

(II) GAITERS, LEGGINGS, AND SIMILAR ARTICLES,  
AND PARTS THEREOF

These articles are designed to cover the whole or part of the leg and in some cases part of the foot (e.g., the ankle and instep). They differ from socks and stockings, however, in that they do not cover the entire foot.

They may be made of any material (leather, canvas, felt, knitted or crocheted fabrics, etc.) **except** asbestos.

They include gaiters, leggings, spats, puttees, "mountain stockings" without feet, leg warmers and similar articles.

Certain of these articles may have a retaining strap or elastic band which fits under the arch of the foot.

The heading also covers identifiable parts of the above articles.

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The heading also **excludes** :

- (a) Welts in the length of leather or composition leather (**heading 42.05**), of plastics (**Chapter 39**) or of rubber (**Chapter 40**).
  - (b) Knee and ankle supports (such as those consisting of elastic fabric designed simply to support or sustain weak joints); these are classified in their own appropriate headings according to the material of which they are made.
  - (c) One-piece leggings (tights) of the kind worn by very young children; these are garments which reach the waist, and fit closely round the leg and sometimes cover the entire foot (**Chapter 61** or **62**).
  - (d) Footwear parts and accessories of asbestos (**heading 68.12**).
  - (e) Special in-soles for arch supporting, made to measure, and orthopaedic appliances (**heading 90.21**).
  - (f) Cricket pads, shin-guards, knee-caps and other protective articles for sports activities (**heading 95.06**).
  - (g) Pegs, nails, eyelets, hooks, buckles, protectors, braid, pompons, laces, which are classified in their appropriate headings, buttons, snap-fasteners, press-studs, push-buttons (**heading 96.06**) and slide fasteners (zippers) (**heading 96.07**).
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district director who shall send a copy thereof to the copyright owner as well as to the importer.

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(4) *Withdrawal of bond.* Where the copyright owner has posted a bond on the grounds that the imported article is infringing, the copyright owner may not withdraw the bond until a decision on the issue of infringement has been reached.

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GEORGE J. WEISE,  
*Commissioner of Customs.*

Approved: October 8, 1993.

JOHN P. SIMPSON,  
*Deputy Assistant Secretary of the Treasury.*

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#### FOOTWEAR DEFINITIONS

In the past, footwear definitions used by Customs import specialists in classifying footwear under Chapter 64, Harmonized Tariff Schedule of the United States (HTSUS), could be found in the Automated Commercial System to which only Customs, and not the importing public, had access. It has been determined that availability of these definitions for the use of the importing community would be advantageous both to importers and Customs. Since footwear importers are required to abide by Customs terminology, it would assist them in better understanding classification requirements. In turn, by providing these definitions, Customs would benefit by reduced errors in classification, thereby reducing our administrative burden. These definitions are provided merely as guidelines. They are not to be construed as Customs rulings. Rulings as to the tariff classification of imported merchandise may be obtained from any Customs District Director or the Area Director of Customs, New York Seaport, 6 World Trade Center, New York, NY 10048 or the Commissioner of Customs, Attention: Office of Regulations and Rulings, Washington, DC 20229. See 19 CFR 177.2. The footwear definitions are set forth below.

Dated: October 25, 1993.

HARVEY B. FOX,  
*Director,*  
*Office of Regulations and Rulings.*

[Attachment]

## FOOTWEAR DEFINITIONS

*Adhesive:*

In an exclusively "Adhesive" construction, all of the pieces of the bottom would separate from the upper or from each other if all adhesives, cements and glues were dissolved. It includes:

1. Shoes in which the pieces of the upper are stitched to each other, but not to any part of the bottom.
2. Shoes in which there is a fake stitch in the sole, i.e., the stitch does not unite two different pieces, but only goes back and forth through the same piece.

It does not include:

1. "Vulcanized" construction footwear.
2. "Simultaneous molded" construction footwear.
3. Molded footwear in which the upper and the bottom are one piece of molded rubber or plastic.
4. Footwear in which staples, rivets, stitching, or any of the methods above are either primary or even just extra or auxiliary, even though adhesive is a major part of the reason the bottom will not separate from the upper.

*American:*

"American" sizes go from 0 (for newborns) through 13 $\frac{1}{2}$  (for grammar schoolers) then restart at 1 and usually go to about an 11 for women and a 13 for men, but they can go up to 22 for someone very big and/or tall.

*Athletic:*

"Athletic" footwear (sports footwear included in this context) includes:

1. Shoes usable only in the serious pursuit of a particular sport, which have or have provision for attachment of spikes, cleats, clips or the like.
2. Ski, wrestling & boxing boots; cycling shoes; and skating boots w/o skates attached.
3. Tennis shoes, basketball shoes, gym shoes (sneakers), training shoes (joggers) and the like whether or not principally used for such athletic games or purposes.

It does not include:

1. Shoes that resemble sport shoes but clearly could not be used at all in that sporting activity. Examples include sneakers with a sequined or extensively embroidered uppers.
2. A "slip-on", except gymnastic slippers.
3. Skate boots with ice or roller skates attached.

*At the Heel:*

"At the heel" does not include any of the sides of the shoe. As a rule of thumb, if using a tape measure, the part of the perimeter of the shoe "at the heel" should be less than 2 $\frac{1}{2}$  inches long.

*At the Toe:*

"At the toe" does not include any of the sides of the shoe. As a rule of thumb, if using a tape measure, the part of the perimeter of the shoe "at the toe" should be less than 2 $\frac{1}{2}$  inches long.

*Composition Leather:*

Composition leather is made by binding together fibers or small pieces of natural leather. It does not include synthetics not based on natural leather. It is usually made of leather waste formed into strips, slabs, or similar forms.

*Cork:*

"Cork" in shoes includes articles made of natural cork, compressed cork and composition (agglomerated) cork.

*Cuff:*

It is assumed that the top of the shaft, i.e., the cylindrical piece which covers the leg above the ankle, will be folded down in use to expose part of the textile lining as a "cuff" if:

1. The country of origin/size label will not be visible when the top of the shaft is cuffed down. Or, it can be easily removed without damaging the underlying material. Or, it does not detract from the appearance of the boot if it is exposed by cuffing.
2. The top 3 to 5 inches of the outside of the shaft are a poor match in color or in design for the lower part of the shaft, indicating that the boot will be cuffed to hide that area.
3. At the top of the shaft there is a split down the back which facilitates cuffing the boot, and which is so designed that, when cuffed, the back edges of the cuff lay flat and do not flare out from the body of the shaft.
4. The lining of the top 4 to 8 inches of the shaft is made of a material which is different from the lining material of the lower part of the shaft and is equally or more attractive as a cuff material than the other material.

On the other hand, it is assumed the top of the shaft will not be folded down if:

1. The size and country of origin label is securely sewn into the inside back seam within an inch or two of the top of the shaft.
2. The shaft is lined with tricot (an open unit fabric) bonded to foam plastic or with another material which is equally unacceptable in appearance as a "cuff."
3. The zipper closure goes all the way up to the top of the boot.

When none of the features described above are present, other factors, including the advertising and display of similar boots to the consumer, must be considered.

*Demarcation:*

A line of "demarcation" exists if one can indicate on the item the line along which the sole ends and the upper begins. For example, a knit infant's bootie does not normally have a line of "demarcation".

*Dissecting:*

Dissecting the welt requires that the shoe be cut through in cross section usually across the toe, and that the upper and the sole be partially forced apart without breaking the stitching which connects them. Confirmation of classification is not possible without this "dissection".

*External Surface:*

1. The "external surface" of the upper is, in general, the outside surface of what you see covering the foot (and leg, if applicable) when the shoe is worn.

A. It does not include:

1. Accessories and reinforcements such as ankle patches, edging, ornamentation, (i.e., tassels, pompoms, or braids), buckles, tabs, eyelet stays, slide fasteners, or similar attachments. Other examples include the leather pieces sewn on top of the lower part of the upper in basketball shoes, and "filled-in" embroidery.
2. The upper's lining, which faces the foot.
3. The sock lining that the foot rests on.
4. The tongue.
5. Shoelaces which do not cover the foot by themselves and velcro straps which are substitutes for shoe laces.
6. Stitching threads if either functional or forming only the outline of a design.
7. Loosely attached appurtenances such as bows secured only at the knot.

B. It does include:

1. Small holes in materials. The holes count as if they were filled with the material which surround them.
2. The flocking fibers on a flocked plastic even though they are a very minor percent of the weight of the material.
3. The top part of the lining of boots if the boot is likely to be worn sometimes with the top of the shaft folded or rolled down, thus exposing that part of the lining to view, as a "cuff".
4. Underlays, which are the outer side of lining that can be seen through large holes in the uppers. Any hole bigger than a collar button is surely "large"; one smaller than a pin head is surely not "large"; In between, it depends on the materials, shape spacing, etc.

2. The "external surface" of the "outer sole" is, in general, the part of the shoe (other than a separate heel) in contact with the ground when in use. It does not include accessories or reinforcements such as spikes, bars, nails, protectors or similar attachments. It does include the plastic dots on textile soles.

*Felt:*

Felt is a type of nonwoven fabric. It includes needleloom felt and fabrics consisting of a web of textile fibers the cohesion of which has been enhanced by a stitched bonding process using fibers from the web itself.

*Formed Uppers:*

"Formed uppers" includes:

1. In general, all items which have a layer of material between most of the foot and the ground, and which, after lacing or buckling, if needed, will stay on the foot if worn in the condition as imported and which are shaped to fit the human foot.

"Formed uppers" does not include:

1. Mocassin uppers with a significant sized hole (the size of a nickel or larger) in the bottom layer whether or not the upper is fully formed (lasted) unless the piece which will cover that opening is in the same shipment.
2. Any upper which is completely unlasted, i.e., no part of it has been bent (lasted) inward to the horizontal.
3. Uppers with outer soles (which come in contact with the ground in normal use). As long as most of the upper (that which covers the top and sides of the foot) is present; that plus the outersole adds up to "unfinished footwear" in HTS 6401-6405.

*Footwear:*

"Footwear" excludes:

1. Footwear of textile materials with no line of demarcation between the sole and the upper, i.e., you cannot remove the stitching, adhesive, etc and have a piece of material which is the sole in your hand. In general, these are similar to socks except they are not necessarily worn under shoes.
2. Flimsy (usual disposable) footwear of any material with no line of demarcation between the sole and upper. One example is a "protective boot" made by heat sealing together (down the middle) two pieces cut out from a sheet of lightweight plastic.
3. Used footwear
4. Orthopedic footwear (made to fit one particular person) and orthopedic appliances such as talipes appliances, surgical boots and cast boots. Cast boots are worn temporarily after foot surgery or trauma. The uppers consist of very adjustable straps (to accommodate the bandaged foot or cast) which leave the wearer's toes exposed. The bottoms are very rigid. They are not sold in pairs and are normally sold in surgical supply stores, usually under an MD's prescription.
5. Sports equipment, even though it covers the foot, if its essential character comes from the part(s) that do not cover the foot. Examples are skating boots with ice or roller skates attached, divers flippers, waterskis (which usually have a "foot stirrup" attached), and snowshoes.
6. Toy footwear, including doll's shoes and the plastic "high-heels" worn indoors by girls playing "dress-up like mommy."

*Foxing-Like Band:*

Briefly, a "foxing-like band" is a band around a substantial portion of the lower part of the upper which either has been attached (cemented, sewn, etc.) to the sole or is part of the same molded piece of rubber or plastics which forms the sole.

It is more convenient to first exclude those shoes which clearly do not have "foxing-like bands."

In most shoes, including almost all dress shoes, there is an exposed joint between the upper and the sole. The upper, which is basically vertical where it covers the side of the foot, curves into the horizontal in the last  $\frac{1}{8}$  inch as it approaches the sole because it will be cemented or stitched to the top of the sole, which is a flat horizontal surface. As a result, in most dress shoes one can stick the point of a pen held horizontally into an obvious gap in the outside of the shoe, which gap is just slightly below where the bottom of the foot rests. If this is the case around all or substantially all (more than 60%) of the shoe's perimeter, the shoe does not have a "foxing-like band". Note that this description assumes that the

piece of material which covers the foot is the one that is attached to the sole. To directly define "foxing-like band", it is necessary to first define a foxing band. A typical foxing band is a rubber tape, about 1 inch high by  $\frac{1}{16}$  inch thick, which covers the lower part of the upper and the edge of the rubber outersole in, for example, a basketball shoe. If a shoe has such a foxing or something you cannot distinguish from a foxing without cutting, it can be assumed to have a "foxing-like band". For those shoes which are not covered by the above, it is not possible to summarize the additional physical tests in a way that would be both practical and accurate.

*Functional:*

"Functional" stitching does not include reinforcing stitching which is not strictly necessary. If this is doubtful, remove all the stitching whose threads show on the upper at the meeting of the two pieces. If the two pieces then come apart without using any force, the exposed stitching was "functional". If they do not, it was not "functional" and the pieces are also held together by a hidden stitch, back tape, etc.

*Insole:*

An "insole" is either:

1. A thin, rigid piece of treated cardboard shaped approximately like the outline of the sole of the foot. In a standard cement construction, like in almost all dress shoes, about  $\frac{1}{4}$  inch of the edge of the upper material has been cemented to its bottom surface. There is almost always a lining layer of fabric, leather or imitation leather secured to the top of the "insole". This lining layer is what the foot (or stocking) rests on.

or:

2. A removable "insole" made of "rubber or plastics" with, almost always, a textile layer on its top surface. This textile layer is what the foot (or stocking) rests on.

*Lasted:*

In most shoes, including almost all dress shoes, the upper is "lasted" by cementing about a  $\frac{1}{4}$  inch edge of its inner surface to the bottom side of a thin, rigid "insole" shaped approximately like the sole of the foot.

*Leather:*

"Leather" in shoes excludes:

1. Any tanned animal skins with the fur, hair, wool, feathers or down still on if the "leather like" side is on the inside of the upper.
2. Any leather coated with plastic which is so thick that the external surface looks like plastic, not leather. That a plastic coating may be thicker than 0.15mm no longer changes a leather surface to plastic. Lab measurements are no longer necessary.
3. Patent (shiny) leather laminated with a plastic sheet thicker than the leather it is laminated to (it is very unlikely that it is this thick).
4. Composition leather, which is not simply the hide of an animal, but is made by agglomerating fibers, pulp, or small waste pieces of leather by using resin, glue, strong compression, etc.

"Leather" in shoes includes:

1. All tanned animal skins on which the fur, hair, wool, feathers, or down is on the inside of the upper or which are naturally hairless such as snakes and sharks.
2. Any leather coated with a layer of plastic which is not thick enough to change the external surface appearance from leather to plastic.
3. Patent (shiny) leather laminated with a plastic sheet that is thinner than the leather itself.
4. Metallized leather, which is leather coated with metal powder or metal leaf.

*Leg Warmers:*

"Leg warmers" usually cover from the ankles to the top of the thighs, but do not cover the feet or the hips. They are always of a fairly stretchy fabric. They were originally only worn by dancers when warming up but have become more widely used in the last few years. Some have a strap or "stirrup" which goes under the foot to keep them from "riding up".

*Like:*

The "like" in tennis, basketball, gym, training (jogging) shoes and the "like" includes athletic footwear (other than "sports" footwear), whether or not principally used for such athletic games or purposes.

*Line of Demarcation:*

A "line of demarcation" exists if one can indicate on the item the line along which the sole ends and the upper begins. For example, a knit infant's bootie does not normally have a "line of demarcation".

*Lip:*

The "lip" (HS) on the bottom surface of the "insole" is either a separate piece of material or a part of the "insole" which has been cut out and bent down at right angle from the rest of the "insole". The "lip" is usually about  $\frac{1}{8}$  inch long and  $\frac{1}{16}$  inch wide. If there is no "lip", this is not welt footwear for tariff purposes.

*Male Size:*

The "male size" in adult footwear is marked 2 sizes smaller than a woman's size for a shoe of the same length. A shoe of a given length would be marked as a 10 if women's sizing was used and as an 8 if men's sizing was used. In smaller sizes, the difference is less. For example, a woman's 4 is equivalent to a male's (boy) 3, and a woman's (miss) 1 is interchangeable with a male's 1.

*Molding:*

"Molding" processes in footwear exclude stitching, riveting, nailing, screwing or similar processes. Examples of those included are press molding, injection molding, slush molding, vulcanization, high frequency welding and cementing in which soles which have been previously molded or cut from sheet are stuck to the upper with any adhesive even though the material used for the sole is in its final form before the sole is stuck to the upper.

*Non-Molded:*

An upper of "non-molded" construction is made in whole or in part, of pieces of material which have been stitched together. Note that the use of vulcanization, i.e., the fusing together of two rubber pieces, does not automatically make an upper "non-molded".

*Open:*

In "open" toe shoes, all or part of the front of the wearer's toes can be seen. In open heeled shoes, all or part of the back of the wearer's heel can be seen.

*Orthopedic:*

"Orthopedic" appliances do not include mass produced insoles with arches. "Orthopedic" appliances must be made to measure for each individual and are therefore quite expensive.

*Outer Sole:*

The "outer sole" is that part of the footwear (other than a separate heel) in contact with the ground when in use. If it has no separate "outer sole", e.g., it has a one piece clog bottom, the material of the "outer sole" is the material of the shoe's lower surface.

*Overlap:* (This definition does not apply to foxing-like band determinations.)

To determine if the sole does "overlap" the upper, first saw through the shoe in cross section. This cut should be across the ball of the foot unless you can see that the "overlap" is greater somewhere else. If so, you should cut through the shoe at that point. If you cannot tell whether or not the "overlap" is uniform around the shoe, make three evenly spaced cross section cuts through the shoe thus dividing it into four pieces. Examine the cross section pieces. The sole does not "overlap" the upper if its top is perfectly flat, i.e., it does not rise at all at its edges. As a practical matter, this perfect flatness will probably be present only in a sole or midsole (if that is what the upper is cemented to) made of a piece which has been cut out from a sheet of foamed-plastic. If the top of the sole or midsole is not perfectly flat, the balance of the examination depends on how it was made. If the sole is a unit molded sole, i.e., the sole is one piece of molded plastic which, after it cooled to the solid state, was cemented to an upper, which had earlier been "lasted" to a rigid "insole", find the curve which forms the top of the outsole. On that curve, mark the lowest point which is cemented to the material of the upper (which has been folded under the "insole") and the highest point, which is always at the edges of the sole. If the shoe is worn by adults

or teenagers and if the vertical difference in height between the two points you have just marked is less than  $\frac{1}{16}$  inch, the sole is presumed not to "overlap" the upper. If the height difference is  $\frac{1}{16}$  or more, the sole does "overlap" the upper. If the shoe is worn by children or infants, the critical height difference becomes  $\frac{1}{32}$  inch. If the sole is not a unit molded sole, but has a separate piece which is attached to the edge of the sole, the sole is presumed to overlap the upper with one exception.

That exception is soles which use a fake welt. A fake welt is a strip of plastic which is cemented to the top of the edge of the sole and hugs the upper all around the shoe. It is about  $\frac{1}{8}$  inch wide and  $\frac{1}{16}$  inch thick. In no case may it be thicker than it is wide. Flat soles with fake welt strips cemented on are not considered to "overlap" the upper.

*Overlays:*

Overlays are stitched on top of another material. If the "overlays" were removed, there would still be an upper which covers the whole foot.

*Parts Thereof:*

The "parts thereof" of the upper can be quite minor. For example, even though the entire foot portion is molded, it is sufficient for exclusion from HTS 6401 that a 2 inch vinyl collar is stitched to the foot portion all around the opening at the ankle. On the other hand, very minor pieces, such as tongue, the eyelet stays or a small cuff, would not be sufficient to be the upper's "parts thereof".

*Patent:*

Leather finished with raw oil in a boiling process or finished with a synthetic lacquer. In "patent" leather, the leather is coated, not laminated, with a smooth shiny layer of plastic. Use this definition for all footwear purposes.

*Patent Leather:*

A glossy leather, usually with a varnished finish.

*Pigskin:*

"Pigskin" leather can sometimes be visually distinguished from cow leather if it has not been coated. The natural grain (the side of the skin which the animal shows) in pigskin is less shiny than grain cow leather, and it often has many very small, white/gray spots that look somewhat like pale polka dots.

*Plastics:*

"Plastics" in shoes, common examples include: PVC (Polyvinyl chloride), and EVA (Ethyl-vinyl-acetate). The term does not include a plastic material such as nylon or acrylic when made into fibers whose largest diameter is less than 1mm (approximately  $\frac{1}{25}$  inch) or either cardboard or cork which is only impregnated by a plastic, e.g., texon, picaloon and composition cork. When referring to "external surface" questions, "plastics" includes any textile material visibly coated or covered externally with plastics, which means that the coating or covering can be seen with the naked eye disregarding any resulting change of color. If a coating of non-transparent plastic is used, the coating will probably not be considered visible if you can see the weave of the underlying fabric.

*Predominately:*

"Predominately" in footwear means having a greater percent than any other single type of material. For example, an upper whose external surface is 40% leather, 25% cotton canvas, 20% silk and 15% rubber is predominately of textile materials.

*Protection:*

Footwear is designed to be a "protection" against water, oil or cold or inclement weather only if it is substantially more of a "protection" against those items than the usual shoes of that type. For example, a leather oxford will clearly keep your feet warmer and drier than going barefoot, but they are not a "protection" in this sense. On the other hand the snow-jogger is the protective version of the non-protective jogging shoe.

A. Footwear that is a "protection" against water includes:

1. Any item which will keep your foot dry if you linger in a pool of water which is more than 2 inches deep unless:
  - a. It has a rigid, thick, clog bottom but no protective features—or
  - b. In normal use, water will get in over the top of the shoe or boot, e.g. skindiving and windsurfing boots, and molded rubber beach sandals—or
  - c. It is a woman's molded high heeled shoe in which the top of the foot will be exposed to the rain—or
  - d. It is a molded downhill ski boot. They are primarily designed to protect the ankle from injury, and no non-waterproof alternative is made.
2. All items for outdoor use which have uppers or liners made of "Gortex".
3. All items which are worn over other shoes or boots to give additional protection against water, e.g., galoshes.
4. Molded rubber clogs, which are the same shape as traditional Dutch wooden shoes. They are used in gardening on wet terrain.

B. Footwear that is a "protection" against cold or inclement weather includes:

1. All items lined with thinsulate, fleece, or foamed plastic which, uncompressed, is more than  $\frac{1}{2}$  inch thick.
2. All items with heating coils and provision for electrical current from batteries.

It does not include:

1. Items that keep the foot warm but can ordinarily only be worn indoors e.g., felt slippers and slipper socks.
2. Hiking boots that are not substantially warmer or more waterproof than ordinary. In protecting the foot from the mud and sharp objects present in all weather even a non-protective hiking boot will be heavier (thus warmer and more water resistant) than most shoes.

*Protective:*

"Protective" metal toe caps are usually inserted between the upper and its lining and are designed to protect the wearer's toes from being crushed by heavy objects.

*Rubber:*

"Rubber" (HS) for footwear includes all natural and synthetic rubbers and includes the rubber cores inside elasticized fabrics even though the cores are much less than 1mm (approx.  $\frac{1}{25}$  inch) in diameter. When referring to "external surface" questions, rubber: includes any textile material visibly coated or covered externally with rubber, which means that the coating or covering can be seen with the naked eye disregarding any resulting change of color.

*Simultaneous Molded:*

In a "simultaneous molded" construction, the part of the sole which is in contact with the upper was molded into its present shape at the same time it was being attached to the upper. In a finished shoe, a "simultaneous molded" construction can be identified by:

1. Very thin, straight, vertical lines at the extreme front and extreme rear of the whole bottom, if the bottom is one piece, or at the extreme front and rear of the midsole, if the outsole is a different color than the midsole.
2. After you cut the shoe in cross section, you will find that all or part of the upper is embedded in the sole. Also, if the upper is pulled off, you will see the pattern of the weave of the textile in the top surface of the plastic of the sole. In addition, if the very common string lasted process was used, you also find a thin cord (the lasting cord) embedded about  $\frac{1}{32}$  inch below the top of the sole material and about  $\frac{1}{4}$  inch in from the edge of the sole. This cord is stitched to the edge of the upper material and it makes a complete circuit of the sole.

*Soccer Shoe:*

A "soccer shoe" does not have a stud at the very front of the toe of the sole since such a stud might catch against the ground when kicking or passing the soccer ball. An American football shoe may have a stud close to the very front of the sole for better traction. Note, Europeans usually call a "soccer shoe" a football shoe. An American football shoe is never "unisex" but a European football shoe, i.e., a "soccer shoe" is often "unisex" due to the large growth of female soccer in the U.S. combined with the general lack of "soccer shoes" made specifically for females.

*Sports:*

Sports footwear applies only to:

1. Footwear which is designed for a sporting activity and has, or has provision for the attachment of, spikes, cleats, clips, bars or the like.
2. Ski, wrestling, boxing and cycling boots or shoes and skate boots without ice or roller skates attached (if attached chapter 95 applies).

"Sports" footwear does not include any footwear which might be worn as informal wear in non-sports situations, e.g., sneakers; (usually so worn by kids) or deck (boat) shoes (usually so worn by preppies).

*Stiffeners:*

"Stiffeners" are usually inserted between the upper and its lining to give the upper shape and some rigidity. They are now usually made of plastic or plastic coated or filled textile materials. They are usually imported flat and are shaped by machines which use heat and pressure to force them into the required shape after they have been inserted into the upper.

*Slip-On:*

A "slip-on" includes:

1. A boot which must be pulled on.
2. Footwear with elastic gores which must be stretched to get it on or with elastic sewn into the top edge of the fabric of the upper.
3. Footwear with a shoe lace around the top of the upper which is clearly not functional, i.e., the lace will not be tied and untied when putting it on or taking it off.

It does not include any boot or shoe with any laces, buckles, straps, snaps, or other closure, which are probably closed, i.e. tied, buckled, snapped, etc., after the wearer puts it on.

*Textile Materials Footwear:*

Textile materials for footwear (including parts and accessories) covers the fibers (animal, man-made, vegetable), yarns, fabrics, felts, non-woven twine, cordage, ropes, etc., of HS Chapters 50 to 60.

Some of the unobvious materials included are:

1. Plastic monofilaments which do not exceed 1mm ( $1/25$  inch) in any cross-sectional dimension. This is almost always true for monofilaments used in uppers.
2. Imitation raffia (straw) which is made from flat strips of plastic, usually polypropylene, which, after they have been folded and/or twisted for use in the upper, are less than 5mm ( $1/5$  inch) wide. All imitation raffias seen by the NIS's for footwear have been textile material by this definition.

It does not include:

1. Leather or composition leather.
2. Plaiting materials of actual vegetable origin such as reeds, bamboos, rattans, straws, grasses, natural raffia, etc.
3. Horsehair or horsehair waste, if neither spun or knotted end to end. Horsehair is from the mane or tail of a horse, cow, ox, etc.
4. Hides or skins with their hair or wool.
5. Artificial fur, i.e., fibers gummed or sewn onto leather, woven fabric, or other material (so as to imitate furskin) but does not include woven or knitted long pile fabrics.
6. Any textile material which is visibly coated or covered externally with rubber and/or plastics if the coating or covering can be seen with the naked eye disregarding any resulting change of color. In general, it seems that HQ's interpretation of this condition results in many plastic coatings which were considered sufficiently thick to form a plastic surface in TSUS are not thick enough to be a visible coating in the HS. In the case of non-transparent plastic coatings on woven fabric, if the weave of the underlying fabric can be seen easily, assume the coating is not "visible".

*Turned:*

In "turned" construction, the upper is stitched to the leather sole wrong side out before the shoe is turned right side out by hand. At that time, an "insole" may be cemented into the shoe, no significant stitching is done. If the "insole" is removed, you should be able to reverse the process and turn the shoe wrong side out again by hand. If the leather plug,

approximately 3 inches long and 2 inches wide that covers the top of the front of the foot has edges that are turned up to be sewn to the side of the front of the shoe, the shoe is not "turned".

*Unassembled:*

"Unassembled" footwear includes uppers plus, on the same import carrier, the outsoles to which they will be attached.

*Unfinished Footwear:*

"Unfinished footwear" includes:

1. In general, all items which have a layer of material between most of the foot and the ground and which, after lacing or buckling, will stay on the foot if worn in the condition as imported.
2. Rubber or plastic boot bottoms which have an outsole and which cover the whole foot, if it is clear that a shaft or a collar must be added before sale to a consumer. These items resemble heavy weight, non-stretch galoshes, but the top around the foot below the ankle is not finished and the item has no closure or fastener. They are often called rubber duckie bottoms.

"Unfinished footwear" does not include:

1. Items which require back part lasting, i.e., as imported there is a more or less triangular gap in the leather insole about 2 inches wide at its base at the back of the shoe and about 3 inches long. The bottom edge of the upper in the rear  $\frac{1}{3}$  of the shoe will not have been bent (lasted) inward to the horizontal but will be pointed straight down.
2. Any upper which is completely unlasted, i.e., no part of it has been bent (lasted) inward to the horizontal.
3. Any bottom which, after shoelaces are put through the appropriate slots or eyelet stays, will still not cover at least part of the top of the foot.

*Unisex:*

It is "Unisex" if more than 5% will be worn by females. The gender is usually obvious in a dress or casual shoe, but it may be doubtful in a flat sandal or an athletic shoe. Unless there is evidence to the contrary, assume all athletic shoes for youths (approximately sizes 11.5 to 2) and men, sizes 8 and smaller, are unisex except shoes for football, boxing or wrestling.

*Upper:*

The "Upper" is part of the shoe above the separate sole or that portion of the shoe which covers the sides and top of the foot if there is no separate sole. An "Upper" can cover the whole leg, thigh, hips, and chest (e.g., fishermen's chest waders) or can consist simply of straps, laces or thongs (e.g., Roman sandals).

*Upper's Exterior Surface Area:* (TSUSA definition. Does not apply to HTS.)

The "uppers exterior surface area" is the outermost surface of the outside of the upper. As a rule of thumb, it is generally what you see covering the foot when the shoe is worn.

It does not include:

1. The lining that faces the foot if it will not be exposed when the shoe is worn.
2. The sock lining that the foot rests on.
3. The tongue.
4. Loosely attached decorations such as bows.
5. Stitching threads if either functional or forming only the outline of a design.
6. Shoelaces which do not cover the foot by themselves and velcro straps which are substitutes for shoe laces.

It does include:

1. Any "overlays" that are secured to the rest of the upper all along their edges. One cannot see the material under the "overlay" without either removing stitches or destroying on adhesive bond because they are secured along their edges. Examples are the leather pieces sewn on top of the fabric in jogging/training shoes and the rubber tapes fused to the lower part of the upper in basketball shoes.
2. Small holes in materials. The holes count as if they were filled with the material which surround them.
3. The flocking fibers on a flocked plastic even though they are a very minor percent of the weight of the material.

4. The linings of boots if the boot is likely to be worn sometimes with the top of the shaft folded or rolled down, thus exposing the lining to view.
5. Underlays, which are the outer side of lining that can be seen through large holes in the upper.
6. Embroidery which appears as complete, filled-in design, not just the outline of a design.

*Vulcanized:*

In "vulcanized" construction, a rubber tape, about  $\frac{3}{4}$  inch wide and  $\frac{1}{16}$  inch thick, is attached to the side or the top of the edge of the rubber outsole and over the bottom  $\frac{1}{2}$  inch or so of the upper, which could be made of any material. After the curing in the vulcanizing oven, it is virtually impossible to separate the rubber components which have been joined since they have basically been fused together. In addition to being extremely strong, a rubber-to-rubber "vulcanized" joint will not be weakened by immersion in water.

*Wading Outfit:*

A "wading outfit" is a fisherman's outfit, which covers the hips and often the chest, which is worn under a regular pair of boots, and which is not sold in specific shoe sizes, but as suitable for a range of sizes.

*Welt:*

"Welt" construction is made with a welt (a strip usually about  $\frac{1}{4}$  inch wide and  $\frac{1}{8}$  inch thick at its outside edge) which extends around and is stitched or cemented to the top edge of the outer sole. The welt is sewn by a single seam, through the upper, to a lip which extends down from the bottom outer edge of the insole. The lip may be part of the insole or a separate piece which is attached to it.

*Wood:*

"Wood" in shoes includes plywood. It does not include cork, cardboard or paper board.

*Wool in Shoes:*

"Wool" in shoes is the natural hair grown by sheep and lambs. It includes both recycled wool (wool fibers recovered from used garments and scraps of fabrics) and virgin wool. However, for items under The Wool Products Labeling Act (items labelled "wool" & 6405.20.60), a label must show the percent of each separately.

*Work:*

"Work" footwear is required to have:

1. Such characteristics that a laborer might wear it on the job.
2. An upper which is made of grain leather.
3. An outsole which is more than  $\frac{1}{4}$  inch thick at the ball of the foot.

*Zori:*

A "Zori" must have all of the following characteristics:

1. It is wholly rubber or plastic.
2. An upper which is a single, molded piece of rubber or plastic as the sole.
3. A foamed rubber or plastic sole, which is approximately uniform in thickness, i.e., the thickest point is neither more than  $\frac{3}{8}$  inch thicker than the thinnest point nor more than 35 percent thicker than the thinnest point.
4. At its thickest point, the sole is less than 2 inches thick.
5. The sole does not have a separate "insole". A layer of rubber or plastic similar to the other layers of the sole is not a separate insole assuming it is more than  $\frac{1}{32}$  inch thick.
6. The molded rubber or plastic upper segment has plugs at the end of each segment and each plug must penetrate all or part of the sole.
7. The upper either has straps (segments), which form a "V" or "Y" and a thong which goes between the first and second toes or has straps (segments) which form a "X".

A "Zori" may have:

1. Either a sole of one piece of foamed rubber or plastic or many horizontal layers of different colors joined together.
2. A separate, loosely attached ornament on the upper, such as a plastic flower.