



Ottawa, October 13, 2004

MEMORANDUM D10-14-34

In Brief

TARIFF CLASSIFICATION OF OLIVES

The attached memorandum explains the administrative policy for the tariff classification of olives prepared or processed by various commercial methods.



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THE CLASSIFICATION OF OLIVES

The following will serve to clarify the Department's administrative policy for the classification of olives, prepared or processed by various commercial manufacturing methods.

Legislation

Customs Tariff

07.09	<i>Other vegetables, fresh or chilled</i>
0709.90.90	<i>Other – Other</i>
07.11	<i>Vegetables provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption</i>
0711.20.00	<i>Olives</i>
20.01	<i>Vegetables, fruits, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid</i>
2001.90.90	<i>Other – Other</i>
20.05	<i>Other vegetable prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading 20.06</i>
2005.70.10	<i>Olives, olives sulphured or in brine but not in glass jars; Ripe olives in brine</i>
2005.70.90	<i>Other</i>

Legal Notes

Chapter 7:

- In headings 07.09, 07.10, 07.11 and 07.12 the words "vegetables" includes edible mushrooms, truffles, olives, capers, marrows, pumpkins, aubergines, sweet corn (*Zea mays var. saccharata*), fruits of the genus *Capsicum* or of the genus *Pimenta*, fennel, parsley, chervil, tarragon, cress and sweet marjoram (*Marjorana hortensis* or *Origanum majorana*).

Chapter 20:

- This Chapter does not cover:
 - Vegetables, fruits or nuts, prepared or preserved by the processes specified in Chapter 7, 8 or 11;

- Headings 20.01, 20.04 and 20.05 cover, as the case may be, only those products of Chapter 7 or of heading 11.05 or 11.06 (other than flour, meal and powder of the products of Chapter 8), which have been prepared or preserved by processes other than those referred to in Note 1 (a).

Explanatory Notes

The following Explanatory Notes are relevant to the classification of olives:

CHAPTER 7

General

"This Chapter covers vegetables, including the products listed in note 2 to this chapter ... provisionally preserved ...

Vegetables not presented in a state covered by any heading of this Chapter are classified in... For example, ...

Chapter 20."

Heading 07.09 OTHER VEGETABLES, FRESH OR CHILLED

"The vegetables of this heading include: (10) Olives"

Heading 07.11

"This heading applies to vegetables which have been treated solely to ensure their provisional preservation during transport or storage prior to use (e.g., by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), **provided** they remain unsuitable for immediate consumption in that state.

Vegetables covered by this heading are generally packed in casks or barrels, and are mainly used as raw materials ...olives, ...

However the heading **excludes** goods which, in addition to having been provisionally preserved in brine, have also been specially treated (e.g., by soda solution, by lactic fermentation); these fall in **Chapter 20** (for example, olives, ..."

CHAPTER 20

General

"This Chapter includes:

- Vegetables, fruit, nuts and other edible parts of plants prepared or preserved by vinegar or acetic acid.

- (6) Vegetables, fruit, nuts and other edible parts of plants prepared or preserved by other processes not provided for in Chapter 7...”

Heading 20.01

“This heading covers vegetables (see Note 3 to this Chapter), fruit, nuts and other edible parts of plants prepared or preserved by means of vinegar or acetic acid, whether or not containing salt, spices, mustard, sugar or other sweetening matter. These products may also contain oil or other additives. They may be in bulk (in casks, drums, etc.) or in jars, bottles, tins or airtight containers ready for retail sale.

The principal products preserved by the methods described in this heading are ...olives ...”

Heading 20.05

“The term “vegetables” in this heading is limited to the products referred to in Note 3 to this Chapter. These products (**other than** vegetables prepared or preserved by vinegar or acetic acid of **heading 20.01**, frozen vegetables of **heading 20.04** and vegetables preserved by sugar of **heading 20.06**) are classified in the heading when they have been prepared or preserved by processes not provided for in Chapter 7 or 11.

These products, whole, in pieces or crushed, may be preserved in water, in tomato sauce or with other ingredients ready for immediate consumption.

Examples of preparations which fall in the heading are:

- (1) **Olives**, rendered edible by special treatment with soda solution or prolonged maceration in brine. (Olives merely preserved provisionally in brine remain classified in **heading 07.11** – see the Explanatory Note to that heading.)”

Glossary

- Fresh: Having its original qualities unimpaired; not altered by processing “*fresh vegetables*” *Merriam-Webster Online Dictionary*
- Provisional: Providing for immediate needs only, temporary; hence. *Concise Oxford*
- Preserve: Maintain (state of things); retain (quality, condition); prepare (fruit, meat, etc.) by boiling with sugar, pickling, etc., to prevent decomposition or fermentation; keep from decomposition, by refrigeration, chemical treatment, etc. *Concise Oxford*

Prepare: (a) to make ready beforehand for some purpose, use, activity (prepare food for dinner), 3 (a) to put together (prepare a prescription) *Merriam-Webster Online*
Make ready (food, meal) for eating; 3 make (chemical product, etc) by regular process. *Concise Oxford*

Ripe: Ready to be reaped, gathered, eaten, drunk, used or dealt with, fully developed, mellow, mature, prepared or able to undergo something; in fit state. *Concise Oxford*
Fully developed; mature *ripe peaches*. Resembling mature fruit, as in fullness. Successfully advanced in preparation or aging to be used or eaten: ripe cheese. *The American Heritage Dictionary*

Unripe: Not ripe or matured; immature. Not fully ready or prepared. *The American Heritage Dictionary*

GUIDELINES AND GENERAL INFORMATION

- Fresh** means olives picked from the tree, unaltered by processing. A fresh olive can be ripe (black) or unripe (green) and is classified under tariff item 0709.90.90. The importing and transporting of fresh olives over long distances is difficult. To prevent such damage as bruising and over ripening, olives are often processed right after harvesting.
- For transportation or storage purposes, black and green olives are temporarily preserved in brine (a water and salt solution) to avoid over ripening. Provisionally preserved olives are classified under tariff item 0711.20.00. Neither the fresh olive nor the provisionally preserved olive is fit for consumption, since the bitter flavour of the oleuropein, the main chemical component of the olive, has not been removed.
- The variety of olive and state of ripeness at time of harvest normally dictates the form of commercial processing. Table olives are commonly processed using one of the following commercial methods:
 - American
 - Spanish
 - Greek
 - Kalamata

AMERICAN STYLE

4. The American method of processing begins with caustic soda washes to remove the bitter oleuropein. Between washes, the olives are ripened by exposure to the air. After the olives are washed, they can be fermented in brine or cooked in cans and sterilized. Olives processed using the American method are classified under tariff item 2005.70.10.

SPANISH STYLE

5. The processing of green or Spanish style olives is similar to the American method. However, the olives are not exposed to the air, so they stay green (unripe). After washing, the green olives are left to ferment in brine. Once the green olives are repacked in fresh brine, they are ready for consumption. Green olives may contain a pit, similar to a peach, or may be subjected to further processing such as pitting, stuffing, slicing, etc. Green olives not in glass jars are classified under tariff item 2005.70.10. Green olives in glass jars are classified under tariff item 2005.70.90.

GREEK STYLE

6. Olives picked ripe (black) are normally processed using the Greek method of processing. The ripe olives are fermented in brine, needing only to be repacked in fresh brine before consumption. Greek style olives are classified under tariff item 2005.70.10.

KALAMATA OLIVES

7. Kalamata olives, a variety of olive naturally low in oleuropein, are not treated with caustic soda. These olives are immersed in water or a weak brine solution, washed, and then fermented in vinegar before being packed in fresh brine and olive oil. Kalamata olives are classified under tariff item 2001.90.90.

COMPOSITION, PACKAGING, AND LABELLING

8. The importation of olives is subject to the *Food and Drugs Act* and *Consumer Packaging and Labelling Act* and their regulations. For information about Canada's standards on the composition, packaging, and labelling of olives, contact the Canadian Food Inspection Agency at: <http://www.inspection.gc.ca/english/toce.shtml>

REFERENCES

ISSUING OFFICE – Tariff Classification and International Nomenclature Division Admissibility Branch	HEADQUARTERS FILE – HS2005.70
LEGISLATIVE REFERENCES – <i>Customs Tariff</i> General Rules for the Interpretation of the Harmonized System Explanatory Notes to the Harmonized Commodity Description and Coding System	OTHER REFERENCES –
SUPERSEDED MEMORANDA “D” –	

Services provided by the Canada Border Services Agency are available in both official languages.

