

# Chapter 6 B: Import Transportation

---

CHAPTER OVERVIEW	2
IMPORT TRANSPORTATION VENDOR OBLIGATIONS	3
PO CONFIRMATION FROM VENDOR (PRO FORMA INVOICE)	4
SHIPPING AND DOCUMENTATION INSTRUCTIONS	10
CONTAINER INSPECTION CHECKLIST AND 7-POINT INSPECTION PROCESS	14
ROLE OF THE IMPORTER OF RECORD	19
COMMERCIAL INVOICES	19
COUNTRY OF ORIGIN MARKING REQUIREMENTS	20
PRODUCTS SUBJECT TO ANTIDUMPING AND/OR COUNTERVAILING DUTY INVESTIGATIONS/ORDERS	22
PREFERENCE PROGRAM ELIGIBILITY	22
FREQUENTLY ASKED QUESTIONS	23

## **CHAPTER OVERVIEW**

This chapter provides Tuesday Morning requirements which relate to import transportation (e.g. import shipment booking, documentation, loading and invoicing. For information on packaging, labeling, payment, and all other aspects of working with Tuesday Morning, refer to the corresponding chapter of the vendor manual.

Your compliance with the terms and conditions described in this manual is required to conduct business with Tuesday Morning. This manual was designed so that we will be able to operate efficiently and economically as we process your product and deliver to our customers. It is imperative that you provide all necessary documentation to our buyer / forwarder/consolidator/ import department.

Please Complete the Factory Security Questionnaire, 7- point container inspection checklist and return it by email [importsdept@tuesdaymorning.com](mailto:importsdept@tuesdaymorning.com)

## **IMPORT TRANSPORTATION VENDOR OBLIGATIONS**

By agreeing to sell to Tuesday Morning, you are obligated to do the following:

- Issue a pro forma invoice to Tuesday Morning upon receiving a purchase order;
- Complete, and return to Tuesday Morning, the Factory Security Questionnaire and 7-Point Container Inspection Checklist (both enclosed) prior to shipping the merchandise to the United States;
- Comply with the terms of Tuesday Morning's Shipping & Documentation Instructions (enclosed);
- Comply with the requirements applicable to the importation of packaging materials (e.g., the U.S. Department of Agriculture's Regulations on wood packaging materials (WPM));
- Provide Tuesday Morning with information that may be necessary to meet its legal obligations as the Importer of Record;
- Ensure that the commercial invoices provided to Tuesday Morning are accurate and complete invoices that conform to the requirements set forth in this Manual;
- Mark products with their country of origin in accordance with the CBP and U.S. Federal Trade Commission (FTC) Regulations;
- Alert Tuesday Morning if any of your products are within the scope of an antidumping and/or countervailing duty (AD/CVD) investigation or order, and participate in AD/CVD investigations concerning any of your products; and
- If you certify that a product is eligible for preferential tariff treatment under a free trade agreement or other preference program, provide Tuesday Morning and/or CBP the documentation needed to make the preference claim (e.g., Certificates of Origin); maintain the necessary information to substantiate the claim for a period of five years; and cooperate with any investigations which relate to that claim.

Each of these vendor obligations is explained in greater detail in the pages that follow.

By agreeing to comply with these vendor obligations, you are also agreeing to indemnify and hold harmless Tuesday Morning for any costs and expenses incurred as a result of your failure to perform any of the above acts.

Furthermore, if you fail to comply with the vendor obligations set forth above with regard to any shipment, Tuesday Morning may, in its sole discretion:

- (1) cancel any unfulfilled purchase orders without penalty;
- (2) set-off or deduct the amounts of any costs and expenses against amounts owed to you, whether or not such costs or expenses were incurred before or after the amounts being set-off; and/or
- (3) suspend and withhold payment of any amount owed to you if Tuesday Morning deems such withholding or suspension reasonably necessary to ensure that sufficient amounts will be available to satisfy your continuing obligations to indemnify Tuesday Morning for the costs and expenses referenced above.

## **PO CONFIRMATION FROM VENDOR (PRO FORMA INVOICE)**

The terms of a purchase order must be confirmed in writing by the vendor on a Pro forma Invoice. It is your responsibility to return the following to Tuesday Morning upon receipt of each purchase order:

- Pro forma Invoice (include information listed below); and
- Pro forma packing list with weight and volume information

The Pro forma Invoice is a confirmation of the purchase order for product shipping from the vendor. It is the agreement of terms between the buyer and vendor as stated on the Purchase Order. Shipping instructions will not be sent from Tuesday Morning until the completed Proforma Invoice has been received by the buyer coordinator.

**Pro forma Invoices must include the following information:**

**a. Header of Proforma**

- i. Must be on company letterhead – including address
- ii. Full Shipping Window
- iii. FOB point of goods
- iv. Country of Origin
- v. Payment Terms – including banking details ( Full name of the bank, full street address, beneficiary name, account number, swift number, IBAN number)

**b. Content (Details of Goods Purchased)**

- i. Manufacturer Style Number
- ii. Quantity per each item
- iii. Description of each item
- iv. Cost per retail unit (Must include if US Dollar or other Currency)
- v. Inner/Masterpack per item
- vi. Cubic Meters (CBM) or Cubic Feet (CFT) per master carton

**c. Totals**

- i. Total Quantity of all goods on order
- ii. Total Cost of Order
- iii. Total Cubic Meters (CBM) or Cubic Feet (CFT) of order
- iv. Total weight of all goods on order if weight maxes out prior to cube.

See Pro forma Invoice (and packing list) example on page 206-207.

Details: Description style #, quantity, cost, etc. to insure Tuesday Morning and vendor agree on order

FOB Point: This is important as this is how we find out where to pick up goods and we also obtain freight rate from this location

# PROFORMA INVOICE

123456  
 Tuesday Morning Partners LTD  
 6250 LBJ Freeway  
 Dallas, TX 75240

DATE: June 11

PAYMENT: CASH AGAINST DOCUMENTS

FOB: SHANGHAI, CHINA

CONTAINER: 40' HIGH CUBE

SHIP DATE: August 22, 2015  
 CANCEL DATE: August 28, 2015

LN#	MFG Item #	Description	Vendor Size	Purchase Units	Purchase Quantity	PRICE (US\$)	IP	MP	MP Cube	Total Cube	TOTAL PRICE (US\$)
1	abc123	Item a	30X31X33	EA	224	\$ 15.00	1	1	15	3360	\$ 3,360.00
2	abc124	Item b	30X31X33	EA	220	\$ 15.00	1	1	15	3300	\$ 3,300.00
3	abc125	Item c	30X31X33	EA	240	\$ 15.00	1	1	15	3600	\$ 3,600.00
4	abc126	Item d	30X31X33	EA	186	\$ 15.00	1	1	15	2790	\$ 2,790.00

TOTAL ALL: 870 13050 \$ 13,050.00

TOTAL US DOLLARS: THIRTEEN THOUSAND AND FIFTY (US\$13,050.00) ONLY  
 WE CONFIRM THE ABOVE MERCHANDISE WITH THE TERMS & CONDITIONS STATED HEREIN.

Please TT your payment to the following account:

Beneficiary: Vendor x  
 Bank: Bank Y  
 123 Main Street, AnyCity, NC 27260

Swift code: #####  
 Bank Code: #####  
 Account no: #####

Payment Terms & Booking information is important so that we know how it is to be paid and where

CBM and or CFT: This is important as this is the information Tuesday Morning uses to assign the correct container allotment



## **SHIPPING & DOCUMENTATION INSTRUCTIONS**

Complete shipping instructions will be sent via E-mail to the vendor by Tuesday Morning's Import Department no later than prior to start ship date

As discussed above, shipping instructions will not be issued unless and until vendor sends Tuesday Morning's Buyer/Buyer Coordinator a Pro forma Invoice confirming the terms of the PO. Overseas contact information as to who will be making the booking for the shipment needs to be sent to [importsdept@tuesdaymorning.com](mailto:importsdept@tuesdaymorning.com). Please include name, phone number, and email address.

The shipping instructions include:

1. Shipping documents required
2. Forwarder to be used
3. Number of containers and sizes
4. Commodity description and the HTSUS number for each item
5. Shipping Window dates
6. FOB or port EX Factory location

An example of Tuesday Morning's basic shipping instructions are included below.

## **PALLET SPECIFICATIONS AND REQUIREMENTS**

### **Wood packaging materials:**

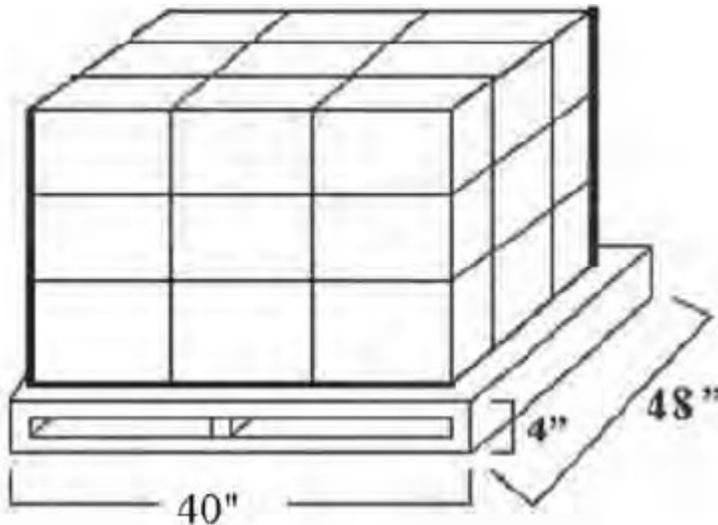
The importation of wood packaging materials (WPM) such as pallets, crates, boxes, etc., poses a risk of introducing plant pests into the United States. In order to mitigate that risk, the U.S. Department of Agriculture (USDA) Regulations (7 CFR §319.40) require that any regulated WPM must be (1) heated treated or fumigated with methyl bromide in accordance with the requirements set forth in 7 CFR §305; and (2) marked with the International Plant Protection Convention (IPPC) mark in accordance with 7 CFR §319.40-3(b)(2).

Failure to treat and mark regulated WPM as set forth above will be considered non-compliance with the import transportation vendor obligations for which Tuesday Morning will have a right to cancel any unfulfilled purchase orders without penalty and/or set-off or deduct the amounts of any resulting costs and expenses against amounts owed to you.

For an overview of the USDA's WPM Regulations, consult: <http://www.cbp.gov/border-security/protecting-agriculture/wpm>.

### **Loading Pallets:**

- Keep multiple cases of the same item on the same pallet.
- If the same item is packed on multiple pallets, keep those pallets together in container.
- If pallets are mixed product, load one style until complete.
- Make sure lighter items are on top and heavier merchandise remains on the bottom. This ensures that merchandise is received undamaged.
- The majority of imports are floor loaded to maximize space.



**Containers:** Maximum container weight and cubic meters as follows:

<u>Size</u>	<u>Max Cargo Weight</u>	<u>Kilos</u>	<u>Cubic Meters</u>	<u>(cbm)</u>
20'	38,580 pounds	17536.4 kg	28	(989 cft)
40'	41,000 pounds	18636.4 kg	58/65	(2050/2296 cft)
40HQ	40,500 pounds	18409.1 kg	65	(2296 cft)
45'	41,000 pounds	18636.4 kg	76	(2296 cft)

- Containers must not exceed maximum cargo weight. Listed above
- Weight must be evenly distributed from the nose to the tail of the container as well as evenly distributed over each axle.
- Failure to comply will result in charges for any tickets received , cost of reworking container loads to make them legal on highway.
- Maximum road weight is 80,000 pounds 36363.6 kg and includes the truck, chassis, container and cargo weight.
- Weight cannot exceed:
  - 1) Steer axle 12,000 lbs = 5454.5 kg.
  - 2) Driver axle 34,000 lbs = 15454.5 kg.
  - 3) Trailer axle 34,000 lbs = 15454.5 kg

6250 LBJ Freeway, Dallas, TX 75240  
Tel # (972)-387-3562 Fax (972)934-7284

**Shipping & Documentation Instructions**

Purchase Order # \_\_\_\_\_

To: \_\_\_\_\_ Date: \_\_\_\_\_

Attn: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Attn: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Shipments to be effected in \_\_\_\_\_ Containers.  
Shipment from \_\_\_\_\_ to door, Dallas, Texas  
Forwarder \_\_\_\_\_  
Custom Broker \_\_\_\_\_ \$ Value: \_\_\_\_\_  
Earliest Sailing date: \_\_\_\_\_ Latest sailing date: \_\_\_\_\_

**Payment terms (CAD):** Wire transfer upon receipt of original documents in our office. (Be sure to include wiring instructions, including your banks swift code) Payments to a U.S. address will be in the form of a Tuesday Morning Company check.

Documents Required: **3 Original Sets**

**2 Sets – Tuesday Morning Partners, Ltd.**

6250 LBJ Freeway  
Dallas, TX 75240-6321  
**Attn:** Imports  
**Tel:** (972) 387-3562

**1 Set- (Freight Forwarder)**

Address \_\_\_\_\_  
Attn: \_\_\_\_\_  
Tel: \_\_\_\_\_

Send a complete set of PDF documents via E-mail to [importsdept@tuesdaymorning.com](mailto:importsdept@tuesdaymorning.com) as soon as the OBL has been received. Original documents should then be sent via air courier direct to above parties within 7 days of bill of lading date. Please also include the factory questionnaire & Container inspection report.

**6250 LBJ Freeway, Dallas, TX 75240**  
**Tel # (972)-387-3562 Fax (972)934-7284**

- A) Original Ocean Bill of Lading issued by \_\_\_\_\_  
To Tuesday Morning Partners, LTD 6250 LBJ Freeway , Dallas, TX 75040 marked "Freight Collect" and notify (forwarder name and address).
- B) Commercial invoice in English detailing each item in generic terms and quantities in pieces giving unit prices extended prices total prices FOB \_\_\_\_\_ all in the currency of the purchase. State the general description of the PO somewhere on the invoice show "(PO Description) as per PO # \_\_\_\_\_." Individual line item descriptions are also required. The manufacture's complete name and address and the country of origin must be on the invoice.
- C) Packing list in English listing carton numbers for each item giving summary by PO number of total gross weight , total net weight and total cubic meters for the shipment . Cartons are to be marked as per Buyers instructions provided with the purchase order including country of origin.
- D) Certificate stating that each piece, each retail box and each master carton has to be marked conspicuously and legibly with the name of country of origin.
- E) If merchandise is shipped using solid wood packaging materials the wood packaging material (wpm) must be heat treated to a minimum wood core temperature of 56 c for a minimum of 30 minutes of fumigated with methyl.
- F) Manifest / Cargo details  
To comply with U.S. custom's security rules with respect to filing manifest / cargo details prior to loading cargo on a vessel at the foreign port of export the following mandatory information must be provided by you to the freight forwarder for the AMS transmission.
1. Container number
  2. Seal number
  3. The number and quantity of the lowest external packaging unit. For example a container containing 10 pallets with 200 cartons must be manifested as 200 cartons.
  4. Precise commodity descriptions
  5. HTSUS code for each item (provided by Tuesday Morning)
  6. Gross weight of the cargo
  7. The complete name and address of the consignee
  8. The complete name and address of the shipper
  9. Internationally recognized hazardous material codes, if applicable

The above required information should be on the commercial invoice and the packing list and presented to the freight forwarder at least 72 hours prior to the scheduled departure/shipped as booked resulting in delays and extra costs.

**6250 LBJ Freeway, Dallas, TX 75240**  
**Tel # (972)-387-3562 Fax (972)934-7284**

G) Importers Security filing (ISF) 10+2

To comply with the new U.S Custom's security measure for manifesting of cargo the following detailed information must be on your commercial invoice.

1. Manufacturer name and address
2. Seller name and address
3. Buyer name and address – please report as Tuesday Morning Partner's LTD 6250 LBJ Freeway Dallas, TX 75240
4. Ship to name and address –Tuesday Morning 14325 Gillis Rd. Farmers Branch TX 75244
5. Container stuffing location
6. Consolidator name and address
7. Importer of record number - F/F
8. Consignee number
9. Country of origin
10. Commodity/HTSUS number

The commercial invoice with the required information along with a packing list should be presented to the freight forwarder no later than 72 hours prior to the loading of the cargo to the vessel. If this information is not provided at that time and causes a late transmission of all the required elements / or portion of the elements to U.S customs, there will be a \$5000 fine for each violation. It is your responsibility to ensure the freight forwarder has the complete information within the required time.

- H) Attached is a list of items on the purchase order with the proper HTSUS code for each item. Please be sure the correct HTSUS code is on your commercial invoice and packing list, along with complete descriptions for each item.  
Per attachment (HTS)
- I) See page 4 for special requirements pertaining to certain product areas. If the product on this purchase order is listed, the special requirements must be followed.
- J) Effective October 15, 2008 U.S Customs will require that all freight containers in transit to the U.S by ship,rail or truck have bolt seals that meet the ISO PAS 17712 standard. Please ensure the proper bolt seal is used to seal container. Please purchase seals that meet ISO/PAS 17712 standard from a seal manufacturer/ distributor in your country. Non-compliant container seals may be subject to fines.
- K) Upon receipt of shipping containers, the container inspection check list should be completed. A Copy of the container inspection check list should be included with the shipping documents.

Tuesday Morning Partners LTD

Email [ImportsDept@TuesdayMorning.com](mailto:ImportsDept@TuesdayMorning.com)

6250 LBJ Freeway, Dallas, TX 75240  
Tel # (972)-387-3562 Fax (972)934-7284

## **Products with Special Requirements:**

### **Toys**

Certificate of conformance for test performed on toys showing Tuesday Morning LTD as the importer.

**Bed Linen and other textile merchandise (Table linen, kitchen linen, cushions)** Certificate stating all pieces and all retail packages has been labeled with textile label stating fiber% country of origin, RN# 81544

### **Bed Linen**

Show on commercial invoice, the \$ value breakdown of each such as sheet set- value of the top sheet, bottom sheet and pillow cases.

### **Ceramic Tableware**

Certificate stating all pieces are food safe and meet the requirements of FDA regarding lead/cadmium.

### **Decorative ceramic wall plates and the like**

Certificate stating all pieces have been permanently marked "NOT FOR FOOD USE – ONLY DECORATION"

### **CLOCKS**

Special marking requirements: movements and cases must be indelible marked by cutting, die-sinking, engraving, stamping (including by means of indelible ink) or mold-marking (either indented or raised) as specified below.

- a. Clock movements shall be marked on the most visible part of the front or back plate to show:
  - Name of the country of manufacture
  - The name of the manufacture or purchaser
  - The number of jewels if any
- b. Clock cases shall be marked on the most visible part of the outside of the back to show the name of the country of manufacture.

<b>7-Point Container Inspection Checklist</b>			
<b>Date:</b>			
<b>Container Number:</b>			
<b>Seal Number:</b>			
<input type="checkbox"/> <b>1</b>	<b>Outside/Undercarriage</b>	<input type="checkbox"/> <b>2</b>	<b>Inside/Outside Doors</b>
<input type="checkbox"/>	Check for structural damage (dents, holes, repairs)	<input type="checkbox"/>	Ensure locks and locking mechanisms are secure and reliable
<input type="checkbox"/>	Support beams are visible	<input type="checkbox"/>	Check for loose bolts
<input type="checkbox"/>	Ensure no foreign objects are mounted on container	<input type="checkbox"/>	Ensure hinges are secure and reliable
<input type="checkbox"/> <b>3</b>	<b>Right Side</b>	<input type="checkbox"/> <b>4</b>	<b>Left Side</b>
<input type="checkbox"/>	Look for unusual repairs to structural beams	<input type="checkbox"/>	Look for unusual repairs to structural beams
<input type="checkbox"/>	Repairs to inside wall must also be visible on the outside & vice versa	<input type="checkbox"/>	Repairs to inside wall must also be visible on the outside & vice versa
<input type="checkbox"/> <b>5</b>	<b>Front Wall</b>	<input type="checkbox"/> <b>6</b>	<b>Ceiling/Roof</b>
<input type="checkbox"/>	Front wall should be made of corrugated material	<input type="checkbox"/>	Ensure support beams are visible
<input type="checkbox"/>	Interior blocks in top left and right corners should be visible. Missing or false blocks are abnormal.	<input type="checkbox"/>	Ensure ventilation holes are visible. They should not be covered or absent.

<input type="checkbox"/>	Ensure Vents are visible.	<input type="checkbox"/>	Ensure no foreign objects are mounted to the container
<input type="checkbox"/> 7	<b>Floor</b>	<input type="checkbox"/> 8	<b>Seal Verification</b>
<input type="checkbox"/>	Ensure floor of container is flat.	<input type="checkbox"/>	Seal properly affixed
<input type="checkbox"/>	Ensure floor is of uniform height.	<input type="checkbox"/>	Seal meets or exceeds PAS ISO 17712
<input type="checkbox"/>	Look for unusual repairs to the floor	<input type="checkbox"/>	Ensure seal is not broken or damaged.
<b>Remarks:</b>			
<p>I have visually inspected and verified the condition of the container noted above. I confirm that the container is structurally sound, weather tight, has no false compartments, and the locking mechanisms are in good order and show no visible signs of being tampered with.</p> <p><b>Please return to:</b> <a href="mailto:ImportsDept@tuesdaymorning.com">ImportsDept@tuesdaymorning.com</a></p>			
Inspected by:		Date:	
Seal affixed and verified by:		Date:	

- This form is also available in Chapter 8 Vendor acknowledgement forms



# The following list is an overview of the 7 point inspection process.

---

## 1. Undercarriage

- The undercarriage should be visibly inspected prior to the trailer's entry into our facility.
  - All the support beams should be visible. Wheels and tires should look normal.
  - If anything seems unusual about the trailer's undercarriage, report this problem to your supervisor.
- 

## 2. Outside/Inside Doors

- Inspect both the inside and outside of the trailer's doors (or the container's doors if working with a shipping container).
  - The doors should have secure and reliable locking mechanisms, and they should not have loose bolts.
  - Be suspicious of different color bonding materials and unusual plates or repairs.
  - Plates should not cover door cavities.
- 

## 3. Right Side

- Investigate the right side wall.
  - Look for any unusual repairs to structural beams.
  - Use a tool to tap the side walls. Listen and feel for a hollow sound.
  - Any major repairs to the walls on the inside of the trailer should be visible on the outside, too.
- 

## 4. Left Side

- Investigate the left side wall.
  - Look for any unusual repairs to structural beams.
  - Use a tool to tap the side walls. Listen and feel for a hollow sound.
  - Any major repairs to the walls on the inside of the trailer should be visible on the outside, too.
- 

## 5. Front Wall

- Use a range finder, measuring tape, or string to determine the length of the trailer.
- Blocks and vents must be visible and several inches apart. All the vent holes should be visible.
- Use a tool to tap the front wall. Listen and feel for a hollow sound.

---

## **6. Ceiling/Roof**

- The ceiling is a certain standard distance from the floor. Blocks and vents must be visible.
- Repairs to the ceiling on the inside of the trailer should be visible on the outside.
- Use a tool to tap the ceiling. Listen for a hollow sound.

---

## **7. Floor**

- The floor should be flat and uniform with no raised platforms.
- Be suspicious of any unusual repairs, bad repairs, and bad welding.

- **The 7 point inspection form must be returned to the Imports department @ [importsdept@tuesdaymorning.com](mailto:importsdept@tuesdaymorning.com)**

## **ROLE OF THE IMPORTER OF RECORD**

The U.S. importer of record (IOR) is responsible for using “reasonable care” to enter, classify, and determine the value of imported merchandise and to provide any other information necessary to enable U.S. Customs and Border Protection to properly assess duties and determine whether all legal requirements have been met. An importer’s failure to exercise reasonable care could delay the release of merchandise and, in some cases, result in the imposition of penalties.

Whenever Tuesday Morning acts as the IOR, you will be expected to provide any information Tuesday Morning requires in order to meet this obligation. This may include, for example, technical specifications/diagrams needed to properly evaluate the tariff classification of a product, or Certificates of Origin and other documentation to support preference claims.

Failure to cooperate with Tuesday Morning in that regard will be considered non-compliance with the import transportation vendor obligations for which Tuesday Morning will have a right to cancel any unfulfilled purchase orders without penalty and/or set-off or deduct the amounts of any resulting costs and expenses against amounts owed to you.

## **COMMERCIAL INVOICES**

The commercial invoices that will be presented to U.S. Customs and Border Protection at the time of importation must be accurate. This means that the price shown on the invoice must be the total price paid by Tuesday Morning for the merchandise.

In addition, the invoices must be in English, and must contain the information set forth in Part 141, Subpart F of the U.S. Customs and Border Protection Regulations (19 CFR §§141.81-92). See <http://www.ecfr.gov/>. Generally, the invoice must include the following data elements:

- a detailed description of the merchandise;
- the purchase price of each item in the currency of the purchase;
- the quantities in the weights and measures of the country or place from which the merchandise is shipped, or in the weights and measures of the United States;
- the country of origin of the merchandise;
- the port of entry to which the merchandise is destined;
- the time when, the place where, and the person by whom and the person to whom the merchandise is sold or agreed to be sold; and
- all charges upon the merchandise itemized by name and amount, including freight, insurance, commission, cases, containers, coverings, and cost of packing.

The invoices for certain classes of merchandise (e.g., articles manufactured of textile materials, bed linens, glassware, etc.) require additional data elements.

It is your responsibility to ensure that the commercial invoices you provide Tuesday Morning are accurate. Failure to provide Tuesday Morning with accurate invoices will be considered non-compliance with the import transportation vendor obligations for which Tuesday Morning will have a right to cancel

any unfulfilled purchase orders without penalty and/or set-off or deduct the amounts of any resulting costs and expenses against amounts owed to you.

## **COUNTRY OF ORIGIN MARKING REQUIREMENTS**

Every foreign-origin article imported into the United States must be accurately marked with its country of origin in accordance with the U.S. Customs and Border Protection Regulations, unless excepted. If an imported article is excepted from the marking requirements, the outer container of the article must be marked with the country of origin (unless that container is also excepted from marking).

Section 1304 of the Tariff Act of 1930, as amended (19 U.S.C. § 1304) and Part 134 of the U.S. Customs and Border Protection Regulations (19 CFR § 134) provide that the marking must be: (1) in a conspicuous place, (2) legible, and (3) as indelibly and permanently applied as the nature of the article (or container) will permit, in such a manner as to indicate to the ultimate purchaser in the United States the English name of the country of origin of the article.

Below are a few examples of acceptable markings:

1. Made in China
2. Product of Korea
3. Manufactured in India

It is your responsibility to mark the products you sell to Tuesday Morning with their country of origin of in accordance with all applicable governmental regulations.

Failure to properly mark products purchased by Tuesday Morning with their country of origin will be considered non-compliance with the import transportation vendor obligations for which Tuesday Morning will have a right to cancel any unfulfilled purchase orders without penalty and/or set-off or deduct the amounts of any resulting costs and expenses against amounts owed to you.

### Suggested Methods of Marking

The information provided below is intended to assist you when shipping goods to Tuesday Morning. These instructions should not be interpreted as a substitute for compliance with the U.S. Customs and Border Protection or U.S. Federal Trade Commission regulations.

- Section 304 of the U.S. Tariff Act of 1930, as amended (19 USC §1304) requires that the marking of the country of origin be legible, indelible, and permanent. As a general rule, marking requirements are best met by marking worked into the articles at the time of manufacture. For example, it is suggested the country of origin on metal articles be die sunk, molded or etched; on earthenware or chinaware be glazed-on in the process of firing; and on paper articles be imprinted.
- Other acceptable methods of marking:
  - Articles marked with paper sticker labels. If paper sticker or pressure sensitive labels are used, they must be affixed in a conspicuous place so securely that unless

- deliberately removed they will remain on the article while it is in storage or on display until it is delivered to the ultimate purchaser.
- Articles marked with tags. When tags are used, they must be attached in a conspicuous place and in a manner which ensures that, unless deliberately removed, they will remain on the article until it reaches the ultimate purchaser.
  - A specific method of marking is required for certain products as set forth in section 134.43 of the U.S. Customs and Border Protection Regulations (19 CFR § 134.43).
- Where an article is produced as a result of an assembly operation and the country of origin of such article is determined to be the country in which the article was finally assembled, such article may be marked, as appropriate, in a manner such as the following:
    - (1) Assembled in (country of final assembly);
    - (2) Assembled in (country of final assembly) from components of (name of country or countries of original of all components); or
    - (3) Made in, or product of, (country of final assembly)
  - In any case in which the words “United States” or “American” the letters “U.S.A.” or any variation of such words or letters, or the name of any city or location in the United States, or the name of any foreign country or locality other than the country or locality in which the article was manufactured or produced appear on an imported articles or its container, and those words, letters or names may mislead or deceive the ultimate purchaser as to the actual country of origin of the article, there shall appear legibly and permanently in close proximity to such words, letters or names, and in at least a comparable size, the name of the country of origin preceded by “Made in”, “Product of,” or other words of similar meaning.
  - If an imported article is repacked in retail containers after it is released from Customs’ custody, the importer shall not obscure or conceal the country of origin marking or else the new container shall be marked to indicate the country of origin.

#### Exceptions to Marking Requirements

- Articles appearing on the “J” list
  - Articles of a class or kind listed in 19 CFR §134.33 and in 19 USC §1304(a)(3)(J) (i.e, the “J” list) are excepted from the marking requirements. The list includes certain ball bearings, bolts, nuts, washers, rivets, etc.
  - If imported in a container, however, the outermost container must be marked with the country of origin.
- Articles which meet the conditions set forth in 19 CFR §134.32 (e.g., articles for which the marking of the containers will reasonably indicate the origin of the articles).

#### “Made in USA” Claims

In accordance with the U.S. Federal Trade Commission Guidelines, products marked “Made in USA” must be “all or virtually” all made in the United States (i.e., all significant parts and processing that go into the product must be of U.S. origin).

## **PRODUCTS SUBJECT TO ANTIDUMPING AND/OR COUNTERVAILING DUTY INVESTIGATIONS/ORDERS**

Imported products that fall within the scope of an antidumping (AD) duty and/or countervailing duty (CVD) order can be subject to very high duty rates, which are in addition to any normal customs duties.

For a listing of active AD/CVD investigations, consult the U.S. International Trade Commission’s website at [http://www.usitc.gov/trade\\_remedy/731\\_ad\\_701\\_cvd/investigations/active/](http://www.usitc.gov/trade_remedy/731_ad_701_cvd/investigations/active/). For a listing of AD/CVD orders currently in effect, consult the U.S. Department of Commerce’s International Trade Administration’s Website, at <http://www.ita.doc.gov/enforcement/operations/index.asp>.

By selling to Tuesday Morning, you are representing that your products are not covered by an AD/CVD investigation or order. In addition, in the event that a product you sold to TM becomes subject to an AD/CVD investigation, you agree to participate in that investigation.

If a product becomes subject to an AD/CVD investigation or order after it is purchased by Tuesday Morning, but before it is delivered, Tuesday Morning reserves the right to cancel the unfulfilled order without penalty.

Failure to alert Tuesday Morning of the fact that a product falls within the scope of an AD/CVD investigation or order at the time of exportation, or to participate in an AD/CVD investigation involving your product, will be considered non-compliance with the import transportation vendor obligations. Tuesday Morning will have a right to set-off or deduct the amounts of any resulting costs and expenses against amounts owed to you.

## **PREFERENCE PROGRAM ELEGIBILITY**

Tuesday Morning expects its vendors to seek out opportunities to lower Tuesday Morning’s landed costs by taking advantage of free trade agreements and other preference programs – such as the Generalized System of Preferences (GSP).

If you certify that a product is eligible for preferential tariff treatment under a preference program, you will be responsible for providing the documentation necessary to substantiate that claim (e.g., Certificates of Origin, Manufacturer’s Affidavits, etc.) to Tuesday Morning or directly to U.S. Customs and Border Protection, as the case may be. You will also be responsible for maintaining those documents for a period of five years.

Failure to provide the documentation necessary to substantiate a preference claim will be considered non-compliance with the import transportation vendor obligations for which Tuesday Morning will have

a right to cancel any unfulfilled purchase orders without penalty and/or set-off or deduct the amounts of any resulting costs and expenses against amounts owed to you.

## **FREQUENTLY ASKED QUESTIONS & ANSWERS**

Q: Who is your selected forwarder? It is not listed in the Vendor Manual.

A: You will receive the forwarder information with the shipping instructions.

Q: When do I get my shipping instructions?

A: Once the proforma has been received by the buyer & buyer coordinator and processed, the order will be turned into our Imports department.

Q: What documents do you require on imports? Upon receipt of order: Proforma Invoice

A: When loaded : Specific documents required for the shipment will be notated on the shipping instructions sent from the Import Department, including HTSUS #'s.

Q: How high can I load the pallets?

A: We do not have height restrictions on import PO's. The container should be filled to capacity as much as the order allows. Most import orders are floor loaded

Q: What is the allowable weight to load into a container?

A: 17.5 kilo tons (38,580.5 #) for a 20'. 18.5 kilo tons (40,785#) for a 40' standard, 40'HQ and 45'.

Q: What is required on the carton markings?

A: TM NAME, ADDRESS; PHONE#.  
PO#; TM SKU#; MANUF STYLE#; IP QTY (# of pcs per inner carton); MP QTY (# of pcs per MP); PRE-PRICED (YES / NO); FRAGILE (YES/NO); COUNTRY OF ORIGIN.  
(ALL information must match the PO)

Q: A pro-forma invoice (Sales Confirmation) is required for each order.

A: Header: PO #, Company letter head, full ship window, country of origin, payment banking terms. Information required: BY ITEM - MANUF STYLE#; PURCHASE QTY; TM 1<sup>ST</sup> COST; IP & MP; MP CUBE. TOTALS FOR COST; TOTAL CUBES AND TOTAL WEIGHT.

Q: When do I complete a factory questionnaire?

A: You need to complete a form for every new factory you use. Email a copy to [importsdept@tuesdaymorning.com](mailto:importsdept@tuesdaymorning.com) include original form w/ shipment documents.