

Review Questions –

Feb. 4, 2014

1. In *Nix v. Hedden*, the U.S. Supreme Court determined that a tomato constituted a “vegetable” rather than a “fruit” for purposes of customs duties because:
 - a. Expert testimony established that the term “vegetable” had a specialized meaning in the context of shipping of perishable plants for consumption, and that specialized definition included tomatoes.
 - b. The dictionary definitions of “vegetable” and “tomato” made clear that a tomato fell within the classification of vegetables.
 - c. Judicial notice.
 - d. The Port of New York collector had deemed that tomatoes were vegetables for purposes of customs duties, and that regulatory decision required deference from the Court.
 - e. All of the above.

2. Briefly define the principle of lenity, and describe when a court would typically apply it.
