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Thai FDA Revising Provision of Food Additive Labeling

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Approved By:

Mr. Orestes Vasquez, Agricultural Attaché

Prepared By:

Ms. Sukanya S., Marketing Specialist

Report Highlights:

The Thai Food and Drug Administration (FDA) notified WTO of its change in the provision of food additive labeling. The revised notification increases the burden on labeling requirements for both exporters and local producers.

Thai FDA Revising Provision of Food Additive Labeling

On August 17, the Thai Food and Drug Administration (FDA) notified WTO (G/TBT/N/THA/389) of its change in the provision of food additive labeling. According to the Thai FDA, the revision is an attempt to correct the misuse of food additives by food factory workers due to inadequate information on the food additive label. The revised notification increases the burden on labeling requirements for both exporters and local producers. Under the revised regulation, the main food additives must be listed in descending order by the additives percentage by weight. This requirement could incur in the intrusion of trade secret rights of U.S. food producers by having to disclose proprietary information.

Other required information that may impose additional burdens is as follows:

- Name of the additive, preceded or followed by the word “food additives” in Thai.
- Lot identification by the word “Lot No.” in Thai or marked with other text that can be used for product traceability.
- Month and year of manufacture, or month and year of expiration must be labeled accordingly: “Manufactured on (specify month and year)” or “Expired on (specify month and year)”. Food additives with a shelf-life less than 18 months must carry the date of minimum durability using words such as “Can be used until (specify month and year)” or similar messages.

Importers and manufacturers of food additives, whose labels are currently permitted, will need to comply with this notification not more than one year from the date it becomes in effect. The notification will come into effect 90 days after its announcement in the Royal Gazette. The draft of the revised notification and complete information required is available below.

(Draft)
Notification of the Ministry of Public Health
Re: Food Additive (No.2)

It deems appropriate to establish the standard of food additives labeling to be more beneficial and protect consumer’s health.

By virtue of the provision of Section 6(1) (2) (4) (5) (6) (7) (9) and (10) of the Food Act (B.E. 2522 (1979)), which restricts personal rights and liberties in conjunction with sections 29, 33, 41, 43, and 45 of the Constitution of the Kingdom of Thailand. The Minister of Public Health issues the notification as follows:

Clause 1. Clause 10 of the Notification of MOPH No. 281 B.E. 2547 (2004) on Food Additives dated 18 August 2004 shall be repealed and replaced by the following.

"Clause 10 Labeling of food additives shall follow the Notification of MOPH concerning the label. Exception is made for labeling of food additives in accordance with Article 3, 4, 5 and 6 of the MOPH’s notification (No. 194) BE 2543 (2000) on Label dated 19 September 2000, which shall comply with the notification of food additives (No. 2)."

Clause 2. The labeling of food additives must have a text in Thai language (may accompany with foreign text). It must contain clear and readable details as follow:

(1) Name of food, marked by the word "food additives"

(2) Food serial number

(3) Name and address of manufacturer or packer of food additives produced in the country. For imported food additives, the display of name and address of importer and producing country is required. However, for food additives produced in the country, name and the headquarter address of food additive manufacturer or packer can be used instead.

(4) Lot identification by the word "Lot No." or marked with other text that can be used for product traceability.

(5) The net contents shall be declared in metric

(5.1) for solid food additives, by weight;

(5.2) for liquid food additives, by volume;

(5.3) for semi-solid or viscous food additives, either by weight or volume;

In case those food additives are in form of Tablet or Capsule number of tablets must be shown.

(6) The food components shall be displayed as follows:

(6.1) For main food additive components, the common name of food additives must be shown. In addition, the quantity of food additives must be given in percentage and listed by weight in descending order. The common name of notification of food additives must be shown in a specific name, according to CODEX's general standard for food additives or the Ministry of Public Health on Food additives. Number must be provided and be in accordance with International Numbering System (INS) for food additives.

In case food additives are in the same group of Acceptable Daily Intake (ADI), it could be displayed as a group of food additives accompanied with its INS number and total amount of food additives in the same group could be displayed instead.

However, the display of quantity of food additive in percentage by weight as mentioned above will be exempted for food additives that are sold to manufacturers which provide evidence that the displayed amount of main component is treated as trade secrets under the Trade Secrets Act 2545 (2002). However, the amount of main food components must be listed in the manual or documentation.

(6.2) For other food ingredients, the name of food ingredients shall be declared in the list of ingredients in descending order of proportion.

(7) Month and year of manufacture, or month and year of expiration must be labeled accordingly. "Manufactured on (specify month and year)" or "Expired on (specify month and year)". Food additives with a shelf-life less than 18 months shall carry the date of minimum durability usage words such as "Can be used until (specify month and year)" or other messages that provide the same meaning.

(8) The adequate information of usage instruction should be given and at least cover the following:

(8.1) Functional of food additives

(8.2) Food type

(8.3) Amount of food additive used in food.

(9) Instructions for storage

(10) Restrictions on use and warnings or cautions (if any).

The displayed text under (1) (5) and (7) must be in the position that can be seen clearly. In case a display of the information of (7) is shown at the beneath of the container, it is required to have a clear text indicates how to find the information as per (7).

The labeling of food additives above does not apply to food additives produced for export.

Clause 3. Labeling of food additives produced for export will be displayed in any language, but at the minimum required to provide the following information:

- (1) producing countries.
- (2) a food serial number or the identification of the producing factory.
- (3) Lot identification by the word "Lot No." or marked with other text that can be traceable

Clause 4. The importer and manufacturer of the food additives whom labels are permitted before the enforcement of this notification have to comply with this announcement and remaining label could still be used not more than one year from the effective date of the notification.

Clause 5. This Notification will be effective on 90 days after its announcement in the Royal Gazette.