

**SUBJECT 7**

**Re:** Foodstuffs, other than frozen

**Contact:** Allison L. Austin Telephone — (703) 838-8864 austin@nmfta.org

**Proponent:** Freight Classification Development Council

**Present Classification Provisions**

Item	Description	Class
	<b>FOODSTUFFS GROUP:</b> subject to item 72000	
72738	<b>Cones</b> , ice cream, molded cookie, with candy or chocolate chip bits, having a density of 10 pounds or greater per cubic foot, see Note, item 72739, in boxes .....	92.5
72739	NOTE—Density must be shown by shipper on shipping orders and bills of lading at time of shipment. If density is not shown and shipment is inadvertently accepted, class will initially be assessed under the provisions of item 72795, naming 'Dishes, Bowls, Ice Cream Cones or Shells, edible, NOI, including Croustade Shells.' Upon satisfactory proof of actual density, class will be adjusted accordingly.	
72740	<b>Cones</b> , ice cream, rolled, not molded, nested, in boxes or Package 2371 ...	100
72745	<b>Crusts</b> , pie or tart, other than frozen, in aluminum pans, nested, in boxes.....	70
72750	<b>Dessert Mixes</b> , in inner containers with spoons, cups and cup lids, in boxes ...	85
72760*	<b>Dessert Preparations</b> , such as ice cream, jelly, pie or pudding preparations, other than frozen, NOI, see Note, item 72762, in bags, boxes, drums or pails:	
Sub 1	Sweetened, other than with sugar.....	92.5
Sub 2	Unsweetened; or sweetened with sugar .....	60
72762	NOTE—Inner containers may contain a small quantity of dry or liquid flavoring.	
72795	<b>Dishes, Bowls, Ice Cream Cones or Shells</b> , edible, NOI, including <b>Croustade Shells</b> , in boxes or Package 2371.....	150
72800	<b>Dough</b> , prepared, other than frozen, see Note, item 72802, in boxes .....	77.5
72802	NOTE—Applies also when containing other ingredients or an accompanying complement of ingredients or icing or topping.	

\*Published in Supplement 1 to NMF 100-AV, effective April 9, 2022.

SUBJECT 7

Present Classification Provisions — Continued

Item	Description	Class
	<b>FOODSTUFFS GROUP:</b> subject to item 72000	
73260**	<b>Foodstuffs</b> , other than frozen, <b>Group IV, viz.:</b> <b>Bakery Goods</b> , NOI, also in Packages 128 or 2428; <b>Coffee, Tea or Herbal Tea</b> , NOI, see Note, item 73261, also in Packages 128, 2330 or 2380; <b>Cookies or Crackers</b> , NOI, also in Packages 128 or 2428; <b>Foodstuffs</b> , NOI; <b>Hot Chocolate or Hot Cocoa Mixes;</b> <b>Sauces or Toppings</b> , ice cream or dessert, NOI, in other than pressurized containers, including <b>Marshmallow Creme, Nuts (Nutmeats) in Syrup, or Sprinkles;</b> <b>Snack Foods</b> , NOI; In bags, boxes, drums or Packages 1000, 1400, 2404, 2414 or 2416, subject to Item 170 and having a density in pounds per cubic foot of:	
Sub 1	Less than 1 .....	400
Sub 2	1 but less than 2.....	300
Sub 3	2 but less than 4.....	250
Sub 4	4 but less than 6.....	175
Sub 5	6 but less than 8.....	125
Sub 6	8 but less than 10.....	100
Sub 7	10 but less than 12.....	92.5
Sub 8	12 but less than 15.....	85
Sub 9	15 but less than 22.5.....	70
Sub 10	22.5 but less than 30.....	65
Sub 11	30 or greater .....	60
73261	NOTE—Not Involved.	
73370	<b>Gelatine Dessert</b> , in metal cans, in boxes .....	65
74445	<b>Potatoes</b> , cooked and powdered, other than frozen, with other ingredients and aluminum foil baking cups in same inner retail package, in boxes or in Package 128.....	85
74450	<b>Potatoes</b> , cooked or dried and diced, powdered, shredded or sliced, see Note, item 74451, without other ingredients, or with other ingredients in same inner retail package, in bags, boxes or Packages 128 or 2185 .....	65
74451	NOTE—Does not apply on potato chips, crisps or sticks. For applicable provisions, see item 73260.	

\*\*Published in Supplement 4 to NMF 100-AV, effective December 17, 2022.

SUBJECT 7

Present Classification Provisions — Continued

Item	Description	Class
	<b>FOODSTUFFS GROUP:</b> subject to item 72000	
74455	<b>Potatoes</b> , cooked and flaked but not sliced, without other ingredients, or with other ingredients in same inner retail package:	
Sub 1	In inner containers less than 2 <sup>1</sup> / <sub>4</sub> pounds each gross weight, in boxes or drums .....	85
Sub 2	In bulk in bags; or in inner containers not less than 2 <sup>1</sup> / <sub>4</sub> pounds each gross weight, in boxes.....	65
74495	<b>Prepared Foods</b> , cooked or not cooked, dry or other than dry, <b>viz.:</b>	
	<b>Bouillon, Broths or Cooking Stock;</b>	
	<b>Pasta or Noodles</b> , including <b>Chow Mein Noodles, Macaroni, Spaghetti or Vermicelli</b> , with or without other ingredients;	
	<b>Quinoa;</b>	
	<b>Rice</b> , cleaned or prepared, NOI, with or without other ingredients, also in bags;	
	<b>Soups or Soup Mixes</b> , including <b>Chowders;</b>	
	<b>Stews</b> , including <b>Chili;</b>	
	In boxes, drums or Packages 128, 223, 510, 1000, 1500, 2093, 2231, 2421, 2425, 2463, 2498, 2499, 2500 or 2507, subject to Item 170 and having a density in pounds per cubic foot of:	
Sub 1	Less than 8 .....	175
Sub 2	8 but less than 12.....	100
Sub 3	12 but less than 22.5.....	70
Sub 4	22.5 or greater.....	60

**Package 2185**

**SHIPPING CONTAINER:**

**Box**—Half-slotted container (HSC) of 275 pound test corrugated fiberboard.

**Liner**—Full-height 1-piece doublewall 350 pound test corrugated fiberboard tube securely glued to inside panels of box.

**Inner Liner**—2 mil polyethylene film bag.

**Cap**—Design-style, flanged, corrugated fiberboard testing 275 pounds securely fastened to box.

**Base**—Container must be securely glued or strapped by not less than 2 straps to a double-faced wooden pallet.

**GROSS WEIGHT:** Not to exceed 600 pounds.

**All fiberboard must meet the requirements of Item 222, Secs. 2 and 3. All strapping must meet the requirements of Item 680, Sec. 9(b).**

SUBJECT 7

Present Classification Provisions — Concluded

Package 2371

**UNIT CONTAINER:** Solid fiberboard or chipboard folding cartons (18 point thickness).

**SHIPPING CONTAINER:** Shrink wrapped corrugated fiberboard tray(s).

**Tray**—Corrugated fiberboard of 125 pound test having a minimum flange height of not less than 1/4 the height of the inner cartons.

**Film**—Heat shrinkable low density polyethylene film of 3 mil thickness or heat shrinkable polyvinyl chloride film of 1 1/2 mil thickness, preferentially oriented machine and transverse direction to effect a tightly shrunk package. Film must completely enclose tray(s) and contents, including ends. Package must be sealed by means of a four sided heat seal, side seal mechanically heat welded longitudinally continuous to package and must have a cross-sectional tensile strength (ASTM D882-A) of not less than 60 percent of the original film after shrinkage.

**UNITED INCHES:** Not to exceed 45 united inches (length, width and depth added).

**GROSS WEIGHT:** Not to exceed 15 pounds.

**All fiberboard must meet the requirements of Item 222, Secs. 2 and 3.**

Proposed Classification Provisions

Item	Description	Class
	<b>FOODSTUFFS GROUP:</b> subject to item 72000	
72738	<b>Cones</b> , ice cream, molded cookie, with candy or chocolate chip bits, having a density of 10 pounds or greater per cubic foot, etc .....	⇒Cancel; see item 73260
72739	NOTE—⇒Cancel; no further application.	
72740	<b>Cones</b> , ice cream, rolled, not molded, nested, etc.....	⇒Cancel; see item 73260
72745	<b>Crusts</b> , pie or tart, other than frozen, in aluminum pans, nested, etc.....	⇒Cancel; see item 73260
72750	<b>Dessert Mixes</b> , in inner containers with spoons, cups and cup lids, etc.....	⇒Cancel; see item 73260
72760	<b>Dessert Preparations</b> , such as ice cream, jelly, pie or pudding preparations, other than frozen, NOI, etc .....	⇒Cancel; see item 73260
72762	NOTE—⇒Cancel; no further application.	
72795	<b>Dishes, Bowls, Ice Cream Cones or Shells</b> , edible, NOI, including <b>Croustade Shells</b> , etc.....	⇒Cancel; see item 73260
72800	<b>Dough</b> , prepared, other than frozen, etc.....	⇒Cancel; see item 73260
72802	NOTE—⇒Cancel; no further application.	

SUBJECT 7

Proposed Classification Provisions — Continued

Item	Description	Class
73260	<p><b>FOODSTUFFS GROUP:</b> subject to item 72000</p> <p><b>Foodstuffs</b>, other than frozen, <b>Group IV, viz.:</b></p> <p><b>Bakery Goods</b>, NOI, also in ⇨Package 2428;</p> <p><b>Coffee, Tea or Herbal Tea</b>, NOI, see Note, item 73261, also in ⇨Packages 2330 or 2380;</p> <p><b>Cookies or Crackers</b>, NOI, also in ⇨Package 2428;</p> <p>⇨<b>Desserts, Dessert Toppings or Related Foods</b>, NOI, see Note, item NEW;</p> <p><b>Foodstuffs</b>, NOI;</p> <p><b>Hot Chocolate or Hot Cocoa Mixes;</b></p> <p>⇨<b>Pasta or Noodles</b>, with or without other ingredients;</p> <p>⇨<b>Rice</b>, cleaned or prepared, NOI, with or without other ingredients;</p> <p>⇨<b>Sauces or Toppings</b>, ice cream or dessert, NOI, in other than pressurized containers, including <b>Marshmallow Creme, Nuts (Nutmeats) in Syrup, or Sprinkles;</b></p> <p><b>Snack Foods</b>, NOI;</p> <p>⇨<b>Soups or Soup Mixes;</b></p> <p>In bags, boxes, drums or ⇨Packages 128, 223, 510, 1000, 1400, 1500, 2093, 2231, 2404, 2414, 2416, 2421, 2425, 2463, 2498, 2499, 2500 or 2507, subject to Item 170 and having a density in pounds per cubic foot of:</p>	
Sub 1	Less than 1 .....	400
Sub 2	1 but less than 2.....	300
Sub 3	2 but less than 4.....	250
Sub 4	4 but less than 6.....	175
Sub 5	6 but less than 8.....	125
Sub 6	8 but less than 10.....	100
Sub 7	10 but less than 12.....	92.5
Sub 8	12 but less than 15.....	85
Sub 9	15 but less than 22.5.....	70
Sub 10	22.5 but less than 30.....	65
Sub 11	30 or greater.....	60
73261	NOTE—No Change.	
⇨NEW	<p>NOTE—Provisions for desserts, dessert toppings or related foods include, but are not limited to:</p> <p><b>Crusts</b>, pie or tart;</p> <p><b>Dessert Mixes or Preparations</b>, NOI;</p> <p><b>Dishes, Bowls, Ice Cream Cones or Shells</b>, edible, NOI;</p> <p><b>Dough</b>, prepared;</p> <p><b>Gelatine Dessert;</b></p> <p><b>Sauces or Toppings</b>, ice cream or dessert, NOI, in other than pressurized containers, including <b>Marshmallow Creme, Nuts (Nutmeats) in Syrup, or Sprinkles.</b></p>	
73370	<b>Gelatine Dessert</b> , in metal cans, etc.....	⇨Cancel; see item 73260

**SUBJECT 7**

**Proposed Classification Provisions — Concluded**

Item	Description	Class
	<b>FOODSTUFFS GROUP:</b> subject to item 72000	
74445	<b>Potatoes</b> , cooked and powdered, other than frozen, with other ingredients and aluminum foil baking cups in same inner retail package, etc.....	⇒Cancel; see item 73260
74450	<b>Potatoes</b> , cooked or dried and diced, powdered, shredded or sliced, see Note, item 74451, without other ingredients, or with other ingredients in same inner retail package, etc .....	⇒Cancel; see item 73260
74451	NOTE—⇒Cancel; no further application.	
74455	<b>Potatoes</b> , cooked and flaked but not sliced, without other ingredients, or with other ingredients in same inner retail package, etc .....	⇒Cancel; see item 73260
74495	<b>Prepared Foods</b> , cooked or not cooked, dry or other than dry, etc	⇒Cancel; see item 73260

**Package 2185**

⇒Cancel; no further application.

**Package 2371**

⇒Cancel; no further application.

**Analysis**

**Introduction**

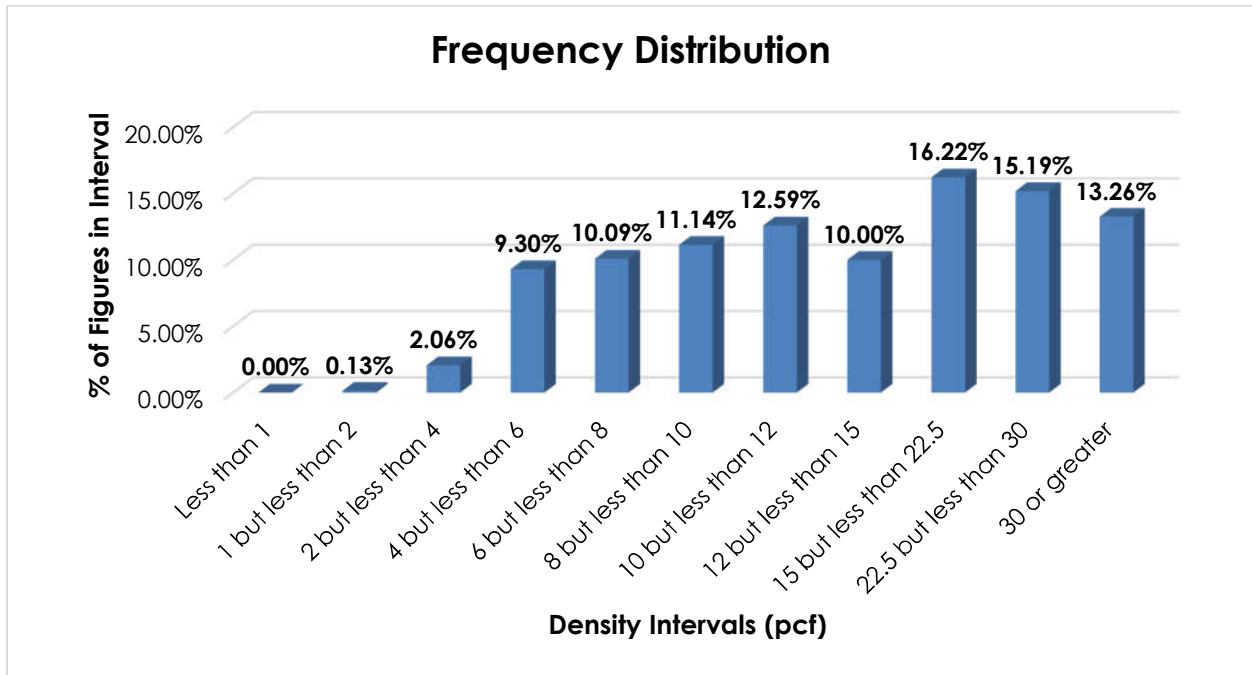
This proposal addresses the transportation characteristics of various foodstuffs, as shown in the Present Classification Provisions herein, as well as potential interpretive issues related to those provisions.

**Transportation Characteristics**

**Density**—The information of record includes 29,512 density observations obtained from the FCDC's Density Study<sup>1</sup>. The densities range from 1.06 to 76.50 pcf, with an overall average density of 16.79 pcf. As shown in the graph on the following page, the densities are widely distributed throughout most of the range.

<sup>1</sup> The Density Study is part of an ongoing effort by the FCDC to collect information on actual shipments across all product categories handled by the LTL industry. Carriers that choose to participate in the Study periodically submit shipment data captured through their respective freight auditing programs. The FCDC uses verifiable data points, identified by NMFC item, that include the weight and the dimensions and/or cube of the shipping unit.

SUBJECT 7



**Handling, Stowability and Liability**—Care must be taken to avoid stowing the involved commodities with hazardous materials or other freight that may pose a contamination risk. They may also be damaged by freight with which stowed or by the elements. However, there have been no reports of unusual or significant handling, stowability or liability issues.

**Conclusion**

Based on the foregoing analysis, items 72738, 72740, 72745, 72750, 72760, 72795, 72800, 73370, 74445, 74450, 74455 and 74495 would be canceled with reference to the full-scale, density-based provisions of item 73260<sup>2</sup>.

Notes, items 72739, 72762, 72802 and 74451 would be canceled as having no further application.

Concurrently, this proposal would amend the “viz.” listing in item 73260 in the interest of clarification and simplification, and a new attendant Note would be established to further clarify the application of item 73260.

Moreover, to ensure that the commodities are adequately protected so as to withstand the normal rigors of the less-than-truckload environment, and pursuant to the recommendation of the FCDC’s Packaging Manager, the minimum packaging requirements in item 73260 would be amended, and Packages 2185 and 2371 would be canceled with no further application.

<sup>2</sup> Item 73260 provides the FCDC’s standard 11-subprovision density scale, which includes reference to Item (Rule) 170, the inadvertence clause.