

(Unofficial)

Notification of the Ministry of Public Health

(No. 367) B.E. 2557 (2014)

Re: Labeling of Prepackaged Foods

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

By the virtue of provisions of Section 5 in the first phrase, and 6 (10) of the Food Act B.E. 2522 (1979), in which contain provisions in relation to the restriction of Rights and Liberties of the Persons, in respect of which Section 29 and in conjunction with Section 33, Section 41, Section 43, and Section 45 of the Constitution of the Kingdom of Thailand so permit by virtue of provisions of law; the Minister of Public Health hereby issues the notification as follows:

Clause 1. The following Notifications shall be repealed

(1) The notification of the Ministry of Public Health (No. 194) B.E. 2543 (2000), Re: Labels, dated 19th September B.E. 2543 (2000),

(2) The notification of the Ministry of Public Health (No. 252) B.E. 2545 (2002), Re: Labels (No. 2), dated 30th May B.E. 2545 (2002),

(3) The notification of the Ministry of Public Health (No. 343) B.E. 2555 (2012), Re: Labels (No. 3), dated 17th April B.E. 2555 (2012),

Clause 2. In this Notification

“Prepackaged Foods” means foods packed in containers for sale.

“Expiration Date” means the date which signifies the end of quality of food under any stated storage conditions, after this date the food cannot be marketable.

“Consume before date” means the date which signifies the end of the period of food to have the best quality under any stated storage conditions, after this date the food cannot be marketable.

“Re-Packing” means taking food from former container and packing in sub containers, excluding make, mix, prepare, cook such food.

“Allergen” means a substance that can cause an intolerance effect when taking into body, despite the fact that it does not cause any harm to normal person only allergic person that include hypersensitivity.

Clause 3. Prepackaged Foods shall be made for labeling except for the following foods:

(1) Food which producers can provide consumer at that time for information related to such food such as food hawkers, food stalls.

(2) Food which are not passed through any processing or fresh food which are peeled, removed, eviscerated, trimmed, or any other means to reduce size, either may be cooled or not and packed in containers which are able to see condition of food in the containers, but excluding processed food in containers ready to sell under the Notification of Public Health, Re: Production Processes, Production equipments, and Storages of Processed Foods in containers for sale.

(3) Prepackaged Food which are produced and sold to serve in food shops, restaurants, hotels, schools, academic institutes, hospitals or any other same kinds of these and also including food delivery services.

Food under (1), (2) and (3), if having received food serial numbers shall follow this Notification.

Prepackaged foods that have Notifications for specific labeling shall be followed not only those Notifications but also this Notification.

Clause 4. Labeling of Prepackaged Food manufactured for sale or imported for sale or to sell shall have text in Thai language and shall have the following particulars, unless the Food and Drug Administration (Thai FDA) make an exemption for any texts;

(1) Name of food (if any);

(2) Food serial number;

(3) Name and address of manufacturer or packers or importers or head office, as the case may be, as follows:

(3.1) Domestic produced food shall display name and address of manufacturer or packer or name and address of head office of manufacturers or packers and shall have the following texts appeared together;

(3.1.1) Text of "Manufacturers" or "Manufactured by" in case of manufacturer;

(3.1.2) Text of "Packers" or "Packed by" in case of packer;

(3.1.3) Text of "Head office" in case of manufacturer or packer intends to display name and address of head office.

(3.2) Food imported from foreign countries shall display name and address of importers by having text of "importer" or "imported by" appeared together and also display name and country of manufacturers.

(4) Contents of Food in metric system;

(4.1) For solid foods, by net weight;

(4.2) For liquid foods, by net volume;

(4.3) For semi-solid or other appearances, by net weight or net volume.

If such foods have been prescribed for drain weight according to the Notification; drain weight shall be displayed.

(5) Percentage by weight of main ingredients in descending orders, excluding

(5.1) Label of such food has total space less than 35 cm^2 , however text of main ingredients shall be displayed on the containers of such food or;

(5.2) Such food has only one ingredient excluding food additives or flavor as mixture or;

(5.3) Dried, powdered or concentrated food that have to dilute or dissolve before consumption may display either main ingredients in average percentage by weight or when such food is diluted or dissolved or both according to instruction for eat as specify on label.

(6) Text of "Information for food allergy : contain....." in case of use as ingredients in food or "information for food allergy: may contain....." in case may be contaminated in process , as the case maybe, (specify types and kinds of allergen or hypersensitivity substances in blank) size of letter shall follow Clause 14(3) and color of letter shall be contrast with background color of label; size of letters shall not smaller than letters displayed for ingredients at the lower of ingredients displaying

Types and kinds of food in Para 1 that are allergen or hypersensitivity substances are as follows:

(6.1) Cereals containing gluten, i.e. wheat, rye, barley, oat, spelt, or their hybridized strains and their products;

(6.2) Crustacea i.e. crab, shrimp, mantis shrimp, lobster and their products;

(6.3) Eggs and egg products;

(6.4) Fish and fish products;

(6.5) Peanut, soybean and their products;

(6.6) Milk and dairy products including lactose;

(6.7) Tree nuts and their products, i.e. almond, walnut, pecan;

(6.8) Sulphitein concentration of 10 mg/kg or more.

Due to texts in Clause (6) exclude food which contained allergens or hypersensitivity substances as main ingredients which their names have been clearly declared as allergens or hypersensitivity substances such as fresh cow's milk, baked peanuts.

(7) Declare functional class titles of food additives together with specific names or with International Numbering System: INS for Food Additives. If food additives are carried over into a food 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 additives was used; the following texts shall be declared, as the case maybe;

(7.1) “natural color” or “synthetic color” follows with specific name or International Numbering System:INS for Food Additives, as the case maybe;

(7.2) Function category follows with specific name for flavoring enhancers and sweeteners.

(8) Text of “natural imitation odor added”, “artificial flavor added”, “natural flavor added” or “naturalimitation flavor added” if use, as the case maybe.

(9) Display date/month and year when shelf life of such food is not longer than 90 days, or display month and year when shelf life of such food is longer than 90 days, by appeared together with “ should consume by”.

Other than text displayed in Para 1, text of “manufacture” or “expire” may be displayed according to a particular Notification.

Displaying of date, month and year or month and year shall state as date, month and year or month and year respectively, however, month can be displayed either by number or letters.

If displaying is not followed as specified in Para 3, clearly understandable texts or letters shall be conveyed to consumer relating to method of displaying appeared together with the following particulars:

(10) Warning statement(if any);

(11) Storage instruction (if any);

(12) Cooking instruction (if any);

(13) Instruction for use and essential text for food intended use for infant or new-born baby or for particular individuals;

(14) Additional texts as specified in an Annex;

(15) Particular texts as specified by particular Notification.

When labeling of food not sold directly to consumer or re-packers or food preparation persons or vendors shall have at least particulars in Clause 4(1) (2) (3) (4) (5) and (9) and texts on label may be made in English instead of Thai language, however all those particulars specified in clause (4) shall be completely, clearly and legible displayed in sale document all time.

Clause 5. Label of food manufactured for export can use any languages but at least shall be displayed as follows:

(1) Manufacturing country;

(2) Food Serial Numbers or Number of food Establishment or Name and address of manufacturing establishments, one or the other.

Clause 6. The following food labels shall be delivered to the Food and Drug Administration for an approval prior to use;

- (1) Prescribing controlled foods;
- (2) Other Minister prescribed foods.

Clause 7. Displaying of Food Serial Number shall be followed as specified in the FDA Announcement.

Clause 8. Label of foods shall be placed, tagged or presented on containers or packets of food packagings in a prominent position, size of label and containers or packets shall be proportionate.

Clause 9. Label of food shall not mislead either directly or indirectly with food and words, pictures, pictorial, invented designs, mark or trade marks that suggested to other products.

Clause 10. Label in any languages, texts, picture, pictorial, invented designs, mark, brands or trademarks, registered trade mark shall be presented in the following manners:

- (1) Not false or deceptive to create gullibility or misleading its important characteristics;
- (2) Name of food, composition of food, proportion of food, quantity of food or properties shall not be presented in false or deceptive;
- (3) Words, name, pictures, pictorial, invented designs, marks or trade mark shall not be presented in such a way to mislead that foods contain such ingredients that actually there is no such ingredients or contain in small amount which its properties cannot be given.
- (4) Words or texts shall not be homophone, homograph that communicate to express boasting, false, exaggerated quality, properties to create gullibility;
- (5) Not be opposed to Thai culture and morale or indicate to ruin dignity of Thai language.
- (6) Not to promote or to cause of conflict, disharmony or negative effect both directly and indirectly to society, culture, morale, tradition, or behavior regarding genders, language and violence.

Clause 11. Label presented for claims of substances or other compositions in food shall:

- (1) Not apply to food that having particular Notifications not allow to use or by nature of such foods no such particular substances or in production process no such substances occurred;
- (2) Not be prohibited substances regarding the Notification of Ministry of Public Health;
- (3) Not mislead to products.

Clause 12. Label which displayed trade mark shall specify with “Brand” or “Trade mark” or “Registered trade mark” prominent and readily legible appeared together with brand or trade mark, size of letters and size of label shall be proportionate and follow Clause 10.

Clause 13. Presenting name of food in Clause 4(1) shall follow Clause 10 and either following names can be used:

(1) Specific name of food, common name or usual name;

(2) Name use to describe type or kind of foods;

(3) Trade name, use of such name type or kind of foods shall be appeared in the same line together with trade name and size of letters may be different from trade name but shall be legible.

If name of food used may mislead consumer in regard to specific characteristics of such food including origin either texts shall be appeared in conjunction with the name of food including packing media or production methods or true nature and physical condition of the food or parts of animals or plants or origin of food.

Clause 14. Texts on label shall be prominent and readily legible, size of letters and space of label shall be proportionate and shall follow:

(1) Presentation of Text in Clause 4(1), the height of letters shall not be less than 2 mm and shall be readily legible proportionate to area of label and appear in a main part when marketing and shall have horizontally consecutive texts, except for label smaller than 35 cm^2 , sizes of letters not less than 1 mm shall be presented;

(2) Presentation of texts in Clause 4(2), the height of letters shall be as the Food and Drugs Administration prescribed;

(3) Presentation of texts in Clause 4(3) (4) (5) (6) and (9), the height of letters shall be as follows, as the case maybe,

(3.1) Not less than 1mm if space of label not more than 100 cm^2 , except for label having total space less than 35 cm^2 , presentation of composition can be made on packages instead;

(3.2) Not less than 1.5 mm if space of label more than 100 cm^2 to 250 cm^2 ;

(3.3) not less than 2 mm if space of label more than 250 cm^2 .

(4) Presentation of Text in Clause 4(1) (6) and (9) shall be in prominent position.

In case of texts in Clause 4(9) is presented at the lower part or other parts, texts on label shall be specified where text of “expiry date” or “should consume before” be, and may whether present text of day/month/year and month/year or expiry date or should consume before or not.

Clause 15. Color of background label and color of text shall be contrast which effect to legible text except for the following texts shall have size of letters, color position and style as the case maybe as follows:

- (1) Food Serial Numbers shall follow the Food and Drug Administration prescribed.
- (2) Presentation of text in Clause 4(14) and(15).

Clause 16.Manufacturers or importers of Food whichlabels of foods have been made prior to this Notification is effective can prolong to use the former label but shall comply with this Notification within 2 years as from this Notification comes into force.

Clause 17. This Notification shall come into force after 180 days as from the day following date of its publication in the Government Gazette.

Notified on 8th MayB.E. 2557 (2014)

(Signed) PraditSinthawanarong

(Mr.PraditSinthawanarong)

Minister of Public Health

(Published in the Government Gazette Vol. 131, Special Part 102 Ngor, dated 6th June 2014.)

Note: This English version of the notification is translated to meet the need of the non-Thai speaking people.In case of any discrepancy between the Thai original and the English translation, the former will take priority.

Annex

Attachment of Notification of the Ministry of Public Health (No.367) B.E 2557(2014)

Re: Labeling of Prepackaged Food

Presentation of Additional text prescribed as in Clause 4(14)

Kind of food	Warning texts or others
1.Beverage with caffeine mixed	“Do not drink more than 2 bottles a day” it causes of heart palpitation, sleepless. Children and pregnant woman should not drink, patient should consult physician prior to drink” with red bold and 2 mm in height letters in white box with contrast color frame.
2. Ice cream which use food additive for ice structuring stability.	“Use of Protein setting ice structure type HPLC 12” or Use of Ice Structuring Protein type iii HPLC 12” and shall present text to communicate to consumer regarding additional information of such food additive by specify telephone number or website for further contact.