

ITEM: Powdered cooked chicken, made from chicken meat that has been ground, cooked and spray dried and put up in a 25 kg bag. The ingredients are the following: mechanically separated and cooked chicken meat (99.9 %) and antioxidant (rosemary extract) (0.1 %).

Tariff Classification Suggestion

Phase 1

Top 3 candidate chapters

Chapter Justification

- 02** By GRI 1, heading 02.10 expressly covers edible flours and powders of meat; the product is a cooked chicken powder that fits this text. Mechanically separated chicken is recognized as edible meat in Chapter 02 notes (thus suitable for Chapter 02). The 0.1% rosemary antioxidant does not alter the essential character; mixed products remain in the heading per GRI 2(b) and GRI 3(b) if applicable.
- 16** Chapter 16 covers preparations of meat, but Note 1 excludes products prepared or preserved by the procedures cited in Chapter 02; edible meat powders are specifically provided for in 02.10, so Chapter 16 does not apply here.
- 23** Heading 23.01 covers meat flours/powders that are not fit for human consumption; since the product is edible (Chap. 02 Note 1 clarifies 02.10 excludes only non-edible goods), Chapter 23 is excluded.

Phase 2

TARIFF CLASSIFICATION RULING

I. Legal framework

- General Rules of Interpretation (GRI) • GRI 1. “The titles of Sections, Chapters or Sub-Chapters are provided for ease of reference only; for legal purposes, classification shall be determined according to the terms of the headings and any relative Section or Chapter Notes...” • GRI 2(b). “Any reference to a material... in a heading shall be taken to include mixtures or combinations of that material... The classification of goods consisting of more than one material shall be according to the principles of Rule 3.” • GRI 3(a). “The heading which provides the most specific

description shall be preferred to headings providing a more general description.” • GRI 3(b). When Rule 3(a) is inoperative for mixtures or composite goods, classification shall be “as if they consisted of the material or component which gives them their essential character.” • GRI 6. “The Rules 1 to 5 above shall apply mutatis mutandis to the classification at subheading level... the scope of a two-dash subheading shall not extend beyond that of the one-dash subheading to which it belongs.”

- Chapter Notes and legal texts (LIGIE/National Explanatory Notes – NESA) • Chapter 16, Note 1: “This Chapter does not cover meat or edible offal... prepared or preserved by the processes specified in Chapters 02 and 03...” • Chapter 16, Subheading Note 1 (1602.10): “Homogenized preparations” are finely homogenized preparations “put up for retail sale... in containers of a net weight not exceeding 250 g... This subheading 1602.10 takes precedence over the other subheadings of heading 16.02.” • Chapter 02, Note 1(a): For headings 02.01 to 02.08 and 02.10, “this Chapter does not cover products unfit for human consumption.” • National Note, Chapter 02, 1(b): “Mechanically deboned” meat means an edible semisolid paste obtained by grinding meat originally attached to carcasses and separated from bone by mechanical means; commonly used for processed meats. • Heading 02.10 text: “Meat and edible meat offal, salted or in brine, dried or smoked; edible flours and powders of meat or of meat offal.” Within this heading, the group “Other, including edible flours and powders of meat or of meat offal” leads to subheadings 0210.91 to 0210.99; 0210.99 covers “Other.”

II. Legal-technical analysis Product described: powdered cooked chicken, obtained from mechanically separated chicken meat that is ground, cooked and spray-dried, in 25 kg bags; 99.9% chicken meat, 0.1% antioxidant (rosemary extract).

a) Chapter determination (Chapter 02 vs. Chapter 16)

- The product is a meat powder obtained by spray-drying (i.e., dried). Chapter 16 expressly excludes meat “prepared or preserved by the processes specified in Chapter 02” (e.g., drying). Therefore, by GRI 1 and Note 1 to Chapter 16, these goods must be classified in Chapter 02 if they meet its terms.
- Additionally, Chapter 02 covers edible products (Chapter 02 Note 1(a)); no information suggests the goods are unfit for human consumption, so the exclusion in Note 1(a) does not apply.

b) Heading determination within Chapter 02

- Heading 02.10 expressly covers “edible flours and powders of meat or of meat offal,” in addition to meat that is salted/in brine/dried/smoked. By GRI 1, a meat powder that is edible is prima facie classifiable in heading 02.10 as “edible flour/powder of meat.”
- The small addition of antioxidant (0.1%) does not alter the essential character of the product as meat powder; under GRI 2(b) and 3(b), a reference to a material includes that material even when mixed with other substances, and classification follows the component that confers the essential character—here, the chicken meat at 99.9%.

c) Subheading determination (GRI 6)

- Within 02.10, the one-dash group “Other, including edible flours and powders of meat or of meat offal” is the relevant group for meat powders.
- Two-dash subheadings in this group distinguish species: 0210.91 (primates), 0210.92 (cetaceans, sirenians, pinnipeds), 0210.93 (reptiles), and 0210.99 (Other). Chicken is not covered by 0210.91–0210.93; hence, by GRI 6, the correct subheading is 0210.99.

III. Exclusion of alternative headings/subheadings (Chapters 02 and 16 only)

- Heading 16.02 (Other prepared or preserved meat): Excluded because Chapter 16 does not cover meat prepared/preserved by Chapter 02 processes; drying (spray-drying) brings the product under Chapter 02 per Note 1 to Chapter 16 and GRI 1. Even though the meat is cooked, the decisive factor is that it is an edible meat powder—explicitly described in heading 02.10—so, under GRI 3(a), 02.10 (which specifically names edible meat powder) is more specific than the generic “other preparations” of 16.02.
- Subheading 1602.10 (Homogenized preparations): Not applicable because it is limited to finely homogenized preparations “put up for retail sale... in containers of ≤250 g,” a condition not met by 25 kg bags; besides, the product is not presented as food for infants/dietetic use per that legal note.
- Heading 16.03 (Extracts and juices of meat): Not applicable; the product is not a meat extract or juice but an edible powder of meat; heading 02.10 specifically names edible meat powder, which prevails by GRI 3(a).
- Subheadings 0210.11, 0210.12, 0210.19 (pork) and 0210.20 (bovine): Not applicable by species; the product is chicken.

- Subheadings 0210.91 (primates), 0210.92 (cetaceans/sirenians/pinnipeds), 0210.93 (reptiles): Not applicable by species; chicken is not included in these subheadings; “Other” (0210.99) therefore applies.
 - Heading 02.09 (Bacon and animal fat without lean meat; pig or poultry fat, rendered or otherwise): Not applicable; the goods are meat powder, not fat or bacon; 02.09’s scope is different and specific to fat/bacon structures.
- IV. Documentary requirements (to substantiate the above legal criteria) To verify and support the classification at customs clearance, the importer should provide:
- Detailed technical data sheet and full quantitative formulation, evidencing 99.9% chicken meat and 0.1% antioxidant, to apply GRI 2(b)/3(b) on essential character and to confirm edibility per Chapter 02 Note 1(a).
 - Process flow (grinding, cooking, spray-drying) and physical form description confirming the product is an edible meat powder as covered by heading 02.10.
 - Packaging and presentation details (industrial 25 kg bag) to exclude 1602.10 (retail packs ≤250 g for infant/dietetic use).
 - If any salting/brining were claimed, a laboratory certificate of NaCl content would be relevant only to specific national notes on salted/brined poultry in 0210.99; otherwise, not required for edible meat powder classification.

V. Conclusion

- Classification table (scope limited to subheading level): • Chapter: 02 • Heading: 02.10 • Subheading: 0210.99 • Fraction: Not determined (scope limited to subheading) • NICO: Not determined (scope limited to subheading)

Resolution: By application of GRI 1, 2(b), 3(a), 3(b) and 6, considering Chapter 16 Note 1 and the legal text of heading 02.10, the product “powdered cooked chicken (mechanically separated chicken meat, cooked and spray-dried; 99.9% meat; 0.1% rosemary extract)” is classified at the subheading level as 0210.99, as an edible meat powder falling within “Other, including edible flours and powders of meat or of meat offal,” not covered by the species-specific subheadings 0210.91 to 0210.93 and not within pork or bovine groupings.

Conditional determination Not applicable. Based on the information provided, the classification does not depend on missing data; the legal text of 02.10 expressly covers edible meat powders, and species analysis leads to 0210.99 under GRI 6. CRITERIA MISSING: None.