

Pursuant to July 26, 2003 Ordinance No. 12/2003/PL-UBTVQH11 on Food Hygiene and Safety, of the National Assembly Standing Committee, and the Government's Decree No. 163/2004/ND-CP of September 7, 2004, detailing the implementation of a number of articles of the Ordinance on Food Hygiene and Safety;

At the proposal of the directors of the Food Safety and Hygiene Department and the Science and Training Department, the Ministry of Health.

DECIDES:

Article 1.- To promulgate together with this Decision the Regulation on limits of cross-contaminated melamine in food.

Article 2.- When equivalent national technical regulations are promulgated, limits of cross-contaminated melamine in food comply with those regulations.

Article 3.- This Decision takes effect 15 days after its publication in "CONG BAO."

Article 4.- The director of the Office, the Chief Inspector and the directors of the Legal Department, the Science and Training Department and the Food Safety and Hygiene Department of the Ministry of Health, directors of provincial-level Health Services, heads of units under the Ministry of Health, heads of health agencies of branches, and heads of concerned agencies shall implement this Decision.

**DECISION No. 38/2008/QĐ-BYT OF
DECEMBER 11, 2008, PROMULGATING
THE REGULATION ON LIMITS OF
CROSS-CONTAMINATED MELAMINE IN
FOOD**

THE MINISTER OF HEALTH

Pursuant to the Government's Decree No. 188/2007/ND-CP of December 27, 2007, defining the functions, tasks, powers and organizational structure of the Ministry of Health;

For the Minister of Health
Vice Minister
CAO MINH QUANG

REGULATION ON LIMITS OF CROSS-CONTAMINATED MELAMINE IN FOOD

(Promulgated together with the Health Minister's Decision No. 38/2008/QĐ-BYT of December 11, 2008)

Article 1.- Scope of regulation and subjects of application

This Regulation:

a/ Sets limits of cross-contaminated melamine in domestic and imported food.

b/ Is not applicable to any cases of intentionally adulterating food with melamine.

c/ Is applicable to organizations and individuals producing, processing, trading, exporting or importing food in Vietnam.

Article 2.- Interpretation of terms

In this Regulation, the terms below are construed as follows:

Cross-contamination means unintentionally direct contamination of food products from the environment, tools, packaging (direct contact) or indirectly from other sources.

Article 3.- Limits of cross-contaminated melamine in food

1. Limits of cross-contaminated melamine in food are set as follows:

a/ For food for children under 36 months of age: not exceeding 1.0 mg/kg of food ($\leq 1.0\text{ppm}$).

b/ For other foods: not exceeding 2.5mg/kg of food ($\leq 2.5\text{ppm}$).

2. These limits may be changed when scientific bases on the toxicity of melamine and relevant substances are additionally announced by the World Health Organization (WHO) and the United Nations Food and Agriculture Organization (FAO).

Article 4.- To strictly prohibit intentional adulteration of food with melamine in any form with any content.

Article 5.- Methods to determine melamine in food

Methods to determine melamine in food comply with the normal technical regulations on quantitative determination of melamine in food, promulgated together with the Health Minister's Decision No. 4143/QĐ-BYT of October 22, 2008.

For the Minister of Health
Vice Minister
CAO MINH QUANG