



**U.S. Customs and  
Border Protection**

**HQ H329916**

March 28, 2025

**OT:RR:CTF:FTM H329916 TSM**

**CATEGORY:** Origin; Marking

Salma Manji  
Manji Trading Inc.  
125 Norfinch Dr. unit #115  
North York, N/A M3N1W8  
Canada

**Re:** Country of Origin Marking of Worn Donated Clothing

Dear Ms. Manji:

This letter is in response to a request from Manji Trading Inc., (“MTI” or “Requestor”), for a binding ruling, dated January 19, 2023, concerning the country of origin marking of certain worn donated clothing processed in Canada and imported into the United States. This request, submitted as an electronic ruling request, was forwarded to this office from the National Commodity Specialist Division for review. Our ruling is set forth below.

**FACTS:**

The merchandise at issue is worn clothing donated in the United States and Canada at thrift stores, charities, and similar organizations. The requestor states that, often, the supply of donated clothing is greater than the demand, resulting in charitable organizations’ inability to process all items. Rather than send the excess donated used clothing to the landfill, the clothing is gathered into bales and sold in bulk or at wholesale to MTI’s suppliers by the truckloads. MTI’s suppliers export most items to third world countries for resale. Yet, before the items are exported, MTI staff examine pieces and set aside items described as “vintage,” “fashion forward,” or “trending.” These items brought to MTI’s warehouse in Canada.

While at the warehouse, the clothing is extensively processed. Specifically, it is graded, checked, scrubbed, washed, repaired, overdyed, and re-graded, in preparation for importation into the United States and resale. While no garments are manufactured inside the warehouse, the Requestor asserts that based on the processing steps performed at the warehouse that it should be considered the manufacturer. For garments processed for resale with tags, MTI suggests

identifying the warehouse as the manufacturer for country of origin purposes. With regard to items without tags, the Requestor suggests identifying Canada as the country of origin and the warehouse as the manufacturer. In addition, MTI proposes to attach a removable fabric label to each garment, which will read as follows: “Processed, Packaged and/or Produced in Canada.”

## **ISSUES:**

What is the country of origin marking of the worn donated clothing? Is the marking “Processed, Packaged and/or Produced in Canada” an acceptable country of origin marking? Is it acceptable to identify the warehouse in Canada as the manufacturer of the worn donated clothing at issue?

## **LAW AND ANALYSIS:**

### **Country of Origin Marking**

The marking statute, Section 304(a), Tariff Act of 1930, as amended (19 U.S.C. § 1304(a)), provides that unless excepted, every article of foreign origin imported into the United States shall be marked in a conspicuous place as legibly, indelibly, and permanently as the nature of the article (or container) will permit in such manner as to indicate to an ultimate purchaser in the United States the English name of the country of origin of the article. By enacting 19 U.S.C. § 1304, Congress intended to ensure that the ultimate purchaser would be able to know by inspecting the marking on the imported goods the country of which the goods are the product. “The evident purpose is to mark the goods so that at the time of purchase the ultimate purchaser may, by knowing where the goods were produced, be able to buy or refuse to buy them, if such marking should influence his will.” See United States v. Friedlaender & Co., 27 C.C.P.A. 297, 302 C.A.D. 104 (1940).

Part 134 of Title 19 of the Code of Federal Regulations (19 C.F.R. Part 134) implements the country of origin marking requirements and exceptions of 19 U.S.C. § 1304. Specifically, 19 C.F.R. § 134.11, provides that unless excepted, every article of foreign origin (or its container) imported into the United States shall be marked in a conspicuous place as legibly, indelibly, and permanently as the nature of the article (or container) will permit, in such manner as to indicate to an ultimate purchaser in the United States the English name of the country of origin of the article, at the time of importation into the Customs territory of the United States. Country of origin is defined in the regulations, 19 C.F.R. § 134.1(b), as “the country of manufacture, production, or growth of any article of foreign origin entering the United States.”

The “ultimate purchaser” is generally defined in 19 C.F.R. § 134.1(d) as the last person in the United States who will receive the article in the form in which it was imported. Pursuant to 19 C.F.R. § 134.41(b), the ultimate purchaser in the United States must be able to find the origin marking easily and read it without strain. The degree of permanence of the marking should be sufficient to ensure that in any reasonably foreseeable circumstance, the marking shall remain on the article (or its container) until it reaches the ultimate purchaser unless it is deliberately removed. The marking must survive normal distribution and store handling. General exceptions to the marking requirements are provided for in 19 C.F.R. § 134.32.

Pursuant to 19 C.F.R. § 134.46, whenever the name of any foreign country or locality in which the article was manufactured or produced appear on an imported article 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 name, and in at least a comparable size, the name of the country of origin of the product preceded by “Made in,” “Product of,” or other words of similar meaning.

The country of origin of used clothing purchased from the Salvation Army, Goodwill Industries, and similar charitable organizations has previously been considered by U.S. Customs and Border Protection (“CBP”). For example, in HQ 730174, dated March 31, 1987, CBP determined that used clothing was of U.S. origin because it was purchased from the Salvation Army, Goodwill Industries stores, and similar organizations within the United States, and therefore presumed to have been worn and used in the United States. Similarly, in HQ 732409, dated September 25, 1989, CBP determined that used clothing purchased from the Salvation Army in Canada was presumed to have been worn and used in Canada and could be marked “Made in Canada.” CBP further concluded that the marking would eliminate the need to sort the clothing by original country of origin as well as eliminate the problem of not knowing the original country of origin of every single garment.

In NY N301563, dated November 28, 2018, CBP found phrases such as “DESIGNED IN,” “FURTHER PROCESSED IN,” “FINISHED IN” and “PACKAGED IN” to be acceptable, provided that those phrases accurately reflect the work performed. Similarly, in HQ 560195, dated March 19, 1997, CBP found that any marking describing the processing performed is acceptable, so long as it is truthful and does not indicate an incorrect country of origin. Specifically, markings such as “PROCESSED IN CANADA,” “CUT AND PACKAGED IN CANADA,” “CUT, FOLDED, AND PACKAGED IN CANADA,” and “FURTHER PROCESSED IN CANADA,” were found to be acceptable. In both NY N310563 and HQ 560195, CBP also noted that the referenced acceptable markings must also meet the requirements of 19 C.F.R. § 134.46, which provides, in relevant part, that when any country or locality other than the country or locality in which the article was manufactured or produced appears on an imported article or container, and 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 and in at least a comparable size, the name of the country of origin of the article preceded by “Made in,” “Product of,” or other words of similar meaning. See also HQ 735372, dated March 16, 1995 (finding that a marking “PACKAGED IN CANADA” is not required, but must satisfy the requirements of 19 C.F.R. § 134.46 if displayed on the merchandise).

In HQ 558647, dated November 30, 1994, CBP found that a marking such as “Product of U.S.A. and Canada” is acceptable when marking containers with commingled fungible goods from the United States and Canada. Similarly, a marking such as “Made in Denmark, Switzerland, and U.S.A.” was approved when pieces from all three countries were contained within a marked container and, therefore, properly informed the ultimate purchaser of the countries of origin of the pieces contained within. *Id.* However, CBP noted that the use of a marking such as “Product of U.S.A. and/or Canada” is generally not acceptable, because such marking does not indicate the actual country of origin as required by 19 U.S.C. § 1304. *Id.*

Upon review and consistent with the foregoing, we find that the clothing items that are sourced from donations in Canada must be marked with “Made in Canada,” “Country of origin Canada,” or other words of similar meaning. The clothing items that are sourced from donations in the United States are not subject to the country of origin marking requirements set forth in 19 U.S.C. § 1304(a), which governs imported articles and containers. Accordingly, no statement as to their country of origin is required under the Customs laws; however, the use of the phrase “Made in the U.S.A” or similar words denoting U.S. origin is under the jurisdiction of the Federal Trade Commission (“FTC”). Consequently, any inquiries regarding the use of language reflecting U.S. origin on goods need to be directed to the FTC, at the following address: Federal Trade Commission, 600 Pennsylvania Avenue, NW, Washington, D.C. 20580.

Markings indicating the country in which the clothing items were “Processed” and “Packaged” are not required. However, whenever such markings are displayed, the requirements of 19 C.F.R. § 134.46 must be met. Specifically, the name of the country of origin of the article preceded by “Made in,” “Product of,” or other words of similar meaning, must be featured legibly and permanently in close proximity to the “Processed” and “Packaged” markings, and in at least a comparable, if not larger size.

Pursuant to the foregoing, unless excepted from the marking requirements pursuant to 19 C.F.R. § 134.32, each article of foreign origin must be marked with its country of origin and may also be marked with the country of its packaging or processing, so long as such marking meets the requirements of 19 C.F.R. § 134.46. For example, clothing items that are sourced from donations in Canada may be marked “Country of Origin Canada. Processed in Canada.” However, the requestor’s proposed marking of “Processed, Packaged and/or Produced in Canada” is not acceptable because it is misleading as to the actual country of origin of the clothing items featuring the marking.

### **Identification of the Warehouse in Canada as the Manufacturer**

Pursuant to 19 C.F.R. § 190.2, manufacture or production means a process, including, but not limited to, an assembly, by which merchandise is either made into a new and different article having a distinctive name, character or use; or is made fit for a particular use even though it is not made into a new and different article. With regard to textile articles, 19 C.F.R. § 102.23(a) provides, in relevant part, that the manufacturer of textile or apparel articles is the entity performing origin-conferring operations within the meaning of 19 C.F.R. §102.21. The rules for determining the country of origin of textile or apparel products, found in paragraphs (c)(1) through (5) of 19 C.F.R. § 102.21 and applied sequentially, generally provide that processing operations or assembly confer country of origin. Specifically, the rules state:

(c) General rules. ... [T]he country of origin of a textile or apparel product will be determined by sequential application of paragraphs (c) (1) through (5) of this section and, in each case where appropriate to the specific context, by application of the additional requirements or conditions of §§ 102.12 through 102.19 of this part.

- (1) The country of origin of a textile or apparel product is the single country, territory, or insular possession in which the good was wholly obtained or produced.
- (2) Where the country of origin of a textile or apparel product cannot be determined under paragraph (c)(1) of this section, the country of origin of the good is the single country, territory, or insular possession in which each foreign material incorporated in that good underwent an applicable change in tariff classification, and/or met any other requirement, specified for the good in paragraph (e) of this section.
- (3) Where the country of origin of a textile or apparel product cannot be determined under paragraph (c) (1) or (2) of this section:
  - (i) If the good was knit to shape, the country of origin of the good is the single country, territory, or insular possession in which the good was knit; or
  - (ii) Except for fabrics of chapter 59 and goods of heading 5609, 5807, 5811, 6213, 6214, 6301 through 6306, and 6308, and subheadings 6209.20.5040, 6307.10, 6307.90, and 9404.90, if the good was not knit to shape and the good was wholly assembled in a single country, territory, or insular possession, the country of origin of the good is the country, territory, or insular possession in which the good was wholly assembled.
- (4) Where the country of origin of a textile or apparel product cannot be determined under paragraph (c) (1), (2) or (3) of this section, the country of origin of the good is the single country, territory, or insular possession in which the most important assembly or manufacturing process occurred.
- (5) Where the country of origin of a textile or apparel product cannot be determined under paragraph (c) (1), (2), (3) or (4) of this section, the country of origin of the good is the last country, territory, or insular possession in which an important assembly or manufacturing process occurred.

Based on the foregoing, to qualify as a manufacturer under 19 C.F.R. § 102.23(a), an entity must perform origin-conferring operations as described in 19 C.F.R. § 102.21, which generally result in goods being wholly obtained or produced, knit to shape, or wholly assembled. However, based on the record, the operations performed at the warehouse in Canada, such as grading, checking, scrubbing, washing, repairing, overdyeing, and re-grading, are not origin-conferring operations of 19 C.F.R. § 102.21. Accordingly, we find that the warehouse in Canada cannot be identified as the manufacturer of the worn donated clothing items pursuant to 19 C.F.R. § 102.23(a).

**HOLDING:**

The country of origin of clothing items that were sourced from donations in Canada is Canada. Accordingly, such clothing items must be marked with “Made in Canada,” “Country of origin Canada,” or other words of similar meaning.

The country of origin of clothing items that were sourced from the United States is the United States. However, no statement as to their country of origin is required under the Customs laws. The use of the phrase “Made in the U.S.A” or similar words denoting U.S. origin is under the jurisdiction of the FTC, not CBP, and warrants consultation with the FTC.

Use of the terms “Processed in Canada” on the donated graded, checked, scrubbed, washed, repaired, overdyed, and re-graded items is permissible provided the requirements of 19 C.F.R. § 134.46 are met. However, use of “Processed, Packaged and/or Produced in Canada” is not acceptable because such marking is misleading as to the actual country of origin of the clothing items featuring it.

The warehouse in Canada, in which the clothing items are graded, checked, scrubbed, washed, repaired, overdyed, and re-graded, cannot be identified as the manufacturer pursuant to 19 C.F.R. § 102.23(a).

Please note that 19 C.F.R. § 177.9(b)(1) provides that “[e]ach ruling letter is issued on the assumption that all of the information furnished in connection with the ruling request and incorporated in the ruling letter, either directly, by reference, or by implication, is accurate and complete in every material respect. The application of a ruling letter by a Customs Service field office to the transaction to which it is purported to relate is subject to the verification of the facts incorporated in the ruling letter, a comparison of the transaction described therein to the actual transaction, and the satisfaction of any conditions on which the ruling was based.”

A copy of this ruling letter should be attached to the entry documents filed at the time this merchandise is entered. If the documents have been filed without a copy, this ruling should be brought to the attention of the CBP officer handling the transaction.

Sincerely,

Sarah Kafka, Chief  
Food, Textiles, and Marking Branch