

Draft

Notification of the Ministry of Public Health

(No. ..) B.E.

Issued by virtue of the Food Act B.E. 2522

Re: Labeling of Prepackaged Foods (No.2)

It deems appropriate to amend the Notification of the Ministry of Public Health, Re: Labelling of Prepackaged Foods.

By the virtue of provisions of Section 5 paragraph 1, and 6 (10) of the Food Act B.E. 2522 (1979), the Minister of Public Health hereby issues the Notification as follows:

Clause 1. This Notification shall come into force on following date of its publication in the Government Gazette.

Clause 2 The Notification of the Ministry of Public Health , Re: Labeling of food composed in a container, dated 14th December B.E. 2553 (2010) shall be repealed.

Clause 3 The statement in Clause 3 (1) of the Notification of the Ministry of Public Health (No. 450) B.E. 2567 Issued by virtue of the Food Act B.E. 2522 Re: Labeling of Prepackaged Foods dated 18th June B.E. 2567 (2024) shall be repealed and the following statement shall be used instead:

“(1) Food sold directly to consumers in which producers can provide information of such food at that time of sale such as food sold by food hawkers, food stalls, or through electronic commerce system except

- (a) Food additive
- (b) Food for Infants, and Food for Infants with Specific Medical Needs
- (c) Food of Follow up Formula for Infant in the age of six to twelve months, and Food for Young Children
- (d) Supplementary Food for Infants and Young Children
- (e) Food with Specific Purposes and other foods
- (f) Dietary supplement
- (g) Food products fortified with extracts, nutrients, or synthetic compounds

(h) Other foods designated by Notification of the Ministry of Public Health specifically for the display of warnings.

(i) Foods that must comply with specific requirements pursuant to the Notification of the Ministry of Public Health regarding Food Production Processes, Processing Equipment/Utensils and Storage Practices”

Clause 4 The statement in Clause 5 (6) and (7) of the Notification of the Ministry of Public Health (No. 450) B.E. 2567 Issued by virtue of the Food Act B.E. 2522 Re: Labeling of Prepackaged Foods dated 18th June B.E. 2567 (2024) shall be repealed and the following statement shall be used instead:

“(6) The statement “Information for food allergy: contains” shall be used when allergens are ingredients of the food product, while “Information for food allergy: may contain” shall be used when there is a potential for cross-contamination during production. (The blank space shall be filled in with the type or category of food containing allergens or substances that may cause hypersensitivity reactions.) Alternatively, other phrase can be used instead of “Information for food allergy”, provided that it has the same meaning. The statement shall be prominently displayed and easily legible on the package.

If the statement “Information for food allergy” is omitted, then the statements "contains" or "may contain" shall be displayed within a frame in a prominent and easily legible place on the package.

Types and kinds of food in Paragraph 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 and products from cereals containing gluten; except

- (a) glucose syrups or dextrose derived from wheat;
- (b) Maltodextrins derived from wheat;
- (c) Glucose syrups derived from barley;
- (d) Alcohol distilled from cereals;

(6.2) Crustacea such as crab, shrimp, mantis shrimp, lobster and their products;

(6.3) Eggs and egg products;

(6.4) Fish and fish products; except fish gelatin used as carrier for vitamin or carotenoid preparations;

(6.5) Peanut and their products;

(6.6) Soybean and their products; except

- (a) Refined soybean oil and fat;
- (b) Mixed tocopherols , D-alpha-tocopherol or DL-alpha-tocopherol, D-alpha-tocopheryl acetate or DL- alpha-tocopheryl acetate, D-alpha-tocopheryl acid succinate from soybean sources;

- (c) Phytosterols and phytosterol esters from soybean sources;
- (d) Plant stanol ester produced from vegetable oil sterols from soybean sources;

(6.7) Milk and dairy products except lactitol

(6.8) Tree nuts and their products, i.e.

- (a) Almond (*Prunus amygdalus*) and products thereof
- (b) Cashew (*Anacardium occidentale*) and products thereof

- (c) Hazelnut (*Corylus* spp.) and products thereof
 - (d) Pecan (*Carya illinoensis*) and products thereof
 - (e) Pistachio (*Pistacia vera*) and products thereof
 - (f) Walnut (*Juglans* spp.) and products thereof
 - (g) Brazil nut (*Bertholletia excelsa*) and products thereof
 - (h) Macadamia (*Macadamia* spp.) and products thereof
 - (i) Pine nut (*Pinus* spp.) and products thereof
- (6.9) Sulphite with concentrations more than or equal to 10 mg/kg
- (6.10) Shellfish, squid, and products derived from shellfish and squid.
- (6.11) Sesame and products thereof
- (6.12) Celery and products thereof
- (6.13) Mustard and products thereof
- (6.14) Lupin and products thereof

However, requirements in Clause (6) shall not apply to foods which contained allergens or hypersensitivity substances as their main ingredients and declared as such clearly in their names such as fresh cow's milk, baked peanuts etc.

(7) For the declaration of food additive information, if any food additives are used or carried over from the raw material in amount sufficient to perform technological function, the functional classes of such food additives shall be specified. For preservatives, flavor enhancers, sweeteners and colors the following texts shall be declared, as applicable;

(7.1) Name of Functional class of "Color" follows with specific name or International Numbering System (INS) for Food Additives, the type of color, whether natural or synthetic may be specified

(7.2) Name of Functional class of "Preservatives" follows with specific name or International Numbering System: INS for Food Additives.

(7.3) Name of Functional class of "flavoring enhancers and sweeteners" follows with specific name.

For food additives other than preservatives, flavor enhancers, sweeteners, and colors, text of "food additive" may be displayed instead of functional class. It shall be displayed with their specific names or with International Numbering System: INS for Food Additives. Exception is made in the case of food additives with more than one function; other functions may be displayed as necessary based on their technological needs, provided that the quantity used is in accordance with the purpose of those functions. Additionally, the display of functional classes are exempted for carriers and packaging gases."

Clause 5. To add these statements as Clause 5/1 and Clause 5/2 of the Notification of the Ministry of Public Health (No. 450) B.E. 2567 Issued by virtue of the Food Act B.E. 2522 Re: Labeling of Prepackaged Foods dated 19th June B.E. 2567 (2024).

"Clause 5/1 Food producers or importers who wish to display a label using a digital label must declared all of the required information specified in the Ministry of Public Health Notification regarding the labeling of pre-packaged food. The display of food information

via digital label must be accessible at all times, and the system must be continuously maintained to operate. Exception is made for the labels specified in Clause 5 (1), (2), (4), (5), (6), (9), and (10), which must be displayed on the container. However, this provision shall not govern the following food categories.

- (a) Food for Infants, and Food for Infants with Specific Medical Needs
- (b) Food of Follow up Formula for Infant in the age of six to twelve months, and Food for Young Children
- (c) Supplementary Food for Infants and Young Children
- (d) Food with Specific Purposes and other foods
- (e) Dietary supplement
- (f) Food products fortified with extracts, nutrients, or synthetic compounds
- (g) Other foods designated by a Ministry of Public Health Notification specifically regarding the display of warnings.
- (h) Foods that must comply with specific requirements pursuant to the Ministry of Public Health Notification concerning methods of production, production equipment and utensils, and food storage”

"Clause 5/2: The labeling of food composed in a container. “Products composed of more than one kind, or multiple units of the same kind, each bearing its own label, that are packed or wrapped together in a single container—such as a basket, box, bag, or any other type of container—in which the individual food labels are partially visible and that are intended for use during various festivals, such as gift sets, Sangkhathan sets (offerings for monks), or other similar purposes, shall bear a label on the container. Such label shall be provided in the Thai language which is prominent and easily legible . The label shall include with the information as follows:

- (1) The name, type, or kind of each food item contained therein.
 - (2) The expiration date or best before date of the food specified in
- (1). Only the earliest expiration date or best before date among all combined food items may be specified, in the format of day, month, and year.”
- (3) A warning must be indicated on the label in case products that may react with each other, resulting in changes in color, smell, or taste, which may be harmful to consumers due to the use or nature of the product, are included, such as tea leaves, rice, soap, or detergent. Therefore, users should immediately separate products that may react with each other."

Clause 6. Label of prepackaged foods that do not comply with this regulation can still be sold but shall comply with of the Notification of the Ministry of Public Health (No. 450) B.E. 2567 Issued by virtue of the Food Act B.E. 2522 Re: Labeling of Prepackaged Foods dated 18th June B.E. 2567 (2024). However, this shall not exceed three years from the effective date of this Notification.

Clause 7. Label of food composed in a container that do not comply with this regulation can still be sold but shall comply with of the Notification of the Ministry of Public Health Re: Labeling of food composed in a container, dated 14th December B.E. 2553 (2010) However, this shall not exceed three years from the effective date of this Notification.

Clause 8. The labels of prepackaged food specified in (a)-(i) of Clause 3(1) that are not exempted from labeling requirements shall comply with this Notification from the day following the date of its publication in the Government Gazette.

Notified on [date]

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