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## Thailand

**Post:** Bangkok

### Thai FDA's Proposed Rule on the Use of the Term "Premium" on Food Labels

**Report Categories:**

Sanitary/Phytosanitary/Food Safety

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**Report Highlights:**

TH3099. The Thai Food and Drug Administration notified the WTO of its proposed regulation regarding the use of the term "premium" on food labeling. The proposed rule requires any product that uses the term "premium" on their labels must comply with the criteria and conditions established under the proposed notification.

## **General Information:**

### **Thai FDA's Proposed Rule on the Use of the Term "Premium" on Food Labels.**

On August 14, 2013, the Thai Food and Drug Administration (FDA) notified the WTO of the proposed regulation (G/SPS/N/THA/217) regarding the use of the term "premium" on food labeling. Here are some of the highlights of the proposed regulation.

1. Quality and standards of the food product must comply with the relevant notification of the Ministry of Public Health.
2. The food products must meet international or equivalent standards on conformity and certified processing systems, from raw materials through to the finished product, including traceability.
3. The standards of raw material production site and food manufacturing facilities must meet the requirements stated in the draft notification.
4. The food products must have at least one aspect of the standard, quality or specific characteristics of products below:
  - Food products are organic;
  - Food products are registered "Geographical Indication" (GI) with the Ministry of Commerce;
  - The food products must use raw materials or ingredients holding superior quality or standard or outstanding properties.
  - The food products are processed through specific method that makes characteristics of foods superior to general products.

This regulation is likely to impact the export of U.S. agricultural products that currently use the word "premium" on their product labeling. To export products that display the term "premium" on food labels, the exporter must present the required documents to the Thai Food and Drug Administration to prove that their products meet the criteria listed in this notification.

Below is an unofficial translation of the Ministry of Public Health's draft notification regarding expression of the term "premium" on food labeling.

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(DRAFT)

Notification of the Ministry of Public Health

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

Re: Expression of the term "Premium" on food labels

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In order to establish criteria and conditions as a guideline for displaying the term "premium" in food labeling, which is in accordance with the notification of the Ministry of Public Health, regarding labels and an alternative for consumers as well as a means for food operators' capacity development;

By virtue of the provision of Section 5, paragraph one, and Section 6 (3) (4) (7) and (10) 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 Sections 33, 41, 43 and 45 of the Constitution of the Kingdom of Thailand prescribes to be permissible by virtue of a legislation, the Public Health Minister hereby issues a notification as follows:

Article 1 In this notification, “Premium” denotes quality or standard or outstanding properties which are superior to food in the same type.

Article 2 Food labeled "Premium" must be approved by the Food and Drug Administration (Thai FDA).

Article 3 Food labeled "Premium" on the label must comply with the following terms and conditions:

(1) Quality and standards shall comply with the relevant notification of the Ministry of Public Health.

(2) Meet the international standards or equivalent on conformity and certified processing system, from raw materials through to the finished product, including traceability.

(3) Manufactured from raw material production site and food manufacturing facilities as follows:

(3.1) Raw material production site

(3.1.1) With respect to the place of producing raw materials which are agricultural products, it must be assessed by a government agency or an agency acknowledged by the government authority for Good Agriculture Practice: GAP or Guidelines for the Production, Processing, Labeling and Marketing of Organically Produced Foods or other equivalent standards.

(3.1.2) With respect to the place of producing raw materials which are non-agricultural products, it must be assessed by a government agency or an agency acknowledged by the government authority for recommended Code of Practice General Principles of Food Hygiene or Hazard Analysis and Critical Control Point: HACCP as per Codex standards or Food Safety Management System: ISO 22000 or other equivalent standards.

(3.2) In respect to the place of manufacturing food products, it must pass the assessment based on the recommended Code of Practice General Principles of Food Hygiene or Hazard Analysis and Critical Control Point: HACCP as per Codex standards or Food Safety Management System: ISO 22000 or other equivalent standards carried out by a government agency or an agency acknowledged by the state authority.

(4) The food product shall have standards, quality or specific characteristic of products that comply with the Ministry of Public Health notification regarding "premium" labeling for specific products, otherwise they shall meet the following requirements:

(4.1) Organic certification from an official government agency body or approved by an authorized agency official.

(4.2) Geographical Indication (GI) registration with the Ministry of Commerce.

(4.3) Use raw materials or ingredients holding quality or standard or outstanding properties obtained from the production place superior than those mentioned in (3.1.1) or (3.1.2), as the case may be and such food product shall have quality or standard or outstanding properties that are superior to general.

(4.4) Processing through a specific method that makes characteristics of foods superior to general products.

Article 4 The food producer or importer of food bearing the term “premium” on its label before the effective date of this notification shall comply with this notification within 2 years from the date this notification comes into force.

Article 5 This notification shall come into force on the day after its publication in the Royal Government Gazette.

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