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GAIN Report

Global Agricultural Information Network

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Proposed Changes to the Thai Food Labeling Law

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Report Highlights:

TH3102 The Thai Food and Drug Administration notified the WTO of its proposed new food labeling requirements for prepackaged food that will replace the current food labeling notification, Ministry of Public Health Notification No. 194.

General Information:

Proposed Changes to the Thai Food Labeling Law

On September 9, 2013, the Thai Food and Drug Administration (FDA) notified the World Trade Organization (WTO) of its proposed new food labeling criteria for prepackaged foods (G/TBT/N/THA/1/Rev.1 and G/SPS/N/THA/219). Once this food labeling proposal becomes effective, it will replace the current food labeling notification, Ministry of Public Health Notification No. 194, which has been in place since 2000.

Proposed changes in the food labeling law include:

1. Notification name change “Prepackaged Food Labeling” to be in line with CODEX’s general standard for labeling of prepackaged foods.
2. Definitions of “prepackaged food,” expiry date (use by date), best before, food serial number, repacking, and allergen.
3. The proposed food labeling criteria requires all prepackaged food to have food labeling except:
 - (1) Food that is prepared and sold directly to the consumer (e.g. hot dog vendor or food kiosk);
 - (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 does not include processed foods in instant ready-to-sell packaging pursuant to the Notification of the Ministry of Public Health regarding Production Method and Equipment and Storage of Processed Food in Instant Packaging.
 - (3) Pre-packaged food that is manufactured and sold in food shops, restaurants, hotels, schools, academic institutions, hospitals or any other similar establishments, as well as food for home delivery ordered services.
4. Prepackaged food labeling must be displayed in Thai and contain information showing the following details:

Current Food Labeling Law (MOPH No. 194)	Proposed Food Labeling Law
Food Name	Food Name
Food Serial Number	Food Serial Number
Food manufactured domestically: Names and addresses of producers or re-packers of food (Names and addresses of head office of producers or re-packers may be expressed instead.)	Food manufactured domestically: Name and address of manufacturer or re-packer, or name and address of headquarters of manufacturer or re-packer with following information: - the term “Manufacturer” or “Manufactured by” in case of manufacturer; - the term “Re-packer” or “Re-packed by” in case of re-packer; - the term “Headquarters” in case of displaying address of headquarters of manufacturer or re-packer.
Imported Food: Names and addresses of importers and country of producers.	Imported Food: Name and address of importer with the term “Importer” or “Imported by” and also name and country of manufacturer.

Food quantities expressed in the metric system	Food quantities expressed in the metric system
Major ingredients presented in estimated weight percentage in descending order	Major ingredients presented in estimated weight percentage in descending order
No allergen information is required	Required allergen information
Declaration of “Utilizing preservatives” for any usage. Declarations of “Natural color” or “Artificial color” for any usage cases. Declaration of “Utilize offor flavor enhancer” Declaration of “Utilize ofas food artificial sweetener”	Display name of 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 must display the following messages: - “Natural colors” or “Synthetic colors” followed by specific name or INS number - Group name followed by specific name for flavor enhancer and sweetener.
Declaration of “Natural flavor”, “Identical artificial flavor”, or “Artificial flavor”	Declaration of “Natural flavor”, “Identical artificial flavor”, or “Artificial flavor”
Declaration of Manufacturing or Expiry Date of Food with shelf life below or exceed 90 days.	Declaration of Manufacturing or Expiry Date of Food with shelf life below or exceed 90 days. Additions under the new law: <ul style="list-style-type: none"> • “Best Before” is used as the minimum requirement. • Declaration of “month” can be indicated either in number or alphabet. • Declaration of “manufacture” or “expire” may be required subject to the notification of the Ministry of Public Health regarding certain particular foods.
No “Warning (if any)” message	Add “Warning (if any)” message
Instruction for food storage. (If any)	Instruction for food storage. (If any)
Food preparation method for consumption. (If any)	Food preparation method for consumption. (If any)
Instruction for use and necessary instruction for foods intended for infant or young children or any particular group.	Instruction for use and necessary instruction for foods intended for infant or young children or any particular group.
Other declarations required for foods prescribed under the notification of the Ministry of	Other declarations required for foods prescribed under the notification of the Ministry of Public Health.

5. In case of prepackaged foods that contain below allergenic substances (as per CODEX guideline), it is required to display the allergen information on the food label:

- cereal grain containing gluten (e.g. wheat, rye, barley, oat, spelt or hybrid strain of those cereal grain and the products thereof);
- crustacean and products of these (e.g. crab, shrimp, Mantis shrimp, lobster
- egg and egg products);
- fish and fish products;
- peanut, soybean and peanut and soybean products;
- milk and dairy products (including lactose);
- tree nuts and nuts products (e.g. almond, walnut, pecan); and
- sulphide of 10 milligrams/kilograms or above.

6. The declaration of claim in existence of certain substance or ingredient in the food.

7. Minimum font size for mandatory information: 1 millimeter (mm) for label area not exceeding 100 square centimeters, 1.5 mm for label area of 100-250 square centimeters, and for label area greater than 250 square centimeters, the minimum font size is required to be at 2 mm.

A grace period of two years allowing companies time to comply with the new law after implementation is proposed in the regulation. The notification will be come into effect 180 days following the date of its publication in the Government Gazette.

Below is a translation of the draft notification by the Ministry of Public Health Re: Pre-packaged Food Labeling

(DRAFT)

Notification of the Ministry of Public Health (No....) B.E....

RE: Pre-packaged Food Labeling

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 following 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-packaged 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.

“Food serial number” means mark or pattern showing that permission has been granted to register food recipe or food details have been recorded. This registration number contains 13 digits showing details as the same as those of food producing facilities or food import facilities, granting authority, order number of food and of such entity; all of which are shown on food label.

“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-packaged 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 Sold

(3) Pre-packaged 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 the second paragraph above, requesting for food serial number shall be subject to this Notification.

Article 4 Labeling of pre-packaged 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 re-packer, or name and address of headquarters of manufacturer or re-packer with following information:

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

(3.1.2) the term “Re-packer” or “Repacked by” in case of re-packer;

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

(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) Foods 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.

(6) Message “Information for food allergy: contains.....” 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 12(2); 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.

(7) 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.

(8) 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:

(8.1) “Natural colors” or “Synthetic colors” followed by specific name or INS number (as the case may be); and

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

(9) Declarations of “Natural flavor,” “Identical artificial flavor,” or “Artificial flavor” as the applicable case.

(10) 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.

(11) Warning (if any).

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

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

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

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

(16) 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 (10) 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) Shall 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) Shall not be a substance prohibited from being use in the food according to the notification of the Ministry of Public Health.

(3) Shall not mislead the fact about the product.

Article 12 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 cm², 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(3)(4)(5)(6) and (10) shall have font height as follows (as the case applies):

(2.1) not less than 1 mm for label area not exceeding 100 cm² except for food with the whole label area is less than 35 cm², expression of ingredients may be placed on packaging instead.

(2.2) not less than 1.5 mm for label area exceeding 100 cm² to 250 cm²

(2.3) not less than 2 mm for label area exceeding 250 cm²

(3) Expression of texts under Article 4(2) shall be as prescribed by the Food and Drug Administration.

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(10) 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 13 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 (15) and (16)

Article 14 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 15 Declaration of food name shall be in accordance with Article 10 and Article 12(1) 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, it is required to express any of the following texts in association with food name such as host substance (e.g. saline, oil) or manufacturing process (e.g. sterilization, pasteurization) or food appearance (e.g. powdered, dried, concentrated) or kind of plant or animal (e.g. root, tuber, leaves) or food origin (e.g. country of origin, raw material of origin).

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.

Schedule attached to the Notification of the Ministry of Public Health (No...) B.E....regarding Labeling of Pre-packaged Foods

Additional texts required to be expressed under Article 4 (15)

Food Type	Warning message/other message	Remark
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”	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 Report.

