

Issue: Classification of Insecticide

Items at issue: Insecticide presented in a packaging of a net weight of 8.0 Kg

Possible classification: Sub-Heading 3808.69.00 or Sub-Heading 3808.91.90

Matters under consideration:

- Sub-Heading 3808.69.00: Other Goods specified in Subheading Note 2 to this Chapter
- Sub-Heading 3808.91.90: Other insecticides, including bio-insecticide

Description of goods:

The insecticide is presented in packaging of net weight of 8.0 Kg and contains lambda-cyhalothrin as active ingredient, at a concentration of 4.9% W/W. The role of the product is as follows:

- Disrupts nerve conduction in insect cuticle
- Helps protect against virus transmission
- Highly effective against all life stages of insect pest

Basis of ruling:

The role of the product indicates that it is an insecticide. It cannot be classified outright under Sub-Heading 3808.91.90 that covers insecticide; we should consider the Sub-Heading 3808.69.00 as this also covers insecticides. Since the goods contains lambda-cyhalothrin as active ingredient, we should not ignore the Sub-Heading Note 2 to Chapter 38 that states: *“Subheadings 3808.61 to 3808.69 cover only goods of heading 38.08, containing alpha-cypermethrin (ISO), bendiocarb (ISO), bifenthrin (ISO), chlorfenapyr (ISO), cyfluthrin (ISO), deltamethrin (INN, ISO), etofenprox (INN), fenitrothion (ISO), lambda-cyhalothrin(ISO),malathion(ISO),pirimiphos-methyl (ISO) or propoxur (ISO).”*

Conclusion:

The insecticide has the active ingredient lambda-cyhalothrin and is presented in packings of net weight content 8.0 Kg, and as such is classified under Heading 38.08 and Sub-Heading 3808.69.00, by application of GIRs 1, 6 and Subheading note 2 to Chapter 38.