

(Unofficial)

**Announcement of the Food and Drug Administration
Re: Criteria for Food Advertisement B.E.2561 (2018)**

To have advertisement be updated, consistent with the current situation, clarity, and spirit of law under the Article 40 of the Food Act B.E.2522 (1979) that a person is prohibited to advertise usefulness, quality or properties of food in a manner that is false, deceptive and misleading, inappropriately and Article 41 that 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, sound, pictures, films, or texts of such advertisement shall be submitted to the authority for consideration, and those can be advertised when receiving permission.

By the virtue of Article 4, 40, 41, and 42 under the Food Act B.E.2522 (1979), the following is announced:

Clause 1. Shall be repealed

- (1) Announcement of the Food and Drug Administration, Re: Criteria for Food Advertisement B.E.2551 (2008) dated 12th September B.E.2551 (2008);
- (2) Announcement of the Food and Drug Administration, Re: Criteria for Advertisement of Caffeinated Beverages dated 8th March B.E.2555 (2012);
- (3) Announcement of the Food and Drug Administration, Re: Criteria for Food Advertisement (No.2) dated 20th July B.E.2555 (2012);
- (4) Announcement of the Food and Drug Administration, Re: Criteria for Food Advertisement (No.3) dated 13th July B.E.2559 (2016);

Clause 2 Under this announcement

“Food advertisement” means any action with any means which conveyed statement to people to see or to know about food, food composition that made for commercial benefit.

“Statement” means including but not limited to text, audio statement, sound, picture, pictorial, invented design, symbolic mark, or any other actions that understandable in meanings.

Clause 3 Statement presented in food advertisement shall not be in an unfair manner to consumer or may have disadvantage to common society as follows:

- (1) Statement leads to misunderstand that food contained with some substances or ingredients which actually not contained or not in an amount that advertised.
- (2) Statement leads to misunderstand or not understand in characteristic or method of food consuming.
- (3) Statement may lead to disharmony or loose unity in people.

(4) Statement leads to directly or indirectly support of law violation or morale or leads to destroy good national tradition or culture.

(5) Statement leads to imitate dangerous or violent behavior.

(6) Statement leads to be recommendation, guarantee or admiration of benefit, quality or property of food by healthcare providers or a person that presenting or making a claim or lead to understand as healthcare providers.

(7) Statement leads to make comparison or domination on products of others.

Clause 4 Advertisement on benefit, quality or property of food shall not be false or deceptive to create gullibility that maybe under the Article 40 as follows:

(1) Statements are false or exaggerate.

(2) Statements that communicate or present on to be able to cure, relieve, treat or prevent diseases or sickness or symptom of diseases.

(3) Statements that communicate or present on to have an effect on formation of body structure, organ functioning or functional system of body.

(4) Statements that communicate or present on sexual potency, sex nourishment, or sexual relation.

(5) Statements that communicate or present on skin or beauty nourishment.

(6) Statements that communicate or present on to have effect for weight loosing or on diet, except for food under the Notification of the Ministry of Public Health No. 121 (B.E.2532), Re: Food for weight control person that permitted by the Food and Drug Administration.

(7) Statements that communicate or present on figure fitting, fat trapping or any other similar statements.

(8) Advertisement that use or refer to journal, statistic that not passed through health claim assessment by the Food and Drug Administration.

All these, example of above mentioned advertisements presented in the Annex 1 of this announcement.

Clause 5 Advertisement in the following manner can be done without taking consideration for approval prior to present;

(1) Giving technical information that not intended for commercial purpose and no linkage to lead for understanding as advertisement for usefulness, quality or properties of any food. All these, giving such technical information shall provide complete data, technical accuracy, and reliable reference and so on such as providing both of pros and cons, caution, etc.

(2) Advertisement in a particular manner of giving fact about food may use either or more statements indicated in Annex 2 of this announcement as only stated in criteria or conditions.

All these advertisements in the first phrase, if there are other statements that advertise benefit, quality or property of food included, application for food advertisement approval shall be submitted together with all complimenting documents of advertisement for claims, prior to be advertised after getting the approval.

Clause 6 The following advertisements for benefit, quality or property of food, application for food advertisement approval shall be submitted for consideration prior to be advertised after getting the approval:

(1) Advertisement for benefit, quality or property of food as declared on label that approved by the Food and Drug Administration;

If making claims for benefit, quality or property of food other than that have been approved, such claims shall be evaluated and approved prior to be done.

(2) Advertisement for Nutrition Claim or using nutrient value to promote sale shall follow the Notification of Ministry of Public Health (No.182) B.E.2541 Re: Nutrition labels.

(3) Health Claims other than (2) that have been approved by the Food and Drug Administration.

(4) Advertisement in Clause 5 presenting benefit, quality or property of food shall be taken for approval.

(5) Advertisements other than Clause 5.

All these advertisement in the first phrase may use statements in Annex 3 of this announcement as criteria and condition indicated.

Clause 7 Criteria and condition of application for food advertisement approval (see details in Public manual: Application for approval of food advertisement)

(1) Advertising media can be classified in 3 groups based on types of advertisement as follows:

(1.1) Printing media or other media that having only picture without sound;

(1.2) Radio broadcasting media or other media that having only sound;

(1.3) TV-Radio media, movies, VDO or other media that having both picture and sound.

(2) Application for food advertisement approval composes of:

(2.1) An application form for food advertisement approval (Form Kor Orr 1)

(a) One application form shall be applied only one type of advertising media and shall be consistent with any media as specified in the application form.

(b) Food serial number and name of food in Thai including trade mark or brand name(if any) shall be correctly filled as getting an approval. Approved English name may be written down. In case of food does not have food serial number, do not have to fill in.

(c) All detail indicated in the application form shall be checked prior to submission.

(2.2) An attachment form for food advertisement approval (Form Kor Orr 3) requires arrangement of advertising content in accordance with character of advertising media as follows:

(a) Printing media or other media having only picture without sound:

- Original photograph complementary advertising letters with prominently visible color and font; or

- Sketch or story board which is a prototype of advertisement with prominently photograph and content including visible color and font being use in the advertisement.

(b) Radio broadcasting media or other media that having only sound:
- Audio texts to be advertised with complementing sound or atmosphere of advertisement; or
- Dialog presenting exactly what is spoken by whom with sound effect or surrounding in advertisement

(c) TV-Radio media, movies, VDO or other media that having both picture and sound:

- Sketch or story board presenting clear details of advertisement including picture, texts explaining clear character of pictures, graphic, effects, sound, its music and others (such as actor No.1, actor No.2 with their posture, location, time, atmosphere etc.) Letters used in advertisement shall be color size and fonts are clearly visible.

- Number of scene in a story board shall be appropriate, understandable details with its content in proceeding of advertisement.

(2.3) Complementing document for food advertisement approval that is correct, complete and consistent with content of advertisement on claim.

(3) Approved advertisement shall be followed the criteria prescribed by the licensor as follows:

(a) Advertising media shall be arranged as approved in the attachment of the application form for advertisement approval by cutting deleted statement or adding prescribed statement.

(b) Advertising statement shall be complete as approved. If it is different or incomplete or absent from the approved statement, all these advertising statements are considered as disapproved statements.

(c) License number of the approved advertisement shall be presented, except for radio broadcasting media, the license number shall not be presented.

(d) Advertisement approval is valid no longer than 5 years from the date of approval.

(e) Other criteria as prescribed in the attachment of the application form for advertisement approval (if any).

Clause 8 General condition and criteria for food advertisement

(1) Food to be advertised shall have accurate details as law indicated include

(a) Qualities of products shall be complied with a particular Notification and Notifications of Ministry of Public Health related to registered products.

(b) Details of food recipe shall be complied with a particular Notification and Notifications of Ministry of Public Health related to registered products.

(c) Use of food additives shall be complied with the Notification of Ministry of Public Health, Re: Food additives.

(d) No use of prohibited materials used in food and/or food which is prohibited to be produced, imported, or sold as described in relevant Notifications of Ministry of Public Health.

(e) Food label shall be declared in accordance with law.

(2) Instruction for food advertisement

(2.1) Presenting name of food in advertising media

(a) Full name of food is allowed to not use if advertising content already said or presented to clearly understand about what such food is.

(b) Presenting some part of food name or taking some part of name to be advertised shall not lead to misunderstand in benefit, quality, property or important content of such food.

(2.2) Presenting statements/warnings in advertising media

Statements/warnings in Annex 4 of this announcement shall be presented and following requirements shall be practiced:

(a) Printing media or other media which has only picture without sound, warning shall be presented by letters with color, visible size and font with height of letters shall not be less than 1 in 25 of height of advertising space.

(b) Radio broadcasting media or other media having only sound, warning is clearly presented every syllable in advertising sound.

(c) TV-Radio media, movie, VDO or other media with both picture and sound, warning may be clearly presented every syllable in advertising sound or with SUPER by letters with color, visible size and font with height of letters shall not be less than 1 in 25 of height of advertising space for at least 5 seconds (or appropriate to advertising duration)

Clause 9 Specific criteria for food advertisement

In food advertisement, not only general criteria of food advertisement but also specific criteria for each kind of food shall be applied, as the case may be:

(1) Food for Infant and Food of Uniform Formula for Infant indicated age of 6-12 months and Supplementary food for infant

(1.1) Advertisement is prohibited.

(1.2) Dissemination of any information shall be complied with criteria under the Control of Marketing Promotion for Infant and Young Child Food Act B.E.2560 (2017) and not required to submit to the Food and Drug Administration for consideration.

(2) Food for young children

(2.1) Prohibit anyone to advertise food for young children by use of statement relevant to infant or young child in advertising media that have linkage or lead to understand as infant food or suitable for infant feeding.

(2.2) Dissemination of any information shall be complied with criteria under the Control of Marketing Promotion for Infant and Young Child Food Act B.E.2560 (2017) and not required to submit to the Food and Drug Administration for consideration.

(3) Supplementary food for young children

means supplementary food for children at age of 12 months to 3 years.

(3.1) Shall not communicate to understand that it is consumable by infant (new born to 12 months).

(3.2) shall not lead to understand that having completely sufficient nutrient as young children needs.

(3.3) Age of presenters shall be 12 months up to 3 years with appropriate figure, characters and development at their ages.

(4) Cow's milk, Flavored milk, Milk products, Milk beverages and Soya milk

(4.1) Shall not communicate to understand that it is a specific product category;

(4.2) Shall present statement of "should regularly eat different varieties of full 5 categories of food in an appropriate proportion" or other similar meaning statements;

(4.3) Age of presenters shall be older than 3 years

(5) Ready-to-eat gelatin and jelly dessert

(5.1) Shall present statement of "children should eat less" in case of Ready-to-eat gelatin.

(5.2) Age of presenters shall be older than 3 years

(6) Ready-to-eat gelatin and jelly contained glucomannan or konjac flour

(6.1) Shall present statement of "children should not eat, caution of choking".

(6.2) Age of presenters shall be older than 12 years.

(7) Medical Food

(7.1) Shall advertise regarding properties and consumer groups declared on label only as approved by the Food and Drug Administration. Other claims besides approval, prior evaluation and approval for a label may be required.

(7.2) Shall present statement of "Medical food" and "Use by doctor's recommendation".

(8) Semi-processed food

Presenting 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 may be as follows:

(8.1) Picture of a product shall be a real characteristic of such product.

(8.2) If a picture is expressed as a ready-to-eat products and adding meat, vegetable, eggs or others to increase nutritional value, it shall be expressed a statement as "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 shall be expressed only benefit relevant to loss of sweat from exercise.

(10) Food supplements

(10.1) Statements or sound on advertising media shall be presented as

- "Not for prevention or curing disease"

- "Read warning statement on the label before consume" (in case of containing ingredients that other warnings shall be declared)

- "Children and pregnant woman should not eat"

- “Should routinely eat appropriate proportion of varieties of 5 food groups “or similar statement.

(10.2) Age of presenter shall be older than 15 years and not pregnancy.

(11) Food shall display nutrition labeling and energy value, sugar, fat and sodium in form of GDA (Guideline Daily Amounts) as described in the Notification of the Ministry of Public Health (No.374) B.E.2559 include;

(a) Snack food: French fried or potato chip, popcorn or corn flake, fried or baked rice cracker or extruded snacks, fried or baked or salted or flavored glazed peas or nuts, fried or baked or flavor glazed seaweed and fried or baked flavored fish sticks.

(b) Chocolate and similar products

(c) Shall present statement of “Eat less and exercise for health”

(12) Caffeinated beverages

(12.1) shall not advertise in a manner of persuasion, claim on effects of caffeinated beverages both directly and indirectly as follows:

(a) Advertisement to make attitude of drinking caffeinated beverages will increase energy and work more without being tired, awaken, not sleepy, alert or will be successful in social and sex.

(b) Advertisement by athletes or labors as presenters. Athlete means a person who are both current or former but still be in the sport area, famous and still well-known athlete, person who was in competition and bring awards into advertisement, person dressed up as an athlete, labor means a person who especially hard physical work such as construction labor etc.

(c) Advertisement by super stars, singers, actors/actress as presenters with their ages are less than 18 years old at the first time of broadcasting

(d) Advertisement with persuaded, coaxed to buy or consume for giving revenue to charity.

(12.2) Advertisement of caffeinated beverages on media shall present a statement of “should not drink more than 2 bottles per day and children and pregnant women should not drink”

(13) Any other food that have been approved with specific limitation, the licensor shall prescribe a statement on advertisement as appropriate.

Clause 10 The licensor reserve right for license cancellation of food advertisement if there are reasonable or necessary factor such as in case of license of production, import, Food Recipe Registration, Food Notification are cancelled. The license of food advertisement is invalid from the date of such documents be cancelled, etc.

In case of violation on requirements relevant to food advertisement under the Food Act B.E.2522, the licensor have authorization to order such food advertisement suspending.

This is from now onwards.

Announced on 12th November B.E.2561

(Signed) Mr. Tares Krassanairawiwong

(Mr. Tares Krassanairawiwong)

Secretary General Food and Drug Administration

CANCELLED