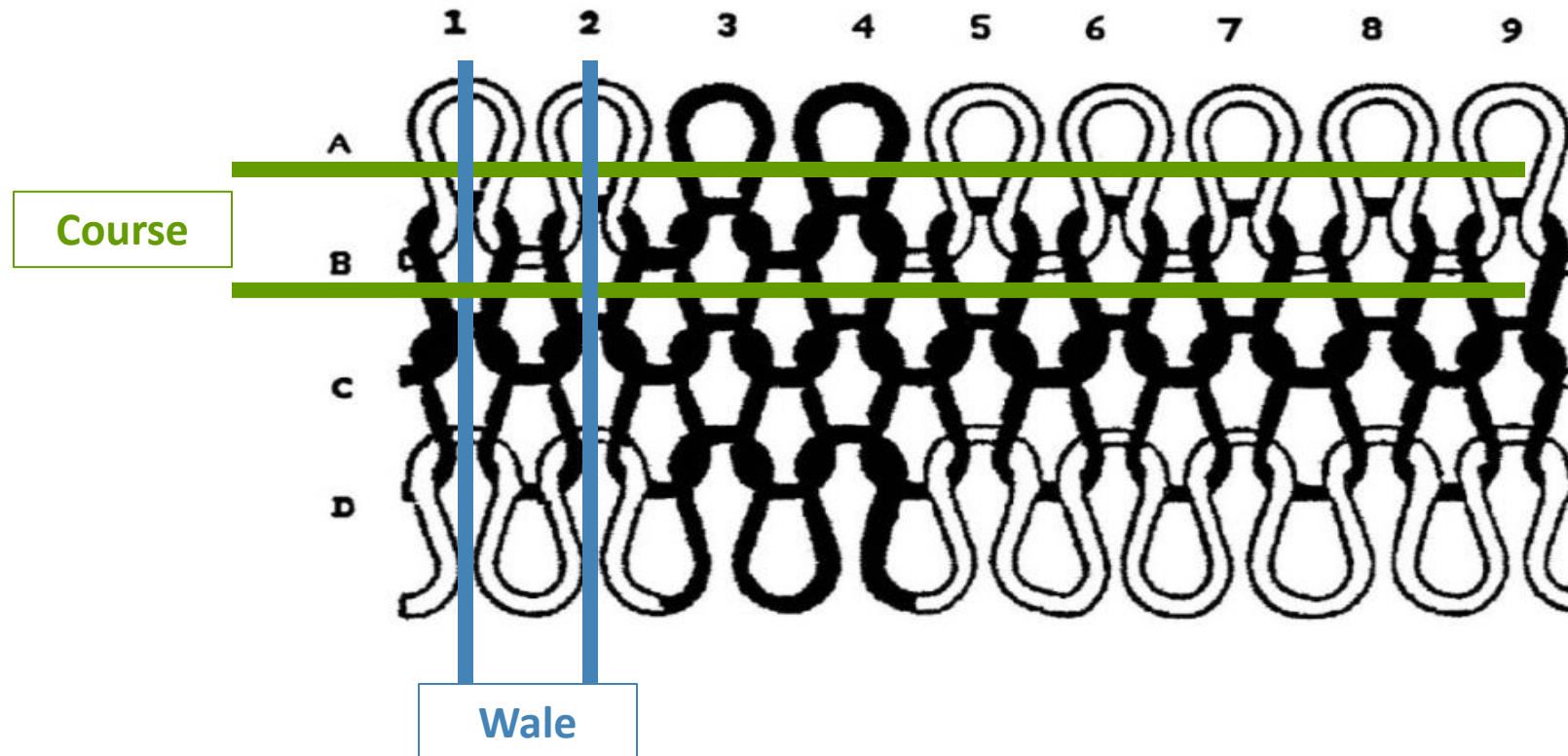
- 10 stitches or more per linear centimeter in each direction counted on an area measuring at least 10 centimeters by 10 centimeters

Stitch Counting

- Try to get a sample that isn't black (harder to see)
- Lay garment or fabric on a flat surface
- White or contrasting color surface
- Do not stretch fabric
 - Allow fabric to “rest” for a while before viewing
- Unfold linen tester
 - Measuring scale frame should be parallel to glass lens
 - Set measuring scale frame on fabric scale up
- Lower your eye to the linen tester glass
 - Do not raise linen tester off surface of fabric
- Strong overhead light on fabric
- Use sharp pointer, such as a sharp pencil
- Count the loops

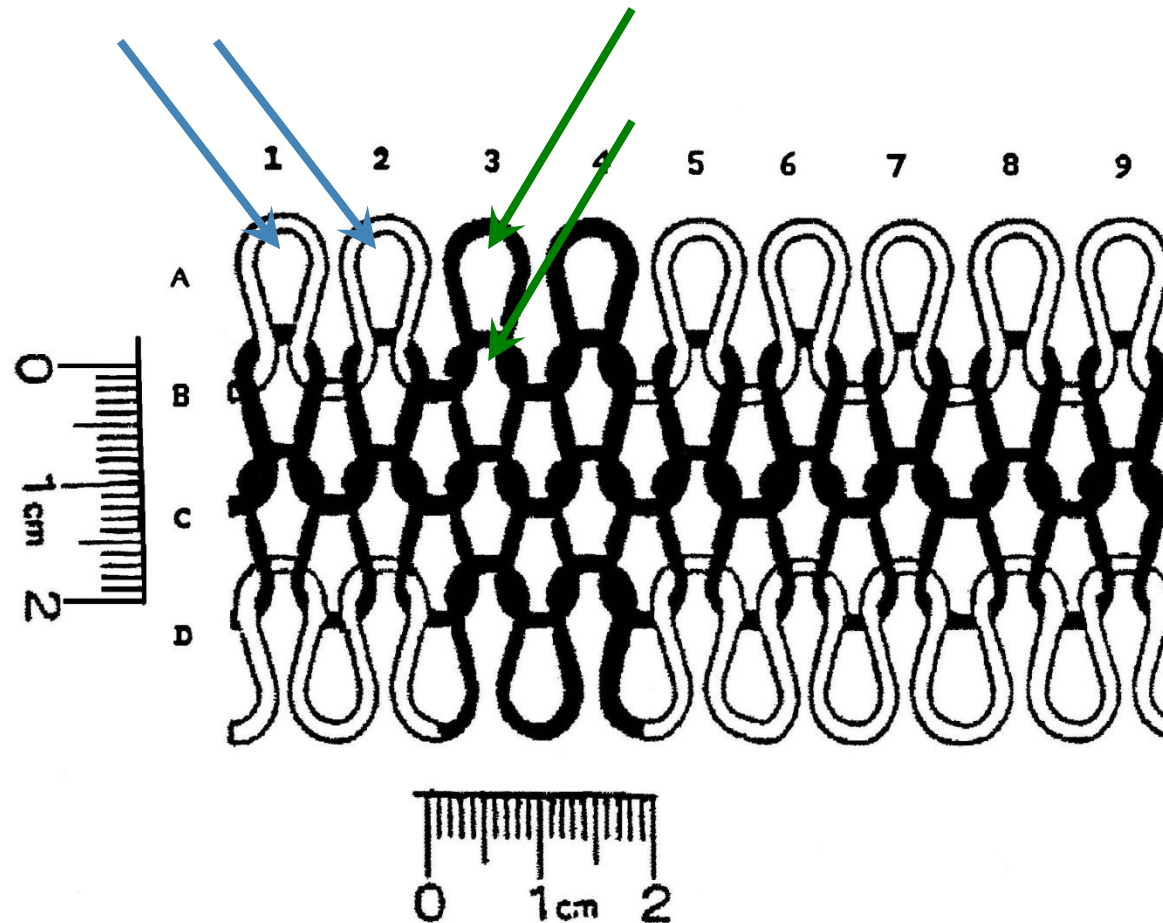
Stitch Counting

Courses & Wales



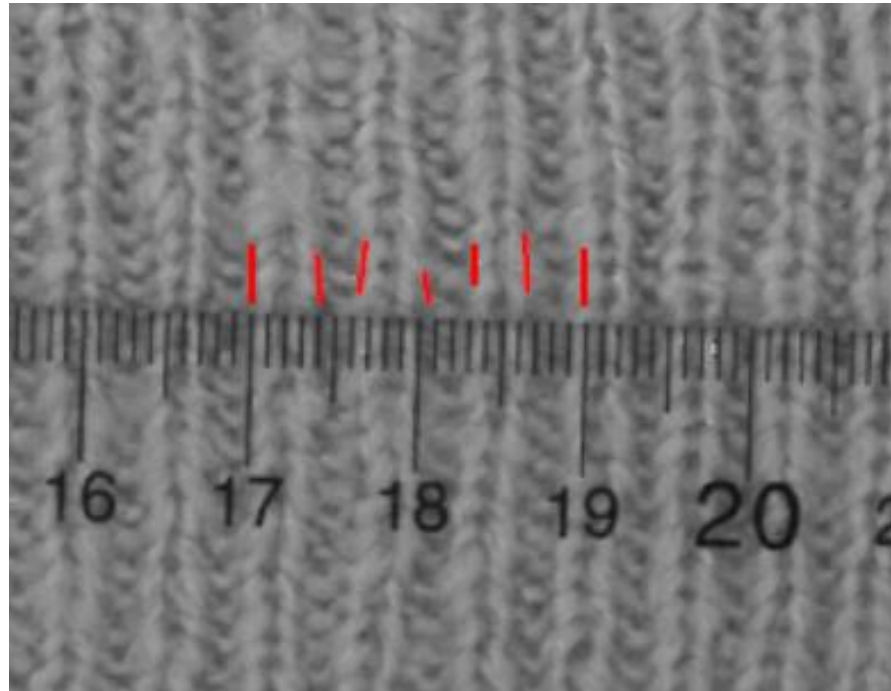
Stitch Counting

- Each direction – wales & courses (6105 / 6106)
- Only in direction in which formed – wales in red (6110 sweaters)



Stitch Counting

- Rib knit – be sure to count both knit and purl stitches (but don't stretch it out, make sure it is relaxed)
- This is six stitches per 2 cm



A light gray world map is centered in the background of the slide. The map shows the continents of North America, South America, Europe, Africa, Asia, and Australia. The title text is overlaid on the map.

Apparel Imported on Hangers

Garments Packed on Hangers

- Flimsy throw away hangers (all plastic)
 - Included in the transaction value of the garment as packing material
- Sturdy reusable hangers (with a metal hook)
 - May be classified separately from the garment as not “usual” packing material



Questions?

Elise Shibles

Member

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Additional Webinars in This Series

Don't miss the upcoming Apparel Classification webinars in this series:

- Apparel Classification Series: Knit Tops
- Apparel Classification Series: Everything but Knit Tops
- Apparel Classification Series: Advanced Topics
- Apparel Classification Series: Recreational Performance Outerwear

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