

**§ 12.43**

Merchandise	Country	T.D.
Furniture, clothes ham- pers, and palm leaf bags.	Ciudad Victoria, Tamaulipas, Mexico.	53408 54725

[28 FR 14710, Dec. 31, 1963, as amended by T.D. 89-1, 53 FR 51253, Dec. 21, 1988; T.D. 00-52, 65 FR 45875, July 26, 2000; CBP Dec. 17-04, 82 FR 26584, June 8, 2017]

**§ 12.43 Proof of admissibility.**

(a) If an importer of any article detained under §12.42(e) or (g) desires to contend that the article was not mined, produced, or manufactured in any part with the use of a class of labor specified in section 307, Tariff Act of 1930, he shall submit to the port director or Commissioner of CBP within 3 months after the date the article was imported a certificate of origin, or its electronic equivalent, in the form set forth below, signed by the foreign seller or owner of the article. If the article was mined, produced, or manufactured wholly or in part in a country other than that from which it was exported to the United States, an additional certificate, or its electronic equivalent, in such form and signed by the last owner or seller in such other country, substituting the facts of transportation from such other country for the statements with respect to shipment from the country of exportation, shall be so submitted.

**CERTIFICATE OF ORIGIN**

I, \_\_\_\_\_, foreign seller or owner of the merchandise hereinafter described, certify that such merchandise, consisting of \_\_\_\_\_ (Quantity) of \_\_\_\_\_ (Description) in \_\_\_\_\_ (Number and kind of packages) bearing the following marks and numbers \_\_\_\_\_ was mined, produced, or manufactured by \_\_\_\_\_ (Name) at or near \_\_\_\_\_, and was laden on board \_\_\_\_\_ (Carrier to the United States) at \_\_\_\_\_ (Place of lading) (Place of final departure from country of exportation) which departed from on \_\_\_\_\_; (Date); and that \_\_\_\_\_ (Class of labor specified in finding) was not employed in any stage of the mining, production, or manufacture of the merchandise or of any component thereof.

Dated \_\_\_\_\_  
\_\_\_\_\_  
(Signature)

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(b) The importer shall also submit to the port director or Commissioner of CBP within such 3-month period a statement, or its electronic equivalent, of the ultimate consignee of the merchandise, showing in detail that he had made every reasonable effort to determine the source of the merchandise and of every component thereof and to ascertain the character of labor used in the production of the merchandise and each of its components, the full results of his investigation, and his belief with respect to the use of the class of labor specified in the finding in any stage of the production of the merchandise or of any of its components.

(c) If the certificate or certificates and statements specified in paragraphs (a) and (b) of this section, or its electronic equivalent, are submitted within the time prescribed and the Commissioner finds that the merchandise is admissible, the port director concerned will be advised to that effect, whereupon he shall release the merchandise upon compliance with the usual entry requirements.

[28 FR 14710, Dec. 31, 1963, as amended by CBP Dec. 15-14, 80 FR 61285, Oct. 13, 2015; CBP Dec. 17-04, 82 FR 26584, June 8, 2017]

**§ 12.44 Disposition.**

(a) *Export and abandonment.* Merchandise detained pursuant to §12.42(e) may be exported at any time prior to seizure pursuant to paragraph (b) of this section, or before it is deemed to have been abandoned as provided in this section, whichever occurs first. Provided no finding has been issued by the Commissioner of CBP under §12.42(f) and the merchandise has not been exported within 3 months after the date of importation, the port director will ascertain whether the proof specified in §12.43 has been submitted within the time prescribed in that section. If the proof has not been timely submitted, or if the Commissioner of CBP advises the port director that the proof furnished does not establish the admissibility of the merchandise, the port director will promptly advise the importer in writing that the merchandise is excluded from entry. Upon the expiration of 60 days after the delivery or mailing of such advice by the port director, the merchandise will be deemed

to have been abandoned and will be destroyed, unless it has been exported or a protest has been filed as provided for in section 514, Tariff Act of 1930.

(b) *Seizure and summary forfeiture.* In the case of merchandise covered by a finding under §12.42(f), if the Commissioner of CBP advises the port director that the proof furnished under §12.43 does not establish the admissibility of the merchandise, or if no proof has been timely furnished, the port director shall seize the merchandise for violation of 19 U.S.C. 1307 and commence forfeiture proceedings pursuant to part 162, subpart E, of this chapter.

(c) *Prison-labor goods.* Nothing in this chapter precludes CBP from seizing for forfeiture merchandise imported in violation of 18 U.S.C. 1761 and 1762 concerning prison-labor goods.

[T.D. 00-52, 65 FR 45875, July 26, 2000, as amended by CBP Dec. 17-04, 82 FR 26584, June 8, 2017]

**§ 12.45 Transportation and marketing of prison-labor products.**

If any apparent violation of section 1761 or 1762, title 18, United States Code, with respect to any imported article comes to the attention of a port director, he shall detain the article and report the facts to the appropriate United States attorney. If the United States attorney advises the port director that action should be taken against the article, it shall be seized and held pending the receipt of further instructions from the United States attorney or the court.

[28 FR 14710, Dec. 31, 1963, as amended by T.D. 89-1, 53 FR 51253, Dec. 21, 1988]

**COUNTERFEIT COINS, OBLIGATIONS, AND OTHER SECURITIES; ILLUSTRATIONS OR REPRODUCTIONS OF COINS OR STAMPS**

**§ 12.48 Importation prohibited; exceptions to prohibition of importation; procedure.**

(a) In accordance with Chapter 25, Title 18, United States Code, any token, disk, or device in the likeness or similitude of any coin of the United States or of a foreign country; counterfeits of coins in circulation in the United States; counterfeited, forged, or altered obligations or other securities of the United States or of any foreign

government; or plates, dies, or other apparatus which may be used in making any of the foregoing, when brought into the United States, shall be seized, and delivered to the nearest representative of the United States Secret Service, together with a report of the facts, for appropriate disposition.

(b) In accordance with section 504 of title 18, United States Code, the printing, publishing, or importation or the making or importation of the necessary plates for such printing or publishing for philatelic, numismatic, educational, historical, or newsworthy purposes in articles, books, journals, newspapers, or albums (but not for advertising purposes, except illustrations of stamps and paper money in philatelic or numismatic advertising of legitimate numismatists and dealers in stamps or publishers of or dealers in philatelic or numismatic articles, books, journals, newspapers, or albums) of black and white illustrations of canceled and uncanceled United States postage stamps shall be permitted.

(c) The importation (but not for advertising purposes except philatelic advertising) of motion-picture films, microfilms, or slides, for projection upon a screen or for use in telecasting, of postage and revenue stamps and other obligations and securities of the United States and postage and revenue stamps, notes, bonds, and other obligations or securities of any foreign government, bank, or corporation shall be permitted.

(d) Printed matter of the character described in section 504, title 18, United States Code,<sup>32</sup> containing reproductions of postage or revenue stamps, executed in accordance with any exception stated in section 504, or colored reproductions of canceled foreign postage

<sup>32</sup>Notwithstanding any other provision of this chapter, the following are permitted:

(1) The printing, publishing, or importation, or the making or importation of the necessary plates for such printing or publishing, of illustrations of:

- (A) Postage stamps of the United States,
- (B) Revenue stamps of the United States,
- (C) Any other obligation or other security of the United States, and

*Continued*