

# Footwear Classification Discussion Forum

Objective - Clarification on the Following Topics:

- ***Athletic vs non-Athletic***
- ***Fastening Devices / Functional Closures / Slip-Ons***
- ***Foxing Validations***
- ***Protective***
- ***Materials***



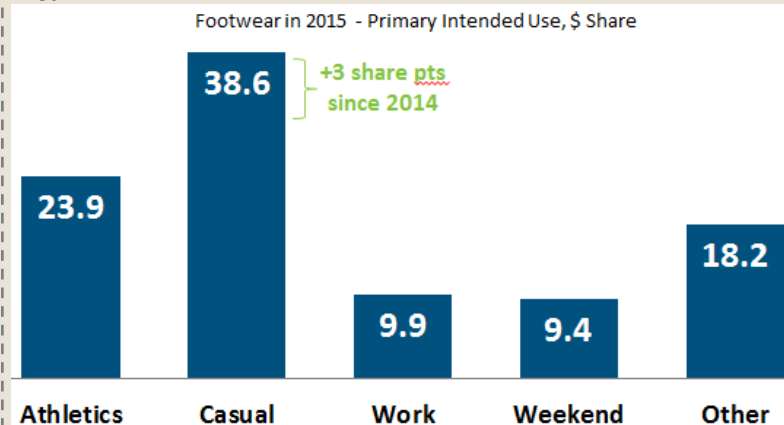
# Athletic vs Non-Athletic

## Why Understanding This Is So Darn Important? Leisure Wear Growth



- ❑ Millennials Changing the Footwear Landscape – “Social Groups”
- ❑ Change Creating Casual Footwear Growth – Designs Mixed from the Past with the Present & Future

Matt Powell – “athletic footwear – worn increasingly for casual wear”



Source: Matt Powell, Sport Industry Analyst, NPD Group; FDRA Presentation, August 2016.



*Matt's prediction is Athleisure footwear will continue to grow.*

# Athletic vs Non-Athletic

## ICP Athletic Definition:

The ICP, Footwear (2012), provides:

*“Athletic” footwear includes:*

*Lightweight “sneaker” type flexible soled footwear capable of being used in athletic activities requiring fast footwork or extensive running. Some of the features found in athletic footwear include (but are not limited to) foxing or foxing-like bands, athletic outer sole tread, padded tongue, foot-bed and collar, toe bumpers, heel counters, anti-injury devices, secure means of closure and general athletic appearance. Athletic footwear for classification purposes need not exhibit all such features.*



& “highly  
decorate  
d upper”

*It does not include:*

*Open toe/heel footwear, sandals, or any footwear that does not enclose the foot as the named exemplars do.*

*Slip-on footwear without a means of closure to secure the shoe to the foot.*



# Athletic vs Non-Athletic

What combination of attributes will determine if a shoe is “Athletic” or “Non-Athletic”?

Athletic



- ✗ Athletic outsole tread
- ✗ Foxing/Foxing-like Band
- ✓ Structure/cushioning
- ✓ Secure closure
- ? Athletic appearance

Non-Athletic

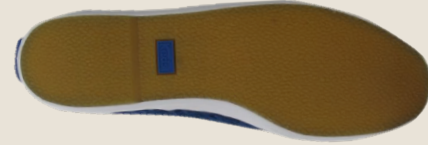


- ✓ Athletic outsole tread
- ✓ Foxing/Foxing-like Band
- ✗ Structure/cushioning
- ✓ Secure closure
- ? Athletic appearance

# Athletic vs Non-Athletic

Some Footwear Was Considered Athletic Performance Years Ago, But Why Today?

Keds: **Athletic**



Chuck Taylor All-Star: **Athletic**



Jack Purcells: **Non-Athletic for the Smooth Outsole**



**Athletic – Traction Outsole**

# Athletic vs Non-Athletic

## Non-Athletic Transformation



*Millennial wants to create their own identity by having customization options available...*

Athletic: includes laces

Non-Athletic:  
includes elastic  
tongue inserts

Athletic: laces are added  
separately in the box as a  
customization option

- Is this correct when laces are placed in the box or partially laced on the shoe this becomes athletic?
- What if there are 2 sets of laces added?

# Athletic vs Non-Athletic

Athletic or Non-Athletic?



When is it footwear and when is it consumer electronics for classification?

# Athletic vs Non-Athletic

## FDRA Submitted Letter to CBP Outlining Industry Concerns

### **Letter Concerns Included:**

1. To be considered "athletic" a shoe must be "particularly suitable" for athletic activities.
2. Infant footwear should not be classified as athletic.
3. An athletic appearance should carry very little weight.
4. The shoe must exhibit characteristics or features that demonstrate suitability for athletic use.
5. The presence of features that are incompatible with athletic use, such as a mid-sole wedge, should preclude classification as athletic.
6. The manner in which the shoe is promoted or marketed should be taken into account.



# Fastening Devices / Functional Closures / Slip-Ons

## Definition of Slip-on from the Treasure Decision T.D. 93-88:

SLIP-ON: A “slip-on” includes:

1. A boot which must be pulled on.
2. Footwear with elastic gores which must be stretched to get it on or with elastic sewn into the top edge of the fabric of the upper.
3. Footwear with a shoe lace around the top of the upper which is clearly not functional, i.e., the lace will not be tied and untied when putting it on or taking it off.

It does not include any boot or shoe with any laces, buckles, straps, or other closure, which are probably closed, i.e., tied, buckled, snapped, etc., after the wearer put it on.



# Fastening Devices / Functional Closures / Slip-Ons

## Fasteners Types



Velcro closure with elastic laces?



Gore Velcro - maybe removable?



Non-elastic lace w/ toggle?



Stretchy tightening strap w/ Velcro?



Elastic lace with Toggle?

**What determines a fastener?** Clarification on when you can engage in taking the shoe on or off without strap / cord adjustment.

# Fastening Devices / Functional Closures / Slip-Ons

What if the Shoe is Athletic but has no Standard Fastener ?



Examples of when material and construction becomes the fastener – is this considered functional closure for Customs?



# FOXING – 40/60 Rule

Informed Compliance Publication (ICP), Footwear (p.14):

“An encirclement between 41% and 59% may be a foxing-like band depending upon the type of shoe and **placement, function and appearance** of the overlap”.



46% Foxing Measurement

Ball of the Foot Forward Included If There Is OverLap On Cleated Shoes?

*6404 sole overlapping the upper in addition to foxing and foxing-like band and it is not relevant once price exceeds \$6.50.*



50% Foxing Measurement

Required Percentages?

Foxing %	Foxing?
0-40%	No
41-59%	Maybe?
60-100%	Yes

# Protective Footwear

## Harmonized Tariff Schedule of the United States (2016) Supplement-1:

For the purposes of subheadings 6402.91.42 and 6402.99.32, the term "protective active footwear" means footwear (other than footwear described in subheading note 1) that is designed for outdoor activities, such as hiking shoes, trekking shoes, running shoes, and trail running shoes, the foregoing valued at over \$24/pair and which provides protection against water that is imparted by the use of a coated or laminated textile fabric.

6402.91.42	Protective active footwear (except footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper and except footwear with insulation that provides protection against cold weather) whose height from the bottom of the outer sole to the top of the upper does not exceed 15.34 cm .....	20%
6402.99.32	Protective active footwear.....	20%

### Questions for Clarification:

- What is a waterproof molded bottom, including bottoms comprising an outer sole and all or part of the upper?
- What is Trekking?
- Coated or laminated textile fabric – Is DWR included?

# Materials

## Definition Clarification

Coated Leathers

Protective Use of  
Textiles

Leather Flocking

Textile Flocking

# Footwear Classification Discussion Forum

**Thank you!**

