

(Unofficial)

**Announcement of the Food and Drug Administration
Re: Criteria for Food Advertisement B.E.2551 (2008)**

Subject to Article 40 of the Food Act B.E.2522 (1979), it is prohibited for a person to advertise usefulness, quality or properties of food in a manner that is false, deceptive and misleading, inappropriately. However, advertisement can be made as prescribed under Article 41 by anyone wishing to advertise qualities, usefulness or properties of food by radio, television, film, newspapers or other printed matters or by other means for commercial purposes, such person must submit sound, pictures, films or texts of advertisement to the authority for consideration and receiving permission prior to advertise.

Therefore, to give permission for advertisement and food advertisement complied with spirit of the law, the Food and Drug Administration prescribes criteria, procedures, conditions and guideline for food advertisements as follows:

Advertisement means actions by any means to inform or present message to public for commercial purpose.

Principles/Procedures of food advertisements

1. Food that regulations prescribe to have a permission to produce, import and others shall have permission in accordance with each regulation of such food.
2. Advertisements of usefulness, quality or properties of food shall:
 - 2.1 Not be false, exaggerate or misleading consumer to create gullibility of its important characteristics;
 - 2.2 Advertise only permitted effects on a label, that has been approved from the Food and Drug Administration or is subjected to Notification of the Ministry of Public Health, Re: Label or Notification of the Ministry of Public Health, Re: Nutrition Labelling;
 - 2.3 All of these, if having any advertisement on health claims other than that have been approved by the Food and Drug Administration mentioned above, result of research studies, articles or academic information that accurate, true and updated, reliable scientific based, published in medicinal journal or creditable journal, and full version of such publications shall also be attached for consideration.
3. Permitted advertisement shall be complied with provisions of licenser as follows:
 - 3.1 Only not deleted statements and pictures are permitted.
 - 3.2 Advertising period is valid for 5 years after permission.
 - 3.3 Statements and picture on advertise shall be as approved, if it is different from approval, it shall be deemed as disapproval.

3.4 A statement of an advertising license shall be expressed in any permitted advertising medium, excluding for radio broadcasting medium.

3.5 Other provisions as prescribed in advertising statement documents (if any).

General Criteria for Food Advertisement

1. Name of Food

1.1 Use of a name of food shall not be false, deceptive or misleading consumer to create gullibility or not be opposed to Thai culture and morale, either following names may be used:

- (1) Specific name of food, common name or general name; or
- (2) Name use to describe types or kinds of food; or
- (3) Trade name which shall be appeared together with name type or kind of foods.

1.2 A name of food expressed in each type of advertising medium shall be as follows:

(1) For printing medium, a name of food shall be expressed in advertising statements or display a product picture with clearly visible.

(2) For radio broadcasting medium, a name of food telling a kind of food shall be in advertising sound.

(3) For TV broadcasting medium by pictures or films, name of food shall be expressed in advertising sound or presented a product picture which its name clearly visible on label or as SUPER supplemented advertising picture.

(4) Internet medium

- For silent internet (Internet without sound), a name of food shall be expressed as same as printing medium.

- For sounded (audio) internet, a name of food shall be expressed as same as television medium.

Advertisement, if advertising statements have already been clearly specified a kind and a type of such food, an exemption of a full name of such food is granted.

2. Pictures on advertising media.

Expression of pictures together with advertising statements, such pictures and messages shall be complied with legal requirements and not mislead about important description of that food.

3. Advertising statements/ an advertise

3.1 Use of word “Fresh” can be used with food in the following case:

3.1.1 Unprocessed natural produce such as plants, vegetables, meat and fruits.

3.1.2 Shelf-life of that food not longer than 3 days from production date such as bread.

3.1.3 Food with approved label by the Food and Drug Administration.

3.2 Use of word “New” can be used with new products or marketing period within 1 year.

3.3 Use of word “Organic agricultural product” “Organic product” or “Organic” with agricultural products, producer or distributors or importers of such organic agricultural products shall be certified by IFOAM (the International Federation of Organic Agriculture Movements) or by Recommendation of Codex or foreign standards of organic agricultural products (in case of regulations of organic agricultural products have been issued in those countries) by certification bodies accredited by IFOAM or by ISO/IEC Guide 65 or have been registered by agencies in countries having organic agriculture regulations.

3.4 Use of word “Natural” can be used with products exist naturally such as plants, vegetables, meat and fruits or primary processing food products without addition of food additives, colours, odours, vitamins and minerals.

3.5 Use of word “Safe” can be used wherever pictures or text related to process and have evidence of HACCP certified by certification bodies accredited against ISO/IEC Guide 65 or Product Certification.

3.6 Advertisement to communicate of world-wide distribution shall have evidences of distribution of such food in not less than 15 countries and on 3 continents.

3.7 Use of statements of quality assurance system certification in an advertisement shall have an evidence of having been truly certified and still valid during advertising period and shall display message in accordance with the Announcement of the Food and Drug Administration on Criteria for declaration of statements on a label regarding to be audited production premises.

3.8 Displaying of certifying marks, awards from government agencies or other accepted bodies such as Halal logo from the Central Islamic Council of Thailand, Thai Industrial Standard Mark (TIS) or winners from government agencies, applicants shall submit evidences of those.

4. Expression of warning statement in advertisement

To express warning statement “To read a warning statement on a label before consuming” for products having Ministerial Notifications prescribed to have warning statements on a label, excluding for a particular food that the Food and Drug Administration prescribes to have a specific warning statement such as caffeinated beverages.

Expression of warning statements shall be as follows:

4.1 For printing medium or silent internet, advertising warning statements shall be displayed by letters with clearly legible colour, type and font.

4.2 For radio broadcasting medium, warning sound shall be expressed with each clear syllable sound when listen.

4.3 For television broadcasting medium by pictures, films and sounded internet, advertising warning sound shall be expressed with each clear syllable sound or Super not shorter than 5 seconds and warning statements shall be expressed with clearly legible colour, type and font letters.

4.4 For other media used for commercial purpose, warning statements shall be expressed as specified in 4.1 or 4.2 or 4.3 as appropriate in any case.

5. Expression of statements fall in a scope of nutrition labelling

Expression of statements fall in a scope of nutrition labelling such as high calcium, low fat for a specific group, shall proceed as follows:

(1) Shall follow as specified in the Notification of Ministry of Public Health, Re: Nutrition Labelling.

(2) Shall submit an evidence of an approved nutrition label or a label with nutrition information with analysis result.

6. Prohibition of advertisement

6.1 Taking of personnel from medical or public health area or leading to understand as such personnel to recommend, guarantee or as a presenter is prohibited.

6.2 Statements of comparison or to disparage other products are prohibited.

6.3 Words on advertisement of benefit, quality or effects of food such as top, superb, excellent, perfect, holy, marvelous, best or other words having the same meaning of above mentioned words are prohibited.

As a result of statements, film or pictures on advertisement shall not violate regulations of other relevant agencies.

Specific criteria for food advertisement

The following criteria will be used for consideration of an application of each particular kind of food other than following of those general criteria, this specific criteria shall be followed:

1. Food for infant and young children

1.1 Advertisement of the following food for infant and young children are prohibited: Modified Milk for Infants, Infant Foods and Follow-up Formula Foods for Infants and Young Children, Specific purpose food for infants and young children; except for only dissemination of technical information in medical journal or dissemination of technical knowledge to doctors of medicine, nurses, midwives or nutritionist.

1.2 Dissemination of information shall not be presented as any products superior, equivalent or similar to human breast milk or persuade not to feed an infant with human breast milk and not use of infant and young children pictures or graphics to be in an advertisement.

1.3 Having a statement of “Human breast milk is the best for infant because of its fully nutrition value” in either picture or sound, as the case maybe.

1.4 To specify target group as in 1.1, as the case maybe.

2. Food supplement for infant and young children

2.1 Shall have statement intended to promote human breast feeding as “Do not feed unless age 6 months human breast milk is the best” in picture and sound as the case maybe.

2.2 Shall not communicate to be meaningful as to be able to feed 6 month younger infants and shall not mislead to such supplement having sufficient nutrition value for infants and young children.

3. Dairy and dairy products

3.1 Shall not communicate to be meaningful as a product for a specific group because everybody can consume including 3 years older children.

3.2 Age of presenters shall be older than 3 years old and speak with clear pronunciation.

4. Ready-to-eat gelatin and jelly

4.1 Shall have texts of “3 years younger children should not eat”.

4.2 Age of presenters shall be older than 3 years old.

5. Ready-to-eat gelatin and jelly contained glucomannan

5.1 Having a statement of children should not eat, caution of choking.

5.2 Age of presenters shall be older than 12 years old.

6. Medical Food

Shall have statement of “Medical food” and “Use by doctor’s recommendation”.

7. Seasonings such as vinegar, fish sauce, sauces, soy sauce

A word “Delicious” is not permitted because this kind of food is only flavoring, it is not directly consumed as a food but can advertise as “cook for delicious food”, or “help in making delicious food” or “enhance food flavor”.

8. Semi-processed food

Pictures of some kinds of semi-processed food such as rice noodle, rice sheet (guay jab), noodle, rice vermicelli, mung bean vermicelli with seasoning including seasoned boiled rice and porridge shall be expressed as follows:

8.1 Picture of a product shall be a real picture of such product.

8.2 If a picture is expressed as a ready-to-eat products picture, it shall be expressed a statement of “for nutrition value should add.....”, varieties of food added are specified in the blank and shall be prominent and consistent with the picture.

9. Electrolyte beverages

Only benefit relevant to loss of sweat from exercise can be expressed.

10. Food supplements

Statements or sound on advertise of clause “not for prevention or curing disease” shall be expressed as specified in clause 4 the warning statement for advertisement under item of General Criteria for Advertisement.

11. Ready-to-eat-processed food as prescribed in Notification of the Ministry of Public Health No.305 B.E.2550 Re Labeling of some Ready-To-Eat Processed Food.

Statement or sound on advertise of clause “eat less and exercise for health” shall be expressed as specified in clause 4 the warning statement for advertisement under item of General Criteria for Advertisement.

This is from now onwards.

Announced on 12th September B.E.2551 (2008)

(Signed) Chatri Banchuen

(Mr. Chatri Banchuen)

Secretary-General of Food and Drug Administration

(Published in the Government Gazette Vol. 125, Special Part 167 Ngor, dated 20th October 2008.)

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.