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New Thai Food Labeling Law and Its Impact to the Food Industry

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Report Highlights:

TH4091. The Thai Food and Drug Administration has issued a new food labeling law for pre-packed food replacing the current food labeling notification, Ministry of Public Health Notification No. 194. The new regulations will become effective on December 3, 2014, replacing the existing law, which have been used since 2000. See [Gain report TH3102 Proposed Changes to the Thai Food Labeling Law](#) for further information.

General Information:

New Thai Food Labeling Law and Its Impact to the Food Industry

The new Thai food labeling law will become effective on December 3, 2014 and will replace the current food labeling law (Ministry of Public Health Notification No. 194) that has been in place since 2000. The new Ministry of Public Health Notification No. 367 Re: Food Labeling for Pre-Packed Foods amends existing legislation on food labeling by:

- Changing definitions of pre-packed food, expiry date (use by date), best before, repacking, and allergens;
- Highlighting allergens (e.g. peanuts, tree nuts, grains, milk) in the list of ingredients;
- Minimizing font size requirements;
- Requiring the display of food additive’s functional class in the ingredient list;
- Requiring the format and conditions for the declaration of best before date; and
- Including warning messages,

Some concerns about the new food labeling legislation by Thai importers of U.S. products are:

- The minimum font size of 2 mm will create problems for U.S. companies that use the “one-size-fits-all” labeling design for their products as each country has different requirements.
- The method of displaying food additives on labels together with their functional class (such as Sequestrant, Sodium citrate, Emulsifier Sorbitan monostearate, Acidity regulator INS296, Gelling Agent INS 440) may confuse or frighten consumers, particularly Thai consumers who have limited knowledge of food additives who may think that all these foods contain some chemicals that may be harmful to them.

The two year transition period after the implementation of new food labeling legislation allows companies that still have products bearing old labels to make the necessary changes to their processes and labeling designs in order to meet the provisions laid out in the new legislation. The new food labeling law will become effective on December 3, 2014.

Below is the unofficial translation of the Notification of the Ministry of Public Health No. 367 Re: Pre-Packed Food Labeling

(Unofficial Translation)
Notification of the Ministry of Public Health
No. 367 B.E. 2557
RE: Food Labelling for Pre-Packed Foods

It deems appropriate to amend the notification of the Ministry of Public Health, Re: Labels.

By virtue of the provision of Section 5 paragraph one and Section 6(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 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 followings shall be repealed:

1. Notification of the Ministry of Public Health (No. 194) B.E.2543 Regarding Labels dated 19 September 2000
2. Notification of the Ministry of Public Health (No. 252) B.E.2545 Regarding Labels (No. 2) dated 30 May 2002
3. Notification of the Ministry of Public Health (No. 343) B.E.2555 Regarding Labels (No. 3) dated 17 April 2012

Article 2 In this Notification

“Pre-packed food” means food contained in packaging for sale.

“Expiration date or use by date” means date notifying termination of food quality under specified storage conditions and after that date, such food may not be marketed.

“Best before” means date showing termination of period that food is still in good quality under specified storage conditions and after that date, such food may not be marketed.

“Repacking” means taking food from original packaging and repacking it individual packages and not including making, mixing or seasoning such food.

“Allergen” means a substance once taken into the body, will cause the body to have abnormal reaction where in general, such substance will cause no harm to general person except those who are allergic to such substance.

Article 3 Pre-packed foods shall have labeling except:

(1) The food that the producer is able to provide information relating to such food for the consumer at that time e.g. peddler or stall

(2) Fresh food or fresh food, which has been peeled, cut, trimmed or processed by any other means to reduce its size and keep chilled in the clear package. This shall not include processed foods in instant packaging ready to sold pursuant to the Notification of the Ministry of Public Health regarding Production Method and Equipment and Storage of Processed Food in Instant Packaging Ready to be Sold

(3) Pre-packed food manufactured and sold in food shop, restaurant, hotel, school, academic institution, hospital or any other similar places as well as home delivery ordered.

For foods as mentioned in (1) (2) (3), if requesting for food serial number, shall be subject to this Notification.

For specific pre-packed foods required to bear labels as defined by the Ministry of Public Health Notification, they shall comply with those specific notifications.

Article 4 Labeling of pre-packed foods manufactured for sale, imported for sale or being sold must display in Thai and shall at least contain message showing the following details unless otherwise certain details are exempted by the Food and Drug Administration:

1. Food name
2. Food serial number
3. Name and addresses of producers, or re-packers, or importer, or headquarters, as the case may be as follows:

(3.1) For foods manufactured in the country, it is required to display name and address of manufacturer, or repacker, or name and address of headquarters of manufacturer or repacker with following information:

(3.1.1) the term “Manufacturer” or “Manufactured by” in case of manufacturer;

(3.1.2) the term “Repacker” or “Repacked by” in case of repacker;

(3.1.3) the term “Headquarters” in case of displaying address of headquarters of the manufacturer or repacker.

(3.2) For imported foods, it is required to display name and address of importer with the term “Importer” or “Imported by” and also the name and country of manufacturer.

(4) Food quantities shall be expressed in the metric system:

(4.1) Food in solid form shall be expressed in net weight;

(4.2) Foods in liquid form shall be expressed in net volume;

(4.3) Foods in semi-solid form may be expressed either in net weight or net volume;

For foods required to set drained weight according to the Notification of the Ministry of Public Health, it is required to display such drained weight.

(5) Ingredients presented in estimated weight percentage in descending order except:

(5.1) Foods with the whole label area less than 35 cm² but it is required to contain information showing ingredients on their packaging or

(5.2) Foods containing only single ingredients irrespective of food additives or flavoring agent.

(5.3) For dried or powdered or concentrated foods needed to be diluted or dissolved before being consumed, it may choose to display either major ingredients in estimated percentage or components when diluted or dissolved by means of preparing as indicated on the label or display both.

(6) Message “Information for food allergy: contains.....” in case using as ingredients or “information for food allergy: may contain.....” in case of possible contamination during manufacturing process, as the case may be (blank area shall be filled with type or kind of allergen) where the font pattern shall be in accordance with Article 14(3); font color in contrast to the label background, font size not less than that of displaying the ingredients, and shown at the lower part of ingredients presentation.

Type or kind of food as mentioned in the first paragraph, which is an allergen or substance causing hypersensitivity includes:

(6.1) cereal grain containing gluten (e.g. wheat, rye, barley, oat, spelt or hybrid strain of those cereal grain and the products thereof);

(6.2) crustacean and products of these (e.g. crab, shrimp, Mantis shrimp, lobster);

(6.3) egg and egg products;

(6.4) fish and fish products;

(6.5) peanut, soybean and peanut and soybean products;

(6.6) milk and dairy products (including lactose);

(6.7) tree nuts and nuts products e.g. almond, walnut, pecan; and

(6.8) sulphide of 10 mg/kg or above.

However, it does not include food that the allergen or substances causing hypersensitivity are major ingredients and clearly state the allergen or substances causing hypersensitivity in the food name such as fresh cow's milk, crispy roasted peanut, etc.

(7) Display name of the food additive group with specific name or display food additive group together with the International Numbering System (INS) pursuant to the Notification of the Ministry of Public Health regarding Food Additives. A food additive carried over into a food in a significant quantity or in an amount sufficient to perform a technological function in that food as a result of the use of raw materials or other ingredients in which the additive was used shall also display the following messages as the case may be:

(7.1) "Natural colors" or "Synthetic colors" followed by specific name or INS number (as the case may be); and

(7.2) Group name followed by specific name for flavor enhancer and sweetener.

(8) Declarations of "Natural flavor", "Identical natural flavor" or "Artificial flavor" as the applicable case.

(9) Declarations of "date, month and year" for foods with shelf life not exceeding 90 days or declarations of "date, month and year" or "month and year" for foods with shelf life exceeding 90 days with declaration of "Best Before."

In addition to declaration as prescribed in the first paragraph, the declaration of "manufacture" or "expire" may be required subject to the notification of the Ministry of Public Health regarding such foods.

Declaration of "date, month and year" or "month and year" shall be in order of "date, month and year" or "month and year" and "month" may be indicated in number or alphabet.

In case the declaration is not in accordance with such mentioned in the third paragraph, it is required to have the information clearly comprehensible by the consumer of such declaration format.

(10) Warning (if any).

(11) Instruction for food storage (if any).

(12) Food preparation method for consumption (if any).

(13) Instruction for use and necessary instruction for foods intended for infant or young children or any particular group.

(14) Additional declarations prescribed as per the schedule attached hereto.

(15) Declarations required for foods prescribed under the notification of the Ministry of Public Health.

In case of foods not directly sold to the consumer or to the re-packer or to the person preparing or selling foods, shall at least display details as provided in Article 4 (1) (2) (3) (4) (5) and (9) and may be expressed in English on the label provided that complete details in Thai are always expressed as required by Article 4 in such a clear and easy to read manner in the manual or sale documents.

Article 5 Labels of foods to be exported may be expressed in any language, but at least shall have the following declarations:

1. Country of manufacturer.
2. Either food serial number, or food manufacturing facilities number, or name and address of manufacturing place.

Article 6 Label of the following foods shall be submitted to the Food and Drug Administration for

approval before use:

1. Specifically controlled foods
2. Other foods as prescribed by the Minister

Article 7 Declaration of food serial number shall be in accordance with the regulation of the Food and Drug Administration.

Article 8 Labels of food shall be placed, affixed, or clearly shown on the containers and/or packages of food containers and shall be clearly seen by the proportional size of labels to the area of the containers or packages of the containers.

Article 9 Labels of food shall not either directly or indirectly mislead between foods and declarations, characters, pictures, invented designs, marks, or trademarks which suggest other product.

Article 10 Labels of foods that have texts, characters, pictures, invented designs, marks, logos, or trademarks, or registered trademark in any language expressed on the labels and shall:

1. Shall not defraud or deceive.
2. Shall not express name of food, food ingredients, ratio of food, quantity of food, or claimed effectiveness of food which are fraud or deceptive.
3. Shall not mislead to have such texts, characters, pictures, invented designs, marks, or trademarks which do not exist in the food or exist in the small amount which cannot be claimed for effectiveness.
4. Shall not be similar in sound or appearance with the term or message expressing benefits, quality or properties which is deemed boastful or not true or exaggerated or deceit.
5. Shall not be offensive to the Thai cultures or lead to deterioration of the Thai language.
6. Shall not provoke or cause conflict, disharmony or negatively impact, directly or indirectly, on society, culture, morality, tradition or behavior relating to sex, language and violence.

Article 11 Declaration of claim in existence of certain substance or ingredient in the food shall:

1. Not apply to the food already prohibited by the notification of the Ministry of Public Health, or such substances that do not naturally exist in such food, or food of which its manufacturing process has none of such substance.
2. Not be a substance prohibited from being use in the food according to the notification of the Ministry of Public Health.
3. Not mislead the fact about the product.

Article 12 Label showing trademark shall indicate the term “mark” or “trademark” or “registered trademark” at that logo or trademark in such a clear and easy to read pattern and its font shall be proportionate to the label area and be in accordance with Article 10.

Article 13 Declaration of food name as Article 4 (1) shall be in accordance with Article 10 and shall apply any of the following names:

1. Specific names of food, common names, or names which are generally called.
2. Names of category or type of food.
3. Trade names shall be used in association with category or type of foods on the same line with trade names and size of the alphabets shall be differ from trade names but subject to be read clearly.

In case food name may mislead the consumer as to specific properties of that food is used including food origin, it is required to express any of the following texts in association with food name such as host substance or manufacturing process or food appearance or kind of plant or animal or food origin.

Article 14 The texts in labels shall be expressed clearly and easy to be read. The proportional font size to the label area and it is required to follow either of the following:

1. Expression of texts under Article 4(1) shall have font height not less than 2 mm and be clear and easy to read in proportionate to label area and located at the major part of label when being sold except for such label with area less than 35 cm^2 , food name shall have font height not less than 1 mm presented in clear and easy to read format continually aligned in horizontal direction.
2. Expression of texts under Article 4(2) shall be as prescribed by the Food and Drug Administration.
3. Expression of texts under Article 4(3)(4)(5)(6) and (9) shall have font height as follows (as the case applies):

(3.1) not less than 1 mm for label area not exceeding 100 cm^2 except for food with the whole label area is less than 35 cm^2 , expression of ingredients may be placed on packaging instead.

(3.2) not less than 1.5 mm for label area exceeding 100 cm^2 to 250 cm^2

(3.3) not less than 2 mm for label area exceeding 250 cm^2

(4) Texts under Article 4 (1) (6) and (10) shall be placed at the point that can be clearly seen.

In case texts under Article 4(9) is placed at the bottom area or other area not in accordance with the first paragraph, it is required to have texts in the label that clearly signify where to check best before date, month and year or best before month and year and may also declare “manufacturing date, month, and year” or “expiry” or “best before.”

Article 15 The color use for background and texts shall be in clear contrast which will enhance the texts to be read easily except for following texts shall have font size, color, position and pattern as per case applied as follows:

1. Food serial number according to the regulation of the Food and Drug Administration.
2. Texts under Article 4 (14) and (15)

Article 16 Manufacturer or importer who has made labels before the effective date of this notification shall modify such label to be valid subject to this notification and such remaining label may be used for the period not exceeding 2 years from the effective date of this notification.

Article 17 This notification shall come into force after 180 days following the date of its publication in the Government Gazette.

Notified on May 8th, 2014
Pradit Sintavanarong
Minister of Public Health

Schedule attached to the Notification of the Ministry of Public Health (No. 367) B.E 2557
Re: Labeling of Pre-packed Foods

Additional texts required to be expressed under Article 4 (14)

Food Type	Warning message/other message
1. Beverages containing caffeine	“Do not drink more than 2 bottles a day to avoid palpitation and insomnia, not suitable for child and pregnant woman, sick person should seek for medical advice before drinking.” Use bold, red color fonts, height not less than 2 mm in rectangular frame with white background, frame color contrast to label background color.
2. Ice cream containing food additive added to help facilitate ice structuring process	“Use Ice Structuring Protein type III HPLC 12” and shall express texts to communicate with consumer that if more information about such food additives is needed, provide telephone number or website for contact.

End of the Report.