

HF
3227
•G35
Upstate
New York
1979

markets
for canadian
exporters

UNITED STATES

UPSTATE NEW YORK

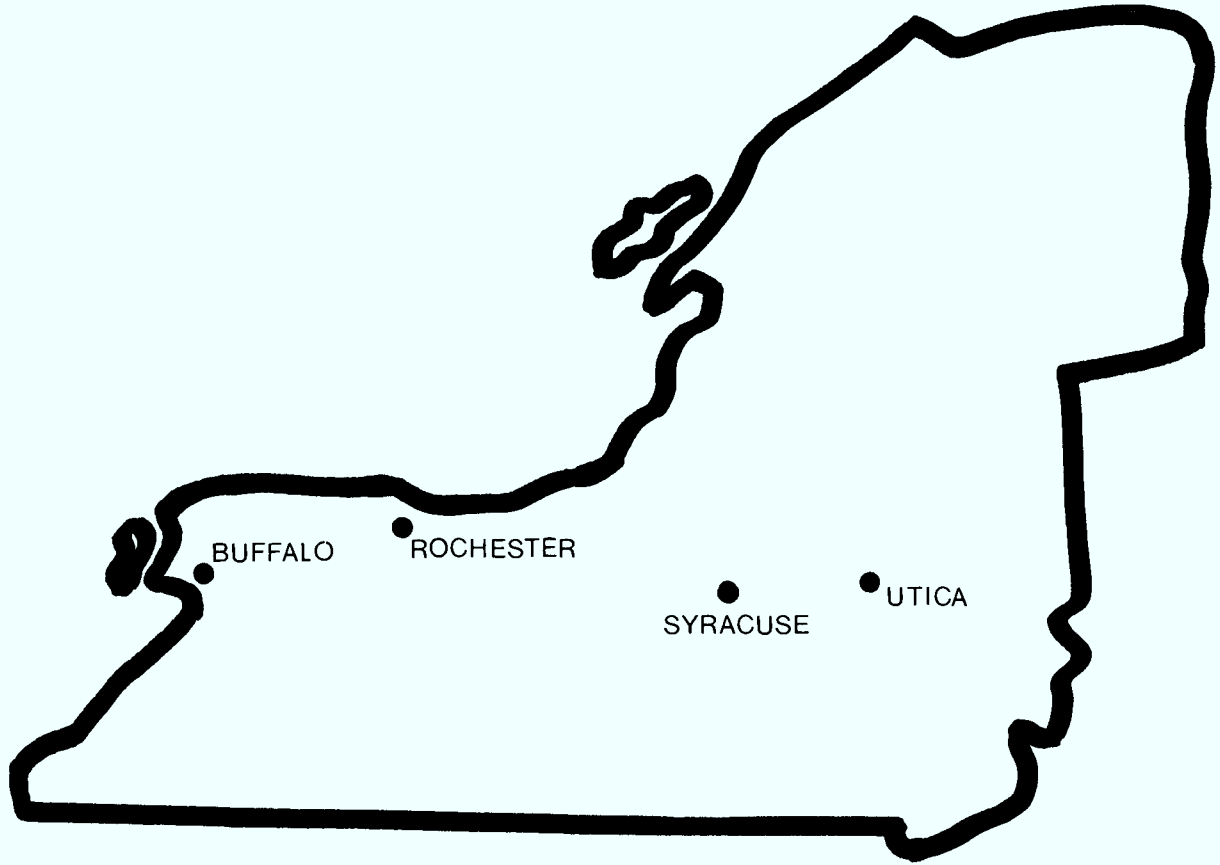


Government
of Canada

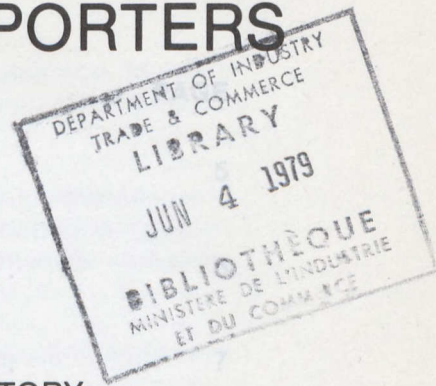
Gouvernement
du Canada

Industry, Trade
and Commerce

Industrie
et Commerce



MARKETS FOR CANADIAN EXPORTERS UPSTATE NEW YORK



THE MARKET

I GENERAL

II ECONOMY AND INDUSTRY

TRADE OFFICE RESPONSIBLE:

TOTAL TRADE TERRITORY:

BUFFALO TRADING TO UPSTATE NEW YORK

Northern New York State

IV SERVICES FOR EXPORTERS

V CUSTOMS REGULATIONS AND DOCUMENTATION

VI YOUR BUSINESS VISIT TO BUFFALO

VII USEFUL ADDRESSES

FOR FURTHER INFORMATION:

Commercial Division
Canadian Consulate
One Marine Midland Center
Suite 3550
Buffalo, NY 14203
Tel: (716) 852-1247
Telex: 009-1329 (DOMCAN BUF)

United States Division
Western Hemisphere Bureau
Department of Industry, Trade and Commerce
C. D. Howe Building
235 Queen Street
Ottawa, Ontario K1A 0H5
Tel: (613) 992-4638
Telex: 053-4124

CONTENTS

	PAGE
THE MARKET	5
I GENERAL	5
II ECONOMY AND INDUSTRY	7
III SELLING TO UPSTATE NEW YORK	9
IV SERVICES FOR EXPORTERS	12
V CUSTOMS REGULATIONS AND DOCUMENTATION	13
VI YOUR BUSINESS VISIT TO BUFFALO	21
VII USEFUL ADDRESSES	22
APPENDIX 1	26



THE MARKET

Upstate New York: Comprising Buffalo, Rochester, Elmira, Syracuse, Binghamton, Mohawk Valley and the northern economic areas along Lake Champlain and the St. Lawrence River.

The Buffalo-Rochester-Syracuse economic belt is a highly developed and rich area contiguous to the St. Catharines-Toronto-Hamilton "golden horseshoe" and the Belleville-Montreal-Eastern Townships industrial areas.

Population of 6,609,000 in upper New York is an increase of nine per cent from 1960.

New York ranks second as a state in value added by manufacture. Only six entire states exceed Upstate New York in value added by manufacture and only 12 states have greater wholesale sales.

In recent years, more than 35 per cent of shipments from Canada to the United States were cleared in the Buffalo and Ogdensburg customs districts.

The Buffalo area has the heaviest concentration of industrial and commercial activity in Upstate New York. The area is a major transshipment point because an extensive network of modern transportation has been developed to take advantage of its favourable geographic location — on the Great Lakes and at the western terminus of the Erie Canal.

I. GENERAL

Area and Geography

The trade territory of the Canadian Consulate in Buffalo is northern or Upstate New York, consisting of 39 counties listed in Appendix 1.

This area offers a wide variety of topographical features — Niagara Falls, the Great Lakes, the Finger Lakes, rich farmland and rolling mountainous areas similar to those in Northern Ontario and the Laurentians.

Climate

The climate is typical of that of the Northern United States. It has four distinct seasons ranging from very damp, cold and windy in January and February to a few hot and humid weeks in July and August. The balance of the year is quite comfortable with an average temperature year round of nearly 10°C (50°F) and 75 per cent relative humidity. Normal total precipitation is 90.4 cm (35.6 in.) of which most is in the form of rain. There is, however, a snow belt to the south which provides excellent skiing.

Local Time

Eastern Standard and Daylight Saving Time as in Ontario and Quebec.

Population

Population estimates for 1978 are:

New York State	18,241,000
Upstate New York	6,609,000

Principal Cities and Towns

Buffalo Metropolitan Area	1,365,950
Rochester Metropolitan Area	1,028,140
Syracuse Metropolitan Area	636,596
Binghamton	64,124
Elmira	39,945
Ithaca	26,226
Jamestown	39,795
Niagara Falls	85,615
Rome	50,148
Utica	91,611
Watertown	30,787

Weights and Measures; Electricity

United States measures that differ from those used in Canada are:

1 U.S. pint	16 fluid ounces	473.12 millilitres
1 U.S. quart	32 fluid ounces	946.24 millilitres
1 U.S. gallon	128 fluid ounces	3,784.96 millilitres
1 Imperial proof gallon	1.36 U.S. proof gallon	5.15 litres

Electricity for domestic use is supplied at 115 volts, 60 cycles AC.

Public Holidays

The following public holidays are observed:

New Year's Day	January 1
Lincoln's Birthday	February 12
Washington's Birthday	February (3rd Monday)
Good Friday	
Memorial Day	May (1st Monday)
Independence Day	July 4
Labor Day	September (1st Monday)
Columbus Day	October (2nd Monday)
Veterans Day	November 11
Election Day	November (1st Tuesday after 1st Monday)
Thanksgiving	November (4th Thursday)
Christmas Day	December 25

The Canadian Consulate observes the more important U.S. holidays together with Canada Day (July 1) and Canadian Thanksgiving (October).

II. ECONOMY AND INDUSTRY

Industry

Buffalo — Based on value added by manufacture, Buffalo is among the nation's top 20 metropolitan areas. In the manufacture of the following it ranks:

20th in all industries, total;
 17th in paper and allied products;
 11th in rubber and plastics products;
 11th in stone, clay and glass products;
 8th in primary metals industries;
 14th in chemicals and allied products;
 16th in food and kindred products.

Buffalo is the greatest flour milling city in the world. In 1977 Buffalo milled 1,110,587 tonnes (24,489,239 cwt.) sacks, more than Kansas City and Minneapolis the next two largest milling centres, combined. Its grain elevators have a total storage of more than 1.7 million m³ (48.4 million bushels).

The nation's 4th largest steel mill, which produced nearly 4.3 million tonnes (4.8 million tons) of steel for 1976, is located in the Buffalo area.

Rochester — The major industries in Rochester are:

Photographic equipment;
 Instruments and related products;
 Electrical and metal working machinery;
 Printing and publishing;
 Food and kindred products;
 Communications equipment.

Syracuse — The major industries are:

Electrical and non-electrical machinery;
 Food and kindred products;
 Chemicals and allied products;
 Paper and allied products,
 paperboard, containers and boxes;
 Primary metal industries;
 Fabricated metal products.

Agriculture

The chief agricultural areas of New York are in the northern and western parts of the state. The Buffalo area has 722,308 hectares (1,784,887 acres) of farmland with a product value of \$289.8 million. Cash receipts of nearly \$1.7 billion from farm marketing in 1976 ranked the state 21st in the U.S. Dairy products account for more than one-half of all farm income and the state ranks third in the production of milk. New York is important, too, as a grower of fruit (especially apples and grapes) and field crops, and as a producer of eggs and poultry. Farm production also supports a large food canning, freezing and processing industry. Some of the food products for which New York State has gained a nationwide reputation include ducks, maple syrup and such manufactured specialties as cheddar cheese and some good wines.

Natural Resources

New York State has more than 17 million acres of forest, nearly three million of which are forestry preserves. Reserves of oil are fairly small and the search for natural gas is currently under way. Niagara Falls and the Niagara Power Project generate enough electrical power to make it the largest power plant in the free world. There are more than 112,650 kilometres (70,000 miles) of navigable waterways and a marine shoreline of 1,600 kilometres (1,000 miles).

The chief minerals in New York are: zinc ore, salt, cement, crushed stone, sand and gravel. Gypsum, clay and limestone are also mined. The largest titanium mine in North America is in the Adirondacks. The state also contains the only known deposit of high-quality abrasive garnet in North America — and it is the sole U.S. producer of wollastonite.

Transportation

Highways

Buffalo area:

4 crossing points
5 interconnecting arterials
2 interstates

Northern Area:

3 crossing points
8 interconnecting arterials
2 interstates

Water Transportation

Seaway — (deep water)

33 Great Lakes lines
17 overseas steamship lines
63 million short tons cargo in 1977

Barge Canal — (connecting to Hudson River and Atlantic Ocean)

13 dry cargo carrier companies
16 bulk liquid carrier companies
1.6 million tonnes (1.8 million short tons) cargo in 1977

Truck Service

5 transcontinental carriers
11 international carriers (U.S. — Canada)
2 transcontinental heavy equipment haulers

Rail Service

7 railroad companies serving Buffalo metropolitan area represent 1/3 of the total rail mileage in the United States and Canada.

Some of the railway companies in Upstate New York are:

Conrail
 Chessie System
 Canadian National R.R.
 Delaware & Hudson
 Norfolk & Western

Airline Service

Jet service through Greater Buffalo International Airport, Niagara Falls Airport, Rochester Monroe County Airport, Syracuse Hancock Airport.

Highway Distance from Buffalo to:

Albany, New York	475 km (295 mi.)
Boston, Massachusetts	764 km (475 mi.)
Chicago, Illinois	801 km (498 mi.)
Cleveland, Ohio	291 km (181 mi.)
New York, New York	676 km (420 mi.)
Ottawa, Ontario	547 km (340 mi.)
Philadelphia, Pennsylvania	653 km (406 mi.)
Montreal, Quebec	618 km (384 mi.)
Toronto, Ontario	161 km (100 mi.)

III. SELLING TO UPSTATE NEW YORK

Market Characteristics

Buffalo, Rochester and Syracuse are large and established markets — and rank, respectively, 45th, 53rd, and 86th in the United States. Taken together they represent a consumer market larger than Atlanta, Baltimore, Boston, Cleveland or Washington. Buffalo alone is 26th in women's and girls' ready-to-wear sales. With a total personal income of \$7.2 billion, Rochester reportedly has one of the highest per capita incomes of any metropolitan centre in the U.S.

There is a wide range of sales opportunities in automobile parts and equipment, ready-to-wear clothing, handbags, furniture, electrical and mechanical components, specialty foods and other industrial and consumer goods.

The Upstate New York market is an important one for Canada and is ideally situated close to centres of major Canadian industrial activity.

Among the nation's top 300 Standard Metropolitan Statistical Areas, Buffalo is 27th. Within an 800 km (500 mi.) radius are:

55 per cent of the total United States population;
 60 per cent of the total personal income of the United States;
 62 per cent of the population of Canada;
 85 per cent of the Canadian manufacturing activity.

Buffalo is the major commercial centre and is the leading wholesale distribution point in all but two product categories. It is a lake port, railway and truck terminal and is developing as a

major air freight port. Regional directors of the United States Department of Commerce, Defense Contract Administration Services, New York State Department of Commerce and United States Customs are located here. It is a convenient port-of-call for most Canadian businessmen seeking marketing help in Upstate New York since it is only 80 km (50 mi.) from Hamilton, 160 km (100 mi.) from Toronto and 200 km (125 mi.) from London.

Customs entries at the port of Buffalo, almost exclusively from Canada, amount to nearly \$2 billion annually making Buffalo one of the largest customs districts in the United States, particularly for goods from Canada. The Ogdensburg customs district services movement of goods from the eastern end of Lake Ontario and customs entries at this point amount to nearly \$1 billion annually.

All this makes Upstate New York an excellent market for the Canadian exporter — a population of at least six million people earning billions of dollars.

The Canadian Image

Many American businessmen are not aware of the high level of Canadian industrial development and have misconceptions about Canadian design and quality capabilities. U.S. firms often do not regard Canada as “foreign” and Canadian merchandise consequently is bought and invoiced through domestic purchasing departments which can work to your advantage. Proximity to Canada and personal and corporate connections result in receptivity and a willingness to buy on the same basis as from domestic U.S. sources.

Positive Sales Psychology

Canadian exporters may face a double challenge — to sell as an American vendor does and to overcome misconceptions about Canadian capabilities. The buyer must be assured that there is nothing risky about doing business with Canada — or with a new supplier.

Before selling in the United States, Canadian companies should commit themselves to:

- 1) going after business on a continuing basis;
- 2) making the first impression a positive one to a degree they might not consider in Canada;
- 3) quoting, delivering and following up aggressively in competition with U.S. suppliers.

The Initial Approach

The best introduction is by a personal visit. Some type of representative or distributor may be appointed later but large volume buyers usually want to meet their prospective suppliers personally.

Appointments often aren't necessary with individual buyers but, as a matter of good form, it is usually advisable to start with the director of purchasing or his equivalent and, through him, meet the proper buyer. An advance notification in this case is suggested.

A complete presentation on the first call is most important. This should include literature, specifications, samples if possible and all the price, delivery and quality control information a

buyer needs to evaluate your capabilities against his current sources. Many buyers keep up-to-date records on their suppliers. A favourable impression is made if a résumé including the following can be supplied at the time of the first visit:

- vendor's name, address and telephone number;
- name, address and telephone of local representative, if applicable;
- date established;
- size of plant;
- number of employees;
- principal products;
- location of plants;
- description of production facilities and equipment;
- description of quality control facilities and procedures;
- transportation facilities;
- approximate yearly sales volume;
- list of three representative customers;
- financial and credit rating.

Reciprocal Visits

Many buying organizations check out new suppliers' facilities personally before placing continuing business. If they don't come as a matter of course, it is good sales strategy to invite them.

Following Up the Initial Call

U.S. buyers expect to be called upon more frequently than their Canadian counterparts. This may be as often as every two weeks at some period of the buying year. Most Canadian companies lack the sales force to accomplish this. The usual solution is to appoint a manufacturer's representative or to sell through brokers, jobbers or distributors as the situation warrants.

Price Quotations

Quotations should be submitted both on a laid-down basis buyer's warehouse or factory and an f.o.b. Canadian plant basis, exclusive of Canadian sales and excise taxes. Always quote in U.S. funds unless specifically requested otherwise. The landed price should include transportation charges; U.S. customs duties, if applicable; brokerage fees; and insurance. The quotation should be comparable in format to quotations from U.S. sources. Buyers can't be expected to understand, or be sympathetic to, customs duties or other matters peculiar to international transactions. This is solely the responsibility of the Canadian exporter and a "cost" of international business.

Canadian exporters may not be granted the same opportunities for renegotiating initial quotations as they have been accustomed to in Canada. This is because U.S. buyers must often work to tighter purchasing deadlines and target prices. Thus, they may have to accept the first bid as final.

Manufacturer's Representative

The commission agent or salesman is more commonly used as a sales technique in the U.S.

than in Canada. The better “reps” are highly qualified by education, training and experience. They know their customers and call regularly not only at the buying level but also on engineering, design and quality control officers. The advantages of reps can include economy, closer contacts, including social ones, with buyers and they are on the scene immediately when problems arise. The Canadian Consulate in Buffalo maintains information on the majority of manufacturers’ representatives operating in its market territory and can often make suitable suggestions for Canadian manufacturers.

Delivery

Delivery must be exactly to customers’ specifications and these are as rigid as any in the world. Many U.S. plants work on inventories as short as one or two days and could be shut down by a delay of a few hours. Failure to adhere to rigid delivery schedules is one of the surest ways to not being asked to quote again.

IV. SERVICES FOR EXPORTERS

Banking

There are no Canadian banks with representatives in Upstate New York but the branches of Canadian banks in Fort Erie and Niagara Falls, Ontario, are in constant contact with their counterparts on the American side of the Niagara frontier. In addition, the international divisions of the Canadian banks in Montreal and Toronto are in a position to assist exporters.

Please refer to the “Useful Addresses” section for a listing of prominent Upstate banks and customs brokers serving this market territory.

Patents, Trademarks and Copyrights

General

An informative booklet entitled “General Information Concerning Patents” is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20302.

Patents

All business with the Patent Office should be transacted in writing and all letters addressed to the Commissioner of Patents, Washington, DC 20231.

U.S. patent laws make no discrimination with respect to the citizenship of the inventor. However, the application for patent must be made by the inventor who must sign the papers (with certain exceptions).

Most inventors employ the services of persons known as patent attorneys or patent agents. The Patent Office cannot recommend any particular attorney or agent but does publish a list of all registered patent attorneys and agents who are willing to accept new clients, arranged by states, cities and foreign countries.

Trademarks

A trademark relates to the name or symbol used in trade to indicate the source or origin of goods. Trademark rights will prevent others from using the same on identical goods but do not prevent others from making these goods without the trademark.

The procedure relating to the registration of trademarks and some general information on trademarks is given in a pamphlet called "General Information Concerning Trademarks" which may be obtained from the Patent Office.

Copyright

Copyright protects the writings of an author against copying. Literary, dramatic, musical and artistic works are included within the protection of the copyright law which, in some instances, also confers performing and recording rights. The copyright goes to the form of expression rather than the subject matter of writing. Note: copyrights are registered in the Copyright Office in the Library of Congress and the Patent Office has nothing whatsoever to do with copyrights. Information concerning copyrights may be obtained from Register of Copyrights, Library of Congress, Washington, DC 20540.

Licensing and Joint Ventures

If you wish to market a patented invention or product in the United States, either under a joint licensing agreement or some other arrangement, there are a number of firms specializing in patent and marketing services. The Canadian Consulate in Buffalo can help in choosing such firms.

The Canadian-American Commercial Arbitration Commission

Reference to the Canadian-American Commercial Arbitration Commission is often made in standard commercial contracts between Canadian and American companies. In the event of disputes the Canadian firm simply refers to the Canadian Chamber of Commerce, 1080, Beaver Hall Hill, Montreal, Quebec H2Z 1T2, and the American firm refers to the American Arbitration Commission, 140 West 51st Street, New York, NY 10020.

V. CUSTOMS REGULATIONS AND DOCUMENTATION

U.S. Exports to Canada

Enquiries concerning the importation of U.S. products into Canada should be referred to the United States Embassy, 100 Wellington Street, Ottawa or the U.S. Consulate or Consulate-General in Vancouver, Calgary, Winnipeg, Toronto, Montreal, Quebec, Saint John, Halifax or St. John's.

Canadian Export Documents

All Canadian exports to the United States, even when accompanying returned American merchandise, must be accompanied by Canada customs export form B-13. Canada customs requires three copies at the same time of exportation, but it is wise to prepare at least five. Two numbered copies will then be returned to the exporter unless otherwise specified on the B-13. By

doing this, the exporter avoids having to submit a form C-6 for additional certified copies of the B-13 should the goods be returned to Canada for any reason. Two numbered copies of the B-13 must always accompany the Canada customs entry as proof of export. B-13 forms may be obtained from Canada customs.

U.S. Customs and Market Access Information

To enjoy success in the United States market, a Canadian exporter requires market access information which falls into two basic categories: customs and non-customs. The former covers subjects such as documentation, tariff classification, value for duty and rates of duty, while the latter relates to the many other U.S. laws affecting imports such as food and drugs, consumer product safety, environmental protection and so on. Exporters are strongly urged to obtain all market access information on new products to be marketed in the U.S. from the U.S. Division of the Department of Industry, Trade and Commerce, in Ottawa. The Division is constantly liaising with U.S. customs and other agencies on behalf of Canadian exporters, and over the years has developed an in-depth knowledge of the interpretation and implementation of regulations governing access for imports into the U.S. market.

The address is:

United States Division
 Western Hemisphere Bureau
 Department of Industry, Trade and Commerce
 235 Queen Street
 Ottawa, Ontario
 K1A 0H5
 Tel: (613) 996-5471

U.S. Customs Regulations and Documentation Tariff Classification and Value for Duty

Request for Prospective Rulings

The U.S. Division can obtain a PROSPECTIVE CUSTOMS RULING from Washington on behalf of a Canadian exporter for articles which have not yet been exported and are not at present under consideration by the U.S. Customs Service, provided that the following information is supplied. Failure to supply all of this information will only result in delays and confusion for the exporter.

General

- a) We require a written request signed by a person who has a direct and demonstrable interest in the question, also indicating that the merchandise or subject of the request has not previously, or is not now, under consideration by any U.S. Customs Service field office.
- b) Also, include a statement of all facts relating to the transaction such as names and addresses and other identifying information of all interested parties (if known), the probable port of arrival in the United States and a description of the transaction appropriate in detail to the ruling requested.

Tariff Classification Ruling

In addition to A and B above, the following information is required for a tariff classification ruling:

- 1) A full and complete description of the article.
- 2) The chief use of the article in the United States.
- 3) The commercial, common or technical description.
- 4) Metal, wood and mineral objects and combinations thereof should include a statement of the relative quantity (by weight and volume) and the value of each in order to determine the

material in chief value and weight.

- 5) Textile materials and articles should be identified as in (4) and include the method of construction such as knit or woven, the fibres present in percentage by value and if wearing apparel, for whom it is designed to be worn.
- 6) Chemical products should be identified by their specifications and chemical analysis including a sample for U.S. customs use. Particular reference should be made if any part of the formula consists of a benzenoid chemical or its derivative stating the function of such chemical in the product.
- 7) Photographs, drawings or other pictorial representations of the articles should be submitted when samples are not sent.

Valuation Ruling

In addition to A and B above, the following information is required for a Valuation Ruling:

- 1) All information required on a U.S. special customs invoice form 5515.
- 2) The nature of the transaction, whether f.o.b./c.i.f., ex factory or some other arrangement.
- 3) Relationship of parties (if any), whether the transaction is at arms-length (i.e. between unrelated parties) and whether there have been other sales of the same or similar merchandise in the country of exportation, whether an agency situation exists and an explanation or copy of any agreement, contract or other relevant document.
- 4) A full description of the merchandise in order to determine if section 402 or 402(a) of the Tariff Act of 1930 applies and other relevant information required under the appropriate section.

Note: Privileged or confidential information should be clearly marked with an explanation as to why it is considered confidential.

Request for Internal Advice Rulings

Part 177.1(a)(2) of the Customs Regulations of the United States requires that questions arising in connection with current or completed transactions should be resolved by means of the INTERNAL ADVICE PROCEDURE at the port where entry was made. The request for an internal advice ruling can be filed by either the importer or his customs broker. The field office personnel will review the request and notify the importer of any points with which they do not agree.

The U.S. Division can provide valuable assistance and suggestions regarding points of law and previous customs practice which may support the importer's case.

Requests for advice from the U.S. Division should contain:

- 1) Copies of *all* documents related to the entry of the merchandise to which the request refers including those issued by U.S. customs.
- 2) A statement of *all* facts relative to the transaction from a commercial point of view such as domestic and foreign billing practices, price-list terms, end use of the goods, literature, drawings, pictures, method of shipment and all other pertinent facts.
- 3) A statement generally following the outline under "Request for Prospective Ruling". The U.S. Customs Service may, at its discretion refuse to consider a request for internal advice if, in its opinion, there is a clear and definitive precedent that supports its position. If the importer is not in agreement with this position, he may request a "Protest Review Decision".

Request for Protest Review

When an importer does not agree with a decision of the U.S. Customs Service, he may request a PROTEST REVIEW within 90 days from the date of liquidation. The U.S. Division can assist the importer and his broker by providing advice and suggestions on what information can be used to support the importer's case.

Entry at Customs

Goods may be "entered for consumption" at the port of arrival in the United States, whether at seaboard or on a land border, or the goods may be transported in bond to an inland port of entry and there entered for consumption.

For such transportation in bond to an interior port, an immediate transportation entry (I.T.) must be filled out at the port of arrival by either the consignee, the carrier, the U.S. customs broker or any other person having a sufficient interest in the goods for that purpose. In cases where the Canadian exporter assumes responsibility for entering the goods through U.S. customs, he may find that there are advantages in having shipments entered for consumption at the nearest or most convenient port of arrival. In this way he can remain in close touch with the broker and U.S. customs at that port of entry. However, where the U.S. purchaser intends making his own entries, it may be more convenient to have the goods transported in bond from the port of arrival to the interior port nearest the importer.

Who May Enter Goods

Goods may be entered by the consignee, his authorized employees or his agent. The only agents who can act for importers in customs matters are licensed U.S. customhouse brokers. They prepare and file the necessary customs entries, arrange for payments of duties and release of goods.

The railway express companies or other transport companies may be prepared in certain cases to enter packages through customs for the account of the exporter. If there is some difficulty or special problem connected with a shipment, the carriers may turn the matter over to a U.S. customs broker at the exporter's expense.

Goods may be entered by the consignee named on the bill of lading under which they are shipped or by the holder of the bill of lading duly endorsed by the consignee. When the goods are consigned "to order" they may be entered by the holder of the bill of lading duly endorsed by the consignor. In most instances entry is made by a person or firm certified by the carrier to be the owner of the goods for customs purposes. When goods are not imported by a common carrier, possession of the goods at the time of arrival in the United States is sufficient evidence of the right to make entry.

A non-resident of the United States may make entry of his own goods as may a non-resident partnership or a foreign corporation. But the surety on any customs bond required from a non-resident individual, partnership or corporation must be incorporated in the United States. When merchandise is entered in the name of a Canadian corporation, that corporation must have a resident agent in the state of entry who is authorized to accept service of process in the corporation's behalf.

In general, to facilitate clearance of customs it is advisable to contact a licensed U.S. customs broker who will outline the services he can provide, together with particulars on brokerage fees and other related matters.

Documentation

Normally the only documents required when shipping to the United States are a bill of lading as well as a special U.S. customs invoice 5515 and/or commercial invoice (preferably both). The use of a typewriter in preparing documents is preferred; in any case, they should be legible.

Note: Do not use red ink to fill out documents.

Bill of Lading

Normally a bill of lading for Canadian shipments is required by U.S. customs authorities. In lieu of the bill of lading the shipping receipt may be accepted if customs is satisfied that no bill of lading has been issued. Entry and release of merchandise may be permitted without the bill of lading if satisfactory bond is given in a sum equal to one and one-half times the invoice value of the merchandise. A carrier's certificate or duplicate bill of lading may, in certain circumstances, be acceptable.

Invoice

Shipments in excess of \$500 and subject to an ad valorem rate of duty, conditionally free of duty or subject to duty depending in some manner upon its value, should be accompanied at entry by a U.S. special customs invoice form 5515. However, copies of the commercial invoice are sufficient for shipments with an aggregate value of less than \$500, duty-free shipments or shipments of articles subject to specific rates of duty.

Completion of Form 5515

U.S. customs forms 5515 are available free of charge from U.S. consular offices in Canada or can be obtained from commercial stationers. While only one copy is required by U.S. customs, it is usual to forward three: one for the use of U.S. customs when the goods are examined, one to accompany the entry and one for the U.S. custom broker's file. District directors of U.S. customs are authorized to waive production of special and commercial invoices if satisfied that the importer, because of conditions beyond his control, cannot furnish a complete and accurate invoice; or that a classification, appraisalment and liquidation can properly be made without the production of such an invoice. In these cases, the importer must file the following with the entry:

- 1) any invoice received from the seller or shipper
- 2) a statement pointing out in exact detail any inaccuracies or omissions in such invoice
- 3) an executed pro forma invoice
- 4) any other information required for classification or appraisalment.

Special information with respect to certain classes of goods is sometimes required when either the customs or commercial invoice does not give sufficient information to permit classification and appraisal.

Packing List

U.S. customs authorities require three copies of a detailed packing list. This should indicate what is in each box, barrel or package in the shipment. If the shipment is uniformly packed, this can be stated on the invoice indicating how many items are in each container.

Payment of Duties

There is no provision for prepayment of duties in Canada before exportation to the United States but it is feasible for the Canadian exporter to arrange for payment by a U.S. customs broker or other agent and thus be able to offer his goods to U.S. buyers at a duty-paid price.

Liability for payment of duty usually becomes fixed at the time an entry (either for consumption or

warehouse) is filed with U.S. customs. The liability is fixed, but not the amount of duty which is only estimated at the time of the original entry. When the entry is liquidated, the final rate and amount of duty is ascertained. Obligation for payment is upon the person or firm in whose name the entry is filed.

Temporary Free Importation

Certain articles not imported for sale may be admitted into the United States under bond without the payment of duty.

Such articles must in most cases be exported within one year of the date of importation. Upon application to the district director, this period may be extended for a period not to exceed a total of three years.

Such articles may include the following:

- articles for repair, alterations or processing (not manufacture)
- models of women's wearing apparel by manufacturers
- not for sale samples for order-taking (not to include photo-engraved printing plates for reproduction)
- motion picture advertising films
- articles for testing, experimental or review purposes (plans, blueprints, photographs for use in study or for experimental purposes may be included). In the case of such articles satisfactory proof of destruction as a result of the tests with the production of a proper affidavit of destruction will relieve the obligation of exportation
- containers for merchandise during transportation
- models imported by illustrators and photographers for use solely in illustrating
- professional equipment, tools of trade, repair components for equipment or tools admitted under this item and camping equipment; all the foregoing imported by or for non-residents sojourning temporarily in the United States and for use by such non-residents
- articles of special design for temporary use exclusively in the production of articles for export
- works of art, photographs, philosophical and scientific apparatus brought into the U.S. by professional artists, lecturers or scientists for use in exhibition and promotion of art, science and industry
- automobiles, automobile chassis, automobile bodies — finished, unfinished or cutaway when intended solely for show purposes. The temporary importation bond in the case of these articles is limited to six months with no right of extension.

Commercial Travellers — Samples

Samples accompanying a commercial traveller may be admitted and entered on the importer's baggage declaration. In such cases, an adequate descriptive list or a U.S. special customs invoice must be provided. The personal bond of the commercial traveller is usually accepted to guarantee the timely exportation of the samples under U.S. customs supervision. Penalty for failure to export the samples entails loss of the privilege on future trips.

U.S. Anti-Dumping and Countervail Statutes

Due to the complexity of these statutes, exporters are encouraged to contact the U.S. Division of the Department of Industry, Trade and Commerce for answers to any specific questions.

Anti-Dumping

If a U.S. company has reason to believe that a product is being sold in the U.S. at a price lower than

the price at which it is sold in its home market, an anti-dumping complaint may be filed with the U.S. Treasury Department. The anti-dumping petition must contain information to support the dumping allegations along with evidence of injury suffered by the U.S. industry affected.

A U.S. anti-dumping investigation must be conducted within specified time frames:

1. Within 30 days of receipt of an anti-dumping petition, the Secretary of the Treasury must decide whether or not to initiate an investigation.
2. Within six months (nine months in complicated cases) of the initiation of an investigation, the Secretary of the Treasury must issue a preliminary determination on whether or not there are sales at less than fair value, i.e. dumped prices.
3. If sales were made at less than fair value, the matter would be referred to the U.S. International Trade Commission (ITC) for an injury determination which must be made within three months of the date of referral to the commission.
4. If the International Trade Commission (ITC) finds injury to a U.S. industry, an anti-dumping finding would be issued.

Countervail

Under the U.S. Countervailing Duty Statute, an additional duty may be imposed upon dutiable articles imported into the United States if any bounty or grant upon their manufacture production or export has been made. The U.S. Trade Act of 1974 enlarged the scope of the U.S. Countervailing Duty Statute to include duty-free goods. This amendment brings within the purview of the law the 70 per cent of Canadian exports to the U.S. which were previously exempt. Application of countervailing duty against free merchandise will in most cases be subject to an injury determination by the U.S. International Trade Commission.

Marking of Goods

Country of Origin Marking

All goods must be legibly and conspicuously marked in English to show country of origin.

The use of stickers or tags is permitted if used in such a manner as to be permanent, unless deliberately removed, until receipt by the final purchaser.

Certain small instruments and utensils must be marked by die-stamping or cast-in-the-mould lettering, engraving or by means of metal plates securely attached to this article.

The U.S. Customs Service may exempt certain articles from this marking. In such cases, the container must be suitably marked.

Composition Marking

Any product containing woollen fibre (except carpets, rugs, mats and upholsteries, or articles made more than 20 years before importation) must be clearly marked with the name of the manufacturer or the person marketing the product together with a statement of the fibre content of the product. If not suitably marked, an opportunity to mark under U.S. customs supervision is granted.

When the fabric contained in any product is imported, it is necessary to state the fabric's country of origin.

Fur products must be marked as to type (particular animal), country of origin and manufacturer's name; in addition they must be marked if they are used, bleached or artificially coloured, composed substantially of paws, tails, bellies or waste.

Food Labelling

All imported foods, drugs and cosmetics are subject to inspection by the Food and Drug Administration of the United States at the time of entry. The Food and Drug Administration is not authorized to pass upon the legality of specific consignments before they arrive and are offered for entry. However, the administration may offer comment on proposed labels or answer other enquiries from importers and exporters.

Advice on prospective food labels may also be obtained from the U.S. Division of the Department of Industry, Trade and Commerce in Ottawa.

Import Prohibitions and Restrictions

In addition to goods prohibited entry by most countries in the world, such as obscene or seditious literature, narcotics, counterfeit currency or coins, certain commercial goods are also prohibited or restricted. Moreover, various types of merchandise must conform to laws enforced by government agencies other than the United States Customs Service. Fur products are also subject to the Endangered Species Act and importation of certain fur skins would be prohibited.

Animals

Cattle, sheep, goats, swine and poultry should be accompanied by a certificate from a salaried veterinarian of the Canadian government to avoid delays in quarantine.

Wild animals and birds, or products thereof, are prohibited if captured, taken, shipped, possessed or exported contrary to laws of the country of origin. In addition, the purchase, sale or possession of such animals is prohibited if contrary to the laws of any part of the United States.

Plants and Plant Products

Permits issued by the Department of Agriculture are required.

Regulations may restrict or prohibit importation.

Shipments of agricultural and vegetable seeds and screenings are detained pending the drawing and testing of samples and are governed by the regulations of the U.S. Federal Seed Act.

Postal Shipments

Parcels of aggregate value not exceeding one dollar (U.S. value) may be entered free of duty.

Commercial shipments of more than one dollar value must include a commercial invoice and a customs declaration on the form provided by the Canadian Post Office and give an accurate description and value of the contents. The customs declaration must be securely attached to the package.

If the shipment comprises two or more packages the one containing the commercial invoice should be marked "Invoice Enclosed;" other packages of the same shipment may be marked as "No. 2 of 3, Invoice Enclosed in Package No. 1."

A shipment in excess of \$500 aggregate value must include a U.S. special customs invoice (form 5515) and any additional invoice information required. A shipment under \$250 aggregate value will be delivered to the addressee. Duties and delivery fees for each package are collected by the postman. Parcels containing bona fide gifts excluding alcoholic beverages, tobacco products and perfumes to persons in the United States will be passed free of duty provided the aggregate value received by one person on one day does not exceed \$10. No postal delivery fee will be charged. Such parcels should be marked as a gift and the value and contents indicated on the parcel.

American Goods Returned

U.S. products returned without any evidence of advanced value or improved condition may be entered duty free.

Articles exported from the United States for repair or alteration shall be subject to duty upon the value of the repairs or alterations. The term "repairs or alterations" means restoration, change, addition, renovation, cleaning or other treatment which does not destroy the identity of the article exported or create a new or different article. Any article of metal (except precious metal) manufactured in the United States and exported for processing and again returned to the United States for additional processing is subject to a duty upon the value of processing outside the United States provided the material which has been processed in Canada is returned to the original exporter for the further processing of the goods.

The cost or value of U.S. origin component parts used in the production of goods imported into the U.S. may be deducted from the value for duty provided the parts have not been subject to any change except operations incidental to the assembly process such as cleaning, lubricating and painting.

Special U.S. customs procedural requirements must be followed upon the exportation and return of American goods. Details may be obtained from United States Import Specialists at border points or from the U.S. Division, Western Hemisphere Bureau, Department of Industry, Trade and Commerce, Ottawa.

Duty on Containers

If used in shuttle service, the following types of containers may enter free of duty:

- 1) U.S. containers and holders including shooks and staves of U.S. production when returned as boxes or barrels containing merchandise
- 2) foreign containers previously imported and duty paid if any
- 3) containers of a type specified by the Secretary of the Treasury as instruments of international traffic.

One-trip containers are included in the dutiable value of goods.

VI. YOUR BUSINESS VISIT TO BUFFALO

There is no substitute for the personal visit. Correspondence, while better than nothing, does not excite the American businessman. In a few words, *he wants to be shown*.

Services of the Trade Commissioner

The Commercial Division of the Canadian Consulate in Buffalo is equipped to function as the liaison between Canadian and local U.S. business and industry. It actively seeks business opportunities for Canada in its territory and relays these to firms thought to be interested and capable. Potential buyers and sellers are introduced with guidance provided to either as required. Market surveys of reasonable proportions are conducted on behalf of Canadian firms and agents, distributors or other outlets recommended. The Maple Leaf Room of the Consulate is available for product displays and in-office shows. Hours of the Consulate are 8:30 a.m. to 4:30 p.m. Monday to Friday.

Advise and Consult the Trade Commissioner

When planning your first business visit to Buffalo, advise the Consulate well in advance of your arrival. Inform the staff of the objective of your visit and include several copies of the product brochures. It is extremely helpful if you work out the c.i.f. prices on at least a part of your product range. You should also list any contact you may already have made with the local business community.

With this information at their disposal, the commercial staff will be pleased to arrange a tentative itinerary and make appointments on your behalf which you can confirm upon arrival. Because of the increasing number of businessmen visiting Canada's U.S. Trade Offices, it is suggested that you leave the arrangements for hotel reservations in the hands of your travel agent.

When to Go

The best time to visit Buffalo is during the spring and fall. Avoid the Christmas/ New Year holiday period and the July/ August vacation period.

How to Get There

Airlines

Eastern and Allegheny Airlines are the only airlines that fly into Buffalo from Canada. From Syracuse, Allegheny and Eastern fly to Rochester and then on to Toronto or Montreal.

Buses

Greyhound Bus Lines maintains routes to the major cities in Upstate New York from major Canadian cities.

Where to Stay

The Consulate will be pleased to recommend suitable hotels or motels in our territory. Please refer to "Useful Addresses" for the names and address of some of the better hotels and motels in our area.

VII. USEFUL ADDRESSES

Canadian Consulate
One Marine Midland Center
Suite 3550
Buffalo, NY 14203
Tel: (716) 852-1247
Telex: 009 1329 (DOMCAN-BUF)

Canadian Government Travel Bureau
One Marine Midland Center
Suite 3550
Buffalo, NY 14203
Tel: (716) 852-7369
Telex: 009 1329 (DOMCAN-BUF)

Transportation Companies

Truck Service:

Canadian Freightways Eastern Ltd.
(Consolidated Freightways)
877 Niagara
Tonawanda, NY 14213
Tel: (716) 695-3110

The Direct System
175 Katharine
Buffalo, NY 14210
Tel: (716) 854-3101

Gottry Inc.
125 Milens Road
Tonawanda, New York
Tel: (716) 849-8050

Kingsway Transport Limited
360 Woodward Avenue
Tonawanda, NY 14217
Tel: (716) 876-2239

Onieda Motor Freight Inc.
1394 Military Road
Tonawanda, New York
Tel: (716) 873-5513

Roadway Express
383 Sawyer Avenue
Tn. Tonawanda, New York
Tel: (716) 877-1170

Inter-City Truck Lines Ltd.
P.O. Box 157
400 Woodward Avenue
Tonawanda, NY 14217
Tel: (716) 877-8775

Wallace Transport Ltd.
6650 Transit Road
Williamsville, NY 14226
Tel: (716) 634-7300

Rail Service:

Canadian National Railways
Liberty Bank Building
Buffalo, NY 14202
Tel: (716) 876-1140

McKinley Transport Ltd.
51 Peru Place
Buffalo, NY 14206
Tel: (716) 825-5110

Motorways Ontario Ltd.
81 Botsford Place
Buffalo, NY 14216
Tel: (716) 874-3321

Smith Transport (U.S.) Ltd.
151 Botsford Place
Buffalo, NY 14216
Tel: (716) 877-6922

and

112 Plum Street
Syracuse, NY 13204
Tel: (315) 422-8101

Maislin Brothers Transport Ltd.
4400 River Road
Tonawanda, NY 14217
Tel: (716) 874-4500

and

900 Jefferson Road
Rochester, NY 14623
Tel: (716) 442-9333

Overland Express Inc.
150 Milens Road
Tonawanda, NY 14217
Tel: (716) 877-1467

Colonial Consolidated Express Inc.
556 Hopkins
Buffalo, New York
Tel: (716) 824-8585

Conrail
Penn Central Station
Buffalo, NY 14212
Tel: (716) 853-3449

Norfolk & Western Railway
 9705 Park Avenue
 Buffalo, New York
 Tel: (716) 824-3260

Airline Service:

Allegheny Airlines
 Greater Buffalo International
 Airport
 Tel: (716) 632-3000

and

One Mony Plaza
 Syracuse, New York
 Tel: (315) 422-1121

and

Monroe County Airport
 Rochester, New York
 Tel: (716) 546-4660

Prior Aviation
 Greater Buffalo International
 Airport
 Cheektowaga, New York
 Tel: (716) 633-1000

American Airlines
 Greater Buffalo International
 Airport
 Tel: (716) 856-4242
 and

Hancock International Airport
 Syracuse, New York
 Tel: (315) 474-3311

and

Monroe County Airport
 Rochester, New York
 Tel: (716) 546-4660

Eastern Airlines
 Greater Buffalo International
 Airport
 Tel: (716) 852-3170

and

Syracuse Hotel
 Syracuse, New York
 Tel: (315) 472-5541

and

Monroe County Airport
 Rochester, New York
 Tel: (716) 325-2840

United Airlines
 Greater Buffalo International Airport
 Tel: (716) 856-2900

and

Monroe County Airport
 Rochester, New York
 Tel: (716) 232-1550

Principal Banks

Liberty National Bank and Trust Co.
 424 Main Street
 Buffalo, NY 14202
 Tel: (716) 854-4520

Lincoln National Bank & Trust
 Company of New York
 One Mony Plaza
 Syracuse, New York
 Tel: (315) 473-3600

Manufacturers and Traders Trust Co.
One M & T Plaza
Buffalo, NY 14202
Tel: (716) 842-4200

Niagara Frontier Bank of New York
284 Main Street
Buffalo, NY 14202
Tel: (716) 853-7375

Citibank
490 Main Street
Buffalo, New York
Tel: (716) 849-2400

Chemical Bank
5 Niagara Square
Buffalo, New York
Tel: (716) 852-5280

The Bank of New York
284 Main Street
Buffalo, New York
Tel: (716) 847-7851

Customs Brokers

C. J. Tower & Sons
128 Dearborn
Buffalo, NY 14207
Tel: (716) 874-1300

John V. Carr & Son, Inc.
631 Niagara Street
Buffalo, NY 14201
Tel: (716) 881-6550

W. R. Filbin Co. Inc.
901 Fuhrman Boulevard
Buffalo, New York
Tel: (716) 842-0901

Customhouse Broker
Maple View
Oswego, New York
Tel: (607) 963-7071

Marine Midland Bank
One Marine Midland Center
Buffalo, NY 14203
Tel: (716) 843-2424

and

19 Main Street West
Rochester, NY 14614
Tel: (716) 428-3700

and

344 South Warren
Syracuse, NY 13202
Tel: (315) 473-4000

Chase Manhattan Bank
Ellicott Square
Buffalo, New York
Tel: (716) 849-4631

F. W. Myers & Co., Inc.
100 South Elmwood
Buffalo, New York
(Myers Building
Rousse's Point, NY 12979
Tel: (518) 297-2222, Home Office)

Associated Customs House Brokers
36 West Main Street
Rochester, New York
Tel: (716) 546-1645

E. D. Dillingham, Inc.
Ogdensburg Bridge & Port Authority
Building, Administration Building
Ogdensburg, NY 13669
Tel: (315) 393-1830

(Thousand Island Bridge
Alexandria Bay
Tel: (315) 482-2231)

Hotels and Motels

Holiday Inn (downtown)
620 Delaware Avenue
Buffalo, NY 14202
Tel: (716) 886-2121

Royal Inn of Buffalo
510 Delaware Avenue
Buffalo, NY 14202
Tel: (716) 886-8333

Holiday Inn (Block from Airport)
4600 Genesee Street
Cheektowaga, New York
Tel: (716) 634-6969

The Executive Motor Inn
4243 Genesee Street
Cheektowaga, NY 14225
Tel: (716) 634-2300

Statler Hilton Hotel (downtown)
Niagara Square
Buffalo, NY 14202
Tel: (716) 856-1000

Sheraton Inn East (suburban Bflo)
2040 Walden Avenue
Cheektowaga, NY 14225
Tel: (716) 681-2400

The Charter House Motor Hotel
(suburban Buffalo)
6643 Transit Road
Williamsville, NY 14221
Tel: (716) 634-2700

Lord Amherst Motor Hotel
5000 Main Street (suburban Buffalo)
Amherst, New York
Tel: (716) 839-2200

Marriott Inn
Thurway Exit 46
Rt. 15
5257 West Henrietta Road
Rochester, New York
Tel: (716) 359-1800

Marriott Hotels
Carrier Parkway
East Syracuse, New York
Tel: (315) 432-0200

Genesee Plaza
120 Main Street East
Rochester, NY 14604
Tel: (716) 546-6400

Hotel Syracuse
(downtown)
500 South Warren
Syracuse, New York
Tel: (315) 422-5121

Syracuse Airport Inn
Hancock Airport
Syracuse, New York
Tel: (315) 454-9362

APPENDIX I**Counties in Buffalo Territory (39)**

Chataugua
Cattaraugus
Erie
Niagara
Orleans
Genesee
Wyoming
Allegany
Livingston
Monroe

Broome
Cortland
Onondaga
Oswego
Jefferson
St. Lawrence
Lewis
Oneida
Madison
Chenango

Counties in Buffalo Territory (39)

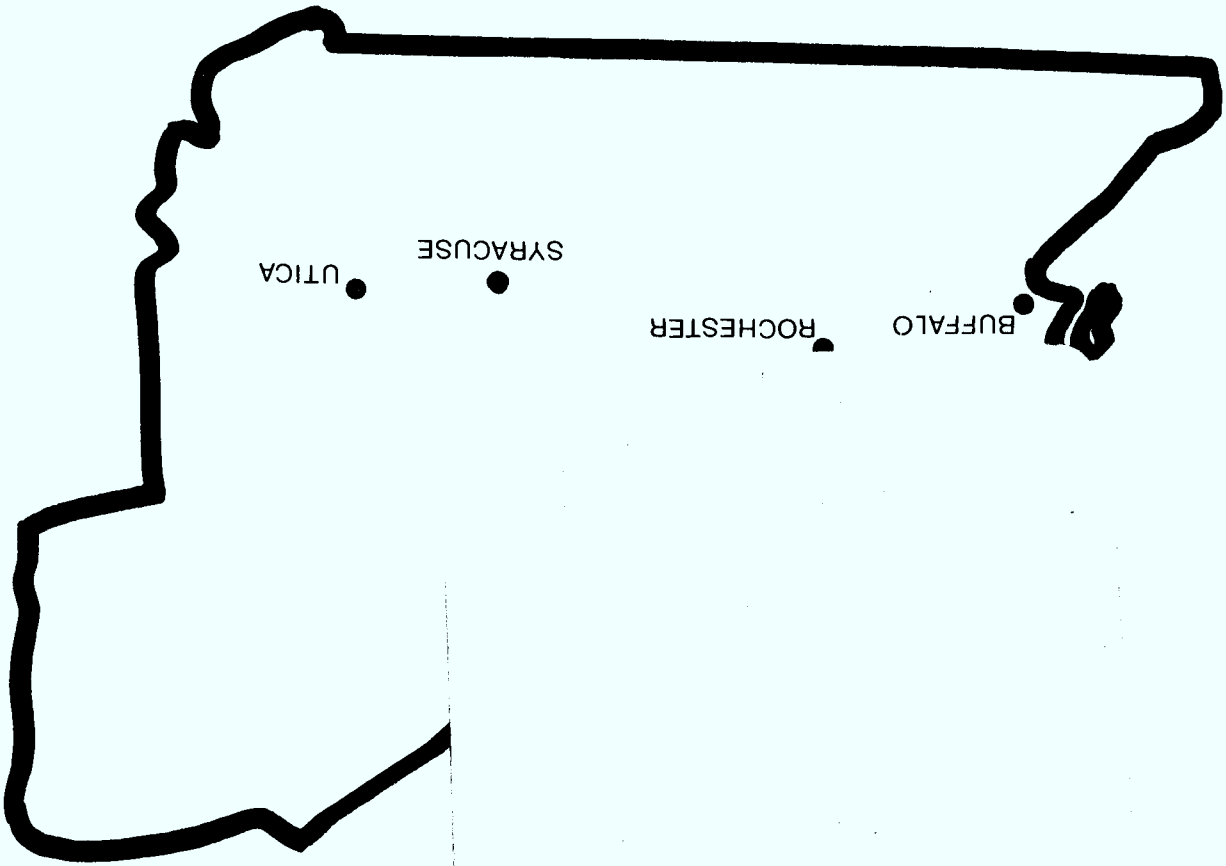
Wayne	Delaware
Ontario	Otsego
Yates	Herkimer
Steuben	Montgomery
Chemung	Fulton
Schuyler	Hamilton
Seneca	Essex
Cayuga	Franklin
Tioga	Clinton
	Tompkins

REGIONAL OFFICES

IF YOU HAVE NOT PREVIOUSLY MARKETED ABROAD, CONTACT ANY REGIONAL OFFICER OF THE DEPARTMENT OF INDUSTRY, TRADE AND COMMERCE AT THE ADDRESSES LISTED BELOW.

NEWFOUNDLAND LABRADOR	P.O. Box 6148 127 Water Street (2nd Floor) St. John's, Newfoundland A1C 5X8	Tel: (709) 737-5511 Telex: 016-4749
NOVA SCOTIA	Suite 1124, Duke Tower 5251 Duke Street, Scotia Square Halifax, Nova Scotia B3J 1N9	Tel: (902) 426-7540 Telex: 019-21829
NEW BRUNSWICK	Suite 642, 440 King Street Fredericton, New Brunswick E3B 5H8	Tel: (506) 452-3190 Telex: 014-46140
PRINCE EDWARD ISLAND	P.O. Box 2289 Dominion Building 97 Queen Street Charlottetown Prince Edward Island C1A 8C1	Tel: (902) 892-1211 Telex: 014-44129
QUEBEC	C.P. 1270, Station B Suite 600 685, rue Cathcart Montréal (Québec) H3B 3K9	Tél: (514) 283-6254 Télex: 012-0280
	Suite 620, 2, Place Québec Québec (Québec) G1R 2B5	Tél: (418) 694-4726 Télex: 051-3312
ONTARIO	Commerce Court West 51st Floor P.O. Box 325 Toronto, Ontario M5L 1G1	Tel: (416) 369-3711 Telex: 065-24378

MANITOBA	507 Manulife House 386 Broadway Avenue Winnipeg, Manitoba R3C 3R6	Tel: (204) 949-2381 Telex: 075-7624
SASKATCHEWAN	Room 980 2002 Victoria Avenue Regina, Saskatchewan S4P 0R7	Tel: (306) 569-5020 Telex: 071-2745
ALBERTA NORTHWEST TERRITORIES	500 Macdonald Place 9939 Jasper Avenue Edmonton, Alberta T5J 2W8	Tel: (403) 425-6330 Telex: 037-2762
BRITISH COLUMBIA YUKON	P.O. Box 49178 Suite 2743 Bentall Centre, Tower III 595 Burrard Street Vancouver, British Columbia V7X 1K8	Tel: (604) 666-1434 Telex: 04-51191



INDUSTRY CANADA / INDUSTRIE CANADA



222381

Government
du Canada
et Commerce
Industrie



