



February 19, 2008

**Subject: Request for a Ministerial Decision - CS-48768 / 4102-07-0155**

I am writing to inform you of the ministerial decision on the above-noted appeal.

I have reviewed the enforcement action, the evidence and the law as it applies to your case. I have fully considered the documentation you provided as well as the reports from the issuing office.

**Decision**

After considering all of the circumstances, I have decided, under the provisions of section 131 of the *Customs Act*, that there has not been a contravention of the *Customs Act* or the Regulations with respect to the goods seized.

Under the provisions of section 132 of the *Customs Act*, removal from custody of the seized Kershaw knives is hereby forthwith authorized. If release of the goods is not taken on the foregoing terms within 30 days from the date of this Notice, they will be considered as unclaimed and disposed of.

**Reasons**

On the basis of the information available to me, it has been determined that a contravention of the Customs Act or the regulations did not occur, in that the Kershaw knives were properly reported to the CBSA and, therefore, not subject to seizure. The knives were sent for classification to CBSA's Trade Compliance Division and found to be not prohibited.

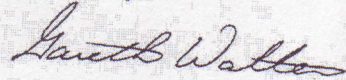
If you have any questions concerning the release of your goods, please contact Customs officials in Fort Erie - Commercial Operations, at (905) 994-6301. Should you wish to take release of the goods and import them into Canada, you may also be responsible for the payment of any applicable duties or taxes.

Please be advised that all Customs enforcement records relating to this incident will be cancelled. The Agency apologizes for any inconvenience this matter may have caused.



I trust that this letter satisfactorily explains the ministerial decision in this matter. If you have any questions, please contact the adjudicator, Ian Donald, at (613) 688-9531.

Yours truly,



Gareth Walter  
Senior Program Advisor  
Adjudications Division  
Recourse Directorate  
*For the Minister of Public Safety and Emergency Preparedness*  
GW/mb



c.c. 5752  
Fort Erie - Commercial Operations  
2 Peace Bridge Plaza  
Fort Erie, Ontario  
L2A 0A7

P.S. The enforcement action in this case has not been maintained. The knives in question were sent for determination and were found to be not prohibited by Norm Seebach, Senior Officer, Trade Compliance. As such, the knives may be released to the claimant upon payment of duties and taxes. Thank you for your assistance in this matter.

c.c. Data Base Section Interoperability Division  
10th Floor Sir Richard Scott Bldg

c.c. File