

## 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 exempted. If an imported article is exempted from the marking requirements, the outer container of the article must be marked with the country of origin (unless that container is also exempted 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; or 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 origin 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 exempted 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).