

SUBJECT 33

Re: Hot Chocolate or Hot Cocoa Mixes

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Proponent: Freight Classification Development Council

Present Classification Provisions

Item	Description	Class
73238*	<p>FOODSTUFFS GROUP: subject to item 72000</p> <p>Foodstuffs, other than frozen, Group II, viz.:</p> <p>Compounds, malt or milk and chocolate or cocoa, beverage preparation;</p> <p>Welsh Rarebit;</p> <p style="padding-left: 40px;">In boxes, crates, drums or Package 249965</p>	
73260	<p>Foodstuffs, other than frozen, Group IV, viz.:</p> <p>Coffee, Tea or Herbal Tea, NOI, see Note, item 73261, also in Packages 128, 2330 or 2380;</p> <p>Foodstuffs, NOI;</p> <p>[Other Articles Listed—Not Involved.]</p> <p style="padding-left: 40px;">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:</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	<p>NOTE—Also applies on: instant, soluble, freeze-dehydrated or freeze-dried coffee, tea or herbal tea; coffee, tea or herbal tea in premeasured servings, with or without integral filter; or Coffee Service Kits or Sets, consisting of coffee in premeasured servings, with or without integral filter, and with or without non-dairy creamer, sugar or artificial sweetener, stirrers, tea, herbal tea or hot chocolate in same box.</p>	

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

SUBJECT 33

Proposed Classification Provisions

Item	Description	Class
	FOODSTUFFS GROUP: subject to item 72000	
73238	Foodstuffs , other than frozen, Group II , etc.....	⇒Cancel; see item 73260
73260	Foodstuffs , other than frozen, Group IV, viz.: Coffee, Tea or Herbal Tea , NOI, see Note, item 73261, also in Packages 128, 2330 or 2380; Foodstuffs , NOI; ⇒ Hot Chocolate or Hot Cocoa Mixes; [Other Articles Listed—No Change.] 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—No Change.	

Analysis

Introduction

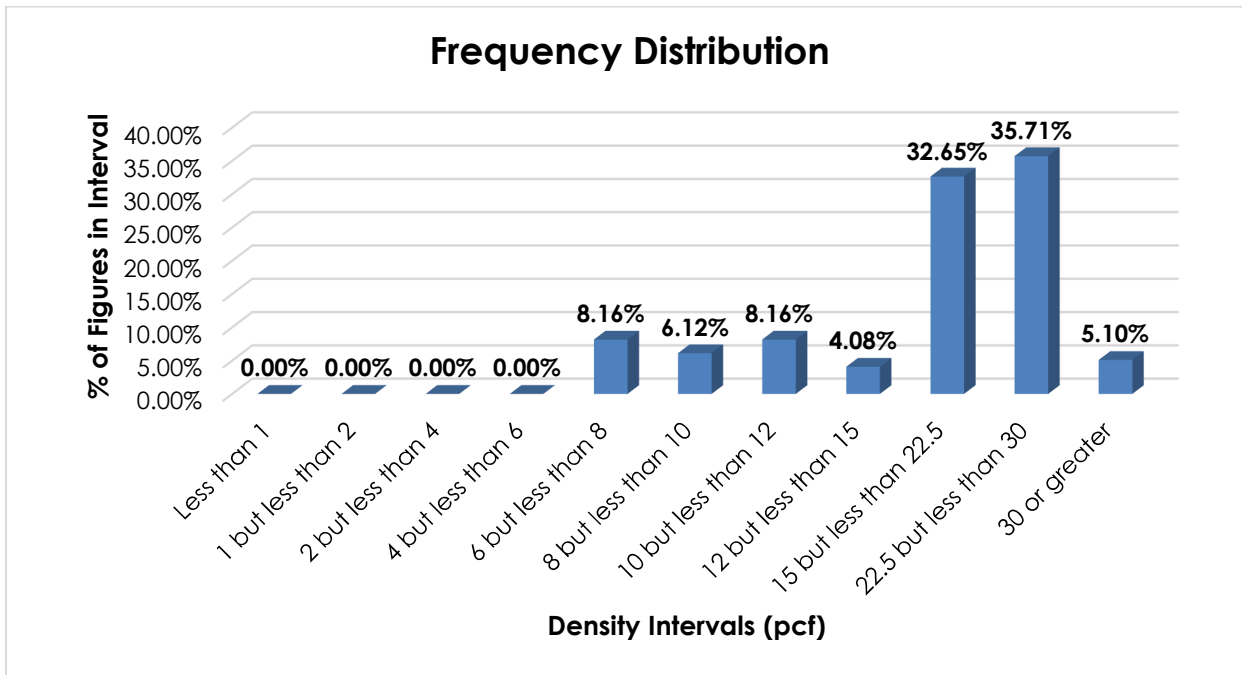
This proposal is in response to interpretation inquiries regarding the applicable provisions for hot chocolate or hot cocoa mixes. The ingredient makeup for “Compounds, malt or milk and chocolate or cocoa,” as described in item 73238, generally embraces these commodities.

However, research indicates that the involved products, particularly those contained in single-serve pods/capsules, may be sold in variety packs with coffee and tea, which are named in item 73260. Additionally, per Note, item 73261, the provisions of item 73260 allow for coffee service kits or sets to be shipped with hot chocolate in the same box.

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Transportation Characteristics

Density—The information of record includes 98 density observations obtained from the FCDC's Density Study¹. The densities range from 6.02 to 38.10 pcf, with an overall average density of 19.53 pcf. As shown in the graph below, the density distribution is left-skewed.



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, item 73238 would be canceled with reference to the full-scale, density-based provisions of item 73260². Concurrently, the "viz." listing in item 73260 would be amended to include "Hot Chocolate or Hot Cocoa Mixes." While the density distribution shown herein does not indicate a uniform distribution of densities throughout the range, this proposal would promote clarification, simplification and uniformity, and address interpretive issues, by grouping related products together³.

¹ 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.

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

³ Item 73238 also names "Welsh Rarebit"; however, research reveals no movement of that product. If there were any shipments, they would also be classified in item 73260 as "Foodstuffs, NOI."