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## **Thailand**

### **Food and Agricultural Import Regulations and Standards - Narrative**

#### **FAIRS Country Report**

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**Report Highlights:**

TH9119: Thailand's food industry is governed by the Food Act of B.E. 2522 (1979) and subsequent laws stipulated by the Ministry of Public Health. In general, imports of food for sale in the Kingdom require an import license and standard labeling according to domestic regulations. Product registration is required only for specifically-controlled food. Some agencies of the Ministry of Agriculture and Cooperatives monitor the importation of certain food products such as meat, fruits and vegetables, through import permits and phytosanitary or sanitary certificates. In addition, 23 agricultural commodities are subject to the tariff-rate-quota system administered by the Ministry of Commerce.

## **Section I. Food Laws:**

The food laws and regulations governing the Thai food industry are confined to the scope of the Food Act of B.E. 2522 (1979). The Ministry of Public Health is designated by law to take executive charge of the Act. Food control activities are the responsibility of the Food and Drug Administration (FDA), which is a department of the Ministry of Public Health.

The Food Control Division, under the FDA, is responsible for the control of licensing of local manufacturing and importation of food products, registration of specifically-controlled food, and food labeling. Standard requirements for specifically-controlled food and codes of hygienic practices as guidelines for domestic manufacturers and importers are elaborated, handled, and periodically issued in Ministerial Notifications by the FDA's Food Control Division.

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

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 Act classifies food into four categories as listed in the following table.

1. Specifically-controlled food - the category for which registration is required. Legal provisions are established regarding standard quality, specifications, packaging and labeling requirements, as well as other aspects of good manufacturing practice. At present, 14 types of food have been listed in this category.
2. Standardized food - the category for which quality standards will be defined by regulations. Food in this category is mainly locally produced food from small-scale or household industry. The main objective is to facilitate and encourage food producers on upgrading or at least maintaining hygienic quality of their products. Standardized food does not require registration but its quality and labeling have to meet the standard requirements as specified in the Notification of the Ministry of Public Health. There are 31 types of food in this category.
3. Food required to bear standard labels - the category which needs less-restricted control than the first two categories, as food under this category exposes a low risk of hazard to consumers' health. There are 12 items of food in this category.
4. General food - food either raw, or cooked, preserved or non-preserved, processed or non-processed, if they are not listed under category 1, 2, or 3 will be considered as general food. Although registrations are not required, general food products are controlled and monitored on hygiene, safety, labeling and advertisement.

The latest food category table can be found in [TH8116](#).

The food products listed above have standard requirements announced by the Ministry of Public Health in the Ministerial Notifications. Also, there are other Ministerial Notifications concerning control aspects of other items associated with food. Among these are Quality Standards of Food Containers, Plastic Containers, Feeding Bottles, Labeling Requirements and Nutrition Labeling.

## 1.2 Prohibited Food and Substances

(1) Substances prohibited to be manufactured, imported or sold: Dulcin, cyclamic acid and its salts, AF-2 (Furylframide), potassium bromate, food containing Daminozide (Succinic acid 2, 2-dimethyl hydrazide). Except for export: sodium cyclamate, stevia.

(2) Food prohibited to be manufactured, imported, or sold: corn and corn products with Cry 9C DNA Sequence.

(3) Food prohibited to be imported or sold: (a) food of which declared "expiration date" or "best before date" has been passed; (b) beef and beef products from Great Britain, Portugal, France, Ireland, Switzerland, Belgium, Germany, Netherlands, Denmark, Italy, Liechtenstein, Luxembourg, Spain, Czech Republic, Greece, Japan, Slovakia, Slovenia, Austria, Finland, Israel, Poland, Canada, and U.S.A.; except milk and milk products, hides and skins, gelatin and collagen prepared from hides and skins and bone, protein-free tallow, dicalcium phosphate, deboned skeletal muscle meat and its products from cattle 30 months of age or less, blood and blood by-products (see more details in item 6.6 of Section 6).

(4) Substances prohibited to be used as ingredients in food: see the negative list of food additives in Section 4.

## 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 products, including U.S. products. The principles of the regulatory procedures for food involve the following aspects.

### 1.3.1 Pre-marketing Control

Activities at this stage are the responsibility of the Food Control Division.

(A) Establishment of food standards and manufacturing requirements

The established standards as supervised by the subcommittee on food standards and local manufacturing requirements are minimum acceptable requirements.

(B) Control of food manufacturing

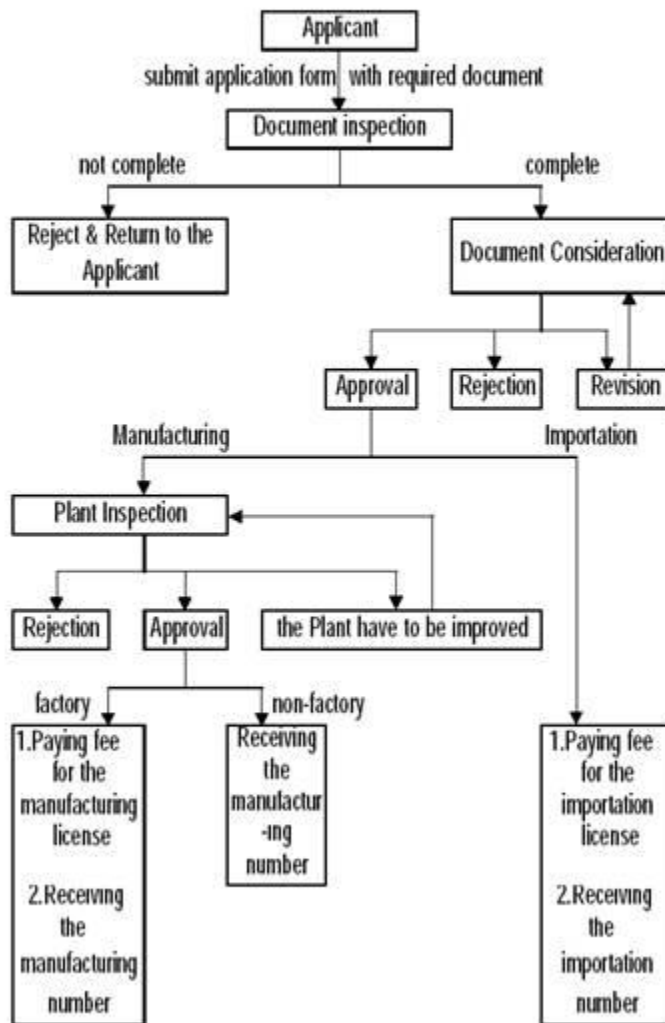
Local food manufacturers must apply for a license prior to proceeding with their business. Plant layouts must be submitted for approval to the Thai FDA's Food Control Division. The FDA inspectors will then visit and inspect the plant before a manufacturing license can be issued. It is the responsibility of the licensee to renew the license every three years.

(C) Control of food importation

A license is required for importing food for sale in the country. A licensee may import various kinds of food provided that the Office of Food and Drug Administration approves them. FDA inspectors will visit and examine the appropriateness of the designated storage place or warehouse before a license is issued. A license to import must be renewed every three years.

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

PROCEDURE IN APPLY FOR IMPORTATION LICENSE, MANUFACTURING LICENSE AND MANUFACTURING NUMBER



More details about import procedures for different categories of food products are available in [TH8116](#).

#### (D) Food product registration

Importers of food products deemed to be specifically-controlled food are required to register the products before importation for sale. However, exemptions are granted for products imported directly by food service outlets and manufacturers for their own use as ingredients or materials for food processing.

Applications for product registration should be submitted to the Food Control Division, FDA. 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, is about one month. However, delays are usually caused by inaccurate or unacceptable details in the documents. There is little chance for registering a product unless the manufacturer or exporter provides the necessary details required by the FDA.

The details of applying for food product registration are provided in appendixes of the report, including a flow chart of product registration is available in [TH8116](#) Food Product Registration in Thailand report.

#### (E) Control of food labeling

Imported food products, which are categorized as specifically-controlled food, standardized food, and food required to bear labels, are required to bear standard labels. More details on the standard label requirements are provided in Section 2.

#### (F) Control of nutrition labeling

Nutrition labeling is also required for some specific products. More details on the standard label requirements are discussed in Section 2.

#### (G) The requirement of Good Manufacturing Practice

Since July 24, 2003, the Ministerial Notification No. 193, B.E. 2543 (2000), Titled "Method of Food Manufacturing and Equipment for Manufacturing Food and Food Storage", is applied to all domestic manufacturers and foreign suppliers of 54 types of products.

Products covered under this regulation are listed as follows:

1. Infant food and uniform food for infant and children
2. Supplementary food for infant and children
3. Modified milk for infant and uniform modified milk for infant and children
4. Ice
5. Drinking water in sealed containers
6. Beverage in sealed containers
7. Food in sealed containers
8. Cow's milk
9. Cultured milk

10. Ice cream
11. Flavored milk
12. Milk products
13. Food additives
14. Food color
15. Food flavoring substances
16. Sodium cyclamate and food containing sodium cyclamate
17. Food for weight control
18. Tea
19. Coffee
20. Fish sauce
21. Water by-products from manufacturing of monosodium glutamate
22. Natural mineral water
23. Vinegar
24. Edible oil and fat derived from animal or vegetable
25. Peanut oil
26. Cream
27. Butter oil
28. Butter
29. Cheese
30. Ghee
31. Margarine
32. Semi-processed food
33. Some particular sauces
34. Palm oil
35. Coconut oil
36. Mineral drink
37. Soybean milk in sealed containers
38. Chocolate
39. Jam, jelly, marmalade in sealed containers
40. Food for special purpose
41. Quicklime soaked egg
42. Royal jelly and Royal jelly products
43. Products from the hydrolysis or fermentation of soybean protein
44. Honey (except where the place of manufacturing does not fall under the description of a factory under the law-governing factory)
45. Fortified rice
46. Brown rice flour
47. Salted water for food flavoring
48. Sauce in sealed containers
49. Bread
50. Gum and candy
51. Processed agar and jelly
52. Garlic products

- 53. Flavor and scent additives
- 54. Frozen food

Domestic manufacturers of these products are obligated to comply with the method of food manufacturing, tools and equipment for manufacturing food, and food storage according to the Good Practice in Food Manufacturing governing general sanitation. Meanwhile, any importer of the covered products must present an equivalent certificate of GMP for certain factories or plants, which manufacture those products in line with the Thai GMP Law. The GMPs accepted can be any of the following: a) GMP by Thai Law; b) GMP by Codex; c) HACCP; d) ISO 9000; and e) other practice equivalent to (a)-(d).

For U.S. food products, Thai FDA officials agree that U.S. practices (it is understood that all U.S. food manufacturers are already subject to 21CFR part 110) are normally superior to the GMP under the present Thai GMP Law. Accordingly, any simple statement/certificate (including HACCP certificate) that is endorsed by USG agencies will be acceptable. The statement may state that "the food product(s) are manufactured by U.S. processing plant(s) which are subject to 21CFR part 110".

### 1.3.2 Post-marketing Control

#### (A) Monitoring compliance with the regulations

Monitoring processes primarily make sure that the food distributed to consumers 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 tests. In the case of violations or seizures, product recall and prosecution will be executed. Inspection, monitoring and legal actions are the responsibility of the Inspection Division of Thai FDA. Technical advice on development of food production, delivery, handling and storage may be given during the monitoring processes.

#### (B) Food surveillance

The aim of the program is to assure the safety and quality of food distributed in the market throughout the country. Food surveillance is conducted by several ministerial organizations, e.g. Ministry of Agriculture and Co-operatives, Ministry of Science, Technology and Environment, Ministry of Industry, Office of the Prime Minister, and the Bangkok Metropolitan Administration. The FDA plays a major role. FDA 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, Department of Medical Science, for further analysis of toxins, pesticide residues, heavy metals, nutritional values, and standard conformity. Warning and legal actions such as seizure, product recall, etc. will be taken depending on the degree of violation.

### 1.3.3 Control of Food Advertising

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

## **Section II. Labeling Requirements:**

### 2.1 Standard Labeling

For imported food products or domestic food products which are categorized as specifically-controlled food, standardized food, and food required to bear labels, are required to bear standard labels. A Thai label must be applied where needed prior to entry and be affixed to products prior to retail sales. Failure to apply the label before entry will lead to a product seizure by the FDA. As products imported for sale may not enter into Thailand with standard U.S. labels only, stick-on labels, meeting local requirements must be affixed. Note that the approved label, corresponding to its food package size, must be applied to every single item of food.

#### 2.1.1 Labeling of Food Products Directly Sold to Consumers

Labels for food products directly sold to consumers shall be presented in Thai with or without a foreign language and shall have the following details, except for those allowed to be omitted by the FDA:

1. Name of food.
  2. Food serial number.
  3. Name and address of manufacturer or repacker, as the case may be, together with the country where the product is manufactured.
  4. Net content of food in metric system.
    - 4.1 Powdered, dry or solid food products shall display net weight.
    - 4.2 Liquid food products shall display net volume.
    - 4.3 Semi-solid or semi-liquid food products can display either net weight or net volume.
    - 4.4 Other food products shall display net weight.
- Food products in sealed containers shall display net content as well as drained weight except food ingredients cannot be separated from the liquid part.
5. Essential ingredients listed as percentage of the total, starting with the major ingredient. For concentrated products or those needing to be diluted or dissolved before consumption, the proportion of the products when diluted or dissolved must be displayed.
  6. The words "Preservatives used", if any.
  7. The words "Natural food color added" or "Chemical food color added" shall appear if used.
  8. The words "Natural flavor added", "Artificial flavor added", etc. shall be presented, if used.
  9. The words "Artificial sweetener added" if used.
  10. The words "Natural scent enhanced" or "Artificial scent enhanced" if any.
  11. Date, month and year of manufacture; month and year of manufacture; date, month and year of expiry; or date, month and year within which food remains in good quality or conforms to the standard. Accompanied by the word "Manufactured", "Expire" or "Use Before", as the case may be, note that:

(A) The date, month and year of manufacture; the date, month and year of expiry; or the date, month



and year within which food remains in good quality or conforms to the standard is used to describe food which can be stored for not more than 90 days.

(B) The month and year of manufacture; the date, month and year of expiry; or the date, month and year within which food remains in good quality or conforms to the standards is used to describe food which can be stored for more than 90 days.

(C) The date, month and year of expiry is used to describe certain food products specified by the FDA e.g. modified milk for infants, infant food, supplementary food for infants and children, etc.

The food manufacturer or importer may request the FDA to display the date, month and year of expiry for other types of food not stipulated. The information on item (a) and (b) mentioned above shall be presented in the “Principal Display Panel” whereas the information concerning item (c) can be displayed either in the “Principal Display Panel” or on the top or the bottom part of the container. If displayed at the bottom part of the food container, there shall be a statement indicating where to check for the manufactured date, expiry date or the date within which the food still remains in good quality or conforms to the standard.

12. Storage instructions, if any.

13. Preparation instructions, if any.

14. Specific texts to be displayed clearly are usually for food products that need precautions before use. For example, “Not Used As Infant Food” and “Not to Replace Milk for Infant” shall be presented.

15. Instructions on use and other useful information for products for use by a specific group of consumers e.g. a table showing baby-feeding schedule.

16. Labels with statements, pictures, photographs, signs, trademarks, etc. shall not give misleading or exaggerating implications about the products.

17. The label shall not contain pictures, photographs, signs, trademarks, and etc., which either explicitly or implicitly advertise other products.

#### 2.1.2 Labeling of Food Products Sold to Food Manufacturers as Production Ingredients

A Thai label is required except for imported products where the English label is allowed. The label must at least contain the following:

1. Name and type of food
2. Food serial number
3. Net content of food in metric system
4. Name and country of the manufacturer

In this case, although a label containing Thai language is not required for imported products, the products must have the FDA’s product registration number or label approval number.

#### 2.1.3 New Food Labeling Regulations

A) Food Labeling Requirements for Processed Foods ([TH7136](#))

On August 30, 2007, the Thai Food and Drug Administration (FDA) notified an addendum to its measure on food labeling requirements and announced that it was withdrawing its proposed requirement of traffic light labeling logos on snack foods and that it would no longer maintain requirements for “processed foods.” The Thai FDA proposed that the issues concerning snack foods should fall under the domain of the Ministry of Public Health. In addition, the warning message on food labeling is modified to “Should take less, and exercise for a better health” so as to encourage the consumer awareness on the importance of exercise and limited the consumption level of some food products that lead to the obesity problem. The notification became effective on December 18, 2007.

The following lists of processed foods are subject to the new labeling requirement:

1. Potato chips
2. Corn chips
3. Extruded snack foods
4. Biscuits/crackers
5. Assorted wafers

#### B) Labeling Changes for "Modified Milk for Infant"

In order to promote the importance of maternal milk and the benefits received from drinking maternal milk for both infants and small children, the Thai FDA modified the Ministry of Public Health (MOPH) Notification No. 156 of B.E. 2537 (1994) regarding “Modified Milk for Infant and Modified Milk of Uniform Formula for Infant and Children”. The major content changes are made in the notification No. 307 and No. 308 of B.E. 2550 (2007). More details are available in [TH7135](#).

#### 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.

- Food making a specific nutritional claim;
- Food which makes use of nutritional values in sale promotion;
- Food which specifically targets a group of consumers e.g. students, executives, elderly people, etc;
- Other foods which may be specified by the FDA.

Exemptions from these nutrition-labeling regulations (as defined in Ministerial Notification No. 182) are infant food, supplementary food 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 aims to be repacked and sold in a larger container. Nutrition labeling must be presented in Thai and 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 U.S. Recommended Daily Intakes. 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 standard comprehensive nutrition facts is provided. The format is

similar to the U.S. nutrition fact panel but not identical:

Nutrition Facts			
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.

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

The Thai Recommended Daily Intake (Thai RDIs) for people of six years of age and older were established to be guidelines for nutrition labeling. Developed with reference to the Thai Recommended Daily Dietary Allowances (Thai RDA), the U.S. RDA and Codex’s Nutrient Reference Values, details on Thai RDIs are provided in the attached Table1.

### 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 energy value and the content of protein, fat and carbohydrates, as well as the content of vitamins and minerals. Nutritional claims constitute nutrient content claim, comparative claim and nutrient function claim.

As the Thai FDA generally uses Codex and U.S. FDA standards as guidelines, the descriptors used in nutrient content claim (e.g. low in cholesterol) and comparative claims (e.g. “less”, “reduced”) generally have very similar definitions to those of U.S. Food Labeling. However, there may be some differences in the use of certain terms such as “good source of”, “rich in”, etc. Note that differences may exist in serving size, reference amount and local recommended daily intakes. Further details can be obtained from the Food Control Division, FDA.

(A) Nutrient content claims are a nutrition claim that described 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 of all foods of that type e.g. vegetable oil, a cholesterol-free food. 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” level of nutrient content or energy value according to the established conditions of such terms.

(C) Nutrient function claims are claims relating to the function of a nutrient to 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 permitted provided the following conditions are met. Nonetheless, a claim statement is subject to the approval from FDA.

C.1 Only those essential nutrients listed in the Thai RDIs shall be the subject of a nutrient function claim.

C.2 The food for which the claim is made shall be a significant source of the nutrient in the diet.

C.3 The claim must be made with reference to the nutrient not particularly to the food product.

C.4 The claim must be based on reliable scientific evidence.

C.5 The claim must not imply or include any statement to the effect that the nutrient would afford 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 claim is therefore allowed on food products in Thailand.

#### 2.5 GMO Labeling

The Thai Government has banned the commercial planting of transgenic seed 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's labeling law for food containing Genetically Modified Organisms (GMO) materials/products was implemented. 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:

1. Soybeans
2. Cooked soybean
3. Roasted soybean
4. Bottled or canned soybean or soybean contained in retort pouch
5. Natto (fermented soybean)
6. Miso
7. Tofu or Tofu fried in oil
8. Frozen tofu, soybean gluten from tofu or its products
9. Soybean milk
10. Soybean flour
11. Food containing product(s) from (1) to (10) as main ingredient
12. Food containing soybean protein as main ingredient
13. Food containing green soybean as main ingredient
14. Food containing soybean sprout as main ingredient
15. Corn
16. Popcorn
17. Frozen or chilled corn
18. Bottled or canned corn or corn contained in retort pouch
19. Corn flour or corn starch
20. Snack deriving from corn as main ingredient
21. Food containing product(s) from (15) to (20) as main ingredient
22. Food containing corn grits as main ingredient

Under the regulations for processed products containing more than one ingredient, labeling will only be required for the top three ingredients by weight, if each ingredient constitutes 5 percent or more of the final product and 5 percent or more of that ingredient is derived from GMO ingredients.

Due to a lack of laboratory facilities, the Ministry of Public Health implements the regulation enforcement on a post-marketing basis. This means that product labeling by the producer/importer will be voluntary. However, the products may be confiscated and the producer/importer will be subject to the penalties applicable if the government inspector proves that the products are supposed to be GMO labeled. 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).

### **Section III. Packaging and Container Regulations:**

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

(A) A container must:

1. Be clean
2. Not emit any heavy metal or other substances to contaminate food in volume likely to be harmful to health
3. Free of germ contamination
4. Emit no color to contaminate food

(B) Containers which are ceramic vessels or enameled metal vessels must have to conform to not only the quality and standards in (A) but also the quality or standard with respect to lead and cadmium as follows: The fused-out volume of detectable when analyzed according to the method described in the Association of Official Analytical Chemists (AOAC) Journal of the United States of America, 13th Edition, articles 25.031 to 25.034, or according to the method prescribed in the AOAC Journal of the United States of America of 1983, Volume 66, Part 3, Page 610 to 619 in the case of cooking utensils, shall not exceed the limit described in the Schedule 2 to the notification.

(C) Containers, which are made of plastic must conform to not only the quality or standard in (1) but also the quality or standard in Schedule 1 to the notifications.

(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 be added with any color, except: a) in the case of laminate plastic, only the layer not coming into direct contact with the food; and b) in the case of plastic which are used for packing shelled fruits.

(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 a container which has previously been used to pack or wrap a fertilizer, poisonous substance, or substance likely to be harmful to health as a food container is prohibited.

(G) Use of a container which is made for packing other thing, which are not food or which bear a design or any statement that may cause a misconception with respect to the material parts of the food contained therein as a food container is prohibited.

The Ministry of Public Health announced additional measures prohibiting objects other than food to be packed into food packaging (TH8082). These additional measures have been in the Ministerial Notification No. 310, B.E. 2551 (2008). This is in response to a publicized case of a Thai child accidentally swallowing a small toy packed inside a snack food. The impact of this notification on trade is quite limited as the new notification only affects certain forms of product promotion.

This Ministerial Notification repealed the Notification no. 304 (B.E. 2550 (2007)) regarding the prohibition of any objects other than food to be packed into the food package and the major revision of this notification is as follows:

1. 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.)
2. 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.

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

Food additives mean the substances which normally are not used as food or essential ingredients of food, whether or not such substances have food value, but which are added for the benefits of production technology, packing, storage or transport beneficial to the quality or standards or the nature of food. They also include the 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 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
- Colour
- Colour retention agent
- Emulsifier

- Emulsifying salt
- Firming agent
- Flavour enhancer
- Flour treatment agent
- Foaming agent
- Gelling agent
- Glazing agent
- Humectant
- Preservative
- Propellant
- Raising agent
- Stabilizer
- Sweetener
- Thickener

Use of food additives for purposes other than stated must be petitioned for the FDA's approval. Any food additives not listed below but are available under CODEX (GSFA) are generally acceptable by the Thai FDA.

The list of permitted food additives in Thailand are provided in the attached Table2.

The substances prohibited to be added in or to be manufactured, imported or sold as food ingredients are as follows:

1. Brominated vegetable oil
2. Salicylic acid
3. Boric acid
4. Borax
5. Calcium iodate or Potassium iodate
6. Nitrofurazone,
7. Potassium chlorate
8. Formaldehyde, Formaldehyde solution and Paraformaldehyde
9. Coumarin; 1,2-Benzopyrone; 5,6-Benzo-alpha-pyrone; Cis-o-coumaric acid, anhydride; or O-hydroxycinnamic acid, lactone
10. Dihydrocoumarin, Benzodihydropyrone, 3,4-Dihydrocoumarin or Hydrocoumarin
11. Methyl alcohol or Methanol
12. Diethyleneglycol, Dihydroxydiethyl ether, Diglycol, 2,2'-Oxybis-ethanol or 2,2'-Oxydiethanol
13. Dulcin (Para-phenetolcarbamide)
14. Cyclamic acid and its salts (except Sodium Cyclamate)
15. AF-2 (Furylframide)
16. Potassium bromate
17. Daminozide or Succinic acid 2,2-dimethylhydrazide
18. Stevia and derivatives.
19. Melamine and its analogues (Cyanuric acid, Ammelide and Ammeline)



## Section V. Pesticides and Other Contaminants:

Food containing pesticide residues and contaminants are categorized as standardized food, which the Ministry of Public Health regulates. In addition, two agencies of the Ministry of Agriculture & Cooperatives – Department of Agriculture (DOA) and the National Bureau of Agricultural Commodity & Food Standards (NBACFS) – are responsible for establishing the Maximum Residue Limit (MRL). DOA is responsible for conducting research and analysis and NBACFS is responsible for monitoring and conducting international negotiations.

### 5.1 Food Containing Pesticide Residues

The tolerance levels of residues allowed in foodstuffs are defined as Extraneous Residue Limit (ERL) and Maximum Residue Limit (MRL). Detailed information on pesticide residues is available in the Ministerial Notification No. 288 of B.E. 2548 (2005). Codex has been used as a guideline and its pesticide levels are generally acceptable.

### 5.2 Food Containing Contaminants

According to Ministerial Notification No. 98 of B.E. 2529 (1986) and Ministerial Notification No. 273 of B.E. 2546 (2003), food shall not contain contaminants with more than the following specifications.

<b>1. Metals</b>		
Tin:	250	mg/kg
Zinc:	100	mg/kg
Copper:	20	mg/kg
Lead:	1	mg/kg with the exception for foods that contain high amount of natural lead. Such foods shall seek the approval from FDA.
Inorganic Arsenic	2	mg/kg for fish and seafood
Total Arsenic:	2	mg/kg for other foods
Mercury:	0.5	mg/kg for seafood and not more than 0.02 mg/kg for other foods
<b>2. Aflatoxin</b>	20	Microgram/kg
<b>3. Other contaminants shall be subjected to FDA approval.</b>		

Note that the above regulations are not be applicable to specifically-controlled food or other standardized food declared by the Ministry of Public Health and for which the quantity of contaminants may be specified otherwise by the Ministry.

An additional list of veterinary drugs covered under the regulation, and modifies the MRL's by animal species and organ tissue/product are available in the Ministerial Notification No. 303 BE. 2550 (2007). Details of the new proposed rules are discussed in [TH7060](#).

### 5.3 Food Pathogens Control Measures in Food Products

Importers of products listed below need to present a lab analysis report during the food product registration process to ensure products imported are pathogen free or do not exceed maximum specified limits stated in this notification. The Thai FDA is accepting a lab analysis report issued by government laboratory from the country of origin, government laboratories in Thailand, private laboratories accredited by Thai government or laboratories accredited by international accreditation agencies. The background of the notification can be found under Report [TH9054](#): Amendments on Food Pathogen Standards 2009.

## **Section VI. Other Regulations and Requirements:**

### 6.1 Laboratory Testing

Specifically-controlled food and standardized food are food products subject to official laboratory testing. This is to ensure that the products meet standard requirements, which the products are free from all microbial organisms and toxic chemical substances that are not safe for consumption, and that the products are of good nutritional quality. The fees for laboratory testing vary, up to a maximum of USD 750, depending on the level of complexity involved in the process of analyzing the products.

### 6.2 Shelf Life and Packaging

Shelf longevity and packaging are critical issues. The long shipping time and the likelihood that products are to be passed through multiple marketing channels before reaching the hands of consumers should be considered. In terms of logistics, U.S. exporters should note that few cold storage facilities and delivery trucks are available. As far as the hot and humid climate in Thailand is concerned, moisture resistant outer and inner packaging will be needed to preserve product quality.

### 6.3 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 FDA. 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 or phytosanitary certificate will be required. Mail order shipment of products for sale are also subject to the same rules and regulations imposed by the FDA and other relevant authorities as those of regular imports. For more information, see details in the following sections.

### 6.4 Import Control Under the Tariff Rate Quota (TRQ)

Thailand is permitted to establish TRQs for 23 agricultural products under the WTO Agreement on Agriculture. The products under the TRQs system are divided into two groups. The first group comprises a number of traditional export commodities (e.g. rice, coconuts), where comparative

advantage could preclude the need for import protection. A second group consists of commodities, which can be produced domestically but importation is necessary to meet the high demand of the processing industry (e.g. oilseed, corn). In administering the TRQs for the latter group, the 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 will limit in quota imports, both in-quota amount and in-quota duties, only to the level which is obligated in the WTO agreement. More details on the tariff-rate quotas and the out-of quota tariff rates are provided in FAS/Bangkok's Trade Policy Monitoring Annual Report 2009.

The covered commodities under the TRQ system are listed as follows:

1. Milk and cream, and flavored milk
2. Skim milk
3. Potato
4. Onion
5. Garlic
6. Coconut
7. Copra
8. Coffee bean
9. Tea
10. Pepper (piper nigrum L.)
11. Corn
12. Rice
13. Soybeans
14. Onion seeds
15. Soybean oil
16. Palm and palm oil
17. Coconut oil
18. Sugar
19. Instant coffee
20. Soybean meal
21. Tobacco leaf
22. Raw silk
23. 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. An amount of allocated import quota is normally determined by the purchase of domestic supplies. This domestic absorption requirement is apparently against the WTO agreement.

#### 6.5 Specific Import Control on Animals and Animal Products

The Department of Livestock Development (DLD), Ministry of Agriculture and Cooperatives directly monitors the importation of meat. An import permit from DLD is required for these products, frozen or chilled. Prior to importation, an application for a permit should be completed

and submitted to the Animal Quarantine Station at the port (sea or air) of entry where the products will be shipped, whether by air or by sea. Also, a health certificate is needed. Upon entry, the Animal Quarantine Station must inspect the products prior to release by the Thai Customs. Generally, a U.S. health certificate is acceptable. 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, mainly to protect domestic producers. Fees on red meat (beef, buffalo meat, goat meat, lamb, and pork) are 5 baht/kg (US\$ 143/ton), followed by 10 baht/kg (US\$ 286/ton) for poultry meat and 5 baht/kg (US\$ 143/ton) for offal.

In October 2000, the DLD announced their guidelines for the importation of live animals, meat and its by-products (including offal).

These new guidelines stipulated that “Bilateral agreement of accreditation of establishment of origin of animals and animal products to be exported to Thailand is an essential factor. The arrangement to visit the establishments of origin in the exporting country to observe or monitor the zoosanitary measures, on bilateral consensus, is recommended. Hence, only the animals or animal products originated from accredited establishments shall be permitted to import into Thailand. Nonetheless, it is Thailand’s privilege to visit any establishments in the exporting country for accreditation. Frequency of the visitation and validity period of the accreditation depend on bilateral negotiation. The exporting country should provide a list of establishments, approved for export by a duly authorized government agency of the exporting country, to the DLD. Each approved establishment should be properly identified by registration number, name, and full address. It is strongly advised that a Health Certificate Format to accompany any commodity exported to Thailand, which is issued by a veterinary authority of the exporting country, shall be acknowledged by a bilateral consultation.”

After providing a grace period for U.S. products from 2001-2004, the DLD decided not to continue to extend the waiver of establishment inspection in supplier countries, including the United States and began to enforce this site inspection requirement seriously in mid 2005. Upon negotiations initiated by USDA, the DLD recently agreed to accept “system audit” concept rather than “individual facility audit”. Nevertheless, the DLD notified FAS/Bangkok unofficially that it might apply requirement of completing questionnaires for approval before the DLD send its team to conduct on-site inspection in each exporting country. According to the DLD, this additional requirement will be applied to new products that have not been imported.

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

Thailand does not comply with OIE guidelines. The DLD officially notified USDA on February 8, 2006 to reopen the market for U.S. beef, but limited to boneless beef without any tolerance of bone chips/fragments content. The DLD stipulated its health requirement on imports of U.S. beef into Thailand in the following:

- 1) A health certificate in English signed by a full-time authorized veterinary official of the FSIS stating:

- 1.1 Type of cuts and package of the meat/meat products,
- 1.2 Number of pieces or package and net weight,
- 1.3 Names and addresses and registered number of the approved manufacturers,
- 1.4 Names and addresses of the exporter and the consignee,
- 1.5 Dates of slaughter, manufacture or packaging and export,
- 1.6 Certification of condition items (2) to (10)

2) The United States of America (USA) is free from Rinderpest and Foot-and-Mouth Disease (FMD) and officially approved by the Office International des Epizooties (OIE) for at least 3 (three) years prior to export.

3) The farm(s) or premises of origin have been free from contagious bovine pleuropneumonia during the past 12 (twelve) months preceding the slaughter of the animals and until the time of export. The animals received ante and post mortem inspection and were found healthy and free of clinical signs of the following diseases: tuberculosis, toxoplasmosis, taeniasis and bovine cysticercosis.

4) The product was obtained from animals of U.S. origin or legally imported in accordance with U.S. import requirements.

5) The cattle have received ante-mortem and post-mortem inspections by FSIS veterinarian or may be performed by an official FSIS inspector with appropriate training, knowledge, skills and abilities.

6) The product was obtained from animals less than thirty (30) months of age. The product was obtained from animals which were not stunned by means of gas injection in the cranial cavity, or cutting of the spinal cord by laceration of the central nervous tissue by means of introducing a sharp cutting instrument in the cranial cavity or by a pithing process. The product contains no specified risk materials including brain, skull, eyes, trigeminal ganglia, spinal cord, tonsils, distal ileum, vertebral column (excluding the vertebrae of the tail, the transverse processes of the thoracic and lumbar vertebrae, and the wings of the sacrum), and dorsal root ganglia. The product does not contain meat from advanced meat recovery and mechanically separated meat. The meat was derived from animals which received ante and post mortem inspection. The meat was not derived from animals that were known suspect or confirmed BSE cases.

7) The slaughter, processing, and storage of the product were from establishment(s) under federal inspection.

8) The meat contains no preservatives, additives or other substances posing a harmful risk to human health.

9) The meat has been produced according to a residue and microbiological sampling program in accordance with USDA regulatory requirements.

10) The meat was produced in accordance with the FSIS National Residue Program.

11) The vehicles and containers used for transporting the exported boneless beef should be

thoroughly cleaned and disinfected immediately prior to export.

12) The wrapping and packaging materials of the boneless beef portions must bear a health mark or inspection legend of the USDA. All shipping cartons of the boneless beef must bear slaughter or production date (month, day and year) on the cartons at the time of shipping and must be marked "Product of USA". The health mark label must be applied on the carton and the carton will be closed in a manner whereby tampering would be evident.

13) The boneless beef shall be subjected to inspection/detention for laboratory testing up on arrival in Thailand. The owner/importer shall be fully charged for incurred expenses.

14) Failure to follow the import procedures may result in returning the meat/meat products to the country of origin or destroying without compensation.

A request by USDA to the Thai DLD to extend market access for a wide range of beef and beef products, including live beef cattle, bone-in products, offal, etc. has been pending thus far. In addition, the current notification to reopen the market did not cover other ruminant animals and products than boneless beef. As a result, boneless meat of buffalo, sheep and goat is still subject to the import ban.

The Ministry of Public Health (MOPH) also officially notified on January 13, 2005 the lifting of its ban on imports and sales of certain bovine products from BSE-risk countries, including the United States. The products covered in this notification include:

- (1) Milk and milk products;
- (2) Hides and skins;
- (3) Gelatin and collagen prepared from hides and skins;
- (4) Gelatin and collagen prepared from bone;
- (5) Protein-free tallow (maximum level of insoluble impurities of 0.15% in weight) and derivatives made from this tallow;
- (6) Dicalcium Phosphate (with no trace of protein or fat);
- (7) Deboned skeletal muscle meat and its products from cattle 30 months of age or less, which were not subject to a stunning process, prior to slaughter, with a device injecting compressed air or gas into the cranial cavity, or to a pithing process, and which were subject to ante-mortem and post-mortem inspections and were not suspect or confirmed BSE cases, and which has been prepared in a manner to avoid contamination with tissues listed in Article 2.3.13.13 of OIE Terrestrial Animal Health Code 2005. BSE-risk tissues are brains, tonsil glands, spinal cords, eyes, etc.
- (8) Blood and blood by-products, from cattle which were not subject to a stunning process, prior to slaughter, with a device injecting compressed air or gas into the cranial cavity, or to a pithing process.

#### 6.7 Specific Import Control on Swine and Its Carcasses in Relation to 2009 H1N1 Influenza

Department of Livestock Development imposed an import ban on U.S. pork, pork products, and swine genetics, on April 27, 2009, in reaction to 2009 Influenza H1N1 outbreak in Mexico and the

U.S. The ban was lifted on May 20, 2009. However, imports from exporting countries where the 2009 Influenza H1N1 outbreak is reported are subject to additional import conditions, including a statement of swine influenza-free in health certificate. Shipments will be held pending laboratory testing.

### 6.8 Specific Import Control on Seafood

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

### 6.9 Specific Import Control on Fruits and Vegetables

On March 1, 2008 Thailand’s new Plant Quarantine Act (No. 3) B.E. 2551 was published in the Royal Gazette after being endorsed by the King on February 19. This new act combined previous Ministerial Notifications from 2007 requiring Pest Risk Assessments for imported plant materials as well as established broader powers for the Plant Quarantine Committee. The details of the Act can be seen at [TH8047](#). The Act was effective on August 28, 2008. 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 ([TH8161](#)). The import procedures were also addressed by the DOA ([TH8109](#)).

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	X	X	X	No limit POC
• imported for other purpose	X	X	X	No limit POC
• transit to the 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

The U.S. Department of Agriculture successfully requested the Thai DOA waive PRA requirement under the “Transitory Provisions” in Notification of Ministry of Agriculture and Cooperatives entitled “Specification of plant pests and carriers from certain sources as prohibited articles under the Plant Quarantine Act B.E. 2507 (1964) (No 5), B.E. 2550 (2007). See TH7073. The DOA has agreed to the waiver request for the following products (articles) from the U.S.; 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.

As a result of a PRA waiver, all 19 U.S. products would be subject to previous import requirements until the PRAs for these products are completed.

Under the previous guidelines, seed potato, table potato, and, corn seed, are classified as restricted articles, requiring only a phytosanitary certificate for import. Apple, apricot, cherry, currant, fig, grape, nectarine, peach, pear, plum, prune, strawberry, sorghum grain, sorghum seed, sweet pepper, and eggplant are classified as non-prohibited articles, neither requiring an import permit or a phytosanitary certificate for import. The imports of all other U.S. products which fall under the “prohibited article” and are not on the waiver list are subject to a request for PRA process.

Recently, the DOA completed PRA process for U.S. potatoes, including seed potatoes, potatoes for processing and potatoes for consumption. Following this development, import requirements for U.S. potatoes for processing and potatoes for consumption were endorsed on July 15, 2009. The import protocol for U.S. seed potatoes is scheduled to be endorsed after the DOA inspection team will audit production area and certification process in the U.S. in August 2009.

The main import requirements for these two products are summarized below:

Potatoes for processing:

1. Import permit issued by DOA is required.
2. Potatoes imported for processing must be processed in facilities registered and approved by DOA. The processing facilities must be inspected by quarantine officials for compliance with specified conditions.
3. Potatoes produced in all states in the United States of America are permitted to import into Thailand except potatoes produced in potato cyst nematode regulated areas or in land which has been found to be contaminated with potato cyst nematode.
4. Potatoes must be washed or the tubers must be thoroughly brushed so as to be practically free of visible soil.
5. DOA does not require an audit of production areas but requires an audit of U.S. export certification procedures prior to export.

Potatoes for consumption:

1. Import permit issued by DOA is required.
2. Potatoes produced in all states in the United States of America are permitted to import into Thailand except potatoes produced in potato cyst nematode regulated areas or in land which has been found to be contaminated with potato cyst nematode.
3. Potatoes imported for consumption must be washed so as to be practically free of visible soil.
4. DOA does not require any audit of production areas and export certification procedures in the U.S. prior to export.

**Section VII. Other Specific Standards:**

Each food product listed in the food category table in Section I has its specific product



standards/requirements. The FDA is the regulating authority. Special labeling regulations on some products are provided below. Detailed information on particular products can be obtained from the Food Control Division, FDA.

### 7.1 Quality Labeling

In general, wordings or statements that imply or mark product quality such as “premium grade” or “grade A” are considered misleading by the FDA, thus are prohibited.

### 7.2 Alcoholic Beverages

Labeling requirements for alcoholic beverages are stipulated in Ministerial Notification No. 275 of B.E. 2540 (1997).

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 health warning labeling, restriction on selling places of alcohol beverage, limiting selling period, limiting selling alcohol beverage to persons under 20 years old, prohibiting sales by vending machine, prohibiting price discount and some types of sale promotions, prohibiting direct advertisement that encourages increased consumption. Additional details on this Act are available in TH8030.

### 7.3 Coffee Drink

Labeling requirements for alcoholic beverages are stipulated in Ministerial Notification No. 276 of B.E. 2540 (1997).

### 7.4 Tea Drink

Labeling requirements for alcoholic beverages are stipulated in Ministerial Notification No. 277 of B.E. 2540 (1997).

## **Section VIII. Copyright and/or Trademark Laws:**

Protecting industrial rights is basically the responsibility of each company. A foreign patent which has not been granted a separate patent in Thailand receives no protection under the Patent Act. However, foreign patent holders in foreign countries may enter into business transactions with parties in Thailand and seek equivalent protection through contractual obligations in the form of licensing agreement. Since foreign patents receive no protection under the Thailand’s Patent Act, no civil or criminal action can be taken against a third party who produces or sells a patented product in Thailand without paying fees to the holder of the foreign patent or who applies in Thailand for a patent already patented in other countries. Nevertheless, legal solutions to such conflicts may be available under separate legislation.

An application for a patent shall be filed with the Department of Intellectual Property. An applicant domiciled abroad must be represented by one of the patent agents registered with the Department of Intellectual Property.

International copyrights are well defined in the Copyright Act of B.E. 2537 (1994). A copyrighted work of a creator and rights of a performer whose country is a party to the Treaty for the Protection of Copyrights or the Treaty for the Performer's Rights to which Thailand is a party, or a copyrighted work of an international organization of which Thailand is a member shall be protected by the Act.

The Trademark Act of B.E. 2534 (1991), as amended by the Trademark Act (No 2) B.E. 2543 (2000), governs registration and provides protection for trademarks. Included in the Act is a prohibition on importing objects bearing marks which are similar to or counterfeit of trademarks registered with the Trademark Office.

Well-known marks are protected in Thailand by two methods. The first one is preventative in nature as it is embodied in the registration process. The trademark registrar will refuse to register any mark which is identical or similar to the well-known mark, misleading or confusing the public as to the proprietor or origin of the goods. The second one is correction in nature. In the case that the mark has already been registered, any interested party or the registrar may file a petition to the Trademark Board to order the revocation of such mark if it can be proved that the mark is not registrable under the Trademark Act.

Nonetheless, it is basically the responsibility of each proprietor to have a separate trademark registration in Thailand. A trademark applicant must be completed by the proprietor or his appointed attorney/agent, in Thai, and filed with the Department of Intellectual Property on official forms. The proprietor or his attorney or agent must have a place of business or address in Thailand which the Department can contact.

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

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

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 of the arrival of shipment immediately so that the entry can be filed and delays in obtaining the goods are avoided.

### **9.1 Custom Duties**

Imports arriving by air, sea or land have a clearance process which is similar to that carried out in most other countries. In order to clear goods arriving by sea, the importer has to go to the Customs House and file an entry form, together with all relevant documents, such as the invoice, packing list,

a copy of bill of lading, and import declaration. Import documents, if translated into Thai, will help expedite customs clearance. In cases where imports are subject to business tax, the importer is also required to have a business tax registration number.

After these documents have been processed, and the goods have arrived, the importer must pay applicable tariff duties and business taxes. In cases where total duties have not been determined or where urgent clearance is necessary, a deposit may be made. 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 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 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 to regular customs formalities. In addition to the FDA, 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. health certificate or phytosanitary certificate, may be required. More detailed information is contained in the relevant sections of this report.

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

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

Food Control Division

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)

DEPARTMENT OF MEDICAL SCIENCES, MINISTRY OF PUBLIC HEALTH  
Food Analysis Division  
Department of Medical Sciences  
Soi Bumratnaradol 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: ctdft@moc.go.th

Bureau of National Imports-Exports Product Standards  
Department of Foreign Trade  
Sanam Bin Nam-Nonthaburi Road  
Nonthaburi 11000  
Tel: (662) 547-4746  
Fax: (662) 547-4816  
E-mail: tpdf@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

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

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

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

E-mail: wichar\_doa@yahoo.com

Plant Quarantine Station

Suvarnabhumi Airport

Samut Prakarn 10540

Tel: (662) 134-0717

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

## **Appendix II. Other Import Specialist Contacts:**

U.S. EMBASSY  
Foreign Agricultural Service  
U.S. Embassy  
120-122 Wireless Road  
Bangkok 10330  
Tel: (662) 205-5106  
Fax: (662) 255-2907  
E-mail: agbangkok@fas.usda.gov

CODEX CONTACT:  
National Bureau of Agricultural Commodity and Food Standards  
Office of Commodity and System Standard  
50 Phaholyothin Rd.  
Bangkok 10900  
Tel: (662) 561-3390 ext 1101  
Fax: (662) 561-3697  
E-mail: acfs@acfs.go.th

AMERICAN CHAMBER OF COMMERCE  
Diethelm Tower A, 7th Floor  
93/1 Wireless Road  
Bangkok 10330  
Tel: 662-254-1041-5  
Fax: 662-251-1605  
E-mail: info@amchamthailand.com

U.S. DAIRY EXPORT COUNCIL  
Southeast Asian Representative Office  
U.S. Dairy Export Council  
P.O. Box 1492  
Nana Post Office

Bangkok 10110  
Tel: (662) 689-6311  
Fax: (662) 689-6314  
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U.S. DRY PEA AND LENTIL COUNCIL  
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