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GAIN Report

Global Agricultural Information Network

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New Thai FDA's Primary GMP Standards

Report Categories:

Sanitary/Phytosanitary/Food Safety

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Report Highlights:

TH2051: The Thai Food and Drug Administration (FDA) notified the WTO (G/TBT/N/THA/401 and G/SPS/N/THA/204) of its new requirements for other processed food in instant package ready to be sold to consumers.

General Information:

New Thai FDA's Primary GMP Standards for Other Processed Food in Instant Package Ready to be Sold to Consumers

The Thai Food and Drug Administration (FDA) notified the WTO (G/TBT/N/THA/401 and G/SPS/N/THA/204) of its new requirements for other processed food in instant package ready to be sold to consumers. At present, foods under "General Food" category are not subject to statutory requirements to have a food registration number (Thai FDA number). However, many producers of artisanal products, which are produced using local materials and applying Thai traditional knowledge, have asked for a food registration number for their products as a form of assurance to the consumer that the products are being inspected by the FDA. The Thai FDA is also promoting this practice in the artisanal product industry by encouraging establishments to apply for a food registration number (Thai FDA number). As such, the Thai FDA has established GMP measures aimed to reduce primary contamination; prevent cross contamination; and eliminate physical, chemical, and biological hazards to ensure wholesome foods from this type of establishments

U.S. exporters of other processed food in instant package per the definition below will need to provide the importer with a certificate stating the production process, production equipment, and food storage (GMP certificate). The Certificate of Free Sale or the certificate indicating the products meet the required production process, production equipment, and food storage, which is issued by the government authority or the organization accredited by the government authority, is acceptable. If implemented, this measure would require that U.S. products, such as cake/muffin mix, breakfast cereal, baking powder, dried fruits, and seasonings, to provide either of the aforementioned certificates,.

Summary of proposed notifications are as follows:

Draft Notification of the Ministry of Public Health (No.) B.E. Re: Production Process, Production Equipment, and Food Storage of Processed Food in Instant Package is a draft notification that requires the producers of processed food in instant package ready to be sold to consumers to comply with production process, production equipment, and food storage (GMP) as follows:

1. Definition:

"Processed food in an instant package" means food being processed i.e. cut for further cook or consumption, roasted, dried, fermented, food property of which is changed, or food having already been manufactured; and is contained in an instant package ready to be sold to consumers. However, it excludes "Specifically Controlled Food", "Foods Subject to Quality and Standard" and "Food Required to Have Label" categories, which are already subject to the Notification of the Ministry of Public Health (No. 193) Re: Production Process, Production Equipment, and Food Storage

The definition above shall cover foods as follows:

- (1) All processed food under "General Food" category that is in instant package ready to be sold to consumers.
- (2) Ready to cook and instant foods not yet subject to GMP
- (3) Exclude processed foods in instant package as mentioned in (1) and (2) above which producers or food preparers directly sell to the consumers.

2. Place of production:

The producer or importer of “Processed food contained in an instant package” has to comply with or manage to have a certificate for production process, production equipment, and food storage as per requirements under the proposed notification. However, such requirements are less stringent than those of the Notification of the Ministry Of Public Health (No. 193) B.E. 2543 Re: Production Process, Production Equipment, and Food Storage.

3. Effective Date

- The existing producers or importer of those products must comply with the GMP provision under the proposed notification within 3 years after the date this notification comes into force.
- New producer or importer of those products must comply with the GMP provision under the proposed notification 180 days after the date this notification has been published in the Royal Gazette.

To allow the producers and importers to display the food registration (FDA Number), the Thai FDA has notified WTO (G/TBT/N/THA/1/Add.1) for its revision of the food labeling requirement on May 2. The revised notification is to permit the display of food registration number (FDA Number) on the labeling for processed food in instant package that are under “General Food” category.

The draft of the proposed and revised notifications as per G/TBT/N/THA/401, G/SPS/N/THA/204, and G/TBT/N/THA/1/Add.1 and complete information required are available below.

A Draft of Proposed Notification as per G/TBT/N/THA/401 and G/SPS/N/THA/204:

(DRAFT)

Notification of the Ministry of Public Health

(No....) B.E....

RE: Production Process, Production Equipment and Food Storage of Processed Food in Instant Package

In order to ensure that clean and safe foods are available for the consumer, it is expedient to establish measures for quality assurance for processed foods aimed to reduce physical, chemical and biological contamination and to improve production standard necessary for being a part of ASEAN Economic Community (AEC)

By virtue of the provision of Section 5 and Section 6(7) of the Foods Act B.E.2522 which is an act containing some provisions concerning the limitation of the rights and freedom of an individual, which Section 29 combined with Section 33, Section 41, Section 43 and Section 45 of the Constitution of the Kingdom of Thailand prescribes to be permissible by virtue of a legislation, the Minister of Public Health issues a notification as follows:

Article 1 In this Notification

“Processed food in an instant package” means food being processed e.g. cut for further cook or consumption, roasted, dried, fermented or such food property of which is changed or food having already been manufactured, and is contained in instant package, which is ready to be sold to the consumer. However, it excludes “Specifically Controlled Foods”, “Foods Subject to Quality or Standard”, and “Foods Required to Have Label which are already subject to the Notification of the Ministry of Public Health determining production process, production equipment and food storage.

Article 2 Processed food in an instant package shall be the food subject to the requirements on production process, production equipment and food storage.

Article 3 The manufacturer of food for sale under Article 2 shall comply with production process, production equipment and food storage of processed food in an instant package as prescribed in Schedule 1 attached to this Notification or act in the manner not below such prescribed standards.

Inspection of the production place of the food in paragraph one shall apply record sheet and criteria as prescribed in Schedule 2 and Schedule 3 attached to this Notification.

Article 4 The importer for sale of the food under Article 2 shall provide a certificate for production process, production equipment and food storage of processed food in an instant package as prescribed in Schedule 1 attached to this Notification or for the practices not below such prescribed standards.

Article 5 Any person having been granted with food production license, food production place registration number, or food import license for the food under Article 2 as the case may be before this Notification has come into force and having not act in accordance with Article 3 and Article 4 shall improve, modify or provide a certificate as the case may be in order to comply with this Notification within three years from the date this Notification has come into force.

Article 6 This Notification shall not apply to the food under Article 2 of which its preparer or manufacturer sells directly to the consumer.

Article 7 This Notification shall come into force 180 days after the date of its publication in the Royal Gazette.

Published on this _____ day of March B.E.2555 (2012)

(Mr.Wittaya Buranasiri)
Minister of Public Health

A Draft of Revised Notification as per G/TBT/N/THA/1/Add.1:
(DRAFT)

Notification of the Ministry of Public Health

(No....) B.E....

RE: Label (No. 3)

Whereas it is appropriate to improve the notification of the Ministry of Public Health regarding label;

By virtue of the provision of Section 5 and Section 6(10) of Foods Act B.E.2522 which is an act containing some provisions concerning the limitation of the rights and freedom of an individual, which Section 29 combined with Section 33, Section 41, Section 43 and Section 45 of the Constitution of the Kingdom of Thailand prescribes to be permissible by virtue of a legislation, the Minister of Public Health issues a notification as follows:

Article 1 The provisions of Article 8 of the Notification of the Ministry of Public Health (No.194) B.E.2543 RE: Label dated 19 September 2000 shall be repealed and superseded by the following:

“Article 8 Display of food registration number of foods under Article 2(1), 2(2) and 2(3) shall be in accordance with the regulation prescribed by the Food and Drug Administration

Application for food registration number for foods under Article 2(4) the place of production or import of which has been approved shall be in accordance with such foods under Article 2(3) provided, however, the producer or importer of food under Article 2(4) shall comply with the requirements prescribed under the Notification of the Ministry of Public Health (No...) B.E.... RE: Production Process, Production Equipment and Food Storage of Processed Food in Instant Package dated ... March B.E.2555 or not below such requirements”

Article 2 This Notification shall come into force on the date after the date of its publication in the Royal Gazette.

Published on this____ day of March B.E.2555 (2012)

(Mr.Wittaya Buranasiri)

Minister of Public Health