

To Heads of Environmental Health Services via
Principal Officer (Food Safety) (England) and
Directors of Trading Standards (England)

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CIEH
TSI
Health Protection Agency

26th September 2008

Reference: ENF/E/08/064

Dear Colleagues

EMERGENCY DECISION ON MELAMINE CONTAMINATION OF MILK AND MILK PRODUCTS FROM CHINA

This letter is addressed to enforcement officers in England only.

Heads of Environmental Health and Directors of Trading Standards will be aware of the media news articles concerning this issue. It is anticipated that the European Commission will impose safeguard measures on the import of composite products originating or consigned from China containing milk or milk products due to the presence of melamine. This is in addition to the existing ban on the import of milk and milk products from China.

This letter provides further advice on the anticipated statutory obligations of food authorities in relation to the importation of milk and milk products contaminated with melamine from China.

The Decision will prohibit the import of products originating in or consigned from China containing milk or milk products, intended for the particular nutritional use of infants and young children. These products may be described as infant formula, infant milk, follow-on formula/milk or baby milks/foods. Declarations to implement the Decision in England are being prepared and will be issued by the Food Standards Agency as soon as the Decision is notified. Further information on these Declarations will be sent to you in due course.

Furthermore, all consignments of composite products originating in or consigned from China containing more than 15% of milk products, or where the percentage of milk content cannot be established, will be subject to documentary, identity and physical checks, including laboratory analysis, to determine that any levels of melamine present in the product do not exceed 2.5 mg/kg.

When the Decision comes into effect Local Authorities will be requested to identify the food/feed business operators in their local area who may trade in potentially affected products. In identifying potentially contaminated products, enforcement authorities may find it helpful to seek guidance from food/feed business operators, such as wholesalers, large Chinese supermarkets or manufacturers as to whether any of the stock imported may contain Chinese origin milk products that have been consigned direct from third countries to the UK. Where food authorities identify that inbound consignments of milk products are intended for feed use, they are asked to liaise with the relevant feed authorities.

The Decision will also require Member States to take appropriate action, including random sampling and analysis of composite milk and milk products presented from importation or already on the market. Local Authorities may also refer to the advice on sampling and analysis given in Section 6 of both the Food Law code of Practice and the associated Practice Guidance.

The Decision will require that any product found to contain melamine in excess of 2.5 mg/kg product, following appropriate checks detailed in the Decision must be destroyed without delay.

The costs incurred in the implementation of the Decision will be borne by the operators responsible for the import, and the cost of official measures taken as regards products found to be in excess of 2.5 mg/kg product will be borne by the food business operator responsible for that product.

Positive and negative results will need to be reported to the Food Standards Agency. Positive results should be reported using a food incident form at the following link: <http://www.food.gov.uk/multimedia/worddocs/lafoodincidentreportform.doc> Negative results should be e-mailed to; melamineenquiries@foodstandards.gsi.gov.uk

If you have any further questions, please send them to our dedicated mailbox standards.support@foodstandards.gsi.gov.uk or contact my colleague Drazenka Tubin-Delic on 020 7276 8450.

Yours faithfully,



Colin Houston
Deputy Head of Food Standards Division