

**Voluntary Report** – Voluntary - Public Distribution

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**Report Name:** Burma Releases Labeling Order for Prepackage Food

**Country:** Burma - Union of

**Post:** Rangoon

**Report Category:** Agricultural Trade Office Activities, Exporter Guide, FAIRS Subject Report

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**Report Highlights:**

The Burmese Government published new labeling requirements for prepackage food on January 20, 2022. An unofficial translation of the original order is attached to this report.

## **General Information:**

The Burmese Food and Drug Administration published Notification No. 8/2022 Labeling Order for Pre-packaged Foods on January 20, 2022. The order specifies what information prepackaged foods must have on their labels and that the labels must be in Burmese.

The new labeling order requires the following information to be included on the label of all prepacked foods:

- a) Name of food;
- b) List of ingredients;
- c) Net content, quantity and drained weight;
- d) Name and address;
- e) Country of origin;
- f) Lot identification;
- g) Date marking; and
- h) Instructions for use.

The new labeling requirements will go into effect on January 20, 2023, one year after the publication of the new requirements.

Post is providing an unofficial translation of the original order in this report.

**The Government of the Republic of the Union of Myanmar**  
**Ministry of Health**  
**Myanmar Food and Drug Board of Authority**  
**Notification No. 8/2022**  
**1383 M.E, 4th Waning day of Pyatho**  
**(January 20, 2022)**

Exercising the power granted by section 38, subsection (b) of the National Food Law, in accordance with the objectives of the National Food Law, to enable the public to get adequately informed on the quality, danger and hygienic information of foods and to consume them accordingly, to enable the labeling in line with regional and international standards in manufacture, processing, packaging, distribution, storage, sale, import, export, display and giving samples of foods, and to systematically facilitate food traceability system, the Myanmar Food and Drug Board of Authority hereby issues the following order.

**Labeling Order for Pre-packaged Foods**

**Chapter (1)**

**Title, Application and Definition**

1. This Order shall be called "Labeling Order for Pre-packaged Foods."
2. This Order shall apply to labeling on all pre-packaged foods to be sold to consumers and catering persons.
3. The terms contained in this Order shall mean the same as assigned in the National Food Law. Moreover, the following terms shall have the meaning given hereunder:
  - (a) **Consumer** means persons and families purchasing and receiving foods in order to meet their personal needs.
  - (b) **Container** means any packaging of foods for delivery as a single item, whether by completely or partially enclosing the foods and it includes but not limited to boxes, cups, bottles, bags, cases and cartons. A container may enclose several types or units of packages, boxes, and etc.
  - (c) **Lot or Batch Number** means an index described in code number or other means which are utilized to know lot or batch identification.
  - (d) **Date of Manufacture** means the date on which the food which is to be described as a product is first received. That date shall not mean the shelf life.
  - (e) **Date of Packaging** means the date on which the food is completely placed in the container in which it will be distributed and sold. That date shall not mean the shelf life.
  - (f) **Use-by Date or Expiration Date** means the date which denotes the end of the period under any storage conditions stated in the label, after which the product may become dangerous due to quality changes and thus beyond that date, it is not suitable to sell or consume.
  - (g) **Catering** means the management of cooking, preparing and laying out foods for immediate consumption or take-away consumption either in restaurants, dining halls, hotels, airplanes, training schools, universities, hospitals and similar places, or in festivals and ceremonies.
  - (h) **Processing Aid** means a substance or material, apart from apparatus or utensils, and not consumed as a food ingredient by itself, used in the processing of raw materials, foods or its ingredients, or in fulfilling any technological purpose during treatment and which may inevitably and unintentionally remain as residues or derivatives in the final product.

- (i) **Ingredient** means any substance, including a food additive, used in the manufacture or processing of a food and present in the final product either in an original form or in a modified form.
- (j) **Lot/batch** means a definitive quantity of a commodity produced on a basis of the same conditions.
- (k) **Best Before Date or Best Quality Before Date** means the date by which the food is marketable without damaging any quality described in the claim if it is stored as indicated by the label and if it is not opened yet during that period. But, the food may remain in acceptable conditions to eat after that date.
- (l) **Food Business Operator** means a person or an organization, either directly or indirectly, participating in displaying foods, providing food samples and advertising for the matters related to manufacture, processing, packaging, distribution, storage, sale, import, export and sale promotion of foods. That term shall also apply to the persons working in cottage industries or small and medium enterprises in food businesses.
- (m) **Claim** means any representation which states, suggests or implies that a food has particular qualities relating to its origin, nutritional properties, nature, processing, composition or any other quality.
- (n) **Food for special dietary uses** means the food which is specially processed or formulated to satisfy dietary requirements under physical or physiological conditions, any diseases or any disability. The composition of these foodstuffs shall differ significantly from the composition of ordinary foods of the same comparable nature.
- (o) **Label** means any tag, brand, mark, pictorial or similar descriptive matter, written in texts, prints or embosses, firmly secured, impressed, or marked, either on the container of foods or as an attachment to the package of food.
- (p) **Prepackaged food** means the food packaged or put in advance in a container, ready for offer to the consumers, or for catering purposes. This term does not include immediate food packaging at the time of buying or temporary packaging by the seller oneself at the shop or mobile location.
- (q) **CODEX standard** means international food standards prescribed by CODEX alimentarius commission.

## Chapter (2) Principles of Labeling

4. In labeling the pre-packaged foods, the following principles shall be observed:
  - (a) Labeling shall not include any misleading description regarding unique features and properties of the food, any false or ambiguous description, any deceptive description, any misleading description or the like.
  - (b) Labeling shall not include any description, by words, pictorials or other means, to make the customer confused or misled that the food is the one connected with other product.
  - (c) In assigning brands and trademarks, any text, vocabulary, usage, pictorial, illustrations, own symbol, own logo or similar expressions which may imply the followings shall not be described or used:
    - (1) Items forbidden to represent in the marks by laws, rules or by any department or organization;

- (2) Using food names, which are referred to in section 5(a) of this Order as mandatory representation, as brand names (for example- olive grease, black sesame dried tea leaves, honey sour milk),
- (d) When describing information in the labels,
  - (1) it shall be described in a manner that it is firmly attached to, printed on the container or in conjunction with the displayed food;
  - (2) if the container is packed again by another wrapper, the wrapper shall carry the necessary information of labeling or the label on the container shall be readily legible through the outer wrapper or not obscured by it;
  - (3) the name of food and net weight shall appear in a prominent position and in the same display surface.
- (e) The language used for describing in the label
  - (1) shall be Myanmar language or any language that is eligible and acceptable to the consumers as long as it does not contradict the provisions in other laws; it may be described in more than one language;
  - (2) if the language on the original label is not acceptable to the consumers for whom it is intended, a supplementary label containing the mandatory information in the required language may be used instead of re-labeling;
  - (3) in the case of either relabeling or a supplementary label, the mandatory information provided shall fully and accurately reflect that in the original label.
- (f) One shall abide by prescribed orders, directives and guidelines for information panel and principal display panel which will show the information related to the label on the package pursuant to this Order and other related orders and directives.

### **Chapter (3)**

#### **Mandatory information to be included in the label**

5. Except the foods prescribed for specific compliance in declarations according to their names under Myanmar standards or CODEX standards, the following information are mandatory to declare in the label of pre-packaged foods:-
  - (a) the name of the food;
  - (b) list of ingredients;
  - (c) net contents, quantity and drained weight;
  - (d) name and address;
  - (e) country of origin;
  - (f) lot identification;
  - (g) date marking;
  - (h) instructions for use.
6. When describing the name of the food in the label of pre-packaged foods,
  - (a) the name of the food shall not be generic and shall be apparent and specific for the public to distinguish the nature of the food (for example, in case of cooking oils, it shall be definitely specified whether it is groundnut oil or palm oil);
  - (b) if it is already established in Myanmar standards or CODEX standards, only any of those food names shall be used;
  - (c) if the above subparagraphs (a) and (b) are not applicable, a common or usual name which is easily understandable and not confusing to the consumers shall be used;

- (d) if it is a mixed, processed food, to avoid misunderstanding by the consumers, either the name of common usage (for example- Halawa - sweetmeat made of flour, butter, sugar etc.), emphasizing with a modifier phrase to the name of major ingredient (for example - plum jam, pounded fish sauce) shall be used. If it is a mixture of foods with the same nature, the generic name shall be modified with such words as "variety" and "mix" (for example- fries variety, cooking oil mix ) or it shall be modified by the term "mix" after sorting the ingredient names in descending order based on their content (for example sesame oil, flower sesame oil mix);
  - (e) if one wishes to use coined names or fanciful names or brand names or trademarks or the like, it shall be described in close proximity to or continuously with the name of the food;
  - (f) if additional words or terms are included, those shall not be misleading, causing misunderstanding or confusing to the consumers regarding the original nature and absolute conditions of the food (for example- naming normal fried noodle as flying noodle, naming scrambled egg as David fry). However, it shall not apply to the descriptions of type or pattern of containers and foods by processing methods like dried, essence extracted or smoked (for example- dried beet, dried smoked fish);
  - (g) if it is produced as a special dietetic food, "special dietetic" or the term with a similar meaning shall be described in close proximity to the name of the food;
  - (h) if one wishes to include a place name in the name of the food, it may be described if the food is produced in that place or if it is made with unique ingredients from that place or if it is treated precisely with traditional treatment techniques in that place. If the treatment method is the same as that in a place of other country, the word "Style" shall be emphasized in the declaration;
  - (i) unless it is misleading or causing misunderstanding to the consumers, place names may be described as brand names (for example, when brand name is Shwe Taung and food name is Noodle, labeling as Shwe Taung Noodle can be misunderstood as the traditional food item "Shwe Taung Noodle");
  - (j) In front of the name of the food with added odor or flavor, the terms like "odor-added" or "flavor-added" or the like shall be described. When describing, the terms like "natural", "natural identical" or "artificial" may be combined in front of such words as "odor" or "flavor".
7. When declaring the list of ingredients in the pre-packaged food label,
- (a) except for the single ingredient food, the list of ingredients shall be declared in the label;
  - (b) it shall be titled as "Ingredients";
  - (c) ingredients shall be declared in descending order of their ingoing weights at the time of food manufacture;
  - (d) where an ingredient is itself the product of two or more ingredients, such ingredients in that compound ingredient shall be declared, immediately after the name of compound ingredient accompanied by a list, in open and close brackets "( )", of its ingredients in descending order of their proportions. Where a compound ingredient for which a name has been established in CODEX standards or in Myanmar standards, if it constitutes less than 5% of all ingredients, other than food additives, need not be declared. (For example, if curry powder constitutes more than 5% of the food ingredients, it shall be declared as "Curry Powder (Cardamom, Star anise, ...)" in the ingredient list and if it constitutes less than 5%, just "Curry Powder" may be declared);

- (e) the following foods and ingredients may potentially cause allergy to the consumers and if included, they shall be declared in bold words or in conjunction with obvious expression for allergen in close proximity to the ingredient list-
  - (1) Cereals containing gluten (wheat, barley, oats, rye or their hybridized strains and products of these);
  - (2) Crustacean and products of these;
  - (3) Eggs and egg products;
  - (4) Fish and fish products;
  - (5) Milk and milk products (including lactose);
  - (6) Peanuts, horse gram, soybeans and products of these;
  - (7) Tree nuts and nut products;
  - (8) Sulphite in concentrations of more than 10 milligram in one kilogram of food;
- (f) although foods and ingredients which can cause allergy to the consumers are not included in sub-section (e), if it is likely that such allergens may be somewhat included in the foods along manufacturing process, the statement "May contain allergens" shall be declared immediately beneath the ingredients. In so declaring, pictorials and symbols may be used for more obvious and easier understanding;
- (g) all additional water shall be declared in the list of ingredients except when the water forms part of an ingredient such as brine, syrup, concentrate or broth. Water or other volatile ingredients evaporated in the course of manufacture need not be declared;
- (h) dehydrated, essence-extracted or condensed foods which are intended to be reconstituted by the addition of water only, the ingredients may be listed in descending order of their proportions in the reconstituted product with a label of "Ingredients after reconstitution" instead of "Ingredients"; When declaring, serving size or portion size shall be clearly described;
- (i) The presence in any food or food ingredients obtained through biotechnology of an allergen transferred from any of the products listed in sub-section (e) shall be declared (for example genetically modified foods or ingredients);
- (j) pork fat, pork lard and beef fat shall be declared by their specific names only;
- (k) when declaring food additives in their classes, a combination of emphasis terms like "natural", "nature identical", "artificial" may be used. For example, regarding odor,
  - (1) natural odor - the odor extracted in appropriate ways from spices, herbal plants, fruits, leaves, barks, buds, roots, chicken, bird, meat, fish, egg, milk, dairy products, yeast, fermentation products and etc;
  - (2) natural identical odor - the odor produced identical to the chemical composition of a natural scent from scented items or at the laboratories for purpose of human consumption;
  - (3) artificial odor- artificially synthesized scent which cannot be found in nature;
- (l) A food additive carried over into a food in a significant quantity or in an amount sufficient to perform a technological function in that food as a result of the use of raw materials or other ingredients in which the additive was used shall be included in the declaration of the list of ingredients;
- (m) A food additive and processing aids carried over into foods at a level less than that is required to achieve a technological function need not be declared in the list of ingredients;

- (n) If a food additive and processing aids are included in the list in sub-section (e) which may cause allergy to the consumers, they shall be described in the list of ingredients;
  - (o) If special dietetic foods contain less or reduced sodium content, statements like "Less Sodium content" or "Reduced Sodium content" or the like shall be described in close proximity to the name of the food;
  - (p) Adaptations of general class names for ingredients into specific group names and declarations on food additives shall be described in line with the prescriptions of the respective organization;
8. When describing net content, quantity and drained weight in the label of pre-packaged foods,
    - (a) The net contents shall be declared in the metric system ("Système International" units) and in average number at the time of packing. Local measurements may also be declared together;
    - (b) if the food is in liquid form, net contents shall be declared in volume;
    - (c) if the food is a solid, net contents shall be declared in weight or quantity;
    - (d) if the food is viscous, net contents shall be declared in weight or volume;
    - (e) for a larger pack which contains retail packets, it shall declare quantity of packets as well as net contents of each packet and total contents (for example- "20 x 10 gram packets (200 grams)", "6 x 200 milliliter bottle (1.2 liter or 1200 milliliter)");
    - (f) if the food is packed in the liquid medium, net contents as well as drained weight of such food shall be described in average number in metric system at the time of packing. Liquid medium means fruit and vegetable juices in canned fruits and vegetables only, water, aqueous solutions of sugar or salt, or vinegar, either singly or in combination;
  9. When declaring the name and address in the labels of pre-packaged foods,
    - (a) if it is a locally manufactured food, business name and full contact address of food manufacturer or repacker (Mailing address with postal code including email and web address if available) and phone number shall be declared. If the addresses of the business office and food factory are different or there are more than one factory, code or number of that factory shall be described together following the business office address;
    - (b) for imported foods, full contact addresses of importer or distributor or repacker in addition to manufacturer or packer (Mailing address with postal code including email and web address if available) and phone numbers shall be declared;
    - (c) when stating a business name which does not produce by itself, statements like "Manufactured for...." or "Packed for...." shall be added together with its name.
  10. When declaring the country of origin in the labels of prepackaged foods,
    - (a) the country of origin of the food shall be declared if its omission would mislead or deceive the consumer;
    - (b) when a food undergoes processing which changes its nature in a second country, which is not the original country, the country in which the last processing is performed shall be regarded as the country of origin for labeling and it shall be declared.
  11. When declaring lot identification in the labels of prepackaged foods, each container shall be permanently marked in code or in clear mark to identify the producing factory and the lot identification and it shall be declared in manufacture serial number.
  12. When declaring date marking in the labels of prepackaged foods, unless there are specific provisions in Myanmar standards and CODEX standards, date marking shall be declared as follows based on international calendar. In so describing acronyms in line with international standards may be used-



- (a) To ensure the safety and quality of the food, if it is to be consumed before a prescribed date, "Use-by Date" or "Expiration Date" shall be described;
  - (b) When the food does not reach a decayed state on the prescribed date but it just degrades gradually, "Use-by Date" or "Expiration Date" need not be described but "Best Before Date" or "Best Quality Before Date" shall be declared;
  - (c) For any foods which are durable less than three months, the day and the month shall be declared; in addition, if there is a separate instruction by the relevant department or organization assuming that such date marking with the day and the month can mislead the consumers, the year shall also be added in the date declaration. For any foods which are durable for three months or more, at least the month and the year shall be declared;
  - (d) If the date is not declared together with the texts, a reference to the panel on the label where that date is described shall be declared (for example, Expiry date- see the bottom of the bottle);
  - (e) the day and the year may be described in numbers where two or four digits for the year and words, acronyms or numbers for the month may be used in declarations. In describing a date, the format shall be (DD/MM/YY) or (DD/MM/YYYY). Alternatively, date marking declaration shall be stated together with its format (for example- 2019-12-02 (YYYY-MM-DD));
  - (f) Regarding the situations where date information is not necessary to declare, it shall be carried out in line with prescriptions by the respective organization;
  - (g) Only manufacture date or packing date may be described for foods like the followings-
    - (1) Fresh vegetables and fruits including tubers and bulbs without any peeling, cutting or processing;
    - (2) Various wines (liqueur wines, sparkling wines, aromatized wines, fruit wines, sparkling fruit wines);
    - (3) Beverages which contain 10% or more by alcohol volume;
    - (4) Baker's wares and foods which are normally consumed within 24 hours of their manufacture;
    - (5) Vinegar;
    - (6) Non-iodized food grade salt;
    - (7) Non-fortified solid sugar;
    - (8) Confectionary products based on colored or flavored sugars;
    - (9) Chewing gum;
  - (h) Manufacture date and packing date may be declared in a combination with the descriptions under subsection (a) and (b). In declaring so, it may be described as the format in subsection (e) together with "Manufacture date" or "Packing date" and the description shall be clear and contrast with background color, pictorials and designs.
13. When describing the instructions for use in the label of pre-packaged foods, in order to ensure the proper consumption of the food, in addition to the instructions for use, the required reconstitution method shall be declared along with it as per the requirements.

Explanation-

- (1) If meat, fish, egg, vegetables are required to add to and reconstitute instant noodle packs for proper diet, reconstitution method or stages shall be mandatory to declare in the instructions for use;
- (2) If reconstituted condition is declared in serving plate or any other ways in the label without mentioning the reconstitution as provided in the above subparagraph, it may be

- misleading that such items for reconstitution are already included in the food and thus it shall not be declared like that;
- (3) If reconstituted condition is illustrated in serving plates, serving or portion size to be used in that reconstitution shall be prominently described.

#### **Chapter (4)**

##### **Additional Mandatory Requirements to Declare**

14. If it is required to inform the consumers in the label of the prepackaged foods according to the nature of the food, it is mandatory to declare those requirements as below:-
- (a) **Storage instructions**
- Date marking is described and if the durability of the food depends on or original quality of the food is subject to the storage conditions, those special storage instructions shall be included in the label;
- (b) **Quantitative Ingredients**
- (1) For foods sold as a mixture or combination, the ingoing percentage of an ingredient including compound ingredients or categories of ingredients, by weight or volume as appropriate, at the time of manufacture, shall be mandatory to disclose in the following conditions where the ingredient:-
- (i) is emphasized for its presence in the label through any of texts, pictorials or graphic designs; or
- (ii) is not within the name of the food, is essential to characterize the food, is expected to be present in the food by consumers in the area where the food is sold, or if the omission of the quantitative ingredient declaration would mislead or deceive the consumers;
- (2) Quantitative ingredient declaration is not necessary in the following conditions:-
- (i) if the ingredient is added only in small quantities for flavor purpose;
- (ii) if commodity specific standards are stipulated in Myanmar standards or CODEX Standards;
- (iii) although the ingredient is emphasized as present in the label through any texts, pictorials or graphic designs, as the variation of ingredient quantity among the foods is not a requirement to characterize the food or to distinguish the food from other similar ones, if it is unlikely to deceive, cause misunderstanding to or to mislead the consumers in the target market country or region (for example - content percentage of maltose in peanut brittle)
- (3) When quantitative ingredient declaration is made in the product label pursuant to section 14(b)(1), it shall be declared as below:-
- (i) the declaration shall be in numerical percentage;
- (ii) the ingoing percentage, by weight or volume as appropriate, of each ingredient shall be given on the label in close proximity to the texts, pictorials or graphic designs emphasizing that particular ingredient, or beside the name of the food, or adjacent to each appropriate ingredient listed in the ingredient list;
- (iii) when emphasizing the content of a particular ingredient, a minimum percentage where the emphasis is on the presence of the ingredient or a maximum percentage where the emphasis is on the low level of the ingredient shall be declared;

(iv) for foods which have lost moisture following heat or other treatment, the percentage, weight or volume of the treated finished product shall be declared for the quantitative ingredient;

(v) when the quantity of an ingredient or the total quantity of all ingredients exceeds 100%, the percentage shall be replaced by the declaration of the weight of the ingredients used to prepare 100 g of treated finished product;

**(c) Irradiated foods**

The label of a food which has been treated and produced with ionizing radiation shall carry statement prescribed as below:-

(1) a written statement of "Treated by irradiation" shall be described in close proximity to the name of the food. If one wishes to include the following international food irradiation symbol, it shall be described in close proximity to the name of the food;



(2) When an irradiated product is used as an ingredient in another food, that ingredient shall be declared in the list of ingredients;

(3) When a single ingredient product is prepared from a raw material which has been irradiated, the label of the product shall contain a statement indicating the use of such treated material;

**(d) Alcoholic beverages declaration**

If beverages contain alcohol, % alcohol by volume (Alc % vol) (% ABV) or degree of proof shall be clearly disclosed;

**(e) Warning**

Warning shall be clearly and completely described if the product is targeted to a specific age group, if it is treated to be suitable for a certain physiological or disease situation, if it is not suitable for a certain physiological or disease situation, if the amount or duration to consume is limited, or if there are other similar situations;

**(f) Nutrition facts**

It is mandatory to declare nutrition facts if supplementary nutrients like vitamins or minerals are supplemented to a food, if the food is treated by lowering or removing a nutrient, or if the claim describes the food contains special nutrition facts. In so describing, it shall be stated according to the prescribed provisions or CODEX guidelines on Nutrition labeling CAC/GL 2-1985 and its amendments, or Myanmar standards.

## **Chapter (5)**

### **Provisions on claim declaration**

15. The following claims shall not be declared in the label of the pre-packaged foods:-

(a) Claims stating that any given food will provide an adequate source of all essential nutrients, except in the case of well-defined products for which a CODEX standard regulates such claims as admissible claims or where the relevant department or organization has recognized such claims;

(b) Claims implying that a balanced diet or daily ordinary foods cannot supply adequate amounts of all nutrients;

- (c) Claims which cannot be substantiated;
  - (d) Claims as suitable use of the food in the prevention, alleviation, treatment or cure of a disease or an illness excluding the following conditions:-
    - (1) it is in conformity with Myanmar standards or CODEX standards and guidelines relating to Special Dietary Uses;
    - (2) it is permitted under any existing laws;
  - (e) Claims which could give rise to doubts about the safety of other similar foods or which could arouse fear of them in the consumer;
  - (f) Deceptive claims on ingredients by praising highly of food additives like color, texture and flavors which are not original ingredients but used to attract consumers.
16. Potentially misleading claims like the followings shall not be declared:-
- (a) meaningless claims such as incomplete comparatives, praising highly by superlatives, and usage of phrases like "tried & proven ", "personal experience";
  - (b) claims for manufacture by good hygienic practice as “wholesome”, “healthful”, “good for health” or similar expressions.
17. In declaring label claims of the pre-packaged foods,
- (a) if one wishes to describe an indication that a food has obtained an increased or special nutritive value by means of the addition of nutrients, such as vitamins, minerals and amino acids, such an addition shall be made on the basis of Myanmar standards or CODEX standards or nutritional considerations in orders, directives issued by the relevant department or organization. Such indication shall comply with the provisions by the relevant department or organization;
  - (b) if one wishes to describe an indication that the food has special nutritional value by the reduction or omission of a nutrient, it shall be in line with Myanmar standards or CODEX standards or nutritional considerations in orders, directives issued by the relevant department or organization. Such indication shall comply with the provisions by the relevant department or organization;
  - (c) the use of terms such as “natural”, "genuine", “pure”, “fresh”, “home made”, “organic”, “biologically” or similar usages shall comply with Myanmar standards or CODEX standards or orders, directives issued by the relevant department or organization;
  - (d) Religious or ritual preparation of a food may be claimed provided that the food conforms to the requirements of the respective religious or ritual authorities (e.g. Halal, Kosher);
  - (e) If a claim that a food has special characteristics makes apparent that all such foods also have the same characteristics, it may be declared;
  - (f) If one wishes to emphasize that a material is not included or added, it may be declared without misleading if that material conforms to the following conditions:-
    - (1) it is not a mandatory material to be included according to Myanmar standards or CODEX standards;
    - (2) it is one which the consumers usually take for granted that it is normally included in the food;
    - (3) a substitute is not used to obtain the food of equivalent characteristics or if a substitute is used, the nature of the substitution is clearly stated;
    - (4) it is one which is present in the food as usual or it is a permitted additive;
  - (g) An emphasized claim of the absence or non-addition of one or more nutrients shall be deemed as nutrition claims and therefore it shall be declared in line with Myanmar standards, or CODEX standards or orders, directives issued by the relevant department or organization;

- (h) When declaring texts, pictorials, symbols or the like for disposal, removal of the package, food or label, or for the type and instructions to do of their related materials, it shall be declared in line with international standards or orders, directives issued by the relevant department or organization;

### **Chapter (6)**

#### **Optional Additional Labeling**

- 18. Any information such as pictorials, texts or graphic designs may be displayed in labeling provided that it is in line with the principles of the labeling and it does not contradict the provisions for the claims not to be deceptive, the mandatory requirements to include under this provision, or conditions for strict compliance. In so describing-
  - (a) when declaring by using photos, images and graphic designs, if any fruit, leaf, chicken, bird, meat, fish, egg, or its product is not included in the food, they shall not be described by using photos, images and graphic designs. Even when describing in line with prescriptions, if flavor enhancers are added to make better the original flavor, the statement of "Flavor included" or similar expressions shall be declared prominently in close proximity to such photos, images and graphic designs. In such declarations, their original shape shall not be apparently described;
  - (b) when declaring the ingredients or ingredients of a food mixture by photos, images and graphic designs, it shall be described proportionately to their content;
  - (c) If grade designations are used for food products, they shall be readily understandable and not be deceptive in any way.
- 19. When describing nutrition facts, it shall be described in line with the respective provisions or CODEX guidelines on Nutrition Labeling CAC/GL 2-1985 and its amendments or Myanmar standards.
- 20. Encryptions like bar code or QR code, indications like vegetarian, brands, brand names and trade marks, awards, medals, certificates, analysis, study findings, and text, symbols, marks, medal letters or images which refer to them may be declared if they are substantiated. However-
  - (a) Food business operator shall take full responsibility for the genuineness and validity of the aforementioned declarations;
  - (b) If such declarations are included in the label, sound evidence shall be attached when asked to submit to by the respective department or organization;
  - (c) Based on its finding on the evidence after scrutiny, the respective department or organization may ban such declarations.

### **Chapter (7)**

#### **Conditions for Strict Compliance**

##### **Forbidden declarations**

- 21. Manufacture permit, license, certificate and the like which are not approved by the relevant department or organization shall not be declared in the label of the pre-packaged foods.
- 22. After obtaining the documents such as the certificates or endorsements regarding Good Hygienic Practice, Good Manufacturing Practice, Hazard Analysis and Critical Control Point, and ISO: International Organization for Standardization relating to good practices in food production, text, symbol, mark, medal letter which refer to such certificates or endorsements shall not be

declared in the label of the pre-packaged foods without prior consent from the respective department or organization.

### **Presenting information in the label**

23. Declarations in the label of the pre-packaged foods -
- (a) shall be clearly legible with normal eyes;
  - (b) shall be prominent and indelible;
  - (c) shall be contrast with the background like designs, graphics or pictures and the colors of the background and texts shall help texts distinct and clear;
  - (d) shall have a font size which is at least 1 millimeter of 'o' ("Wa" character in Myanmar language) or 'o' (small "o" character in English language);
  - (e) shall have a title font which is clearly apparent and larger than the font used in the content;
  - (f) shall maintain aspect ratio when resizing fonts and declarations for the packages of various sizes.

### **Conditions to be examined by the relevant department or organization**

24. The following conditions specified to declare to and inform the consumers in the labels of the pre-packaged foods according to food safety examination procedures shall be mandatory to declare until it is revoked by the respective department or organization:-
- (a) if food permit officially issued from the respective department or organization is not obtained yet, the statement "Relevant department hasn't examined yet" shall be written and described in bold words in a font size which is at least 2 millimeters of 'o' ("Wa" character in Myanmar language) in a frame;
  - (b) If anyone who obtains the official permit for food manufacture or import or the like from the relevant department or organization, the number or the text directed by the relevant department or organization to declare shall be written and described in bold words in a font size which is at least 2 millimeters of 'o' ("Wa" character in Myanmar language) in a frame;
  - (c) Apart from the exemptions by the relevant department or organization after examination, food supplements, dietary supplements, herbal supplements, functional foods as well as similar products shall have the following statement written in the label in bold words in a font size which is at least 1 millimeter of 'o' ("Wa" character in Myanmar language) in a frame-

"Effects are not analyzed. Not for diagnosis, treatment, cure, mitigation, or prevention of disease".

### **Conditions for warnings**

25. If it is instructed to declare special warning or warning in the label for food safety and public health, it shall be strictly complied with and declared.
26. If the relevant department or organization gives instructions for information to be declared in the label, claims and warnings relating to nutrients, fortified foods, genetically modified foods, non-communicable disease prevention and control and etc. for public health, it shall be mandatory to declare such information.

## **Chapter (8) Exemptions**

27. As an exemption for labeling, apart from spices and herbs, if the widest surface of a product is smaller than 10 square centimeter, it shall be exempted from required declarations as per the provisions in section 7, 11, 12, 13 and 14.
28. Foods packed by the seller oneself or temporarily packed at the retail shops shall have the exemptions from the labeling under this Order.

- 29.
- (a) If small packets are put in a bigger pack for food quality or food safety or by any technology, such packets shall be exempted from labeling.
  - (b) However, the labeling on the bigger pack shall be full and complete and a warning that it is not for retail sales or direct catering shall also be apparently declared.
  - (c) If small packets inside a bigger pack are produced with a purpose for retail sales or direct catering, they shall not be exempted from labeling and such small packets shall have labels in a full and complete manner.
30. Pre-packaged foods which are not directly sold to the consumers but are to be sold to any processing or packing business shall be exempted from labeling pursuant to this Order, but adequate information and complete evidence relating to the labeling shall be delivered to the buyer in any ways such as in separate documents or by electronic method.

### **Chapter (9)** **Responsibility**

31. Any food business operator shall follow and comply with the followings:
- (a) for food manufacturer, importer or distributor to duly stick the labels in the pre-packaged foods in full compliance with the provisions under this Order;
  - (b) if the repackaging or modified packing of the foods is done, for any person who carries out or any owner of such business, to duly stick the labels in full compliance with the provisions under this Order;
  - (c) for any seller or any person involved in selling process of the pre-packaged foods to the consumers, directly or indirectly, in any ways like redistribution, transportation, storage, wholesales and retails, mobile sales or online sales, to distribute, transport, store or sell only the pre-packaged foods which are in full compliance with the provisions under this Order;
  - (d) to duly submit the explanation for the label and claims of the pre-packaged foods in Myanmar or English in full and correct information when the relevant department or organization asks for it.
32. Anyone who displays, gives samples or donates the pre-packaged foods shall be responsible to use only the pre-packaged foods which are in full compliance with the provisions under this Order.
33. Anyone who uses the pre-packaged foods to cook, prepare, cater, feed or any catering person or any food business owner shall be responsible to use only the pre-packaged foods which are in full compliance with the provisions under this Order, to appropriately use as per the instructions in the claims and to be accountable for such compliance.
34. Any consumer shall be responsible to take precautions in buying foods whether the label and claims conform to the provisions under this Order or not, to appropriately consume as per the label and the instructions in the claims and to selectively consume the foods which contain the label and claims conforming to the provisions.
35. If anyone finds a label and claim which does not conform to the provisions under this Order, he/she may be free to inform and report to the Department of the Food and Drug Administration or the committee or organization formed under the National Food Law.

**Chapter (10)**  
**Powers Entrusted**

36. The Ministry of Health, the Department of the Food and Drug Administration and the committees formed under the National Food Law shall carry out the matters such as supervising and scrutinizing whether it conforms to the provisions under this Order or not, determining whether it is appropriate or not and giving expert opinions. In carrying out those tasks, for any disagreement, dispute or giving exceptions that may arise, the decision by the Director General of the Department of the Food and Drug Administration shall be conclusive and final. However, the Department of the Food and Drug Administration and the committees or organizations formed under the National Food Law shall not be responsible to examine and approve the labels and claims of the foods before marketing.
37. The Ministry of Health, the Department of the Food and Drug Administration shall issue required notifications, orders, directives and procedures pursuant to section 38, subsection (b) of the National Food Law to supervise the followings which are required to be declared in the labels and claims as well as similar matters:
- (a) Nutritional declarations
  - (b) Nutritional claims
  - (c) Health claims
  - (d) Health warnings
  - (e) Packing declarations
  - (f) Genetic/biotechnological declarations
  - (g) Emphasized declarations ("Natural", "Organic" etc.)
  - (h) Food name classifications.
38. When the submission of the label is asked according to the procedure of the respective department or organization in scrutinizing for food safety, anyone shall not fail to comply with it.

**Chapter (11)**  
**Coming into Force**

39. This Order shall not be retroactive for any labels of any foods locally manufactured or imported from abroad before the issuance of this Order. Moreover, only locally manufactured date or imported date shall be used to determine the effective period specification under this Order and regardless of whether the label is approved or not before this order, the provisions herein shall be in force equally.
40. A period of one year starting from the date on which this Order is issued shall be deemed as the Awareness Period and Preparatory period. With effect from the date on which such period elapses, the following periods described respectively alongside each food business type shall be deemed as the Adjustment Period:-
- (a) For import businesses, domestic medium enterprises and above - 3 months
  - (b) For domestic small enterprises - 6 months
  - (c) For all food businesses not applicable under the above subsection (a) and (b) - 9 months
41. During the Adjustment Period, adjustments shall be made using the following administrative actions for the pre-packaged foods with labels and claims which are not in compliance with the provisions under this Order -
- (a) in the case of the first time breach, notifying to the respective business persons to make corrections; giving warnings to them in writing; or making them sign a pledge;



- (b) in the case of the second time breach, banning such foods from marketing; making such foods recalled or destroyed;
  - (c) in the case of the third time breach, temporary revocation or cancellation of the endorsement for import, export or manufacture, or distribution for a specified period;
42. Starting from the expiry of the Adjustment Period, punishments under section 31 of the National Food Law in addition to the administrative actions under section 41 of this Order shall be initiated.
43. If foodstuffs applicable under "The Order on Marketing of Formulated Foods for Infants and Young Children" stipulated by the Notification No. 22/2014 of the Food and Drug Board of Authority, the Ministry of Health, need to be revised to be in line with the provisions under this Order, it shall be completely revised within 1 year period starting from the date of the issuance of this Order and additionally it shall not be entitled to enjoy the Adjustment Period under the section 40.

### **Chapter (12)** **Punishment**

44. If any food business operator fails to abide by or breaches any provision under this Order, he/she shall be punished under section 31 of the National Food Law.
45. When the offender of any provisions under this Order is prosecuted under section 31, prior approval shall be sought from the Department of the Food and Drug Administration or the respective Region or State Department of the Food and Drug Administration.
46. Any food business operator shall continue to observe and practise the provisions relating to labels and claims in the rules, orders and directives stipulated under the powers of the National Food Law.

Dr. Thet Khaing Win  
Chairman  
Myanmar Food and Drug Board of Authority

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Dated : January 20, 2022

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By order  
Dr. Aye Tun  
Deputy Minister

**Attachments:**

No Attachments.