

Title 5, Government Organization and Employees. All functions of offices eliminated were already vested in Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, also set out in the Appendix to Title 5.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 45, 46 of this title.

**§ 45. Permit for delivery; retention of inferior grades; reexamination; partial delivery**

If, after an examination as provided in section 44 of this title, the tea is found by the examiner to be equal in purity, quality, and fitness for consumption to the standards provided in sections 41 to 44 of this title, and no reexamination shall be demanded by the collector as provided in section 47 of this title, a permit shall at once be granted to the importer or consignee declaring the tea free from the control of the customs authorities; but if on examination such tea, or merchandise described as tea, is found, in the opinion of the examiner, to be inferior in purity, quality, and fitness for consumption to the said standards the importer or consignee shall be immediately notified, and the tea, or merchandise described as tea, shall not be released by the customhouse, unless on a reexamination called for by the importer or consignee the finding of the examiner shall be found to be erroneous. Should a portion of the invoice be passed by the examiner, a permit shall be granted for that portion and the remainder held for further examination, as provided in said section 47.

(Mar. 2, 1897, ch. 358, § 5, 29 Stat. 605.)

TRANSFER OF FUNCTIONS

For abolition of the offices of collector of customs, see note set out under section 44 of this title.

**§ 46. Examiners; examination according to usages of trade**

The examination provided for by this chapter shall be made by a duly qualified examiner at a port where standard samples are established, and where the merchandise is entered at ports where there is no qualified examiner, the examination shall be made at that one of said ports which is nearest the port of entry, and that for this purpose samples of the merchandise, obtained in the manner prescribed by section 44 of this title, shall be forwarded to the proper port by the collector or chief officer at the port of entry. In all cases of examination or reexamination of teas, or merchandise described as tea, by examiners or the United States Board of Tea Appeals under the provisions of this chapter, the purity, quality, and fitness for consumption of the same shall be tested according to the usages and customs of the tea trade, including the testing of an infusion of the same in boiling water and, if necessary, chemical analysis.

(Mar. 2, 1897, ch. 358, § 7, 29 Stat. 606; May 31, 1920, ch. 217, 41 Stat. 712, 713.)

TRANSFER OF FUNCTIONS

For abolition of the offices of collector of customs, see note set out under section 44 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 44 of this title.

**§ 46a. Deposit of fee before examination of tea**

No tea or merchandise described as tea shall be examined for importation into the United States, or released by the Customs Service, under this chapter unless the importer or consignee of such tea or merchandise has paid, before the examination, a fee in an amount equal to—

- (1) 10 cents for each hundred weight or fraction thereof of the tea or merchandise; or
- (2) the approximate cost of the examinations;

whichever amount is less. Such fee shall be deposited into the Treasury of the United States as miscellaneous receipts.

(Mar. 2, 1897, ch. 358, § 13, formerly act July 1, 1941, ch. 269, title II, 55 Stat. 478; renumbered § 13 of act Mar. 2, 1897, and amended Aug. 10, 1993, Pub. L. 103-66, title IV, § 4401, 107 Stat. 378.)

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in the following appropriation act: June 27, 1940, ch. 437, title I, 54 Stat. 632.

AMENDMENTS

1993—Pub. L. 103-66, § 4401(2), amended section generally. Prior to amendment, section read as follows: "On and after July 1, 1940, no tea, or merchandise described as tea, shall be examined for importation into the United States, or released by the Collector, under this chapter unless the importer or consignee of such tea or merchandise, prior to such examination, has paid for deposit into the Treasury of the United States as miscellaneous receipts, a fee of 3.5 cents for each hundred weight or fraction thereof of such tea and merchandise."

**§ 47. United States Board of Tea Appeals; permit for delivery; exportation or destruction of inferior grades**

In case the collector, importer, or consignee shall protest against the finding of the examiner, the matter in dispute shall be referred for decision to the United States Board of Tea Appeals, to consist of three employees of the Department of Health and Human Services, to be designated by the Secretary of Health and Human Services. If such board shall, after due examination, find the tea in question to be equal in purity, quality, and fitness for consumption to the proper standards, a permit shall be issued by the collector for its release and delivery to the importer; but if upon such final reexamination by such board the tea shall be found to be inferior in purity, quality, and fitness for consumption to the said standards, the importer or consignee shall give a bond, with security satisfactory to the collector, to export said tea, or merchandise described as tea, out of the limits of the United States within a period of six months after such final reexamination; and if the same shall not have been exported within the time specified, the collector, at the expiration of that time, shall cause the same to be destroyed.

(Mar. 2, 1897, ch. 358, § 6, 29 Stat. 606; May 31, 1920, ch. 217, 41 Stat. 712, 713; 1940 Reorg. Plan No. IV, § 12, eff. June 30, 1940, 5 F.R. 2421, 54 Stat. 1237; 1953 Reorg. Plan No. 1, § 5, eff. Apr. 11, 1953,