

The Collector of Customs, Collectorate of Customs, (Appraisalment -West / Appraisalment -East / Appraisalment - Port Muhammad Bin Qasim / Enforcement / JIAP), Karachi /Hyderabad / (Appraisalment / Enforcement), Quetta / Gawadar / (Appraisalment / Enforcement / AIIA),Lahore / Appraisalment, Faisalabad / Appraisalment, Sambrial (Sialkot)/ Enforcement, Multan / Islamabad / Gilgit-Baltistan / (Appraisalment / Enforcement),Peshawar / Enforcement, Dera Ismail Khan / Exports (Karachi / Port Qasim) / Transit Trade (Karachi).

DETERMINATION OF CUSTOMS VALUE OF SWEET CORN, CANNED PINEAPPLE & FRUIT COCKTAIL UNDER SECTION 25A OF THE CUSTOMS ACT, 1969

(VALUATION RULING NO. 1650/2022)

C. No. Misc/18/2009-I/503.

Dated: 18-05-2022



In exercise of the powers conferred under Section 25A of the Customs Act, 1969, Customs value of Sweet Corn, Canned Pineapple & Fruit Cocktail is determined as follows: -

2. **Background of the valuation issue:** Earlier, the customs value of Sweet Corn, Canned Pineapple & Fruit Cocktail was determined under Section 25A of the Customs Act, 1969 vide Valuation Ruling No.1590/2022 dated 18.01.2022. A review petition was filed by the importers under Section 25D of the Customs Act,1969. The Director General (Customs Valuation) set aside the said Valuation Ruling vide Order in Revision No.30/2022 dated 14-04-2022 with the direction to undertake fresh exercise under Section 25A of the Customs Act,1969 to determine the Customs value of subject goods specially with reference to brands, weight and prevailing international prices. Accordingly, an exercise was initiated under Section 25A of The Customs Act,1969 to determine afresh the customs value of subject goods.

3.**Stakeholders' participation in determination of Customs value:** Meeting was held on 26-04-2022 with the importers and other stakeholders. The importers of the subject goods submitted that the suppliers of all the local brands from Philippines and Thailand are mostly same and the prices are stable in the exporting countries. The importers further contended that current market trend may be considered while determining the value of the subject goods. The stakeholders were requested to submit the following documents before or during the course of stakeholder's meetings:

- i. *Invoices of imports during last three months showing customs value.*
- ii. *Websites, names and E-mail addresses of known foreign manufacturers of the item in question through which the actual current value can be ascertained.*
- iii. *Copies of Contracts made / LCs opened during the last three months showing the value of item in question.*
- iv. *Copies of Sales Tax Invoices issued during last four months showing the difference in price (excluding duty and taxes) to substantiate their contentions.*

The Stakeholders did not provide the complete documents including sales tax invoices despite repeated requests.

4. **Method adopted to determine Customs values:** Valuation methods provided in Section 25 of the Customs Act, 1969, were duly applied in their regular sequential order to arrive at customs value of subject goods. The transaction value method as provided in Sub-Section (1) of Section 25 of the Customs Act, 1969, was found inapplicable because requisite information was not available as per law. The wide variation of values displayed in the import data as available on record also strengthened

the aforementioned fact. Hence requisite information under law was not available to arrive at the transaction value. Therefore, identical / similar goods value methods as provided in Sub-Sections (5) & (6) of Section 25 ibid were examined for applicability to the valuation issue in the instant case. The same provided some reference values but could not be exclusively and solely relied upon. In line with the statutory sequential order of Section 25, this office conducted market inquiries under sub-Section (7) of section 25 of the Customs Act, 1969 however; this method of valuation could not be exclusively relied upon. Therefore, valuation method vide Section 25(8) was examined for valuation but the same also could not be applied as conversion cost from the constituent material and allied expenses, at the country of export were not available for manufacturing of the subject goods. Finally, clearance data, market information and international prices through internet were examined thoroughly and the information so gathered was utilized for determination of customs values of the subject goods under Section 25 (9) of the Customs Act, 1969.

5. **Customs value for Sweet Corn, Canned Pineapple & Fruit Cocktail - hereinafter specified** shall be assessed to duty/taxes at following minimum Customs Value:-



| S. No. | Description of Goods | Packing | Brand | PCT Code | Proposed PCT Code for Weboc | Origin | Customs Value C&F USS/Kg (Net Content) | | |
|------------------|------------------------------------|----------------------|----------------------|----------------------|-----------------------------|---------------|--|-------------|------|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | | |
| 1. | Sweet Corn | Upto 420 Grams | Delmont & Dole | 2005.8000 | 2005.8000.1000 | All Origins | 0.85 | | |
| | | | American Garden | 2005.8000 | 2005.8000.1100 | All Origins | 0.80 | | |
| | | | Hosen | 2005.8000 | 2005.8000.1200 | All Origins | 1.10 | | |
| | | | Other Brands | 2005.8000 | 2005.8000.1300 | All Origins | 0.79 | | |
| | | Above 420 Grams | Delmont & Dole | 2005.8000 | 2005.8000.1400 | All Origins | 0.80 | | |
| | | | American Garden | 2005.8000 | 2005.8000.1500 | All Origins | 0.74 | | |
| | | | Hosen | 2005.8000 | 2005.8000.1600 | All Origins | 1.07 | | |
| | | | Other Brands | 2005.8000 | 2005.8000.1700 | All Origins | 0.69 | | |
| | | 2. | Pineapple Full Slice | Less than 2800 Grams | Delmont & Dole | 2008.2000 | 2008.2000.1000 | All Origins | 0.85 |
| | | | | | American Garden | 2008.2000 | 2008.2000.1100 | All Origins | 0.84 |
| | | | | | Hosen | 2008.2000 | 2008.2000.1200 | All Origins | 1.04 |
| | | | | | Other Brands | 2008.2000 | 2008.2000.1300 | Philippines | 0.81 |
| Above 2800 Grams | Other Brands | | | 2008.2000 | 2008.2000.1400 | Other Origins | 0.71 | | |
| | Delmont & Dole | | | 2008.2000 | 2008.2000.1500 | All Origins | 0.83 | | |
| | American Garden | | | 2008.2000 | 2008.2000.1600 | All Origins | 0.82 | | |
| | Hosen | | | 2008.2000 | 2008.2000.1700 | All Origins | 1.04 | | |
| Other Brands | 2008.2000 | | | 2008.2000.1800 | Philippines | 0.80 | | | |
| | 2008.2000 | | | 2008.2000.1900 | Other Origins | 0.70 | | | |
| | 2008.2000 | | | 2008.2000.2000 | All Origins | 0.82 | | | |
| | 2008.2000 | | | 2008.2000.2100 | All Origins | 0.80 | | | |
| 3. | Pineapple Broken Slices / Tid Bits | Less than 2800 Grams | American Garden | 2008.2000 | 2008.2000.2100 | All Origins | 1.03 | | |
| | | | Hosen | 2008.2000 | 2008.2000.2200 | All Origins | 0.80 | | |
| | | | Other Brands | 2008.2000 | 2008.2000.2300 | Philippines | 0.70 | | |
| | | | Other Brands | 2008.2000 | 2008.2000.2400 | Other Origins | 0.81 | | |
| | | Above 2800 Grams | Delmont & Dole | 2008.2000 | 2008.2000.2500 | All Origins | 0.81 | | |
| | | | American Garden | 2008.2000 | 2008.2000.2600 | All Origins | 0.92 | | |
| | | | Hosen | 2008.2000 | 2008.2000.2700 | All Origins | 0.79 | | |
| | | | Other Brands | 2008.2000 | 2008.2000.2800 | Philippines | 0.67 | | |
| | | Other Brands | 2008.2000 | 2008.2000.2900 | Other Origins | 0.74 | | | |
| | | | 2008.2000 | 2008.2000.2100 | All Origins | 0.80 | | | |
| | | | 2008.2000 | 2008.2000.2200 | All Origins | 1.03 | | | |
| | | | 2008.2000 | 2008.2000.2300 | Philippines | 0.80 | | | |
| 4. | Fruit Cocktail | Less than 2800 Grams | Delmont & Dole | 2008.9700 | 2008.9700.1000 | All Origins | 0.74 | | |
| | | | | 2008.9900 | 2008.9900.1000 | | | | |
| | | | American Garden | 2008.9700 | 2008.9700.1100 | All Origins | 0.71 | | |
| | | | | 2008.9900 | 2008.9900.1100 | | | | |
| | | | Hosen | 2008.9700 | 2008.9700.1200 | All Origin | 0.90 | | |
| | | | | 2008.9900 | 2008.9900.1200 | | | | |

| | | | | | | | |
|--|-----------|------------------------|-----------------|----------------|----------------|-------------|------|
| | | | Other Brands | 2008.9700 | 2008.9700.1300 | Philippines | 0.67 |
| | | | | 2008.9900 | 2008.9900.1300 | | |
| | | | Other Origins | 2008.9700 | 2008.9700.1400 | 0.65 | |
| | | | | 2008.9900 | 2008.9900.1400 | | |
| | | Above 2800 Grams | Delmont & Dole | 2008.9700 | 2008.9700.1500 | All Origins | 0.72 |
| | | | | 2008.9900 | 2008.9900.1500 | | |
| | | | American Garden | 2008.9700 | 2008.9700.1600 | All Origins | 0.68 |
| | | | | 2008.9900 | 2008.9900.1600 | | |
| | | Hosen | 2008.9700 | 2008.9700.1700 | All Origin | 0.79 | |
| | | | 2008.9900 | 2008.9900.1700 | | | |
| Other Brands | 2008.9700 | 2008.9700.1800 | Philippines | 0.64 | | | |
| | 2008.9900 | 2008.9900.1800 | | | | | |
| | | 2008.9700 | 2008.9700.1900 | Other Origins | 0.62 | | |
| | | 2008.9900 | 2008.9900.1900 | | | | |
| Note: In case of imports in Bulk packing i.e. more than 05 Kgs (net contents), a discount of 10% shall be admissible against customs value mentioned above. | | | | | | | |


6. In cases where declared values are higher than the Customs values determined in this Ruling, the assessing officer shall apply those values in terms of Sub-Section 25(1) of Section 25 of the Customs Act, 1969. In case of consignments imported by air, the assessing officer shall take into account the differential between air freight and sea freight while applying the Customs value determined in this Ruling.

7. **Validity of this Valuation Ruling:** The values determined vide this Ruling shall be the applicable Customs value for assessment of subject imported goods until and unless it is rescinded or revised by the competent authority in terms of Sub-Section (4) of Section 25A of the Customs Act, 1969, read with Rule 107(a), Chapter IX, of the Customs Rules, 2001.

8. **Revision of the value determined vide this Valuation Ruling:** This Valuation Ruling is appealable under the law and a revision petition may be filed against this Ruling, under Section 25D of the Customs Act, 1969, within 30 days from the date of issue of this ruling before the Director General, Directorate General of Customs Valuation, 7th Floor, Custom House, Karachi.

9. The Collectors of Customs may kindly ensure that the values given in the ruling for the given description of goods are applied by the concerned staff without fail. Any anomaly observed may kindly be brought to the notice of Directorate General immediately. Customs values determined in the ruling are for the description and specification as mentioned herein. PCT codes are mentioned for illustrative purpose so that valuation ruling values are made accessible to the assessing officer. The assessment shall be finalized on the basis of correct classification after fulfilling requisite formalities related to importability or any other certification required thereon. In addition to this, it is further necessary to verify that there is no mis-declaration of any sort or violation of Import Policy Order or Section 15 of the Customs Act, 1969 or any other law in vogue therein.

10. *This ruling supersedes Valuation Ruling No. 1590/2022 dated 18.01.2022.*

s. 
(Syed Fawad Ali Shah)
Director

Copy for information to:

1) The Member Customs (Policy/Operations), Federal Board of Revenue, Islamabad.

- 2) The Director General, Customs Valuation, Custom House, Karachi.
- 3) The Chief Collector of Customs, Appraisalment (South), Custom House, Karachi.
- 4) The Chief Collector of Customs, Enforcement (South), Custom House, Karachi.
- 5) The Chief Collector of Customs, Appraisalment (Central), Custom House Lahore.
- 6) The Chief Collector of Customs, Enforcement (Central), Custom House Lahore.
- 7) The Chief Collector of Customs (North), Custom House Islamabad.
- 8) The Chief Collector of Customs, Balochistan, Custom House, Quetta.
- 9) The Chief Collector of Customs, Khyber Pakhtunkhwa, Custom House, Peshawar.
- 10) The Director General, Intelligence and Investigation-FBR, Islamabad.
- 11) The Director General, PCA& Internal Audit, Karachi.
- 12) The Director General, IOCO, Karachi
- 13) The Director General, Transit Trade, Custom House Karachi
- 14) The Directors, Intelligence & Investigation, Karachi / Lahore / Islamabad/ Quetta/ Peshawar/ Faisalabad.
- 15) The Director, Transit Trade, Custom House Karachi
- 16) The Director, Directorate of Customs Valuation, Lahore / Peshawar / Karachi.
- 17) The Deputy Director (HQ), Directorate General of Customs Valuation, Karachi, for uploading in One Customs & WEBOC database system.
- 18) The Chairman (Valuation Committee), FPCC&I, Federation House, Clifton, Karachi.
- 19) The Chambers of Commerce & Industry, Karachi, Lahore, Islamabad, Hyderabad, Quetta & Peshawar.
- 20) The Karachi Customs Agents Group, Bohri Road, Karachi.
- 21) The Webmaster, Federal Board of Revenue, Islamabad.
- 22) Guard File.