

SECTION 16, CUSTOMS TARIFF

16. (1) The Governor in Council may from time to time, as he deems it expedient, order that goods of any description or class specified in such order, imported into Canada, shall be marked, stamped, branded or labelled in legible English or French words, in a conspicuous place that shall not be covered or obscured by any subsequent attachments or arrangements, so as to indicate the country of origin; and said marking, stamping, branding or labelling shall be as nearly indelible and permanent as the nature of the goods will permit.

(2) All orders made by the Governor in Council under this section shall have effect from and after the day on which the same are published in the *Canada Gazette*, or from and after such later day as is appointed for the purpose in such orders, and during such time as is therein expressed, or if no time is expressed for that purpose, then until the same are revoked or altered.

(3) All such goods imported into Canada after the date of the coming into force of any such order of the Governor in Council which do not comply with the requirements of such order, shall be subject to an additional duty of ten per centum ad valorem to be levied on the value for duty purposes, and in addition such goods shall not be released from Customs possession until they have been so marked, stamped, branded or labelled under Customs supervision at the expense of the importer.

(4) If any person shall violate any of the provisions so established relating to the marking, stamping, branding or labelling of any such imported goods, or shall deface, destroy, remove, alter or obliterate any such marks, stamps, brands or labels, with intent to conceal the information given by or contained in such marks, stamps, brands or labels, he shall be liable on summary conviction to a penalty not exceeding one thousand dollars, or to imprisonment not exceeding one year, or to both fine and imprisonment.

(5) The minister may make such regulations as are deemed necessary for carrying out the provisions of this section and for the enforcement thereof.

GENERAL REGULATIONS

1. The country of origin of a manufactured article is held to be the country in which the article has been finished by a substantial amount of labour amounting to not less than one-fourth the cost of production of such article in condition as imported into Canada.

2. Goods entered for immediate exportation or in transit through Canada are not required to be marked.

3. When imported goods are found to be not legally marked, the Appraiser or other proper officer will note the fact on the invoice and the additional duty shall be levied accordingly.

4. The Appraiser or other officer will report all goods not properly marked to the Collector, who will notify the importer to re-deliver the unexamined packages or to arrange to mark the goods under Customs supervision.

5. Importers may be permitted to mark examined goods in Customs warehouse, or arrange for the marking of same under Customs supervision on their own premises.

6. Whether the markings found on goods in condition imported is as nearly indelible and permanent as the nature of the goods will permit is a

question of fact to be determined in each instance by the Collector subject to the decision of the Commissioner of Customs.

7. If the importer fails to mark goods when called upon to do so by the Collector, the Collector may require the same to be exported, and in default thereof, the goods shall be treated as unclaimed, dated from time of importation, and if sold, must be sold on condition that they be marked by the purchaser under Customs supervision.

8. The words "Made in," "Produced in," "Printed in," or other words of similar import, followed by either the name of the country or the name of the city and province, state or other division of a country in which that city is located and in which the goods referred to are produced, comprises a satisfactory indication of the country of origin. The name of a manufacturer or producer followed by the name of the country or a city or place and the province, state, or other division of the country in which that city or place is located, and in which the goods so marked are made or produced, will also be accepted as satisfactory. In the case of universally known large cities, such as London, Liverpool, Manchester, Birmingham, Paris, Berlin, Vienna, New York, Chicago, Boston, Philadelphia and Detroit, the name of the city without the relative state or province in combination with "Made in," "Produced in," "Printed in," and words of similar import, or with the name of the manufacturer or producer, will be accepted as satisfactory.

9. Articles imported and entered at Customs under any of the following Tariff Items are exempt from marking under Section 16 of the Tariff: 174, 176, 178 (b), 481, 690, 693, 695, 695 (a), 696, 704, 705, 706, 707, and 743. Articles of value as antiques or curios, imported by individuals for private collections, are also exempt from marking.

ORDERS IN COUNCIL AND REGULATIONS ESTABLISHED THEREUNDER

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue, and under and by virtue of the powers granted by Section 16 of the Customs Tariff, is pleased to order and it is hereby ordered that goods of the description or class hereinafter specified, imported into Canada, shall be marked, stamped, branded or labelled in legible English or French words, in a conspicuous place that shall not be covered or obscured by any subsequent attachments or arrangements, so as to indicate the country of origin; and said marking, stamping, branding or labelling shall be as nearly indelible and permanent as the nature of the goods will permit.

DESCRIPTION OR CLASS OF GOODS

1. PRINTED OR LITHOGRAPHED MATTER OF ALL KINDS, INCLUDING BOOKS AND PICTURES, EXCEPT SEALS, TICKETS AND LABELS, WHICH ARE NOT CAPABLE OF BEING MARKED LEGIBLY AND EACH OF WHICH SHALL NOT EXCEED ONE INCH IN DIAMETER, IN WHICH CASE THE FIRST PACKAGE OR COVERING SHALL BE MARKED IN COMPLIANCE WITH THE GENERAL REGULATIONS.

(Order in Council of 21st September, 1922 (P.C. 1938), as amended by Order in Council of 11th June, 1923 (P.C. 1046)).

REGULATIONS

- (a) Seals, tickets or labels, exceeding one inch in their greatest dimension, whether imported in packages or in strips, sheets or rolls, perforated

or otherwise prepared for ready separation into single units, or intended to be used in such single units, must be marked with a satisfactory indication of the country of origin on each single unit.

Seals, tickets or labels, not exceeding one inch in any dimension, when imported in packages or coverings containing quantities of not more than 100 each, or in strips, sheets or rolls of not more than 100 single units, may be marked with a satisfactory indication of the country of origin on the first package or covering, or on each strip, sheet, or roll.

Seals, tickets or labels, irrespective of dimensions, when imported in packages or coverings, or in strips, sheets or rolls, in quantities in excess of 100 units, are subject to the general marking regulations, and each seal, ticket or label, is required to be marked.

- (b) Blind embossed or die-stamped indications of the country of origin on printed or lithographed matter imported into Canada will not be accepted as satisfactory compliance with the provisions of Section 16 of the Customs Tariff Act, except with respect to Christmas or greeting cards having thereon a blind embossed or die-stamped indication of the country of origin, satisfactory as to legibility and wording, and in a conspicuous position, which indication may be regarded as complying with the requirements.
- (c) Decalcomania or dry transfers exceeding one inch in their greatest dimension, not including decorative, ceramic or enamel transfers, are required to be marked with an indication of the country of origin as printed or lithographed matter on each transfer; and in order that such indication of the country of origin shall be in a conspicuous position and as permanent as the nature of the goods will permit, as required under Section 16 of the Customs Tariff Act, the said indication is required to appear on the face of each transfer in such a manner as to be conveyed along with the transfer to the article to which it is intended to be applied.

Decalcomania and dry transfers not exceeding one inch in any dimension, and all decorative transfers, may be marked with an indication of the country of origin on the back or carrier portion thereof, or on each sheet or roll.

Decalcomania transfers known as "toy transfers" may be marked on each sheet, each book, or each package.

Imported ceramic or enamel transfers are not required to be marked with an indication of the country of origin.

- (d) Ordinary printed or lithographed paper or other coverings, wrappers or containers, used merely to cover or contain shipments of goods consigned to Canada, are not required to be marked with an indication of the country of origin. (See "a" No. 7, and "e" No. 12).
- (e) Printed or lithographed containers imported by a Canadian manufacturer to contain goods manufactured or produced in Canada solely for export trade, and printed or lithographed labels, stickers or wrappers, imported by a Canadian manufacturer to be attached to goods manufactured or produced in Canada solely for export trade, may be exempted from the provisions of Section 16 of the Customs Tariff

Act, provided the importer (who must be the Canadian manufacturer) signs a certificate on the face of each entry as follows:—

The containers, labels, stickers or wrappers, described on this entry are imported bona fide by the undersigned manufacturer solely to contain or to be attached to goods manufactured or produced by him in Canada for export, and will be exported with such goods.

- (f) Imported containers, labels or wrappers, printed or lithographed, intended to be filled with or used upon domestic products may be marked in such a manner as to indicate the origin of the goods in their condition as imported, for example: "Label printed by John Jones, New York," thereby avoiding an improper imputation of origin in respect of the Canadian manufactured goods with which such imported containers, labels or wrappers are used.
- (g) Printed or lithographed matter, imported in *single* copies, unbound, for the use of the importer and not for sale, for religious, philosophical, educational, scientific or literary purposes, or for the encouragement of the fine arts, may be delivered without being marked with an indication of the country of origin, under the provisions of Section 16 of the Customs Tariff Act.
- (h) Books may be marked on the inside or outside of the front or back cover, the first or last page, or the title page.

2. WOODEN OR FIBRE LEAD PENCILS.

(Order in Council of September 21st, 1922 (P.C. 1938).)

REGULATIONS

- (a) Blind embossed or die-stamped indications of the country of origin on wooden or fibre lead pencils imported into Canada will be accepted as satisfactory. Coloured die-stamping may be used, provided that combination of colours used in the die-stamping and on the pencil does not result in an indistinct or illegible indication.
- (b) The indication of the country of origin will not be accepted as satisfactory when such indication is within one inch of an end of the pencil which is or may be pointed.

3. BUILDING BRICK.

(Order in Council of 22nd September, 1926 (P.C. 1418).)

REGULATIONS

- (a) Each brick may be marked on any of its sides or ends, by any of the following methods:
 - (1) By moulding or otherwise impressing or cutting into the brick in the course of manufacture.
 - (2) By stencilling with a permanent ink: or
 - (3) By rubber stamping with aniline dye.

4. RUBBER GLOVES.

(Order in Council of 24th June, 1929 (P.C. 258/1069).)

5. IMITATION TOTEM POLES AND COPIES OR REPLICAS THEREOF.

(Order in Council of 20th May, 1931 (P.C. 1185).)

6. EMPTY PAPER OR PAPER BOARD FOLDING OR SET UP BOXES OR CARTONS, AND EMPTY PLAIN OR CORRUGATED FIBRE OR FIBRE BOARD BOXES, FOR USE AS CONTAINERS.

(Order in Council of 31st August, 1933 (P.C. 1795).)

REGULATION

- (a) The box maker's stamp, on the carton, will be considered as a satisfactory indication of the country of origin, provided same is not on a flap which is covered or obscured when the carton is set up.

7. PAPER BAGS.

(Order in Council of 1st February, 1932 (P.C. 184).)

REGULATIONS

- (a) Paper bags, used merely to cover or contain shipments of goods consigned to Canada, are not required to be marked. (See "d" No. 1, and "e" No. 12.)
- (b) Glassine bags are subject to marking.

8. TOOTH BRUSHES AND TOOTH BRUSH HANDLES.

(Order in Council of 1st February, 1932 (P.C. 183).)

REGULATIONS

- (a) Celluloid blanks for the manufacture of tooth brushes and tooth brush handles not further manufactured than moulded or pressed are not required to be marked.
- (b) Die-stamped indications of the country of origin on tooth brush handles imported into Canada will be accepted as satisfactory, provided same comply with the requirements as to legibility and location.

9. TOILET PAPER IN ROLLS, OR IN INTERFOLD PACKAGES.

(Order in Council of 31st January, 1934 (P.C. 181/193).)

REGULATION

- (a) The indication of the country of origin is required, whether the imported toilet paper is labelled or unlabelled.

10. RAZOR BLADES (SAFETY TYPE).

(Order in Council (P.C. 2505) of 11th October, 1934, effective on and after 1st January, 1935.)

REGULATION

- (a) Razor blades may be marked by means of etching or die-stamping.

11. BOOTS, SHOES AND SLIPPERS.

(Order in Council (P.C. 2505) of the 11th October, 1934, effective on and after 1st January, 1935.)

REGULATION

- (a) Boots, shoes and slippers may be marked on one or both of each pair.

12. PAPER ENVELOPES.

(Order in Council (P.C. 2505) of 11th October, 1934, effective on and after 1st January, 1935.)

REGULATIONS

- (a) Paper (including glassine) envelopes, when imported enclosed in bands, wrappers, packages or boxes containing quantities not exceeding 100 envelopes, will be considered as satisfactorily marked if the indication of the country of origin appears on the first or immediate band, wrapper or other covering. Should, however, envelopes be imported in individual packages which contain more than 100 envelopes, each envelope will be required to be marked.
- (b) Envelopes enclosed in boxed or packaged personal or social stationery may, irrespective of quantity, be marked on the first or immediate box, package, or other covering.
- (c) In the case of greeting cards imported in boxes or packages with envelopes in equal quantity to match, the envelopes will not be required to be marked, provided each greeting card bears a satisfactory indication of the country of origin.
- (d) Blind stamped indications of the country of origin will be accepted as satisfactory, provided the marking otherwise complies with the requirements as to location, legibility, and wording.
- (e) Paper envelopes used merely to contain or cover shipments of goods consigned to Canada are not required to be marked. (See "d" No. 1 and "a" No. 7.)

13. CHINAWARE AND PORCELAINWARE (NOT INCLUDING SANITARY OR TOILETWARE, DECORATED OR UNDECORATED, AS FOLLOWS:—

- (i) ARTICLES COMMONLY USED IN CONNECTION WITH THE SERVING OF FOOD OR DRINK;
- (ii) KITCHENWARE AND UTENSILS;
- (iii) HERALDRIC AND SOUVENIR WARE.

(Order in Council (P.C. 2505) of 11th October, 1934, effective on and after 1st January, 1935.)

REGULATIONS

- (a) Chinaware and porcelainware must be marked on each piece, except in instances where a lid or cover accompanies a pot, bowl or dish, in which case the lid or cover need not be marked where the pot, bowl or dish itself bears an indication of the country of origin.
- (b) An indication of the country of origin will not be accepted as complying with the requirements as to permanency if, although otherwise satisfactory, the marking has been accomplished by means of painting or stamping after the articles have been kiln-fired in the process of manufacture, and payment of additional duty of 10 per cent will be required in respect of all such goods. Until further instructed, however, chinaware or porcelainware not marked or not

sufficiently marked at the time of importation may, after payment of the additional 10 per cent duty, be marked by means of stamping or painting or by means of an adhesive label.

- (c) With respect to chinaware and porcelainware, the Department will accept the name of the country alone as a satisfactory indication of the country of origin, and will also accept the name of the manufacturing or producing firm accompanied by the country of origin, without the inclusion of the city or province in that country in which the manufacturer or producer is located. In the case of chinaware and porcelainware, the words "Made in," "Produced in," or words of similar import are not required.

MARKING OF GOODS IMPORTED FROM A FOREIGN COUNTRY HAVING THEREON THE NAME OR TRADE MARK OF A DEALER OR TRADER IN THE UNITED KINGDOM, IN CANADA, OR ANY OTHER BRITISH COUNTRY.

The importation of the following goods into Canada is prohibited under Item 1209, Schedule C, viz:—

"Any goods manufactured in any foreign state or country which bear any name or trade mark which is or purports to be the name or trade mark of any manufacturer, dealer or trader in the United Kingdom or in Canada, or in any other British country, unless such name or trade mark is accompanied by a definite indication of the foreign state or country in which the goods were made or produced."