

FOOD CONTROL (MAXIMUM LEVELS OF MELAMINE IN FOOD) REGULATIONS

(section 13)
(10th December, 2010)

ARRANGEMENT OF REGULATIONS

REGULATION

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S.I. 120, 2010

1. Citation

These Regulations may be cited as the Food Control (Maximum Levels of Melamine in Food) Regulations.

2. Interpretation

In these Regulations unless the context otherwise requires-

"**melamine**" means an organic base chemical most commonly found in the form of white crystals rich in nitrogen and widely used in plastics, adhesives, countertops, dishware, whiteboards or fertilizers.

3. Maximum levels of melamine in certain types of food

(1) All infant formula, food intended for children under 36 months of age and food for special dietary uses shall not contain more than 1 milligram melamine per kilogram of food (1mg/kg melamine).

(2) All food, except food covered under subregulation (1), shall not contain more than 2.5 milligrams of melamine per kilogram of food (2.5mg/kg melamine).

(3) For purposes of section 12 of the Act, all food products which do not comply with subregulation (1) and (2) of this regulation are deemed to be adulterated and unfit for human consumption.

4. Offences and Penalties

(1) Any person who produces, sells, distributes, markets, imports or exports any food or article which to his knowledge, or which the reasonably ought to know, does not comply with the provisions of these Regulations, commits an offence and is liable-

(a) for a first offence, to a fine not exceeding P1 000 and to imprisonment for three months, and where the offence is a continuing offence, to an additional fine not exceeding P500 and imprisonment for one month for each day on which the offence continues; and

(b) for a second or subsequent offence, to a fine not exceeding P5 000 and to imprisonment for six months, and where the offence is a continuing offence, to an additional fine not exceeding P2 000 and imprisonment for two months for each day on which the offence continues.

(2) The court may, on the conviction of any person, where the offence relates to issuing of licence or permit under these regulations, cancel, or suspend any licence or permit issued to that person.

(3) The court may, where a person has been convicted of an offence under these regulations, order that any food or article relevant to the offence be forfeited and that it be destroyed or otherwise disposed of, as the Minister considers appropriate.