



Guide 12 – Importation of Milk, and Soya Products from China

Emergency controls have been introduced by the European Commission to protect the health of EU consumers following reports of the adulteration of milk and soya products in China with melamine.

The import of milk products from China is already prohibited under animal health law, however the import of processed composite products containing, milk and milk products is permitted and controls have been put in place in respect of these.

Which products are controlled?

The law **bans** the import of products containing milk or milk products and soya or soya products and, intended for particular nutritional use of infants and young children.

The law places **restrictions** on the importation of products containing milk or soya and consignments of ammonium bicarbonate intended for food or feed.

Examples of products that may contain milk or soya are:-

- Chocolate
- Cakes
- Biscuits
- Sweets
- Frozen Desserts
- Other dairy products
- Drinks
- Soy Sauce
- Tofu
- Bean Curd
- Soya Yoghurt

A few examples of products found to be contaminated with melamine



Which areas are subject to controls?

The law refers to the control of products *originating or consigned from China*.

In relation to products from Hong Kong and Taiwan the European Commission has advised the following:-

- Products originating from Hong Kong or Taiwan which are directly brought to the EU from Hong Kong or Taiwan without entering “mainland” China are not covered by Decision 2008/798/EC.
- Products originating from Hong Kong and Taiwan which enter “mainland” China before being exported to the EU are covered by the Decision.
- Products originating in China but exported to the EU through Hong Kong or Taiwan, are included in the scope of the Decision

Why are there emergency Controls on these products?

The adventitious contamination of food with melamine in China has created a major public health incident. The health effects of the melamine contamination in China have been severe with deaths due to renal failure of several children, thousands have been hospitalised suffering from kidney stones. Long term exposure to high levels of melamine in the diet may lead to kidney and bladder diseases.

The opinion of the European Food Safety Authority (EFSA) was sought by the European Commission and a decision reached that any products which are shown to contain melamine in excess of 2.5 mg/kg are to be destroyed.

How can I import products from the affected areas?

The law bans the import of products containing milk or soya, intended for particular nutritional use of infants and young children. These products cannot be imported.

- To import products that contain milk or soya you will need to give prior notification to the port of the estimated date and time of arrival of the consignment
- You should also send copies of the commercial documents to port health together with a breakdown of the ingredients by percentage.
- Port health will confirm which products are needed to be sampled for analysis.
- You will need to agree to pay the charge for the sampling and analysis of your product.
- Then port health will request that the consignment is 'presented' to them for sampling and analysis by the port/ warehouse operator.
- The sample will then be taken and sent to the authorities public analyst where testing will be carried out to ensure that maximum levels of contamination of 2.5 ppm is not exceeded.
- The consignment will be detained (held) until the results of the sampling and analysis is known.
- If the results are satisfactory your goods will be released to you.
- You will be provided with a copy of the results of the analysis. You should retain this document as local authorities inland will be carrying out checks on goods on sale and it will provide you with evidence that your goods are OK.

Where can I import my consignment?

You can import these products through any UK port; a list of ports designated to handle these consignments has not been produced in this case.

What happens if my consignment is non-compliant?

If your product is found to exceed the maximum permitted level of 2.5mg/kg or 2.5ppm the law states that it must be destroyed. Port Health will contact you to and advise you of the arrangements for the destruction of consignments locally. You will have to pay for your goods to be destroyed. You will be served with a legal notice to formally advise you of this.

Costs for carrying out checks on the consignment

Article 1 (6) of Commission Decision 2008/757/EC provides for the Authority to recover all costs incurred in the carrying out of documentary, identity and physical checks. At this stage the total cost of the checks has not been determined, however it is anticipated that the cost will be approximately £400 to cover the cost associated with the taking the sample and the analysis.

The port/warehouse operator may charge you an additional fee to *present* (devan) your consignment to port health for sampling. In addition you are likely to incur additional storage costs (demurrage) at the port whilst the sample results are awaited.

What testing will be carried out on my consignment?

The European Commission has advised that the sampling should be carried out on your consignment in accordance with the sampling protocol that is set out in Commission Regulation 333/2007/EC which sets out a sample size dependant on the weight of the consignment.

Several methods have been developed for the testing of melamine based on GC-MS (Gas chromatography-mass spectrometry) or LC-MS (Liquid chromatography-mass spectrometry). Analysts have validated these methods for the analysis of food/ feed samples.

I have got an analytical report; will my products still have to be tested?

If you have an analytical report for your consignment unfortunately it cannot be taken into account by port health as the law specifies that all consignments have to be analysed at import.

Why has my consignment been detained if it is not covered by the new law?

At the port it is difficult to identify the products that are covered by the regulations as the manifest description is not always very detailed. As a result of this some consignments will be held that are not covered by the controls.

If you are concerned that your consignment may be held then you may wish to submit information to port health in advance to ensure that your goods are cleared as early as possible.

The controls that are in place are specifically to cover food and feed that contains milk, soya or ammonium bicarbonate. However the law also allows for random checks to be carried out on other feed and food products with a high protein content that originate from China. This is because the adulteration of the food with melamine was to artificially boost the measured protein content of the food, so it is possible that adulteration of other food or feed could have taken place where this would have been adventitious. Port Health will advise you if your consignment is to be tested under this measure and you will be required to pay for the cost of the checks.

What if it's not worth importing the goods?

If after reading all this you realise that the cost of paying for the sampling of your goods, and holding up the rest of your container out weighs any profit that you might make. You may on business grounds decide that it is better to have the goods destroyed. There would be a charge for the destruction, and the port/ warehouse operator will charge you to remove the product from the consignment. If you want to discuss this option further, port health refer to it as a *voluntary surrender* of the goods.

What legislation controls imports?

EU Law

[Commission Decision 2008/798/EC](#) and [Commission Decision 2008/921/EC](#)

Domestic Law

England

Declaration under Regulation 33 of The Official Feed and Food Controls (England) Regulations 2007 (SI No. 3185)

Or, in the case of products of animal origin

Declaration under Regulation 61 of The Products of Animal Origin (Third Country Imports)(England) Regulations 2006

Wales

Declaration under Regulation 33 of The Official Feed and Food Controls (Wales) Regulations 2007 Welsh SI No. 3294

Or, in the case of products of animal origin

Declaration under Regulation 61 of The Products of Animal Origin (Third Country Imports) (Wales) Regulations 2007 (as Amended)

Northern Ireland

Declaration under Regulation 33 of The Official Feed and Food Controls Regulations (Northern Ireland) 2007 (S.R. No. 482)

Or, in the case of products of animal origin

Declaration under Regulation 61 of The Products of Animal Origin (Third Country Imports) (Northern Ireland) Regulations 2007 (as Amended)

Scotland

Declaration under Regulation 33 of The Official Feed and Food Controls (Scotland) Regulations 2007 (SSI No. 552)

Or, in the case of products of animal origin

Declaration under Regulation 61 of The Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2007 (as Amended)

Where can I get further information?

Contact Port Health, your local Environmental Health department or the Food Standards Agency Imported Food Division for more information.