



FedEx Regulatory Alerts & Updates

Regulatory Alert Update: Reminder – Shipping Gifts to the U.S. via FedEx Express

November 1, 2018

BACKGROUND INFORMATION

U.S. Customs and Border Protection (CBP) defines “bona-fide gift” as an article formerly owned by a donor who gave it outright in, its entirety, to a donee without compensation or promise of compensation. CBP allows bona-fide gifts to be entered and released duty free, provided they qualify as gifts for the purposes of Customs processing. To qualify, the gift must be:

- Shipped from an individual to an individual, or a company to an individual. (Note: shipments from business to business are considered commercial shipments, not gifts.)
- Valued at \$100 USD or less per recipient, per day. (Gifts from the U.S. Virgin Islands, Guam, and American Samoa cannot exceed \$200 USD per recipient, per day.)
- Clearly marked as 'gift' on the outside of the box.

REQUIRED DOCUMENTATION

- Air Waybill and Commercial Invoice must indicate that the shipment is an unsolicited gift, not for resale.
- Complete name, address and phone number of both the shipper and the consignee must be included.
- Detailed description of the items, including if the item is homemade or store-bought (i.e. homemade sugar cookies for personal consumption; not for resale) must be included.
- Consolidated gift shipments (gifts for more than one person consolidated in the same shipment) addressed to one consignee will be treated as one importation. The commercial invoice must list the names of each individual receiving the gift, each individual's gift item(s) and the value of each item.

Example: Tina Smith – 2 pounds of store bought cookies in an enclosed tin, \$40 USD
Carson Smith – Two men's 100% silk neck ties \$45 each, total value \$90 USD

IMPORTANT – If any single gift article exceeds the gift allowance, the entire shipment will be dutiable.

SPECIAL REQUIREMENTS - FOOD

- Perishable foodstuffs are prohibited from FedEx international express services. Clearly marked as 'gift' on the outside of the box.
- Non-Perishable Food Items that are homemade or store-bought food items shipped from individual to an individual valued under \$200 USD do NOT require submission of FDA Prior Notice.

Content Intended for FedEx Express Customers Only

- Specialty baskets and items ordered through an online commercial establishment and sent to an individual require submission of Prior Notice to the FDA if a company name is shown anywhere on the Air Waybill
- If shipped from person to person, the Air Waybill and Commercial Invoice must clearly show the shipper and consignee as an individual
- Shipments from a business to an individual, individual to a business, or business to business will require the FDA Prior Notice regardless of value.

SPECIAL REQUIREMENTS - OTHER

- Textile quota limitations and apparel items do NOT apply to gift shipments.
- Alcoholic beverages, cigars and cigarettes from an individual to an individual are prohibited from FedEx international express service. Cuban cigars are prohibited entry into the United States.
- Perfumes containing alcohol are excluded from the gift provision; require formal entry, and may be subject to duty/tax assessment.
- Personal and Household effects articles purchased solely for the personal use of an individual and shipped unaccompanied, will be entered under separate Customs provisions, not as a gift.
- Articles originating from wildlife or containing wildlife parts may incur Fish & Wildlife clearance and fees.

NON-COMPLIANCE RAMIFICATIONS

Possible service delays, duties/taxes may be assessed if not declared as gift or eligible for processing under gift provisions.

Timeline for Implementation: Immediate

References:

19 CFR 10.152 Bona-fide Gifts

https://ecfr.io/Title-19/se19.1.10_1152

19 CFR 10.153 Conditions for Exemption

https://ecfr.io/Title-19/se19.1.10_1153

FDA Prior Notice Policy for Sending Gifts

<https://www.fda.gov/Food/GuidanceRegulation/ImportsExports/Importing/ucm086165.htm>