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**Report Highlights:**

This report includes updates in Section I Food Laws: 1.3.1 Pre-marketing Control; Section II Labeling Requirements: 2.9 Novel Food Labeling; Section VI Other Requirements Regulations and Registration Measures: 6.1 Testing Requirements for Alcohol Beverages; Section VII Other Specific Standards: Section 7.5 Specific Import Control on Animals and Animal Products, Section 7.9 Specific Import Control on Fruits and Vegetables (additional on approved list of production certificates), and Section 7.10 Novel Food (Plant-based meat).

# Food and Agricultural Import Regulations and Standards 2021

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## **Executive Summary**

Thailand's food industry is governed by the Food Act of 1979 and subsequent laws stipulated by the Ministry of Public Health (MOPH). The Ministry of Public Health's Food and Drug Administration (TFDA) regulates imports of processed foods. In general, processed food imports require only a general import license, standard labeling, and Good Manufacturing Practice compliance certification of food manufacturers according to domestic regulations. Special processed product registration is required for only a limited number of "specifically-controlled" food products. MOPH monitors the import of unprocessed food products including meat, fruits, and vegetables. These products require an import permit in advance and usually must be accompanied by phytosanitary or sanitary certificates.

Agricultural trade between the United States and Thailand is significant. In 2020, Thailand was the 15th largest export market for U.S. agricultural and related products and the 10th largest exporter of agricultural and related products to the United States. Due to the prolonged COVID-19 outbreak, exports of U.S. bulk commodities, accounting for 46 percent of all U.S. agricultural exports to Thailand, declined 5 percent in 2020. Cotton saw the largest decline, falling 44 percent, which more than offset an increase in soybean and wheat exports to Thailand. Consumer-oriented products, which accounted for 21 percent of all U.S. agricultural exports to Thailand, also declined 3 percent with reduced exports of food preparations, fresh fruit, processed vegetables, tree nuts, and pet food. Intermediated products, which accounted for 27 percent of all U.S. agricultural exports to Thailand, increased slightly with larger exports of distiller's dried grains with soluble (DDGS) and feed ingredients, accounting for around 62 percent of U.S. intermediate product exports to Thailand.

Thailand is a good destination for U.S. agricultural exports due to its growing economy, its position as a hub for tourism, and rapidly changing incomes and lifestyles favoring high quality food products. However, growth in U.S. agricultural exports to Thailand has been hampered by high import tariffs and other non-tariff trade barriers. Duties on imported U.S. consumer-ready food products range between 30 and 60 percent.

The TFDA plans to publish two notifications on genetically engineered (GE) food by the end of 2021 with effective dates in mid-2022. One of the notifications will require all food that contains or consists of genetically modified (GM) plants, GM animals, and/or GM microorganisms (GMM) be labeled if any GM ingredient is equal to or greater than 5 percent of the total weight.

## Section I: Food Laws

The laws and regulations governing the Thai food industry are confined to the scope of the Food Act B.E. 2522 (1979). The Food Act authorizes the Ministry of Public Health's Food and Drug Administration (FDA) to implement and administer the Food Act.

Under the Act, all establishments producing food for sale or importing food for sale must be licensed by the Food Bureau of the FDA. The application and granting of licenses must be in accordance with the principles, procedures or conditions prescribed in the Ministerial regulations, which are periodically elaborated, modified, and issued by the FDA's Food Bureau.

### 1.1 Food Act of B.E. 2522 (1979)

The full copy of Food Act is available at [http://food.fda.moph.go.th/law/data/act/E\\_FoodAct2522.pdf](http://food.fda.moph.go.th/law/data/act/E_FoodAct2522.pdf). The Food Act of B.E. 2522 (1979) remains in effect. The Act defines the word "food" as edible items and those which sustain life including:

- (A) Substances that can be eaten, drunk, dissolved in the mouth or induced into the body by mouth, no matter in what form, but not including medicine, psychotropic and narcotic substances.
- (B) Substances intended for use or to be used as ingredients in the production of food including food additives, coloring, and flavoring materials.

The Food Act classifies food into four categories as listed below:

1. **Specifically-controlled foods:** Under this category, product registration is required. Legal provisions are established regarding standard quality, specifications, packaging, and labeling requirements, as well as other aspects of good manufacturing practices.
2. **Standardized foods:** Foods produced under this category must adhere to quality standards as defined in the regulations. This category was created to standardize the production of locally produced food from small-scale or household industries in order to provide consumers the ability to differentiate such products by qualitative attributes and to encourage food producers on attaining hygienic quality of their products.
3. **Foods required to bear standardized labels:** This category is less restrictive than the first two categories, as foods under this category pose a lower risk to consumers' health and does not have to follow specific quality standards for manufacturing. However, products must bear standardized labels that provide consumer information.
4. **General foods:** Consists of raw, cooked, preserved, non-preserved, processed, or non-processed foods that are not listed in the above categories. Although registrations are not required, general food products are controlled and monitored based on hygiene, safety, labeling and advertisements.

## 1.2 Prohibited Food and Substances

1. Substances prohibited in foods:
  - a. Calcium iodate or potassium iodate except to be used to adjust the nutrition that relates to iodine deficiency as approved by the TFDA.
  - b. Nitrofurazone
  - c. Formaldehyde, formaldehyde solution and paraformaldehyde
  - d. Methyl alcohol or methanol except for use as processing aids for export purpose.
2. Foods prohibited to be manufactured, imported, or sold:
  - a. Brominated vegetable oil
  - b. Salicylic acid
  - c. Boric acid
  - d. Borax
  - e. Potassium chlorate
  - f. Coumarin, or 1,2-benzopyrone, or 5,6-benzo-alpha-pyrone, or cis-o-coumaric acid anhydride, or o-hydroxycinnamic acid, lactone
  - g. Dihydrocoumarin, or benzodihydropyrone, or 3,4-dihydrocoumarin, or hydrocoumarin
  - h. Diethylene glycol, or dihydroxydiethyl ether, or diglycol, or 2,2'-oxybis-ethanol, or 2,2'-oxydiethanol
  - i. Dulcin or 4-ethoxyphenylurea or para-phenetolcarbamide
  - j. AF-2 or 2-(2-furyl)-3-(5-nitro-2-furyl) acrylamide or furylfuramide
  - k. Potassium bromate
  - l. Formaldehyde, formaldehyde solution and paraformaldehyde
  - m. Melamine and its analogues, specifically cyanuric acid
  - n. Foods in which substance no. 1-13 is used as ingredient.
  - o. Genetically modified foods containing Cry9C DNA Sequence and foods containing such genetically modified food.
  - p. Ready-to-eat gelatin and jelly, containing glucomannan or konjac flour packed in small containers with a diameter or diagonal width no larger than 4.5 cm.
  - q. All kinds of puffer fish and foods containing puffer fish meat as an ingredient.
  - r. Food containing objects other than food packed inside food packages, except for the purposes of food quality or standard preservation such as desiccator, oxygen absorber, etc., and in separate packages, seasonings, or consuming accessories (such as plastic spoons, chopsticks, measuring spoons, etc.) Objects other than food may be packed with food packages, but only if they do not pose a risk to humans or mislead consumers that those objects can be eaten.
  - s. Partially hydrogenated oils and foods contain partially hydrogenated oils

3. Food prohibited to be imported or sold:
  - a. Foods with expiration dates or suitable periods of consumption, which have lapsed as stated in the label:
    - i. Infant food and food of continuous formula for infants and children.
    - ii. Supplementary food for infants and children.
    - iii. Modified food for infants and modified milk of follow-up formula for infants and children
    - iv. Cultured milk
    - v. Cow's milk that has been pasteurized, for example, pasteurized fresh milk, recombined pasteurized milk, flavored pasteurized milk, and pasteurized milk products, etc.
    - vi. Food with special objectives.

### **1.3 Regulatory Procedures**

While some of the following information does not specifically apply to U.S. exporters, the following will be levied upon importers of U.S. products. The principles of regulatory procedures for food involve the following aspects.

#### **1.3.1 Pre-marketing Control**

Activities at this stage are the responsibility of the Food Bureau in the TFDA.

- (A) Establishing food standards and manufacturing requirements: Food manufacturing standards and practices must meet the minimum acceptable requirements as established by the Subcommittee on Food Standards and Local Manufacturing Requirements.
- (B) Issuance of Food manufacturing licensing.
- (C) Issuance of Food Import license.
- (D) Food product registration.
- (E) Food labeling: Imported food products, which are categorized as specifically-controlled foods, standardized foods, and foods that are required to display labels according to the specific requisites of each category. Details on the labeling requirements are provided in Section 2.
- (F) Nutrition labeling: Nutrition labeling is required for some products. Details on the standard labeling requirements are discussed in Section 2.
- (G) Good Manufacturing Practices (GMP) - Thailand requires domestic manufacturers and foreign suppliers of all four categories of food to ensure the compliance of GMP standard.

The TFDA published Ministerial Notification No.420 B.E. 2563 (2020) Re: Food Production Processes, Processing Equipment/Utensils and Storage Practices on February 9, 2021

([http://food.fda.moph.go.th/law/data/announ\\_moph/V.English/P420\\_E.pdf](http://food.fda.moph.go.th/law/data/announ_moph/V.English/P420_E.pdf)). Non-registrant food manufacturers and importers had to comply with the new rules by April 11, 2021, while existing manufacturers and importers had to comply by October 7, 2021, to allow for a transitional period for implementation. Importers of all food products must present an equivalent certificate of GMP for factories or plants that manufacture those products in line with the Thai GMP Law. The acceptable GMP can be any of the following: a) GMP by Thai Law; b) GMP by Codex; c) HACCP; d) ISO 22000; and e) other practices and standards equivalent to (a)-(d). Some fresh producers are required to comply with separate regulation as prescribed in Ministerial Notification No. 386 B.E. 2560 (2017) Re:

Prescription of production process, equipment and utensil for production and storage of some fresh fruits or vegetables and labeling, see more details on section 7.9 Specific Import Control on Fruits and Vegetables.

TFDA officials agree that U.S. practices (all U.S. food manufacturers are already subject to 21CFR part 117) exceed GMP criteria under the present Thai GMP Law. The TFDA will accept any simple statement/certificate (including HACCP certificate) that is issued by a U.S. Government (USG) agency. The statement should state that "the food product(s) is(are) manufactured by U.S. processing plant(s), which is(are) subject to 21CFR part 117." In 2010, the TFDA accepted the FSIS Form 9060-5 Meat and Poultry Export Certificate of Wholesomeness as a GMP certificate equivalent, but it must include the following statement, "Products were manufactured in accordance with the Food Safety and Inspection Service (FSIS) Hazard Analysis Critical Point (HACCP) regulatory requirement."

The TFDA enforces MOPH Notification No.420 in order to elevate the efficiency of all food premise inspections to enhance wholesomeness and safety to protect consumer health following CODEX standards. The TFDA repealed several relevant GMP notifications (i.e., 193, 220, 239, 298, 342 and 349) to avoid overlapping standards of auditing measurements and harmonize the requirements. The MOPH Notification No. 420 divides the standards of auditing measurements into a general category (i.e., primary requirement) and specific category for three product categories. The different requirements are below:

- a) Primary Requirement (Annex Part I): This measurement applies to all production processes. The objective is to reduce primary contamination, prevent cross contamination, and eliminate physical, chemical, and biological hazards.
- b) Specific Requirement (Annex Part II): This measurement applies to below listed products and both local and foreign food manufacturers must comply with the specific requirement. These products may pose a high risk to consumer health if the producers fail to control the production process properly. The objective is to prescribe the direction of production process and identify crucial control points to achieve the utmost safety of food.

The products that must adhere to the "Specific Requirements include the following:

- Drinking water, natural mineral water and edible ice treated by a filtration process
- Ready-to-be consumed milk products in liquid form which are processed by the pasteurization heat treatment (e.g., cow's milk, flavored cow's milk and cow's milk products including products made from milk of other animal species and passed pasteurization heat treatment and frozen post-pasteurized products). The regulation retains GMP requirements as stipulated in repealed Ministerial Notification No. 298 B.E. 2549 (2006) Re: Production processes, production equipment and storage of ready to be consumed milk products in liquid form that has passed through pasteurization heat treatment and includes specifically requirement on the reception of raw milk, pasteurized process control, and re-contamination prevention. The process of freezing cases after pasteurization is included in the regulation since freezing is only the last method of storage of the product before distribution. It deems necessary that the product needs to pass pasteurization to reduce or eliminate pathogenic microorganisms. Pasteurized sour drinking milk is excluded from Ministerial Notification No.420 as it is considered low-risk due to an acidity-alkali value of no more than 4.6, which can inhibit the growth of pathogenic microorganisms.

- Low acid and acidified foods in hermetically sealed containers (e.g., foods which passed thermal process to eradicate or inhibit growth of microorganisms pre or post packaging process, other foods with a finished equilibrium pH of greater than 4.6 and water activity of greater than 0.85) are treated with the stated-above thermal processing and packed in hermetically sealed rigid or flexible containers that are made of metal or other materials.

The regulation adds that a specified measure by means of pasteurization shall be established for food processing method of inhibition of germination of spores of *Clostridium botulinum*, e.g, controlled pH or water activity of foods to ensure the inhibition of spore germination or pathogens are reduced to a level that safe for consumption.

The certificate required for this type of food product can refer to the GAIN Report TH4128 re: Processing Filing for Low-Acid and Acidified Certificate Required.

[https://gain.fas.usda.gov/Recent%20GAIN%20Publications/Processing%20Filing%20For%20Low-Acid%20and%20Acidified%20Certificate%20Required%20Bangkok Thailand 12-17-2014.pdf](https://gain.fas.usda.gov/Recent%20GAIN%20Publications/Processing%20Filing%20For%20Low-Acid%20and%20Acidified%20Certificate%20Required%20Bangkok%20Thailand%2012-17-2014.pdf).

### **1.3.2 Post-marketing Control**

- A. Compliance Monitoring: Monitoring processes primarily ensure that the food produced is wholesome and complies with the national food standards. Inspection of food factories and premises throughout the country are regularly conducted together with sampling of food products for laboratory testing. Technical guidance on the appropriate food production, delivery, handling, and storage are also given during the monitoring process. If violations occur, product recall and prosecution will be executed. Inspection, monitoring, and legal actions are the responsibility of the TFDA's Inspection Division.
- B. Food surveillance: The aim of food surveillance is to assure the safety and quality of food items distributed in the marketplace. Food surveillance is conducted mainly by the TFDA. Its inspectors will take samples of food in markets from time to time and whenever problems are identified. The samples will be delivered to the Food Analysis Division of the Department of Medical Science for further analysis of toxins, pesticide residues, heavy metals, nutritional values, and standard conformity. Warning and legal actions such as seizures, product recalls, etc., will be taken depending on the degree of violation.

### **1.3.3 Advertisement**

Any form of food advertisement through any public media is subject to approval from the TFDA. False or misleading advertising on quality or benefit claims is prohibited. The TFDA's Advertisement Control and Public Relations Division is responsible for the approval of statements and visual images used in food advertising.



## **Section II: Labeling Requirements**

### **2.1 Standard Labeling**

Imported food products or domestic food products are required to display labels. For imported foods, a Thai label must be applied where needed prior to entry and be affixed to every single item of the food product prior to marketing. Failure to apply the label before entry will lead to product seizure by the TFDA. The TFDA only requires pre-approved labels for specifically-controlled foods. For other foods, the food manufacturers or food importers are responsible to prepare a product label that complies with the Ministerial Notification No. 367 B.E. 2557 Re: Food Labeling of Prepackaged Food, Ministerial Notification No. 383 B.E. 2560 (2017), Re: The Labeling of Pre-packaged Foods (No.2) and Ministerial Notification No. 401 B.E. 2562 (2019) Re: The Labeling of Pre-packaged Foods (No. 3). Complete details of all three notifications are available at:

[Ministerial Notification No. 367 and revised Notification No. 383 and 401 Re: Labeling of Prepackaged Foods](#)

#### **2.1.1 Labeling of Modified Milk for Infants**

In order to promote the importance of maternal milk and the benefits received from drinking maternal milk for both infants and small children, the TFDA requires producers and importers of modified milk and modified milk of uniform formula for infant and children to display the following statements on the label:

- The best food for infants is maternal milk owing to its full nutritional content.
- Modified milk for infants should be recommended by a physician, nurse, or nutritionist.
- Incorrect preparation or mixture will be hazardous for infants.

#### **2.1.2 Labeling of Cow's Milk**

Exporters must follow new labeling requirements stated under the Ministry of Public Health Notification No. 350 Re: Cow's Milk that governs the display and declaration statements of certain types of cow's milk on food labels. However, for other general labeling requirements, the exporter can refer to the Ministry of Public Health Notification regarding the labeling of pre-packaged foods at the following link: [Ministerial Notification No. 367 and revised Notification No. 383 and 401 Re: Labeling of Prepackaged Foods](#)

#### **2.1.3 The Use of the Term "Premium" on Food Labels**

The TFDA requires food manufacturers or importers of products which use the term "premium" on their products' labels to meet a certain set of quality standards and specific characteristics as stipulated under [Ministerial Notification No. 365 Re: Displaying the term "Premium" on food labels](#). To export products that display the term "premium" on food labels, an exporter must submit the required documents to the TFDA to prove that their product meets the criteria listed in the notification. Additional information is available in GAIN report TH3099 re: New Requirements for Irradiated Food Import to Thailand: [https://apps.fas.usda.gov/newgainapi/api/Report/DownloadReportByFileName?fileName=New%20Requirements%20for%20Irradiated%20Food\\_Bangkok\\_Thailand\\_5-13-2010](https://apps.fas.usda.gov/newgainapi/api/Report/DownloadReportByFileName?fileName=New%20Requirements%20for%20Irradiated%20Food_Bangkok_Thailand_5-13-2010).

## 2.2 Nutrition Labeling

The regulations on nutrition labeling are based on the [Ministerial Notification No.182 of B.E. 2541 \(1998\)](#) and [No. 219 of B.E. 2544 \(2001\)](#). Nutritional labeling is mandatory for the following types of food:

- Foods making a specific nutritional claim.
- Foods that make use of nutritional values in sales promotions.
- Foods that specifically target a group of consumers (e.g., students, executives, elderly people, etc.)
- Other foods which may be specified by the TFDA,

The TFDA requires the following groups of processed food products to bear nutrition labeling and Guideline Daily Amounts (GDAs) labeling per [Ministerial Notification No. 394](#) effective April 22, 2019. In addition, products in group 1 to 3 are required to display information that states, “Should take less and exercise for a better health.”

1. Snacks
2. Chocolate and chocolate flavored like products
3. Bakery products
4. Semi-processed foods
5. Chilled and frozen read-to eat meals
6. Beverages
7. Ready-to-drink tea in liquid and dry form
8. Ready-to-drink coffee in liquid and dry form
9. Flavored milk
10. Fermented milk
11. Other milk products
12. Soybean beverages
13. Ready-to eat ice cream

### Details of the notification

Exemptions of these nutrition labeling regulations (as defined in Ministerial Notification No. 182) are infant foods, supplementary foods for infants and children, and other types of food for which labeling requirements have been otherwise regulated; food not directly sold to consumers; and food packed in small containers, which will be repacked and sold in a larger container. Nutrition labeling must be in Thai; a foreign language is optional. The standard U.S. nutrition fact panel is not acceptable as Thai Recommended Daily Intakes may not be identical to the United States. In addition, differences may exist in serving size and reference amount.

Depending upon the labeling space, different formats are applicable, on either a vertical or horizontal basis. An example of a standard comprehensive nutrition facts is below. The format is similar to the U.S. nutrition fact panel but not identical.

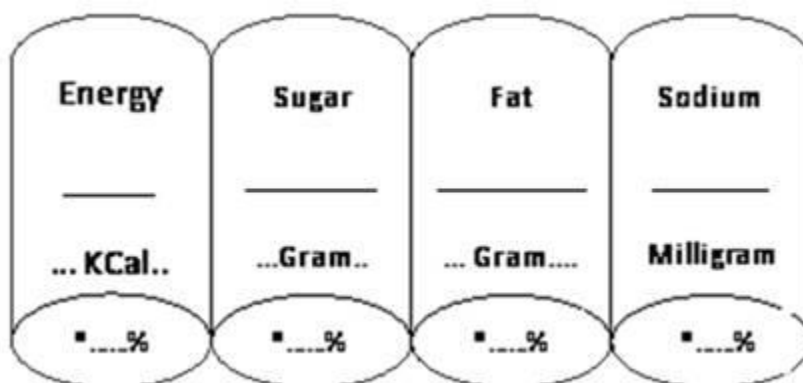
<b>Nutrition Facts</b>	
Serving Size: ....	
Servings Per Container: .....	
<b>Amount Per Serving</b>	
<b>Total Calories</b> .....kcal (Calories from Fat .... kcal)	
	% Recommended Daily Intakes *
<b>Total Fat</b> .....	g ..... %
Saturated Fat .....	g ..... %
<b>Cholesterol</b> .....	mg ..... %
<b>Protein</b> .....	g ..... %
<b>Total Carbohydrate</b> .....	g ..... %
Dietary Fiber .....	g ..... %
Sugars .....	g ..... %
<b>Sodium</b> .....	mg ..... %
	% Recommended Daily Intakes *
<b>Vitamin A</b> .....	% ..... %
<b>Vitamin B1</b> .....	% ..... %
<b>Vitamin B2</b> .....	% ..... %
<b>Calcium</b> .....	% ..... %
<b>Iron</b> .....	% ..... %
* Percent recommended daily intakes are based on a 2,000 kcal diet for Thais aged six and upwards.	
Individual calorie needs may differ. Based on a 2,000 kcal daily diet, the nutrient intakes shall be as follows.	
Total Fat	Less than 65 g
Saturated Fat	Less than 20 g
Cholesterol	Less than 300 mg
Total Carbohydrate	300 g
Dietary Fiber	25 g
Sodium	Less than 2,400 mg
Calories (kcal) per gram: Fat = 9; Protein = 4; Carbohydrate = 4	

Details on serving size and servings per container may be omitted where the reference on serving size cannot be determined due to the nature of that food. Hence, instead of the statement “amount per serving,” the statement “amount per 100 g” or “amount per 100 ml” shall be used as appropriate.

***Guideline Daily Amounts (GDA) Labeling***

The GDA label must include the nutritional value of the product and the recommended daily consumption regarding energy, sugar, fat, and sodium. The format of the label is the following:

Nutritional value per.....  
Consumption should be split into .....times.



\*Percentage of maximum consumption volume allowed per day

More details on the GDA labeling format and requirements are available at this link: [Ministerial Notification No.394 Re: Food products required to bear nutrition labeling and guideline daily amounts, GDA labeling](#)

### 2.3 Thai Recommended Daily Intakes (Thai RDIs)

The Thai Recommended Daily Intake (Thai RDIs) for people of six years of age and older are the established guidelines for nutritional labeling. The Thai Recommended Daily Dietary Allowances (Thai RDA) were developed using as reference the U.S. RDA and Codex's Nutrient Reference Values, details on Thai RDIs are provided below.

No.	Nutrient	Thai RDI	Unit
1	Total Fat	65*	Gram
2	Saturated Fat	20*	Gram
3	Cholesterol	300	Milligram
4	Protein	50*	Gram
5	Total Carbohydrate	300*	Gram
6	Dietary Fiber	25	Gram
7	Vitamin A	800 (2,664)	Microgram RE (IU)
8	Thiamin	1.5	Milligram
9	Riboflavin	1.7	Milligram
10	Niacin	20	Milligram NE
11	Vitamin B6	2	Milligram
12	Folic Acid	200	Microgram
13	Biotin	150	Microgram
14	Pantothenic Acid	6	Milligram
15	Vitamin B12	2	Microgram
16	Vitamin C	60	Milligram
17	Vitamin D	5 (200)	Microgram (IU)
18	Vitamin E	10 (15)	Milligram Alpha TE (IU)

19	Vitamin K	80	Microgram
20	Calcium	800	Milligram
21	Phosphorus	800	Milligram
22	Iron	15	Milligram
23	Iodine	150	Microgram
24	Magnesium	350	Milligram
25	Zinc	15	Milligram
26	Copper	2	Milligram
27	Potassium	3,500	Milligram
28	Sodium	2,000	Milligram
29	Manganese	3.5	Milligram
30	Selenium	70	Microgram
31	Fluoride	2	Milligram
32	Molybdenum	160	Microgram
33	Chromium	130	Microgram
34	Chloride	3,400	Milligram

Notes:

1. \* RDIs for total fat, saturated fat, protein, and total carbohydrate are 30, 10, 10 and 60 respectively of the total daily calories (2,000 kilocalories).
2. Sugar intake should not be more than 10% of the total daily calories.

## 2.4 Claims

### 2.4.1 Nutritional Claims

A nutritional claim means any presentation which states, suggests or implies that a food has particular nutritional properties including, but not limited to, the caloric value, the content of protein, fat and carbohydrates, as well as the content of vitamins and minerals. Nutritional claims constitute nutrient content claims, comparative claims, and nutrient function claims.

The TFDA generally uses Codex and U.S. FDA standards as guidelines to develop their own nutritional claims guidelines, as such the descriptors used in nutrient content claim (e.g. low in cholesterol) and comparative claims (e.g. “less”, “reduced”) generally have similar definitions to those used in the United States for food labeling. However, there may be some differences in the use of certain terms such as “good source” or “rich in” as the threshold values for nutrients might be greater than what is used in the United States to be able to make such claims and differences may also exist in serving sizes and recommended daily intakes. Further details can be obtained from the TFDA’s Food Bureau.

- (A) Nutrient content claims are a nutrition claim that describes the level of nutrient contained in a food. Examples are “source of calcium, high in fiber and low in fat,” etc. A food that is by its nature low in or free of the nutrient that is the subject of the claim shall not include the term “low” or “free” in the name of the food. Instead, a claim statement may be made in a general form that refers to all foods of that type (e.g., vegetable oil) are cholesterol-free foods. However, foods that have been

specially processed, altered, formulated, or reformulated so as to lower the amount of nutrient in the food or remove the nutrient from the food may bear such a claim.

(B) Comparative claims are claims that compare the nutrient levels and/or energy value of two or more foods. Examples are “less than, fewer, more than, reduced, lite/light,” etc. Comparative claims can be made if the foods being compared or “reference foods” are different versions of the same food or similar foods that are representative of the same type available in the market. The identity of the reference food shall be given and a statement of the amount difference in the nutrient content or energy value shall be expressed as a percentage or fraction, higher or lower than that of the food being compared. Also, the nutrient content per serving shall be provided. Full details of the comparison are needed.

Comparative claims are not allowed in the case where reference foods already contain “low” or “very low” levels of nutrient content or energy values according to the established conditions defined in Appendix 4 of the Ministerial Notification No. 182 (B.E. 2541) Re: Nutrition Labeling.

(C) Nutrient function claims are claims relating to the function of a nutrient in the body. Examples are “calcium aids in the development of strong bones and teeth” and “Iron is a factor in red blood cell formation.” Nutrient function claims are subject to FDA approval and are permitted provided the following conditions are met.

- Only those essential nutrients listed in the Thai RDIs shall be the subject of a nutrient function claim.
- The food for which the claim is made shall be a significant source of the nutrient in the diet.
- The claim must be made with reference to the nutrient not particularly to the food product.
- The claim must be based on reliable scientific evidence.
- The claim must not imply or include any statement to the effect that the nutrient would provide a cure or treatment for or protection from disease.

## **2.4.2 Health Claims**

A health claim means any presentation which states, suggests, or implies that a food or nutrient in the food has anything to do with disease or health condition. As many factors (i.e., sex, age, heredity, etc.) can be causes of disease for an individual, no health claims are allowed on food products in Thailand.

## **2.5 GMO Labeling**

The Thai government has banned the commercial planting of transgenic crops but does allow imports of transgenic soybeans and corn for a wide range of domestic uses in both the feed milling and food processing industries. On May 11, 2003, the Ministry of Public Health implemented the labeling law for food containing Genetically Modified Organisms (GMO) materials/products. The regulations claiming to protect consumers were apparently based on the Japanese model allowing for a 5 percent tolerance.

The products covered by this law are listed as follows:

- Soybeans
- Cooked soybean
- Roasted soybean

- Bottled or canned soybean or soybean contained in retort pouch
- Natto (fermented soybean)
- Miso
- Tofu or Tofu fried in oil
- Frozen tofu, soybean gluten from tofu or its products
- Soybean milk
- Soybean flour
- Food containing product(s) from (1) to (10) as main ingredient
- Food containing soybean protein as main ingredient
- Food containing green soybean as main ingredient
- Food containing soybean sprout as main ingredient
- Corn
- Popcorn
- Frozen or chilled corn
- Bottled or canned corn or corn contained in retort pouch
- Corn flour or corn starch
- Snack deriving from corn as main ingredient
- Food containing product(s) from (15) to (20) as main ingredient
- Food containing corn grits as main ingredient

GMO labeling is required for any processed product containing recombinant DNA or protein resulting from gene technology over 5 percent of each top three main ingredients by weight and each ingredient that constitutes over 5 percent of the total product weight.

Product labeling by the producer/importer is mandatory; products that do not adhere to the regulation may be confiscated and the producer/importer will be subject to the applicable penalties if found at fault. More details about GMO labeling procedures are provided in the Manual for Labeling Procedures for GMO Products according to the Ministerial Notification No. 251, B.E. 2545 (2002).

## **2.6 Irradiated Food Imports to Thailand**

Effective as of October 2010, irradiated food manufacturers and importers must ensure that irradiated food manufactured or sold in Thailand must be labeled in accordance with the requirements prescribed in the Ministry of Public Health Notification Re: Irradiated Food (2553/2010). The regulation requires the labeling of irradiated food to display the symbol of food irradiation and the wording “irradiated” to be adjacent to the name of food or any irradiated food ingredient under the ingredient list. In addition, importers of irradiated foods must provide a certificate of the establishment for irradiation processing as prescribed in the Ministerial Notification or the equivalent form from the government authorities or other accepted documents by the government of the countries of origin. More information on the requirements is available in

GAIN Report TH0075 re: New Requirements for Irradiated Foods:

[https://apps.fas.usda.gov/newgainapi/api/Report/DownloadReportByFileName?fileName=New%20Requirements%20for%20Irradiated%20Food Bangkok Thailand 5-13-2010.](https://apps.fas.usda.gov/newgainapi/api/Report/DownloadReportByFileName?fileName=New%20Requirements%20for%20Irradiated%20Food%20Bangkok%20Thailand%205-13-2010)

## 2.7 Iodized Salt Labeling

Under the government's Universal Salt Iodization (USI) strategy, the TFDA requires edible salts (including table salt and salt used as food ingredients) to be iodized in order to reduce the iodine deficiency in children and pregnant woman in Thailand. For table salt, iodine must not be less than 30 mg/kg of edible salt and the wording "Iodized Edible Salt" has to be displayed adjacent to the name of the food product. For any product containing salt as an ingredient, the wording of "Iodized Edible Salt" is also required under the ingredient list. The TFDA also requires the following information, "For people who need to limit iodine consumption" on products that that contain non-iodized salt.

## 2.8 Food Additive Labeling

Effective on December 4, 2015, under the [Ministerial Notification No.372 B.E. 2558 Re: Food Additive \(No.3\)](#), the TFDA amended its regulation on food additives as follows:

The labeling of food additives must have text in the Thai language (may accompany foreign text). It must contain clear and readable details as follows:

- (1) Name of food with wording of "Food Additive" or functional class.
- (2) Food serial number.
- (3) Name and address of manufacturer, packer, importer, or head office as below:
  - (3.1) For food additives produced domestically, either name and address of manufacturers or packer; or name and address of the head office of manufacturer or packer shall be displayed with the below required text:
    - (3.1.1) "Manufacturer" or "Manufactured By" for manufacturer;
    - (3.1.2) "Packer" or "Packed by" for packer; and
    - (3.1.3) "Head Office" for manufacturer or packer that decides to display the name and address of its head office.
  - (3.2) For imported food additives, it is required that the name and address of the importer be displayed with "Importer" or Imported By" and the country of manufacture.
- (4) The manufacturing lot identification or other text whereby traceability can be made.
- (5) The net content of food additives in the metric system:
  - (5.1) food additives in solid form declared by net weight.
  - (5.2) food additives in liquid or semi-solid form may be declared either by net weight or net volume.
  - (5.3) food additives in tablet or capsule may be declared by showing the net weight and number of tablets or capsules.
  - (5.4) food additives other than (5.1) – (5.3), declared by net weight.
- (6) The month and year of manufacture or the month and year of expiration shall appear with the following words "manufactured on (specify month and year)," or "expired on (specify month and year)," or other texts, which have the same meaning. For food additives with shelf-life less than 18 months, expiry date shall be declared by displaying text of "expired on (specify month and year)" or other text that provides the same meaning such as "use by (specify month and year)."
- (7) Foods shall declare ingredients which are food additives and other ingredients, which are not food additives in the following order:
  - (7.1) Ingredients which are food additives, the name and percentage of food additives shall be declared in descending order and the name of the food additives shall be specified according



to the latest version of Codex General Standard for Food Additives or the Notification of the Ministry of Public Health; Re: Food Additives; and shall be displayed with the International Numbering System (INS) for Food Additives, as the case may be.

- (7.2) For ingredients other than food additives, the names of such ingredients shall be declared in a descending order based on volume. In the case where flavoring substances are mixed with other ingredients the following texts may be declared: “Natural flavor”, “Natural imitation flavor”, or “Synthetic flavor”, as the case may be, to replace the name of such flavoring substances; and, if other ingredients contain spices or herbs, the text of the “spices” or “herbs” may be declared, as the case may be, to replace the name of such spices or herbs but this does not apply to flavor modifiers.
- (8) Instruction for use that are easy to understand and apply shall be given and at least cover the following:
- (8.1) Purpose of use;
  - (8.2) Food category; and
  - (8.3) Amount of food additive used in food.
- (9) Instructions for storage
- (10) Limitations for use and any warning statements or cautions (if any).

The displaying of text under (1), (5), and (6) must be in a prominent position. In the case of (6) when it is displayed on the bottom of a container, clear information is required indicating the month and year of manufacture or the month and year of expiration.

The labeling of a food additive, which is not sold directly to consumers, vendors for cooking and sale, food additive distributors, or packers for repack and sale, can be displayed in Thai or English. The information under 10(1), (2), (3), (4), (5), and (6) are required together with “Only used as raw material for food processing”; or other information that carries the same meaning; or a display of the quantity of food additives by percentage. However, prominent, and readable information in Thai relating to (1)-(10) shall be provided in the manual or sales documents.

The following two cases may not require a declaration of the percentage of food additives as per 10 (7.1) on the label, manual, or sales documents for combined food additives that consist of more than one food additive that is not sold directly to consumers, vendors for cooking and sale, food additive distributors, or packers for repack and sale:

- (1) The manufacture or import of the food additives are for use in their own food product (or the same trademark of such a manufacture or import); or
- (2) The manufacture or imports of the food additives are for sale to a food manufacturer with an agreement to provide the information regarding the percentage of the food additives as per 10 (7.1).

Labeling of food additives produced for export can be displayed in any language but, at a minimum, are required to provide the following information:

- (1) country of [Ministerial Notification No.92, B.E. 2528 \(1985\)](#);
- (2) at least one of the following information: Food serial number, number of manufacturing establishments, or name and address of manufacturer; and
- (3) manufacturing lot identification with the words “Manufacturing Lot” or other similar text by which traceability can be made.

## 2.9 Novel Food Labeling

The TFDA requires novel food<sup>1</sup> labeling to comply with Ministerial Notification No.367 B.E. 2557 (2014) Re: Labeling of Prepackaged Food. Additionally, there is a specific requirement according to Ministerial Notification No. 376 B.E. 2559 (2016) Re: Novel Food for displaying text “Manufacture” and “Expire” or “Consume before” followed by the day, month, and year. Novel food labeling must also display the following information:

- (1) Active ingredients (if any); and
- (2) Instruction or condition of use (e.g., permitted maximum usage, etc.).

The TFDA categorizes plant-based meat as novel food under Ministerial Notification No.376

### Section III. Packaging and Container Regulations

The TFDA requires that all packaging and containers of food must comply with [Ministerial Notification No.92, B.E. 2528 \(1985\)](#) and [Ministerial Notification No. 295, B.E. 2548 \(2005\)](#). The guidelines on packaging and containers are as follows:

- (A) The container must:
  - Be clean;
  - Not emit any heavy metal or other substances that would contaminate food in a volume to be harmful to health;
  - Free of germ contamination; and
  - Emit no food contaminating color.
- (B) Containers that are made from ceramic or enameled metal must conform to subsection (A) and meet lead and cadmium standards as described in Schedule 2 of the Ministerial Notification No. 92 (B.E. 2528) Re: Prescription of Quality or Standard for Food Containers, Use of Food Containers, and Prohibition of Use of Things as Food Containers.
- (C) Containers that are made of plastic must conform to not only the quality or standard in subsection (A), but also the quality or standard in Schedule 1 of the Ministerial Notification No. 92 (B.E. 2528) Re: Prescription of Quality or Standard for Food Containers, Use of Food Containers, and Prohibition of Use of Things as Food Containers.
- (D) Plastics in the form of sheets or bags which are used as food containers must not be made from used plastic and must not have coloring except for: a) laminate plastic, only the layer that’s not in direct contact with the food; and b) plastic which is used for packing shelled fruits.

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<sup>1</sup> Novel food is defined as (1) any substance used as food or food ingredients that has been significantly used for human consumption less than fifteen years based on scientific or reliable evidence or; (2) any substance used as food or food ingredients to which has been applied a production process not currently used, where that process gives rise to significant changes in the composition or structure of such food which affect their nutritional value, metabolism or level of undesirable substances or; (3) any food product contains either (1) or (2) as an ingredient. For more information, see Section 7.10

- (E) Plastic containers of milk, milk products, and other products similar to milk products (such as soybean milk and coconut milk) must be made from Polyethylene, Ethylene, 1-Alkene Copolymerized resin, Polypropylene, Polystyrene or Polyethyleneterephthalate.
- (F) Use of containers that have previously been used to pack or wrap fertilizers, hazardous substances, or any substance likely to be harmful to humans is prohibited.
- (G) Use of containers that have been made to pack other products, which are not food, that bear a design or statement that may mislead to the actual contents of a particular food is prohibited.

[Ministerial Notification No. 310, B.E. 2551 \(2008\)](#) lists additional measures prohibiting objects other than food to be packed into food packaging. The major revision of this notification is as follows:

- Objects other than food shall not be packed inside food packages, except for the purposes of food quality or standard preservation such as desiccators, oxygen absorber, etc., in separate packages; seasonings or consuming accessories (such as plastic spoon, chopsticks, measuring spoon, etc.).
- Objects other than food may be packed with the food packages, but only if they do not pose a risk to humans or mislead consumers that those objects can be eaten.

Details are discussed in the following link of GAIN report TH8082  
<http://www.fas.usda.gov/gainfiles/200806/146294810.pdf>

#### **Section IV. Food Additives Regulations**

Food additives are substances that are normally not used as food or essential ingredients of food, whether or not such substances have food value but that are added for the benefits of production technology, packing, storage, or improve the quality, standards, or the nature of food. They also include substances mixed with food for the purposes stated earlier.

Food additives are specified as specifically-controlled food of which the quality or standards are defined. Use of food additives must follow the set objectives for the specified kinds of food and maximum permissible quantity, food additive functional classes categorized according to CODEX as listed below:

- Acid;
- Acidity regulator;
- Anticaking agent;
- Antifoaming agent;
- Antioxidant;
- Bulking agent;
- Color;
- Color retention agent;
- Emulsifier;
- Emulsifying salt;
- Firming agent;
- Flavor enhancer;

- Flour treatment agent;
- Foaming agent;
- Gelling agent;
- Glazing agent;
- Humectant;
- Preservative;
- Propellant;
- Raising agent;
- Stabilizer;
- Sweetener; and
- Thickener.

The maximum use levels of food additives are listed in Annexes I and II of the [Ministerial Notification No. 418 B.E. 2563 \(2020\)](#), which replaced the Ministerial Notification No. 389 Re: Food Additives (No.5) B.E. 2561 (2018) on October 10th, 2020. If a food additive had been approved and followed the previous provision prior to October 10th, 2020, then the manufacturers or importers of the food products containing those previously approved food additives have two years from the effective date of the new notification to comply with the new provisions.

Food additives that are not listed in Annex I of the Notification (No. 418) B.E. 2563 (2020) must be petitioned for TFDA's approval. Importers can file petition with support documentation (listed below) for the evaluation on safety assessment as prescribed in the Ministerial Notification (No. 381) B.E. 2559 (2016), Re: Food Additives (No.4):

[http://www.fda.moph.go.th/sites/food/FoodAdditives/MOPH\(No.389\)B.E.2561\(2018\)Re\\_AdditiveNo.5.pdf](http://www.fda.moph.go.th/sites/food/FoodAdditives/MOPH(No.389)B.E.2561(2018)Re_AdditiveNo.5.pdf).

#### Supporting Documentation

- (1) Food additives qualities or standards shall comply with Codex Advisory Specification for the Identity and Purity of Food Additives or the Announcement of the TFDA.
- (2) Result of dietary exposure assessment according to the principle approved by the Food Committee.
- (3) Reliable technical information or research publication to support justification for use and technological need for the use of additives in foods.
- (4) The most current Law and regulations of two or more following countries having reliable risk assessment system, namely European Union, Australia and New Zealand, United States of America, and Japan, which permit the use of food additives in foods.

In addition, the combined use of two or more food additives classified in the same functional class, where the maximum level has been individually set, the sum of the quantities obtained by dividing the amount of each food additive used by the maximum permitted level for that food additive must not exceed one (1). Below table illustrates an example of where both benzoate (ML of 1,000 ppm) and sorbate (ML of 500 ppm) might be used together as preservatives in candied fruit while meeting the ML requirements.

	<b>Benzoate</b>	<b>Benzoate Proportion</b>	<b>Sorbate</b>	<b>Sorbate Proportion</b>	<b>Proportion of Preservative Used in Food</b>
Formula 1	1,000 ppm	1	0 ppm	0	1
Formula 2	750 ppm	0.75	125 ppm	0.25	1
Formula 3	500 ppm	0.50	250 ppm	0.50	1
Formula 4	250 ppm	0.25	375 ppm	0.75	1
Formula 5	0 ppm	0	500 ppm	1	1

NOTE: Annexes I and II of the Ministerial Notification No. 381 B.E. 2559 (2016) Re: Food Additives (No.4), dated 3rd November B.E. 2559 (2016), was repealed and replaced with annexes I and II of the Ministerial Notification No. 418 B.E. 2563 (2020) Re: Prescribing the principle, conditions, methods, and proportion of food additives (No.2), dated 2nd September B.E. 2563 (2020).

## **Section V. Pesticides and Other Contaminants**

Food containing pesticide residues and contaminants are enforced by the Ministry of Public Health's Food and Drug Administration (FDA). The TFDA establishes regulations and imposes maximum residue limits (MRLs) based on the MRL standards established by the National Bureau of Agricultural Commodity & Food Standards (NBACFS). In addition, the Department of Agriculture (DOA) in the Ministry of Agriculture and Cooperatives (MOAC) controls the use of agricultural chemicals.

### **5.1 Food Containing Pesticide Residues**

The tolerance levels for residues allowed in foodstuffs are defined as Extraneous Residue Limits (ERL) and MRLs. However, a zero-tolerance level is set for toxic substances in agriculture that are officially prohibited under the Notification of Ministry of Agriculture and Cooperatives, except for the established ERL. Under the Hazardous Substance Act B.E. 2535 (1992) and Hazardous Substance Act, B.E. 2551 (2008), Type 4 hazardous substances that are prohibited for production, import, export, and possession are provided under the Annex 1 of [the Ministry of Public Health Notification No. 387 B.E. 2560 \(2017\) Re: Pesticide Residues in Food.](#)

Detailed information on food containing pesticide residues is available in [the Ministry of Public Health's Notification No. 387 Re: Food Containing Pesticide Residues.](#)

On November 27, 2019, the National Hazardous Substance Committee (NHSC) decided to: 1) classify Glyphosate as a Category 3 risk-status (allowable but subject to permission) and make it subject to restricted measures according to the NHSC resolution on May 23, 2018; 2) classify paraquat and chlorpyrifos as a Category 4 risk-status (ban) with the enforcement starting June 1, 2020; and 3) assign the Department of Agriculture (DOA) under the Ministry of Agriculture and Cooperatives (MOAC) to develop measures addressing the issues on what substances can be used to replace paraquat and chlorpyrifos and on what approaches should be adopted to alleviate the impact of the ban on all stakeholders and public health.

On November 2, 2020, the TFDA published the revised Notification on Food Containing Pesticide Residues in the Royal Gazette to ban paraquat and chlorpyrifos residues on imported food products. The

MRLs of paraquat and chlorpyrifos will be zero on all products starting on June 1, 2021. The notification stated that a Limit of Detection (LOD) will be used to determine the presence of paraquat and chlorpyrifos residues on imported food products in the following three food categories: (1) food grains, (2) fresh vegetables and fruits,<sup>2</sup> and (3) meat, milk, and eggs. The LOD is set at no more than 0.005 mg/kg for both paraquat and chlorpyrifos on imported fresh vegetables and fruits, meat, milk, and eggs (Table 1). For imported grains, the LOD will be no more than 0.02 mg/kg for paraquat and 0.01 mg/kg for chlorpyrifos residues.

### TFDA’s LOD for Imported Food Products

Food Categories	Chemical Residue Limits (mg/kg)	
	Paraquat <sup>1</sup>	Chlorpyrifos <sup>2</sup>
Grains and Beans	0.02	0.01
Fresh Vegetables and Fruits	0.005	0.005
Meat, Milk, and Eggs	0.005	0.005

1: Includes paraquat dichloride and paraquat methosulfate

2: Includes chlorpyrifos-methyl

More details and requirements are available in the GAIN report TH2020-0151 TFDA Announced Ban of Paraquat and Chlorpyrifos on Imported Food Products at the following link:

[https://apps.fas.usda.gov/newgainapi/api/Report/DownloadReportByFileName?fileName=Thai%20FDA%20Announced%20Ban%20of%20Paraquat%20and%20Chlorpyrifos%20on%20Imported%20Food%20Products Bangkok Thailand 11-03-2020](https://apps.fas.usda.gov/newgainapi/api/Report/DownloadReportByFileName?fileName=Thai%20FDA%20Announced%20Ban%20of%20Paraquat%20and%20Chlorpyrifos%20on%20Imported%20Food%20Products%20Bangkok%20Thailand%2011-03-2020)

### 5.2 Food Containing Contaminants

The MOPH repealed Ministerial Notifications No. 98 B.E. 2529 (1986), and No. 273 B.E. 2546 (2003), along with 19 other relevant notifications (listed in Ministerial Notification No. 413) regarding standards in contamination in food and replaced them with Ministerial Notification No. 414 B.E. 2563 (2020), Re: Standards for Contamination in Foods. Detailed information on the standards for contaminants in foods is available at the following link: [Ministerial Notification No.414 RE: Standards for Contaminants in Foods](#).

The new ministerial notification reclassifies the list of contaminants and adjusts the maximum level of contamination in food to follow international standards. The maximum level of the detected contaminant that is not listed in Annex I, shall be in accordance with the latest Codex General Standard for contaminants and Toxins in Food and Feed (CODEX STAN193-1995) at the following link: [http://www.fao.org/fileadmin/user\\_upload/livestockgov/documents/1\\_CXS\\_193e.pdf](http://www.fao.org/fileadmin/user_upload/livestockgov/documents/1_CXS_193e.pdf).

In case the detected contaminant is not listed in Annex 1 or CODEX STAN193-1995, the maximum level shall not exceed as per imposed by FAO/WHO (Codex Alimentarius Commission) in the following link: <http://www.fao.org/fao-who-codexalimentarius/thematic-areas/contaminants/en/#c452833>.

<sup>2</sup> The notification only states “Fresh Vegetables and Fruits” but after obtaining further clarification from the TFDA all plants, including tree nuts, other than grains and beans will be included in this category.

The burden of proof lies with the producer or importer to prove that the maximum level of a contaminant is acceptable. The testing method is detailed in Annex II. This notification came into force on September 20, 2020. This notification does not apply to food additives, producer aid, drinking water in sealed container, and mineral water.

The TFDA requires that all food products must be free of the following chemicals and their metabolites as stipulated in Ministry of Public Health's Notification No. 299 B.E. 2549 (2006) Re: Prescribed Standards for Some Chemical Contaminations in Foods (2nd Edition). A list of chemicals under this regulation include the following:

- Chloramphenicol and its salts;
- Nitrofurazone and its salts;
- Nitrofurantoin and its salts;
- Furazolidone and its salts;
- Furaladone and its salts; and
- Malachite green and its salts.

In addition, all food products must be free of  $\beta$ -Agonist chemical groups and its salts, including substances that are derived from its metabolites as stipulated in Ministry of Public Health's Notification No. 269 B.E. 2546 (2003) Re: Prescribed Standards for  $\beta$ -Agonist Chemicals Group Contamination in Foods.

An additional list of veterinary drugs covered by the regulation and a set of MRLs by animal species and organ tissue/product are available in Ministerial Notification No. 303 BE. 2550 (2007). Details of the rules are discussed in GAIN report TH7060 Update on Revisions to the Measure for Controlling Food Contaminated with Veterinary Drugs, which can be found at the following link: <https://apps.fas.usda.gov/gainfiles/200809/146295674.pdf>.

### **5.3 Food Pathogens Control Measures in Food Products**

The MOPH repealed Ministerial Notification No.364 B.E. 2556 (2013) and replaced it with Notification No. 416 Re: Food Standards as Regards Pathogens B.E. 2563 (2020). Importers of 43 types of products listed under this new regulation must present a lab analysis report during the food product registration process to ensure that imported products are pathogen free or their presence that does not exceed maximum specified limits stated in the notification. The methods of analysis for each specific type of pathogen are listed in Appendix 3. The new Ministerial Notification was published in the Royal Gazette on September 2, 2020, and went into effect on January 4, 2021. The detailed notification is available in Thai at the following link: [http://food.fda.moph.go.th/law/data/announ\\_moph/P416.PDF](http://food.fda.moph.go.th/law/data/announ_moph/P416.PDF).

### **5.4 Yeast and Mold Level in Foods**

In September 2010, the TFDA revised and set new tolerance levels for yeast and mold in six food categories: beverages in sealed containers, coffee, tea, chocolate, weight control foods, and electrolytes. The background of the notification and the established tolerance levels for yeast and mold in foods are available in GAIN report TH0144 TFDA Revising Yeast and Mold Level in Foods

[https://apps.fas.usda.gov/newgainapi/api/Report/DownloadReportByFileName?fileName=Thai%20FDA%20Revising%20Yeast%20and%20Mold%20Level%20in%20Foods Bangkok Thailand 10-12-2010](https://apps.fas.usda.gov/newgainapi/api/Report/DownloadReportByFileName?fileName=Thai%20FDA%20Revising%20Yeast%20and%20Mold%20Level%20in%20Foods%20Bangkok%20Thailand%2010-12-2010).

## **Section VI. Other Requirements, Regulations and Registration Measures**

- Local food manufacturers intending to sell their products must apply for a license prior to being operational. Plant layouts must be submitted for approval to the TFDA's Food Bureau. The TFDA inspectors will then visit and inspect the plant before a manufacturing license can be issued. It is the responsibility of the licensee to renew the license every three years.
- Food importation licensing: A license is required for importing food for sale in the country. FDA inspectors will visit and examine the suitability of the designated storage facility or warehouse before a license is issued. A licensee may import various kinds of food provided that the Thai Office of Food and Drug Administration approves the food products. A license to import must be renewed every three years.

A temporary import license is needed for occasional import of food (i.e., for exhibition). An exemption will be granted only for the import of food samples for laboratory testing and consideration for purchase.

- Food product registration: Importers of food products deemed to be specifically-controlled food and are required to register the products before importation for sale. Applications for product registration should be submitted to the Food Bureau, TFDA. For those residing outside the Bangkok Metropolitan area, applications can be submitted to the relevant Provincial Office of Public Health. The approximate amount of time required for product registration, starting from submitting the application can be from 5 days to 3 months depends on food categories. However, delays are usually caused by inaccurate or incomplete information, which is usually the basis for failing to register a product.

### **6.1 Testing Requirements for Alcohol Beverages**

The Thai Excise Department (TED) officially approved the use of the APEC Model Wine Export Certificate for U.S. wine exports and the U.S. Alcohol and Tobacco Tax and Trade Bureau's (TTB) Certificate of Sanitation for U.S. beer and distilled spirits exports to Thailand, with specific attestations, on August 13, 2021. U.S. alcohol beverage exports, accompanied with these certificates issued by TTB, will require no additional testing or certificate of analysis. The import permits obtained from these approved certificates are valid for three years. The exporter must obtain a new export certificate to renew the import permit after three years. The sample of certificates for wine, beer, and distilled spirits are available at TTB website: <https://www.ttb.gov/itd/export-documents-certificates>.

For more information on these requirements, please see GAIN report no.TH9080 re: New Quality Standard for Imported Alcoholic Beverages.

[https://gain.fas.usda.gov/Recent%20GAIN%20Publications/New%20Quality%20Standard%20for%20Imported%20Alcoholic%20Beverages Bangkok Thailand 7-15-2019.pdf](https://gain.fas.usda.gov/Recent%20GAIN%20Publications/New%20Quality%20Standard%20for%20Imported%20Alcoholic%20Beverages%20Bangkok%20Thailand%207-15-2019.pdf).



## **Section VII. Other Specific Standards**

### **7.1 Laboratory Testing**

To register specifically-controlled foods with the TFDA, the lab analysis report is required to ensure that the products meet standard requirements under product related ministerial notifications, be free from microbial organisms and toxic chemical substances that are not safe for consumption, and ensure that products are of good nutritional quality. The TFDA accepts a lab analysis report for required food products issued by a government laboratory from the country of origin, a government laboratory in Thailand or a private laboratory accredited by the Thai government. The submitted lab analysis report should not be older than one year. The analysis results must comply with the quality or standard specified in the relevant Ministerial notification. More information regarding the Lab Analysis Report is available in GAIN report TH8116 Food Product Registration in Thailand:

<http://www.fas.usda.gov/gainfiles/200807/146295238.pdf>.

### **7.2 Shelf Life and Packaging**

Shelf longevity and packaging are critical issues. Long shipping times and the likelihood that products will pass through multiple marketing channels before reaching consumers should be considered. Due to Thailand's hot and humid climate, moisture resistant outer and inner packaging should be used to preserve product quality.

### **7.3 Product Samples and Mail Order Shipments**

A limited amount of processed or packaged food samples for product registration and consideration for purchase can be brought in without an import license from the TFDA. However, samples of raw, fresh, or frozen foodstuffs (e.g. meat, vegetables and fruits) may be subject to other regulations established by the concerned authorities. In certain cases, a health certificate, sanitary certificate, or phytosanitary certificate will be required. Mail order shipments of products for sale are also subject to the same rules and regulations imposed by the TFDA and other relevant authorities as those of regular imports. For more information, see details in the following sections.

### **7.4 Import Controls under a Tariff Rate Quota (TRQ)**

Thailand is permitted to establish TRQs for 23 agricultural products under the World Trade Organization (WTO) Agreement on Agriculture. In administering the TRQs for the latter group, the Royal Thai Government (RTG) will issue higher-than commitment in-quota amounts and/or lower-than-commitment in-quota duties when domestic production is not sufficient to cover the demand, especially for export-oriented industries. In years of sufficient domestic supply or surpluses, the RTG usually limits in-quota imports, both the in-quota amount and the in-quota duties, to the level that is obligated under the WTO Agreement.

Commodities covered under the TRQ system are as follows:

- Milk and cream, and flavored milk;
- Skim milk;

- Potato;
- Onion;
- Garlic;
- Coconut;
- Copra;
- Coffee bean;
- Tea;
- Pepper (*piper nigrum* L.);
- Corn;
- Rice;
- Soybeans;
- Onion seeds;
- Soybean oil;
- Palm and palm oil;
- Coconut oil;
- Sugar;
- Instant coffee;
- Soybean meal;
- Tobacco leaf;
- Raw silk; and
- Dried longan.

The Department of Foreign Trade, Ministry of Commerce monitors imports of these products and requires that any importer must apply for an import permit.

### **7.5 Specific Import Control on Animals and Animal Products**

Under the MOAC's notification titled, "Determination of Cooked Foods Which Are Processed or Cooked Products and Derived from Animal Carcasses as Defined in Animal Epidemic Act B.E. 2558 (A.D. 2015), B.E. 2561 (A.D. 2018)" an import permit for all cooked foods made or derived from animal carcass, including sausage, ham, bacon, smoked meat products, pickled meat products, cured meat products, honey and related products, and salty/processed eggs and egg yolk, is needed beginning September 9, 2018. Currently, the Department of Livestock Development (DLD) grants import waiver for each processed meat products shipment that were registered with TFDA before September 9, 2018.

An import permit for uncooked meat products (fresh or chilled) is also required as usual. Prior to importation, an application for a permit should be completed and submitted to the Animal Quarantine Station at the port of entry where the products will be shipped, whether by air or by sea. DLD also requires a health certificate issued by the exporting country with a reference number to a DLD import permit for each shipment. Upon entry, the Animal Quarantine Station must inspect the products prior to release by the Thai Customs. However, the DLD may re-inspect imported meat and livestock on a random basis as they enter Thailand. The DLD also collects import permit fees on uncooked red meat, poultry, and meat offal. According to the ministerial rule titled "Determination of Fee Rates and Waiver of Fees According to Animal Epidemic Act B.E. 2559 (A.D. 2016)", effective October 17, 2016, the import permit fees for edible uncooked meat for food or feed production are 7 baht/kilogram (kg) (\$230/metric ton), and 3 baht/kg (U.S. \$ 98/MT) for imported inedible uncooked meat carcasses.

## 7.6 Specific Import Control on Beef and Beef Products from BSE-Affected Countries

Thailand banned imports of U.S. uncooked beef products after the detection of BSE in the United States in December 2003. The United States regained market access for U.S. boneless beef in February 2006 and for bone-in beef in April 2017. Other U.S. uncooked beef products including tongue, cheek meat, oxtails, tendons, hanging tenders, inside skirts and outside skirts, derived from cattle of any age slaughtered on or after April 1, 2017, are also eligible for export to Thailand. U.S. beef offal products are currently prohibited from being exported to Thailand.

In order to import eligible U.S. beef and beef products, exporters must meet the following MOAC/DLD import protocol requirements:

- 1) A health certificate in English signed by a full-time authorized veterinary official of the FSIS stating:
  - a. type of cuts and package of the meat/meat products;
  - b. number of pieces or package and net weight;
  - c. names and addresses and registered number of the approved manufacturer;
  - d. names and addresses of the exporter and the consignee;
  - e. dates of slaughter, manufacture or packaging and export;
  - f. import permit number (Issued by DLD); and
  - g. shipment information of condition items 1.1 to 1.6 must be present on the 9060-5 K Series.
- 2) The United State of America (USA) is free from Rinderpest and Foot and Mouth Disease (FMD) as recognized by the World Organization for Animal Health (OIE) for at least one (1) year prior to export.
- 3) The animals have received ante-mortem and post-mortem inspections and found to be free from any infectious and contagious diseases.
- 4) The farm(s) or premises of origin in the United State of America has been free from contagious bovine pleuropneumonia during the past 6 (six) months preceding the slaughter of the animals and until the time of export, or the product or source cattle were legally imported into the United States from a zone free of contagious bovine pleuropneumonia.
- 5) The United States of America is a country officially recognized as having a negligible BSE risk status by the OIE.
- 6) The U.S. requires the following for imported cattle, consistent with the recommendations of the OIE's Terrestrial Animal Health Code's chapter of bovine spongiform encephalopathy (BSE):
  - a. Cattle imported from controlled BSE risk countries, including Canada are permanently identified.
  - b. Cattle imported from controlled BSE risk countries, including Canada, are not known to be "exposed" cattle (i.e., those identified as cohorts of a BSE case)
  - c. Cattle imported from controlled BSE risk countries, including Canada, were born after the date a ban on the feeding of ruminant-origin meat-and-bone meal and greaves to ruminants was effectively enforced in those countries.
- 7) The beef and beef products were produced at slaughter and processing establishments operating under federal inspection.
- 8) The beef and beef products contain no preservatives, additives or other substances posing a harmful risk to human health.

- 9) The beef and beef products have been subjected to a residue and microbiological sampling program in accordance with FSIS regulatory requirements including the FSIS National Residue Program.
- 10) The beef or beef products were not derived from cattle that were confirmed BSE cases or known suspected cases of BSE.
- 11) The immediate shipping container used for transporting the product complies with FSIS sanitary requirements at the time of loading in the facility.
- 12) The product does not contain meat from mechanically separated meat.
- 13) Failure to follow the import procedures may result in returning the meat/meat products to the country of origin or destroying without compensation.

### 7.7 Specific Import Control on Pork Meat

DLD prohibited imports of pork from countries that allow ractopamine to be used in animal feed including the United States. U.S. cooked pork products had previously been allowed to be imported when they fell under the jurisdiction of TFDA. However, due to the new ministerial notification “Determination of Cooked Foods Which Are Processed or Cooked Products and Derived from Animal Carcasses as Defined in Animal Epidemic Act B.E. 2558 (A.D. 2015), B.E. 2561 (A.D. 2018)” (as mentioned in Section 7.5), the import of U.S. cooked pork products is now prohibited.

### 7.8 Specific Import Control on Seafood

Imports of seafood, frozen or chilled, are under the supervision of TFDA. To import, an import permit (normally granted shipment by shipment) is needed, together with a permit for distribution.

### 7.9 Specific Import Control on Fruits and Vegetables

Thailand’s Plant Quarantine Act (No. 3) B.E. 2551 came into effect on August 28, 2008. The Act combined previous Ministerial Notifications from 2007 requiring Pest Risk Assessments (PRA) for imported plant materials as well as established broader powers for the Plant Quarantine Committee. The details of the Act can be viewed in GAIN report. TH8047The New Plant Quarantine Act (No. 3) B.E. 2551 2008, available at <http://www.fas.usda.gov/gainfiles/200803/146294052.pdf>.

On September 12, 2008, the Director General of the Department of Agriculture (DOA) officially notified guidelines for the importation of prohibited, restricted and non-prohibited articles (See GAIN report TH8161 Import Guidelines under New Plant Quarantine Act, available at <http://www.fas.usda.gov/gainfiles/200901/146326994.pdf>).

The table below highlights import requirements under the current Plant Quarantine Act:

	<b>PRA Approval</b>	<b>Import Permit</b>	<b>PC</b>	<b>Specific Condition</b>
Prohibited Articles:				
• Imported for experiment and research		X	X	Limit point of entry (POC)
• Imported for commercial purpose	X	X	X	No limit POC
• Imported for other purpose	X	X	X	No limit POC
• Transit to 3 <sup>rd</sup> Country	X	X	X	No limit POC
Restricted Articles (import or transit)			X	No limit POC
Non-Prohibited Articles (import or transit)			X	No limit POC

Under an agreement between USDA and the Thai DOA, the Pest Risk Assessment (PRA) requirements for the following U.S. products have been temporarily waived (articles): 1) apple, 2) apricot, 3) cherry, 4) currant, 5) fig, 6) grape, 7) nectarine, 8) peach, 9) pear, 10) plum, 11) prune, 12) strawberry, 13) seed potato, 14) table potato, 15) sorghum grain, 16) sorghum seed, 17) sweet pepper, 18) corn seed, and 19) eggplant.

The DOA conducted the two audits to evaluate pest management in production areas, export certification process, and post-harvest disinfection and disinfection treatments for 10 types of fruit in the United States in 2018, as a part of the DOA's required pest risk assessment (PRA) process. In October 2019, the DOA notified the USDA on its completion of the PRA process for 9 types of U.S. fruits to be allowed for entry into Thailand with certain import requirement and conditions. These eligible fruits from certain states in the U.S. include apple (California, Idaho, Oregon, and Washington), table grape (California), pears (California, Idaho, Oregon, and Washington), cherry (California, Idaho, Oregon, and Washington), apricot (California), strawberry (California), nectarine (California), peach (California), plum (California). In June 2020, citrus (Arizona and California) was added to the eligible list of U.S. fruits to be imported into Thailand. The imports of these U.S. fruits are subject to an import permit granted by the DOA and must meet other import requirements. Details of the import requirement and conditions can be seen at USDA/APHIS' Phytosanitary Export Database (PExD) System, please copy and paste the following link on web browser:

<https://pcit.aphis.usda.gov/PExD/faces/ViewPExD.jsp>.

According to MOPH Ministerial Notification No. 386 re: Prescription of production process, equipment and utensil for production and storage of some fresh fruits or vegetables and labeling, shippers and importers are required to present a notary-certified copy of the production certificate at the time of shipment ensuring that the sorting and packing process of the imported fresh fruits and vegetables are safe for consumption. The notary-certified copy can be kept and presented for the clearance of subsequent shipment until the end of its validity. The approved list of production certificates that are accepted by TFDA are as follows:

- (1) USDA Good Agricultural Practices (GAP) and Good Handling Practices Audit;
- (2) GLOBALGAP's Integrated Farm Assurance program for Fruits and Vegetables;
- (3) Primus GFS Version 2.1-2e or Version 3;
- (4) The Safe Quality Food (SQF) Institute's HACCP-Based Supplier Assurance Code for the food industry;
- (5) BRC Global Standard for Food Safety;
- (6) USDA Harmonized GAP Plus+; and
- (7) GLOBAL GAP - Produce Handling Assurance General Regulation version 1.2.

On August 1, 2020, the TFDA implemented more a stringent pesticide residues monitoring program under Ministerial Notification No. 387 Re: Pesticide Residues in Foods at the port of entry for some imported produce based on their risk levels. The produce was categorized into three classifications: Very High Risk, High Risk, and Low Risk. The list of pesticides, categorized fruits, and clarification of guidelines are available at GAIN report re: TFDA Revised Pesticide Residue Monitoring Procedures on Fresh Produce: <https://www.fas.usda.gov/data/thailand-thailand-issues-its-revised-pesticide-residues-monitoring-procedures-fresh-produce>.

### **7.9.1 Import Requirements for Seed Potatoes**

Importers of seed potatoes must work with the Ministry of Commerce's Department of Foreign Trade (DFT/MOC), the Ministry of Agriculture and Cooperatives' Department of Agriculture (DOA /MOAC), and the Ministry of Commerce's Customs Department. DFT/MOC administers the tariff-rate-quota system for seed potatoes. The DFT sets the TRQ each year and notifies its allocation of the seed potato import quota to eligible companies and cooperatives. These companies are normally potato chip processors in Thailand, which contract fresh potato production with small farmers in the northern provinces. Eligible importers receive a certain amount of import quota which is subject to an in-quota tariff rate of 27 percent. Otherwise, out-of-quota imports are subject to 125 percent tariff rate. Once the quota is allocated, importers need to register with DFT, which will provide specific documentation on the import terms. The importer must then present this documentation to Thai Customs for clearance and the application of the corresponding fees. On May 4, 2018, the Ministry of Commerce announced its 2018-2020 plans for administering its quota allocation for seed potatoes and potatoes for processing. Under the plan, the quota for seed potatoes in a given year can be unlimited and there is no specific import window period.

Under DOA/MOAC's current import process, U.S. seed potatoes must abide by the following protocol: 1) Be produced in California, Idaho, Oregon, or Washington; 2) Importers must apply for a phytosanitary import permit with the DOA prior to import; and 3) Shipments of seed potatoes must be accompanied by a phytosanitary certificate that contains the following statement: *"The seed potatoes in this consignment were produced in the United States of America in accordance with the conditions governing entry of seed potatoes to Thailand."*

### **7.9.2 Import Requirements for Potatoes for Processing**

Like seed potatoes, importers of potatoes for processing must work with the Ministry of Commerce's Department of Foreign Trade (DFT/MOC), DOA /MOAC, and the Ministry of Commerce's Customs Department.

DFT/MOC administers the tariff-rate-quota system for potatoes for processing. Each year, the DFT notifies its allocation of import quota on potato for processing to chip processing companies in Thailand. Eligible companies are allocated import quotas which are subject to an in-quota tariff rate of 27 percent. Otherwise, out-of-quota imports are subject to 125 percent tariff rate. Like seed potatoes, the importer needs to contact the DFT to register and receive specific documentation regarding the terms of the importation. The importer has to present this documentation to Thai Customs for clearance and pay the corresponding fees. On May 4, 2018, the Ministry of Commerce announced its 2018-2020 plans for administering quota allocations for seed potatoes and potatoes for processing. Under the plan, the quota for potatoes used for processing in a given year is limited to no more than 52,000 metric tons for each year from 2018-2020, with the import window limiting to July-December each year.

Under the DOA/MOAC's current import protocol, potatoes from all states are allowed entry except where potato cyst nematode is regulated and/or the soil is contaminated with the nematode. Currently, importers are limited to potato chip processors in Thailand that comply with DOA's guidelines on the safe disposal of soil, culls, and water. The importer must apply for a phytosanitary import permit with

the DOA prior to import. The product shipment must be accompanied by a phytosanitary certificate that contains the following statements: *“The potatoes in this consignment were produced in the United States of America in accordance with the conditions governing entry of potatoes for processing to Thailand and inspected and found to be free of quarantine pests.”* And *“The potatoes in this consignment have been washed”* or *“The potatoes in this consignment were treated with a sprout inhibitor.”*

### **7.9.3 Import Requirements for Potatoes for Consumption (Table-Stock Potatoes)**

Importers of potatoes for consumption must work with MOC/Department of Foreign Trade (DFT), MOAC/DOA, TFDA, and MOF/Customs Department.

Unlike seed potatoes and potatoes for processing, DFT does not apply a tariff-rate-quota system for table-stock potatoes. As a result, all imports of table-stock potatoes are considered as out-of-quota imports which are subject to 125 percent tariff rate. To import potatoes, the importer needs to contact the DFT to register and receive documentation specifying the terms of the import. The importer must then present the documents to the Customs Department for clearance and for the application of the corresponding fees.

Like potatoes for processing, DOA allows imports from all U.S. states except production area where potato cyst nematode is regulated and/or presents in the soil. There is no specific requirement that the importer must be a chip processor. As in the previous cases, the importer must apply for a phytosanitary import permit with the DOA prior to an import. The product shipment must be accompanied by a phytosanitary certificate that contains the following statements: *“The potatoes in this consignment were produced in the United States of America in accordance with the conditions governing entry of potatoes for consumption to Thailand and inspected and found to be free of quarantine pests.”* and *“The potatoes in this consignment have been washed.”*

In addition, table-stock potatoes are considered a food item under the current Food Act of 1979; as such, importers must apply for and receive a food import permit prior to importation from the TFDA. Prior to granting a permit, the FDA will inspect the importer’s storage facilities for compliance. When a shipment is cleared, the importer must present the food import permit to FDA and Customs inspectors at the port. If all is in order, the shipment will be cleared for release. In case a substance is found that is either on the pesticide ban list or above established MRL’s, the shipment must be returned or destroyed.

### **7.10 Novel Food (Plant-based Meat)**

The “Novel Food” regulation was adopted by the TFDA and provides detailed rules on the authorization of novel foods, food ingredients and processes under the [Ministerial Notification No. 376 B.E. 2559 \(2016\) Re: Novel Food](#). Novel food is defined as (1) any substance used as food or food ingredients that has been significantly used for human consumption less than fifteen years based on scientific or reliable evidence or; (2) any substance used as food or food ingredients to which has been applied a production process not currently used, where that process gives rise to significant changes in the composition or structure of such food which affect their nutritional value, metabolism or level of undesirable substances or; (3) any food product contains either (1) or (2) as an ingredient. The regulation requires any novel food be evaluated through a safety assessment prior to the submission of its label to the TFDA for

approval before use. In order to evaluate the safety of such novel foods, the results of a safety assessment by a risk assessment center recognized by TFDA together with other relevant information described in the regulation have to be submitted to the TFDA. In addition, its quality or standard, specification, and condition of use also has to be approved by the TFDA. The regulation sets specific labeling requirements on the usage instructions and conditions of use for such types or categories of food and the maximum permitted level of use in order to ensure that the consumer is informed of the intended use of the food that renders a food or food ingredients novel. Food additives and food obtained through certain techniques of genetic modification are not included in this regulation. In addition, the 80 items on the negative list can be found in the [Ministerial Notification No.424 Re: Prohibited Food items for production, importation and sales](#)

### **7.11 Alcoholic Beverages**

Labeling requirements for alcoholic beverages are stipulated in Ministerial Notification No. 275 of B.E. 2540 (1997) and Notification of the Alcohol Beverage Control Committee Re: Criteria, Procedures, and Conditions for Labels of Alcoholic Beverages B.E. 2558 (2015).

On February 13, 2008, the Alcohol Consumption Control Act was published in the Royal Gazette. The Act is intended to curb alcohol consumption through several measures including a health warning labeling, restrictions on the selling places of alcohol beverages, limits on the selling times and days, limits on the sales of alcoholic beverages to persons under 20 years old, prohibitions on the sales via vending machines, prohibitions on price discounts and some types of sales promotions, prohibitions on direct advertisement that encourages increased consumption. Additional details on this Act are available in GAIN report TH8030 re: Alcohol Consumption Control Bill Takes Effect 2008, available at <http://www.fas.usda.gov/gainfiles/200802/146293788.pdf>.

On September 8, 2020, Thailand published an amendment to the Alcoholic Beverage Control Act (ABC Act) to ban the online sale of alcoholic beverages, with an effective date 90 days after the published date. Online alcoholic beverage sales have increased in the past few years due to the popularity of e-commerce and, more recently, due to the COVID-19 pandemic. The increase in online sales of alcoholic beverages made it difficult to enforce all aspects of the ABC Act, which include limits on the date, time, and venue of alcoholic beverage sales and limits on who can purchase alcoholic beverages. The new ban on online alcohol sales is seen as a solution to block all the supposed loopholes of the ABC Act. More details are discussed in the GAIN report TH2020-0136 re: Thailand Bans Online Sale of Alcoholic Beverages in the following link:

<https://apps.fas.usda.gov/newgainapi/api/Report/DownloadReportByFileName?fileName=Thailand%20Bans%20Online%20Sale%20of%20Alcoholic%20Beverages%20Bangkok%20Thailand%2010-08-2020>

### **7.12 Coffee Drink**

Labeling requirements for coffee drinks are stipulated in [Ministerial Notification No. 276 of B.E. 2540 \(1997\)](#).



## 7.13 Tea Drink

Labeling requirements for tea drinks are stipulated in [Ministerial Notification NO. 277 of B.E. 2540 \(1997\)](#).

## Section VIII. Trademarks, Brand Names, and Intellectual Property Rights:

Thailand, as a member of the World Trade Organization, generally provides standard intellectual property protection outlined in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs). The Department of Intellectual Property is the agency responsible for registering or granting of most intellectual property rights in Thailand.

### 8.1 Trademark

In general, Thailand trademark law provides protection for trademarks registered in Thailand. The trademark registration is administered on a first to file basis at the Department of Intellectual Property. Thailand is a member of the Madrid Protocol; therefore, trademark applicants may use this international application system to acquire trademark registrations in Thailand. A registrable trademark must be distinctive, not be prohibited by the Trademark Act and not be identical or similar with another registered trademark. The registered trademark owner enjoys exclusive rights to import, distribute, offer for distribution, or have in possession for distribution the goods bearing the registered trademark. The registered trademark owner also has the right to take legal action against the goods bearing not only an identical mark, but also an imitation mark that is confusingly similar to the registered trademark.

Trademarks that are not registered in Thailand receive very limited protection and are difficult to enforce within the Thai system. However, Thailand recognizes the concept of well-known trademark and trademark examiners have a duty to reject the trademark applications that are identical or similar to well-known trademarks and may cause confusion to the public. Moreover, any interested person may file a petition to the Board of Trademark to revoke a trademark that is considered not registrable at the time of registration under the Trademark Act.

### 8.2 Patent

Thailand's patent system includes three categories of patent registrations: patents for invention, petty patents, and design patents. For patents for invention, to be patentable, the invention must be new, involves an inventive step, and is capable of industrial application. Thailand is a member of the Patent Cooperation Treaty (PCT); therefore, applicants may use the PCT system of international patent application to acquire patents in Thailand. While petty patents do not require an inventive step, petty patents also receive only short-term protection. Petty patents are registered without substantive examination; however, an interested party may request an examination within one year from the publication date. A design may be eligible for a design patent if it is new and industrially applicable. Design patents are granted based on the ornamental aspects or aesthetics of an article, including features that pertain to the shape, configuration, or pattern.

A foreign patent receives no protection under Thailand's Patent Act. However, foreign patent holders in foreign countries may enter into business transactions with parties in Thailand and seek some protection

through contractual obligations in the form of a licensing agreement. Note that this protection can be enforced only between contractual parties; it will not create any rights to take action against a third party. Since foreign patents receive no protection under the Thailand's Patent Act, no civil or criminal action can be taken against any third party who produces or sells foreign-patented products in Thailand.

### **8.3 Copyright**

Unlike trademarks and patents, copyrighted works do not require registrations to be protected in Thailand. However, filing a copyright recordation with the Copyright Office within the Department of Intellectual Property is useful as it can be used as the evidence of copyright ownership if a dispute arises.

### **8.4 Geographical Indication:**

Thailand protects Geographical Indications (GIs) through the Geographical Indications Act. The Act allows rights holders to seek protection, through GI registration at the Department of Intellectual Property, for indications that identify the goods as originating in a region or locality, where a given quality, reputation, or other characteristics of the goods is essentially attributable to the geographic origin. The existence of a similar previously registered trademark does not constitute a ground for refusal of a GI registration.

### **8.5 Trade Secret:**

According to the Trade Secret Act 2002, trade secrets, such as data, formulas, or other confidential information used in business, may be protected in Thailand if the owner provides appropriate measures to maintain secrecy. No registration is required.

### **8.6 Plant Variety Protection:**

Thailand is not a member of the International Convention for the Protection of New Varieties of Plants (UPOV). However, Thailand has the Plant Variety Protection Act of 1999, which is administered by the Plant Variety Protection Office within the Ministry of Agriculture. The Act provides some protection for plant breeder's rights, but it does not comply with the UPOV standards.

The private sector has expressed ongoing concerns about the overall implementation and enforcement of the Act, noting wide availability of pirated counterfeit seeds and other products in Thailand. The United States has repeatedly urged Thailand to strengthen the 1999 Act to make it fully consistent with the 1991 Act of the UPOV Convention, and to accede to this Convention as well. Thailand is considering amending its Plant Variety Protection Act and becoming a member of UPOV.

## **Section IX. Import Procedures:**

Imported goods may not legally enter into Thailand until the shipment has arrived at the specified port of entry and delivery of the merchandise has been authorized by the Thai Customs Department. This is normally accomplished by filing out the appropriate documents, either by the importer or by a

designated agent through the electronic customs system (e-Customs), which is the comprehensive system developed by Thai Customs Department to facilitate and process all commercial goods imported into Thailand.

Thai customs officials usually work hand in hand with relevant quarantine officials from the TFDA, Department of Livestock Development, Department of Agriculture and Fishery Department for agricultural products inspections.

The Customs Department does not notify the importer of the arrival of a shipment. Notification is usually made by the carrier of the goods. The importer should make their own arrangements to be sure that they or their agent will be informed immediately of the arrival of shipment so that the documentation for entry can be filed and delays are avoided.

### **9.1 Custom Duties**

Imports arriving by air, sea, or land have a clearance process that is similar to that carried out in most other countries. In order to clear goods, the importer has to submit import declaration together with all relevant documents, such as the invoice, packing list, and a copy of the bill of lading. The import permit can be submitted to the e-Customs system, along with an arrival report and information of the carrying vessel. The e-Customs system will check and verify the submission, identifying any discrepancies, and specifying whether the shipment can be released (green line) or inspection is required (red line). Most agricultural and food shipments are considered red line shipments that require supporting documents and are physically examined by customs officials. Import documents, if translated into Thai, will help expedite customs clearance. In cases where imports are subject to a business tax, the importer must also have a business tax registration number.

After these documents have been processed and the goods have arrived, the importer must pay the applicable tariff duties and business taxes. Payment of duties and taxes can be made at the Customs Department stationed at the port of entry or via the e-Payment section of the e-Customs system. The documents must be taken to the warehouse and presented to an inspector who will make a report on the entry form. If there is a discrepancy, the goods will be retained until the additional duty or a fine is paid. The Port Authority will then calculate landing and storage charges based upon the size or gross weight of the package. After paying these charges, the importer must submit receipts and the release order or delivery order to obtain a warehouse receipt which will allow the imported goods to be claimed. With proper documents, the entire customs clearance process normally takes 2-3 days.

For disputed and/or rejected products, an appeal can be made with the Legal Affairs Bureau, Customs Department.

### **9.2 Customs Clearance of Prepacked Foodstuffs**

Prepackaged foodstuffs will need additional inspection by related authorities before proceeding through the regular customs formalities. In addition to the TFDA, other concerned officers such as animal quarantine officers, plant quarantine officers, and fisheries department officers are stationed at the port of entry to determine whether certain imported foodstuffs meet the requirements set by their agencies. In

such cases, certain certificates (i.e. a health certificate or a phytosanitary certificate) may be required. More detailed information is contained in the relevant sections of this report.

### **9.3 Import Procedures for Product Samples for Trade Shows**

Importers can request for approval to import food product samples for trade shows with the TFDA so long as the product is not prohibited according to the Food Act. The required documentation that should be translated into Thai are the invoice, the airway bill or bill of lading (if any), the Certified Document on Exhibition Venue, the Confirmed Participation Document from Exhibitor, the Certified Document from Food Producers Assigned Importer as Representative, and the Health Certificate certified by a government agency or Certificate of Free Sale according to TFDA's procedure. More detailed information is available in Thai at:

<https://info.go.th/Intro?returnUrl=%2FGuide%2FGenerateCitizenGuideFront%2F8469>.

### **9.4 Import procedures for product samples sent by mail**

Postal items sent from aboard to Thailand are subject to selective inspection before further distribution to the consignees. For food items, the package will be inspected by the relevant quarantine officers from the TFDA and the Department of Livestock Development stationed at the main post office. Some food products may require an import license or may be prohibited at the discretion of the inspecting officers. The postal items can be exempted from duty or import licenses if the value of the package does not exceed 1,500 baht (approximately \$50 USD) or are being sent as trade samples of no commercial value. The customs officers will deliver cleared items to Thailand Post for further distribution to the consignees at the stated address on the postal items.

For disputed and/or rejected products, an appeal can be made with Postal Customs Service Division, Customs Department.

## **Section X. Trade Facilitation**

Thai Customs Department allows business operators to file a request for an Advanced Valuation Ruling (AVR) for future imports. Innovative, processed, and new entry agricultural products can use this service to assure the accurate harmonized code and customs duty is applied. In addition, the AVR can shorten the wait time at the port for inspection by 2 to 3 days. The advance ruling result would be valid for two years from the date of issuance. Shipment brokers, logistics providers, or the importers can submit a request form for AVR. The following documents are required in the AVR application: sales contract, purchase order, invoice, license agreement, other relevant documentations, etc. The responsible office, Customs Standard Procedure and Valuation Bureau, Thai Customs Department, will provide the result in 30 official days from the request submission date. Each AVR request fee is 2,000 THB (approximately U.S. \$65).

The AVR request form is available at this link:

[http://th.customs.go.th/list\\_multi\\_tab.php?link=list\\_xdownload.php&ini\\_menu=menu\\_advance\\_ruling&left\\_menu=menu\\_advance\\_valuation\\_ruling&ini\\_tab=menu\\_advance\\_valuation\\_ruling&ini\\_content=advance\\_valuation\\_ruling\\_160928\\_02&tab=menu\\_advance\\_valuation\\_ruling\\_160928\\_02&order\\_by=co](http://th.customs.go.th/list_multi_tab.php?link=list_xdownload.php&ini_menu=menu_advance_ruling&left_menu=menu_advance_valuation_ruling&ini_tab=menu_advance_valuation_ruling&ini_content=advance_valuation_ruling_160928_02&tab=menu_advance_valuation_ruling_160928_02&order_by=co)

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New or changing regulations are the most common reasons for delays in shipment clearance in Thailand. However, delays are usually brief once corrections are made to align the shipments with the new or changing regulations.

The table below provides the average fees at seaports.

<b>Item</b>	<b>Fee Charged For Full Container Load</b>	<b>Fee Charged For Less Than Container Load</b>	<b>Remark</b>
Terminal Handling Charge (THC)	\$90 USD/20 foot-container \$138-140 USD/40 foot-container	\$13-15 USD/ CBM	
Container Freight Station (CFS)	\$87 – 96 USD /20 foot-container \$160 – 260 USD/40 foot-container	\$13-15 USD/ CBM	
Facility (FAC): Forklift, Crane, and equipment.	\$23 USD/20 foot-container \$38 USD/40 foot-container	\$3-5 USD/ CBM	
Handling Charge (H/L):	–	\$10 USD / CBM or \$50 USD / shipment	
Delivery Order (D/O)	\$40 – 50 USD/ BL	\$40 – 50 USD/set	
Port Congestion Charge (PCS)	\$50 USD/20 foot-container \$100 USD/40 foot-container	\$3 USD/CBM	If any
Cleaning Charge	\$8-16 USD/20 foot-container \$10-25 USD/40 foot-container	–	This average rate charged may be varied in case of some specific products, please recheck with shippers for accuracy.

Source: Thai National Shippers' Council

## **Appendix I. Government Regulatory Agency Contacts:**

### **FOOD AND DRUG ADMINISTRATION, MINISTRY OF PUBLIC HEALTH**

Food Bureau  
Tivanont Road, Muang  
Nonthaburi 11000  
Tel: (662) 590-7178  
Fax: (662) 591-8460  
E-mail: [food@fda.moph.go.th](mailto:food@fda.moph.go.th)

Inspection Division  
Tivanont Road, Muang  
Nonthaburi 11000  
Tel: (662) 590-7323  
Fax: (662) 591-8477  
E-mail: [inspection@fda.moph.go.th](mailto:inspection@fda.moph.go.th)

Bangkok Postal FDA Quarantine Division  
Chang Wattana Road, Laksi  
Bangkok  
Tel: (662) 575-1008

### **DEPARTMENT OF MEDICAL SCIENCES, MINISTRY OF PUBLIC HEALTH**

Food Analysis Division  
Department of Medical Sciences  
Soi Bumratnaradul Hospital  
Muang, Nonthaburi 11000  
Tel: (662) 951-0000 Ext. 99967  
Fax: (662) 951-1023

### **DEPARTMENT OF FOREIGN TRADE, MINISTRY OF COMMERCE**

Bureau of Trade Measures  
Department of Foreign Trade  
Sanam Bin Nam-Nonthaburi Road  
Nonthaburi 11000  
Tel: (662) 547-4737  
Fax: (662) 547-4736  
E-mail: [cdtdft@moc.go.th](mailto:cdtdft@moc.go.th)

Bureau of National Import-Export Product Standards  
Department of Foreign Trade  
Sanam Bin Nam-Nonthaburi Road  
Nonthaburi 11000  
Tel: (662) 547-4746  
Fax: (662) 547-4816

E-mail: [tpdft@moc.go.th](mailto:tpdft@moc.go.th)

**DEPARTMENT OF LIVESTOCK, MINISTRY OF AGRICULTURE AND COOPERATIVES**

Animal Quarantine Inspection Services

Department of Livestock Development

Phyathai Road

Bangkok 10400

Tel: (662) 653-4444 Ext. 4110

Fax: (662) 653-4865

E-mail: [dcontrol8@dld.go.th](mailto:dcontrol8@dld.go.th)

Bangkok Seaport Animal Quarantine Station

Klong Toey Port

Klongtoey

Bangkok 10110

Tel: (662) 249-2112

Fax: (662) 249-4358

Suvarnabhumi Airport Animal Quarantine Station

Samut Prakarn 10540

Tel: (662) 134-0731

Fax: (662) 134-3640

Bangkok Postal Animal Quarantine Division

Chang Wattana Road, Laksi

Bangkok

Tel. (662) 575-1002-3

**DEPARTMENT OF FISHERIES, MINISTRY OF AGRICULTURE AND COOPERATIVES**

Fisheries Resources Conservation Division

Contact: Chief of Fisheries Administration & Management Section, Department of Fisheries

Kasetsart University, Chatuchak

Bangkok 10900

Tel: (662) 562-0600/15, ext 3509

Fax: (662) 562-0528

E-mail: [fishtradeins@dof.thaigov.net](mailto:fishtradeins@dof.thaigov.net)

**DEPARTMENT OF AGRICULTURE, MINISTRY OF AGRICULTURE AND COOPERATIVES**

Plant Quarantine Subdivision

Office of Agricultural Regulation

Department of Agriculture

Chatuchak, Bangkok 10900

Tel: (662) 940-6573, 940-6670 Ext. 102

Fax : (662) 579-4129

Plant Quarantine Station  
Suvarnabhumi Airport  
Samut Prakarn 10540  
Tel: (662) 134-0717

Bangkok Postal Plant Quarantine Division  
Chang Wattana Road, Laksi  
Bangkok  
Tel: (662) 575 1014-5

EXCISE DEPARTMENT, MINISTRY OF FINANCE  
Department of Intellectual Property  
44/100 Nonthaburi 1 Rd.  
Bangkrasor, Muang  
Nonthaburi 11000  
Tel: (662) 547-4685-6  
Fax: (662) 547-4681

DEPARTMENT OF INTELLECTUAL PROPERTY, MINISTRY OF COMMERCE  
License Subdivision  
Bureau of Tax Administration 1  
Excise Department  
1488 Nakhon Chaisri Road  
Bangkok 10300  
Tel/Fax: (662) 243-0525

CUSTOMS DEPARTMENT, MINISTRY OF FINANCE  
Import Formalities Division  
Customs Department  
Klong Toey, Bangkok 10110  
Tel: (662) 249-4266, 671-5250  
Fax: (662) 249-4297

Legal Affairs Bureau  
Customs Department  
Klong Toey, Bangkok 10110  
Tel: (662) 671-7560, ext. 9310, 9311  
Fax: (662) 671-7626

Customs Standard Procedure and Valuation Bureau  
Customs Department  
Klong Toey, Bangkok 10110  
Tel: (662) 667-7000 Ext 6502, 7179, 7187

Postal Customs Service Division  
Bangkok Customs Bureau,



Customs Department,  
111 Soi Chaeng Watthana 5, Chaeng Watthana Road,  
Lak si District, Bangkok 10020  
Tel. 0 2575 1002-3, Fax. 0 2575 1011

**Attachments:**

No Attachments

**Disclaimer:**

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