ance in United States markets of imported industrial rubber products which were either unmarked or if marked were marked in such an impermanent manner as to allow the easy removal of the marking from the imported article. The industries concern was brought to the attention of the Commissioner of Customs. Consequently the Commissioner issued rulings which set forth the specific manner in which imported hose, belting, V-belts, and sheet packing had to be marked in order to comply with the requirements of the Tariff Act and the Customs Regulations.

The industrial rubber products industry is especially susceptible to injury by unmarked imports. Domestic industrial rubber products, such as hose, V-belts, etc. are manufactured in conformity with critical industry-wide specifications. The sale of unmarked imports, often passed off as United States products, which do not comply with such standards has an extremely deleterious effect upon the reputation of the entire domestic industry and upon the acceptability of these industry-wide specifications.

The customs marking laws are administered by Customs Commodity, or Import Specialists (previously known as Customs Examiners before the Bureau's recent reorganization) in each of the many Customs Ports of Entry throughout the United States. These highly trained, experienced and generally knowledgeable customs field men are supposed to determine whether the articles contained in an importation are marked in accordance with the law. Section 304 of the Tariff Act stipulates that an additional duty of 10% ad val. be imposed upon any improperly or unmarked imported merchandise. Section 304 also provides a criminal penalty for persons intentionally defacing, destroying, removing, altering, etc. any marking required by law. However, in current actual practice the Rubber Commodity Specialists (as well as other Customs Import Specialists) seldom if ever get to actually see or examine the imported merchandise. Import Specialists face an ever increasing work load—which necessarily increases as the volume of imports increases—and are apparently being encouraged to rely more and more upon the entry papers filed by importers and less upon actual examination of the imported merchandise. In most, if not all, cases the only physical examination of imported merchandise occurs when a random sample is inspected by a Customs Inspector.

An Inspector is not a specialist in a commodity line as is an Import Specialist nor is he as highly trained, experienced, or knowledgeable in the interpretation or application of the customs laws. The Inspector is probably engaged in inspecting thousands of different types of imported articles. It is far less likely that he will be aware of the specific type of marking necessary for imported industrial rubber products. Some types of articles are properly marked if they have attached a paper tag or label indicating the name of the country of origin—not so industrial rubber products.

Under Customs procedure, domestic manufacturer's of industrial rubber products have no official way of knowing whether improperly marked imported industrial rubber products are being erroneously permitted entry into the United States. However, when improperly marked goods are imported, domestic manufacturers often become aware of the fact by coming into contact with such goods in the market place. During the past five years the Industrial Rubber Products Division of the Rubber Manufacturers Association, Inc. has, from time to time, filed complaints directing the Commissioner of Customs' attention to at least twenty specific instances in which improperly marked imported industrial rubber products were being sold by importers or distributors in the United States. In some instances there was no evidence that the goods had ever been marked, properly or otherwise. In other instances impermanent marking, such as paper labels or removable paint and ink, had been removed from the goods after importation and prior to sale in the United States. In still other instances, short lengths of unmarked rubber hose were being sold in the United States; the short lengths having been cut from longer lengths which had been imported with a single marking at one end. The Bureau Rulings anticipated such an attempt to avoid the effect of the marking law and required long lengths of imported hose to be permanently marked at regular intervals. However, the imported articles seen by the domestic manufacturers in each of the above instances were not marked in compliance with the Bureau Rulings.

With respect to most of these complaints, the Bureau of Customs subsequently advised us that their investigation confirmed the facts and that an importer was selling unmarked goods in the United States. We were assured that the importer had now been informed of the type of marking required on such