



CERTIFICATE OF FREE SALE INSTRUCTIONS

What are 'Certificates of Free Sale' Certificates?

Firms exporting products from the United States are often asked by foreign customers or foreign government to supply a "certificate" for products regulated by the Food and Drug Administration (FDA) and/or NYS Department of Agriculture and Markets.

In New York, a certificate of free sale is a document prepared by the NYS Department of Agriculture containing information about a product's regulatory or marketing status.

Why do foreign governments want Certificates of Free Sale?

In many cases, foreign governments are seeking official assurance that products exported to their countries can be marketed in the United States or meet specific U.S. regulations, for example, current Good Manufacturing Practice (cGMP) regulations. Review of a Certificate of Free Sale may be required to register or import a product into another country.

What Types of Export Certificates does the NYS Department of Agriculture and Markets issue?

At the current time, the NYS Department of Agriculture and Markets issues the **Certificate of Free Sale**. This **certificate** is for food and dairy products that may be legally marketed in the United States.

How to obtain a Certificate of Free Sale:

To obtain a Certificate of Free Sale, complete the fields listed in the certificate below and mail the original request to:

If a food product:

NYS Department of Agriculture and Markets
Division of Food Safety and Inspection
10B Airline Drive
Albany, NY 12235

If a dairy product:

NYS Department of Agriculture and Markets
Division of Milk Control and Dairy Services
10B Airline Drive
Albany, NY 12235

**** Please note that there is a \$50 fee to process the certificate; checks should be made out to: NYS Department of Agriculture and Markets. Please allow up to two weeks for processing.**

Sample Letter of Request

Please type on company letterhead

Date

NYS Department of Agriculture & Markets
Division of Food Safety and Inspection
Attn: Luisa Kisel
10B Airline Drive
Albany, NY 12235

Or email to:
FoodSafety.COFS@agriculture.ny.gov

Please issue a Certificate of Free Sale for the products listed below which are being shipped to **(List Country)**.

We certify that all the ingredients contained in each of the products to be exported are approved for use in a regulation of the U.S. Food and Drug Administration or appear on the GRAS list. Each product(s) listed below is manufactured with the same formula when said product(s) is offered for sale and sold in the United States. Each product is readily available for sale in the United States without restriction and said product(s) is intended for human consumption when used in accordance with good manufacturing practices.

All products listed below will be manufactured:

List name and address of company

Products for Export:

List products

Signature and Title



Agriculture and Markets

ANDREW M. CUOMO
Governor

RICHARD A. BALL
Commissioner

CERTIFICATE OF FREE SALE

Date: _____

TO WHOM IT MAY CONCERN:

RE: Name/Address of NYS Company:

Email address:

SHIPPED TO: (Country) _____

List of Products

This is to certify that the above establishment is operating under a Food Processing Establishment License issued by the New York State Department of Agriculture and Markets and is regularly inspected by this Department for compliance with current regulations. All products manufactured by this firm in compliance with the requirements of the Department and the United States Food and Drug Administration have a free sale in all areas of our jurisdiction. The manufacturer has certified to the Department that all of the ingredients contained in the products listed above are approved for food use in a regulation of the United States Food and Drug Administration or appear on the GRAS list. The manufacturer has further certified to the Department that this product is manufactured with the same formula used when said product is offered for sale and sold in the country of origin, that said products are readily available for sale in the United States without restriction and that said products are intended for human consumption when used in accordance with Good Manufacturing Practices.

This certificate should not be interpreted as a guarantee, expressed or implied by the Department, neither should it be used for propaganda, advertising or other similar purposes. The laws and regulations administered by the Department do not provide for the kind of continuous supervision over regulated products that would be required for it to provide unqualified assurances concerning the compliance status of individual product lots.

John M. Luker, Assistant Director

SUBSCRIBED AND SWORN TO BEFORE ME

THIS _____ DAY OF _____, 20____.

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Q. What is a Certificate of Free Sale?

A. A Certificate of Free Sale is a document required by certain countries or foreign governments for commodities which certifies that the imported food items are normally and freely sold in NYS and are approved for export.

Q. What requirements must the manufacturing firm meet in order to be issued a Certificate of Free Sale?

A. The establishment must have a valid license on file with the Department and have passed their most recent inspection conducted within the past year. Pet food items must hold a current product registration and be made in NYS. In-State Commercial Feed Manufacturers must hold a current Commercial Feed License. A label or tag representing the pet food or feed/ feed ingredient must accompany the Certificate of Free Sale request.

Q. How can I obtain a Certificates of Free Sale?

A. In order to request a Certificate of Free Sale, a written request must be made to the NYS Department of Agriculture and Markets and payment must be received. The written request must be made on the requesting company's letterhead and must include the name of the country receiving the product being exported from New York State and the list of products being exported. The Certificate of Free Sale will only be issued for products that are manufactured under the jurisdiction of the Department. You can request a Sample letter to use by emailing foodsafety.COFS@agriculture.ny.gov

Q. How long does it take to process a request?

A. Please allow up to two weeks.

Q. Is there a charge for a Certificate of Free Sale?

A. An establishment is assessed a fee of \$50 for each Certificate of Free Sale. Payment must be received in the form of check or money order made out to the "Department of Agriculture and Markets" and mailed to the Department of Agriculture and Markets

Attn: Food Safety and Inspection
10B Airline Drive
Albany, NY 12235

Q. How many products can be listed on a Certificate of Free Sale?

A. There is no limit of commodities per certificate as long as the products are going to the same country.

Q. Can I get an "open ended" Certificate of Free Sale, one without date, good for a year, or good for multiple shipments?

A. No. Certificates of Free Sale are good for the single shipment.