



# FedEx Regulatory Alerts & Updates

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

November 10, 2017

### **Background Information**

The U.S. Customs and Border Protection (CBP) defines gift as an unsolicited article given to the recipient without compensation. CBP allows true gifts to be entered and released duty free, provided they qualify as gifts for the purposes of Customs processing:

- Must be from an individual to an individual or from a company to an individual. Shipments from business to business are considered as 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.
- Properly marked as 'gift' on the outside of the box.

**NOTE – If any item exceeds the gift allowance, the entire shipment will be dutiable.**

### **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
- 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)
- For consolidated gift shipments (gifts for more than one person consolidated in the same shipment), list the names of each individual receiving the gift, each individual's gift item(s) and the value of each item.

Example:

Allison Jones – 2 pounds of store bought pastries in an enclosed tin, \$35 USD  
Kendall Jones – 2 men's 100% cotton long sleeve T-shirts, \$50 each, total value \$100 USD

## **Special Requirements - Food**

- Perishable foodstuffs: are prohibited from FedEx International Express Service
- Non-Perishable Food Items: homemade or store-bought food items shipped from individual to an individual valued under \$200 USD do NOT require submission of FDA Prior Notice.
  - 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**

- Textiles: Quota limitations on textiles 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, duty/tax 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://www.gpo.gov/fdsys/pkg/CFR-2012-title19-vol1/xml/CFR-2012-title19-vol1-sec10-152.xml>

19 CFR 10.153 Conditions for Exemption

<https://www.gpo.gov/fdsys/pkg/CFR-2012-title19-vol1/xml/CFR-2012-title19-vol1-sec10-153.xml>