

(This Ruling has been revised / superseded vide Valuation Ruling No. 1411/2019 dated 01-11-2019)

**GOVERNMENT OF PAKISTAN
DIRECTORATE GENERAL OF CUSTOMS VALUATION
CUSTOM HOUSE KARACHI**

The Collectors of Customs, Model Customs Collectorates, Appraisement (East / West) / Port Muhammad Bin Qasim / Preventive, Karachi / Lahore (Appraisement / Preventive) / Sambrial (Sialkot) / Faisalabad / Multan / Islamabad / Hyderabad / Quetta / Peshawar / Gawadar / Gilgit-Baltistan.

**Determination of Customs Values of Shampoos/Conditioners and Hair
Spray/Gel/Wax/Cream/Colour/Oil/ Hair coat Aqua/Hydrogen Peroxide Liquid/ Developer/
Accelerator under Section 25-A of the Customs Act, 1969**
(VALUATION RULING No. 849/ 2016)

No. Misc/41/2007-II/9001

Dated: 06-05-2016

In exercise of the powers conferred under Section 25-A of the Customs Act, 1969, Customs values of **Shampoos/Conditioners and Hair Spray/Gel/Wax/Cream/Colour/Oil/ Hair coat Aqua/Hydrogen Peroxide Liquid/ Developer/ Accelerator** are determined as follows:-

2. Background of the valuation issue: Customs values of Shampoos/Conditioners and Hair Spray/Gel/Wax/Cream/Colour/Oil/ Hair coat Aqua/Hydrogen Peroxide Liquid/ Developer/Accelerator were earlier determined through Valuation Ruling No.814/2016, dated 28-01-2016. There were number of review petitions filed by importers against the said ruling. The honorable High Court of Sindh at Karachi vide orders dated 10-11 -2015 in constitutional petition No. D-6918/2015 directed that in cases where the valuation ruling is more than 90 days old and an importer has approached Director Valuation in terms of Para 21 of the Judgment in the case of Sadia Jabbar supra, fresh consignments of such importers shall be allowed provisional release in terms of Section 81 of the Customs Act, 1969 by securing the differential amount of duty and taxes in the shape of Pay Order/ Bank Guarantee as the case may be, by the Director Valuation and or the concerned Collector without fall. Since 90 days have passed and a number of representations were received from commercial importers and multi-national companies regarding values determined in the valuation ruling dated 28.01.2016 hence an exercise was initiated to re-determine the values of subject items.

3. Stakeholders' participation in determination of Customs values: Meeting with stakeholders including importers, FPCCI/KCCI/APCTIA and representatives of trade bodies was held on 25-04-2016 to discuss the current international prices of the subject goods. The view point of all participants was heard in detail and considered to arrive at Customs value for subject goods. Furthermore, for sake of transparency, public notices were affixed on notice boards at Custom House, Karachi and at FPCCI, seeking input from stakeholders and which was accordingly considered.

4. Method adopted to determine Customs values: Valuation methods of Section 25 of the Customs Act, 1969 were adopted and applied sequentially to address the valuation issue at hand. Transaction value method provided in Sub-Section (1) of Section 25 was found inapplicable as the requisite information required under the law was not available to arrive at the correct transactional value. Identical/similar goods value methods provided in Sub-Sections (5) & (6) of Section 25 ibid were examined sequentially for applicability to determine Customs values of subject goods, this data provided some references however, it was found that the same could not be solely relied upon due to absence of absolute demonstrable evidence of qualities, commercial levels, imports routed through countries other than the manufacturers etc, and also it was observed that importers usually provide misleading descriptions while declaring their imports, as other types and varieties of similar goods to avoid application of the relevant valuation ruling. Information available was hence found inappropriate. In line with the statutory sequential order of section 25, this office then conducted a market enquiry using Deductive

Value Method under Sub-Section (7) of the Section 25 of the Customs Act, 1969 however, it was found that determination of Customs value could not be based solely upon this method either. Valuation method provided vide section 25(8) of Customs Act, 1969 could not be applied as the conversion costs from constituent materials and allied expenses, at country of export are not available. Finally PRAL database, market information was evaluated and international prices from internet sources were thoroughly examined. All the information so gathered was analyzed for determination of customs value. Consequently, the Fall Back Method as provided under section 25(9) of the Customs Act, 1969 was applied and relied upon to derive and determine assessable customs values of Shampoos/Conditioners and Hair Spray/Gel/ Wax/Cream/Colour/Oil/Hair coat Aqua/Hydrogen Peroxide Liquid/ Developer/ Accelerator.

5. Shampoos/Conditioners and Hair Spray/Gel Wax/Cream/Colour/Oil/Hair coat/Aqua/Hydrogen Peroxide Liquid/ Developer/ Accelerator: Shampoos/Conditioners and Hair Spray/Gel/Wax/Cream/Colour/Oil/Hair coat/Aqua/Hydrogen Peroxide Liquid/ Developer/ Accelerator of brands hereinafter specified shall be assessed to duty/taxes at the Customs Values mentioned separately for each brands category herein below:-

A-Category Brands

Aequa Di Parma, Aerin, Aramis, Azzaro, Armani, Algenist Amore Pacific, The Art of Shaving, Amouage, Balenciaga, Biolyn, Body Shop, Bvlguri, Burberry, Canali, Chloe, Christian Dior, Creed, Chopard, Curlier, Carolina Herrera, Calvin Klein. Clinique, Chanel, Chole, Clarins, Claibome, Crabtree & Evelyn DKNY, Davidoff, Dali, Dunhill, Dolce & Gabbana, Dermalogica, Estee. Elizabeth Arden, Elemis. Escada, Euphoria, Ferragamo Fendi Ferrari Endless. Givenchy, Gucci, Guerlain, Guinot, Ghousons, GNC. Hermes Hugo Boss, Issey Miyake, Igora Lauren, Igora Royal, Jean-Paul Gaultier, Joop Jump, Jean Patou, Juicy Couture, Kenneth Cole, Kenzo, Karl Lagerfeld, Lauder Escada, Lacoste, Liz Claiborne, Lancome, Lavin, Lalique, Lanvin, Label M, Mauboussin, MAC, Mont Blanc, Nancaster, Narciso Rodriguez, Nina Ricci, Obagi, OPI, Opium, Obsession, Perry Ellis, Prada, Paco Rubanne, Polo, Peers, Proactive, Purin, Ralph, Lauren, Rogger & Gaillet, Red Musk, Salvatore, Skin Medica, Tea Tree, Tussardi, Toni & Guy, Tomy Hill, Versace, Van Cleef & Arpels, Victoria Secrets, Xonia, YSL.

B-Category Brands

Avon, Aqua, Biogenik, Biloyin, Boots, Beauty and Silence, Classic, Crack, Clariot, Deep, Du Vi Stockholm Etude, Foltene, ISIS Pharma, Filorga Skin Care, Glo Minerals make up, Gold Bond, Head & Shoulder, Heliocare, Jergents, John Frieda, Just 4 L'Oreal Paris Majirel, L'Oreal Paris DIA, L'Oreal Paris INOA Color, L'Oreal Paris L'Oreal Paris Excellence, L'Oreal Paris Studio Line, L'Oreal Paris Techniart, L'Oreal Paris Mythic Oil, L'Oreal Paris (ELVIVE), L' Oreal Paris Serie Expert, L'Oreal Paris Kerastase, L'Oreal Paris Xtenso, L'OrealParis Denno Expert, Gamier Men, L'Oreal Paris Platinum, Gamier Color Natural Men, Jo Malone, Koleston, L'occitane, L'Oreal, Marks & Spencer, Mustela, Old Spice, Pentene, Passion, Purin, Royal Gold, Secret, Stageline, Sudo, Tegmen, Thalgo, Wella Professional, WonderZ, Xonia.

C-Category Brands

Axe, Adidas, Afshan, Alan Jey New Placent Alan, Alisha, Altarnoda, Al'Lure, Essentiallz, Amaris Cosmetics, Aris Cosmetics, Amorish, Archi, Aloe Vera, Aqua Fresh, Arimatic, Armaf, Arm & Hammer, Astonish, Aveeno, Bath & Body Works, Beaver, Bio Glow, Blesso, Blitz, Brut, Caresse Natural, Capri, CB, Close up. Colorsilk, CiF, Compact, Concept, Cool & Cool, Cussions, Cuticura, Delta, Dial, Dikson, Dabur, DeepFresh, Dreamron, EI Paso, Aival, Ajmal, Alpi Fresh, Active, A'Mrij, Aqua Blue, Aris, Azka, Akat, BCL, Baby mild, Barbershop Stuff, B & B, Berry Well, Bingo Care, BrylCream, Bio Beauty, Bio Cream, BN, BlueImage, Blue King, Blue Touch, Bello, Beauty, Beauty Formula, Body Luxuries, Byphasse, Caimei, Camay, Ciptadent, Carex, Clear, Clean & Clear, Cleopatra, Colgate, Colour N Care, Collection, C.Booth, Comex. Concord, Creme21, CHI, Chique, Clinic Plus, Cool Breez, Corsair, Cosrnich Girl, Cruset, Dalton, Deco A-1200, Detol, D'Olive, Deep Heat, Dora, Dove, Dr. James, Dalton Medora, Denim, Dial, Diana, Did, Daily Defence, Dalan, Dawn, Dark Black, Denon, Deltol, Deomania, Dexe, Dordene, Doctor, Doctor Plus, Doctor Sam, DR. Rimpler, Dupas, EI More, E Vitamin, Enchanteur,

Elentee Joy, Elentee Soy, Emami , Easy,Emeron, Emotion, Enliven, Eskulin, Estiara, Eskinol, Eternity, Evans, Everyuth, Emani, Eveline, Fa, Faimess,Fair & Fair, Fair & Lovely, Fair & White, Fair Time, Fashion Natura, Fashion Elite, Freeman, Fresh & White, Formula, Feverz, Frey, Fiabila, Fadeout, Farmona, Ferrari, Ferrero, Ferriro, Febreze, Fiabilo, Finesse, Fiore Bello, Flex, Florens, Flower Shop, FNAC, Fruiser, Fruit, Fruito, Fruitina, Forever, Full, Golden Girl GlamUp, Gamier, Gatsby, Geniol, Glade, Gentle, Gillette, Glatt, Glomesh, Glysolid, Galaxy, Garden, Gambit, Godrej.Green World, Herblin essentials, Hair Care Olive, Hair Code, Hair Repair, Handsome, Hannons, Hawaiian,Healthy Shop, Hifa, Hemani, Himani, Himalaya Herbals, Head & shoulders, Herbal Essence, Herbal Doctor,Herman, Holly Wood, Halus, Home, Home Alone, Home Plus, Home Alone, Honey Lotion, HS Argon, Itch Guard, India Tree, Insignia, Iris, Isabelle Lancray, Jardin, Jardon, Jergens, Jolmson & Johnson, Junsui, Jolen, Ginseing, K Brother, Kanwan, Kelly, Kozmo, Kodomo, Kiss Beauty, Label M, Lady Diana, La Fresh, Laquila, LK, , Lakeme, Lark, Le-Aroma, Leady Speed, Lorys, Lana, Lanofil Nature. Like, Life, Lifebuoy, Lisap, Listerine, Loewe, Lux, Luce, Lolane, Lonkom,Lonkoom, Lorney, Lorvel , Lovium, Lovely, Lovenzo, Livon, Lucky, Lurnice, Lyms, Mach, Macho, Macho Beard Products, Madi International, Makkaj, Max Fair, May Fair, Medex, Miss London, Morning Fresh, Mena, Morena, Mclean, Mcleans, May, Maycare, Medora, Majestic, Majix, Maryaj , Millionaire, Mistine, Move, No Marks, MP3, My Rose, Mystek, Nair, New Lief, Nova, Noxzema, Nouveau, Nature, Nature Secret, Naturilum, New Life, Nino, Nivea, Nicaea, Nihar. Nike, Nu Feel, OE, Olive, Olive Babies, Olivia. Oracare, Organic, Oyster Cosmetics, Panammas, Palmers, Petal Fresh, Pearl Drops, Pears, Ponds, Pert. Pentene, Pepsodent, Petroleum jelly, Pielor, Pure Derm, Piva, Prill, Palmolive, Paradise, Protect & Clean, Pride, Platinum Cashash, Pomley, Prov-Vit B5, Pixy, Paris, Paris Collection, Poppy, Pleasure. Pride, Panache, Poise, Posh Black, Pretty Pink, Purl Plus, Purell, Pucelle, Queprepari Cartera, Rasasi. Rica, Rivaj , Radox, Real, Real +, Redist, Redone, Relax, Restoria, Revlon, Rexona, Ring Guard, Revivogen, Royal, Royal Marriage, Roop Nikhar, Rimmel, Andalu Naturals, Royal Mirage, Royal Premium, Safe Guard, SHE, S C Johnson, Safah, Saloon, Salsun Blue, Santoor, SEN, Secret Love, Sensitive, Sensodyne, Sexcity, Sevloon, Shelley, Shokubustu, Slade, Super Si lk, Soft Touch, Soft & Gentle, Silvikirin, Signal, Silken, Scink, Signal 2, Smart Collection, State Strong, Still man's, Suave. Subaru, Sillion, Skin Care Olive, Skin Care, Skin Doctor, SPA Saloon, Sun silk, Sunkiss, St. Ives, Schwarzkoph, Ulay (Olay), U & Me, Special, Silk, Shirley May, Shehnaz Hussein, Setwet, SOL, ST John, Subaro, Succeed, Tabac, Tango, Tag Him, V05, Touch & Glow, Trace me, TRESseme, Thicker Fuller Hair, Tift, Tiger, Ultra Compact, Veet, Viso, Vizo, The Vitamin Company, V S Labs, Vaseline, 7 Vita, Sway Cream & Vita Cream, Vital, Vatika, Vasmol, Vince, Vicks, VI John, VLCC, Wella, White Care, White Rose, White Tone, Winner Manufacturer, Winner Manufacturing, Wisdom, White Satin, White Rain, Wokali Cosmetics, Wonderful, Wood, WP, Yong Chin (YC), Yardley,Yoko, Zact, Zenix, Zest, Zinc, Zixian NA

S. No.	H.S. Code	Proposed PCT for WBOC	Tariff Description	Item Description	Origin	Customs Values (C&F) US\$/KG (net Content weight)
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	3305.1000	3305.1000.1000	Shampoos	Shampoos/ Conditioners	All Origins	A. 4.00 B. 1.80 C. 1.10
2.	3305.2000	3305.2000.1000	Preparations for permanent waving or straightening Hair	Hair Spray	All Origins	A. 5.05 B. 4.00 C. 1.45

3.	3305.2000	3305.2000.1100	-do-	Hair Gel/Wax	All Origins	A. 6.50 B. 2.50 C. 1.45
4.	3305.9010	3305.9010.1000	Cream for Hair	Hair Cream, all Kinds	All Origins	A. 6.25 B. 3.70 C. 2.10
5.	3305.9020	3305.9020.1000	Dyes for Hair	Hair Colours	All Origins	A. 10.00 B. 4.00 C. 2.35
6.	3305.9090	3305.9090.1000	Preparations for use on the Hair Other (--- others)	Hair Oil	All Origins	A. 6.50 B. 3.50 C. 1.75
7.	3305.9090	3305.9090.1100	-do-	Hair Mouse	All Origins	A. 7.00 B. 2.10 C. 1.55
8.	3305.9090	3305.9090.1200	-do-	Hair lightening/ Remover/Bleach Cream/Lotion Powder	All Origins	A. 4.50 B. 2.25 C. 1.60
9.	3305.9090	3305.9090.1300	-do-	Aqua/Hydrogen Peroxide Liquid/ Developer/ Accelerator	All Origins	A. 2.90 B. 1.20 C. 0.85
10.	3305.9020	3305.9020.1100	-do-	Hair Coat Serum	All Origins	A. 4.50 B. 2.25 C. 1.60

- (i) *The values do not apply for the importer made directly by multinational companies from their sister concern of same name, such consignment shall be assessed in accordance with provision of Section 25(1) of Customs Act, 1969 and kept under close watch. Any normally observed may be taken cognizance of and reported to this Directorate General.*
- (ii) *Consignments of Brands not mentioned in the above table may be assessed by the clearance Collectorate under section 25(1) of the Act, however incase the assessable customs value of such goods cannot be derived at by the Collectorate, then section 81 of the Customs Act, 1969 may be invoked and the transaction be referred to this Directorate for determination of this fair value and finalization.*
- (iii) *Any goods imported in form of a KIT or a GIFT SET, the same shall be assessed according to the PCT of each item separately available in this valuation ruling.*

6. In cases where declared I transaction values are higher than the Customs values determined in this Ruling, the assessing officers shall apply those values in terms of Sub-Section (1) of Section 25 of the Customs Act, 1969. In case of consignments imported by air, the assessing officer shall take into account the differential between air freight and sea freight while applying the Customs values determined in this Ruling. The Customs Values determined in the ruling are for the descriptions and specification as mentioned herein, HS Codes are mentioned for illustrative purposes so that Valuation Ruling value are made accessible to the assessing officers. The assessment shall be finalized in the correct classification after fulfilling requisite formalities relating to importability or any other certifications required thereon.

7. **Validity of Valuation Ruling:** The values determined vide this Ruling shall be the applicable Customs value for assessment of subject imported goods until and unless it is rescinded or revised by the competent authority in terms of Sub-Sections (4) of Section 25A or section 25D of the Customs Act, 1969.

8. **Revision of the value determined vide this Valuation Ruling:** A revision petition may be filed against this Ruling, as provided under Section 25-D of the Customs Act, 1969 within 30 days from the date of issue, before the Director General, Directorate General of Customs Valuation, 7th Floor, Custom House, Karachi.

9. The Collectors of Customs may kindly ensure that the values given in the Ruling for the given description of goods are applied by the concerned staff without fail. Any anomaly observed may kindly be brought to the notice of Directorate General immediately for redressal.

10. This Valuation Ruling Supersedes Valuation Ruling No. 814/2016 dated 28.01.2016.

(DR.WASIF ALI MEMON)
Director