

## Thailand

### Food fortification

Thailand mandates that edible salt is iodised under its Notification of the Ministry of Public Health Re: Edible Salt 2011<sup>169</sup> except for specific foods, such as foods for people who need to restrict iodine consumption, electrolyte drinks, and foods that use less than 1% of salt as an ingredient or have less than 1% salt in a finished product, for example, rice can be voluntarily fortified with vitamins B1, B2 and B3.<sup>170</sup>

### Responsibilities for regulatory governance for nutrition labelling

Thailand's food industry is governed by the Food Act of 1979, and subsequent laws stipulated by the Ministry of Public Health (MoPH). The Food Act authorises the MoPH's Food and Drug Administration (FDA) to implement and administer the Food Act. The Act also sets out the role of the Food Commission (which includes the Secretary General of the FDA and Permanent Secretary of the MoPH) in advising the Minister on regulations related to the Minister's powers (including food labelling), product withdrawal and appeals regarding licences, among other things.

Manufacturers and importers must obtain licenses from the FDA's Food Bureau before manufacturing and/or importing food into Thailand to ensure foods meet relevant standards. Product and nutrition labelling is reviewed as part of the licensing process to ensure compliance. Licences are valid until 31 December three years from their issue date. An extension can be sought before licence expiry, with a right to appeal if rejected. The FDA must also approve any proposed advertising of a food, ensuring a pre- and post-market surveillance system operates for foods in Thailand.

However, the Nutrition Promotion Foundation under the [Institute of Nutrition of Mahidol University](#) (INMU), or other relevant authorised agencies, conduct inspections and certifications required for the 'Healthier Choice' FOPNL. Of note, the INMU – the focal point for experts in food and nutrition – was established in 1977 to strengthen the National Food and Nutrition Act (the Food Act) under the public university's (Mahidol University) supervision, given its expertise in public health and medicine.

The FDA Inspection Division conducts post-market control of foods including compliance monitoring and surveillance to check that foods comply with national food safety and quality standards. This monitoring includes inspections of food factories and premises and the sampling of products for laboratory testing. Samples may be analysed for nutritional value and standard conformity. Technical guidance on appropriate food production, handling and storage processes may be given during the monitoring process. If violations occur, products can be recalled, and manufacturers can be prosecuted depending on the degree of violation. Detail on sanctions is outlined further in the **Enforcement** section of the table below.

### Structure of nutrition labelling laws

Thailand's nutrition labelling regulatory regime is structured as follows:

- **The Food Act B.E. 2522 (1979)**<sup>171</sup> sets out the powers to regulate food labelling including to promulgate Ministerial Regulations for labelling and the FDA's requirements for food licensing. The Act also prohibits false and deceptive food labelling and advertisements.
- **Notifications of the MoPH:**
  - **No. 182 of B.E. 2541 (1998) and No. 219 of B.R. 2544 (2001) Re: Nutrition Labelling**<sup>172</sup> sets out requirements for nutrition labelling, including nutrient declarations (nutrition facts) and nutrition and health claims. Conditions for comparative nutrient claims of 'added, fortified, or enriched' are specified. Requirements are also included around process controls for the addition or mixing of iodine. *Note that the Notification of the Ministry of Public Health (No. 219) B.E. 2544 (2001) Re: Nutrition Labelling (No. 2) is not included but specifies dual display of nutrition declaration if a product is sold subject to mixing with other ingredients or further processing pre-consumption.*
  - **No. 367 B.E. 2557 (2014) Re: Labelling of Pre-packaged Foods**<sup>173</sup> sets out general labelling requirements for pre-packaged foods (ingredients) excluding foods sold by food hawkers, or that are for sale in hotels etc., and prohibits false, misleading and/or deceptive labelling.
  - **Re: Edible Salt 2011**<sup>169</sup> mandates salt iodisation and required labelling of iodised salt. The Notification exempts edible salt from required labelling under the "**Notification of the Ministry of Public Health, Re: Label**", but the Notification does not specify any number or year making it unclear.
  - **No. 373 B.E. 2559 (2016) Re: The Display of Nutrition Symbol on Food Label**<sup>174</sup> establishes the "Healthier Choice" nutrition logo.

- *No. 394 B.E.2561 (2018) Re: Food products Required to bear Nutrition Labelling and Guideline Daily Amounts, GDAs Labelling*<sup>175</sup> establishes the FOPNL, required format of nutrition declaration (nutrition facts) and a consumption warning.

As an ASEAN Member State, a set of non-binding regional guidelines, principles and standards apply to Thailand's labelling laws and/or fortification as indicated, though we found little by way of specific regional labelling regulation that influences ASEAN Member States' national labelling regulations:

- *ASEAN Guidelines on Promoting Responsible investment in Food, Agriculture and Forestry 2018*<sup>72</sup> propose considerations including supporting food fortification to improve nutrition security and promote harmonisation of standards and regulations while allowing national flexibility.
- *ASEAN Regional Guidelines on Food Security and Nutrition 2017*<sup>73</sup> serve as a reference guide to develop best practice policy that promotes nutrition and food security (including food fortification policies to address malnutrition and micronutrient deficiencies). The guidelines aim to build stronger cooperation and integration on food security and nutrition across the ASEAN region but few specifics on fortification are included.
- *ASEAN Principles and Guidelines for National Food Control Systems 2014*<sup>74</sup> is aligned with Codex principles and guidelines For National Food Control Systems CAC/GL 82-2013 and guides on developing food legislation that promotes food safety, including that national competent authority/ies should establish, implement, evaluate, and enforce evidence- and risk-based regulatory requirements.
- *ASEAN General Standards for the Labelling of Prepackaged Food 2016*<sup>75</sup> that adopt the Codex General Standard for the Labelling of Prepackaged Food (CODEX STAN 1-1985).

### Policy context and objectives

Thailand's National Plan of Action on Nutrition 2019 – 2023 focused on prioritising and solving malnutrition in all its forms including undernutrition and overweight and obesity. Current nutrition labelling initiatives such as the Guideline Daily Amount and Healthier Choice Logo on the front-of-pack reflect Thailand's focus on nutrition labelling initiatives to address the number of overweight people in the population and obesity. Logos focusing on over-nutrition appear to have been prioritised over fortification to address under-nutrition, with salt the only product that is mandatorily fortified and for which the specific "iodized edible salt" claim can be made. More broadly, Thailand's labelling regulations are focused on providing information and useful nutrition facts to people, and consumer protection.

As an ASEAN Member State, Thailand must also evaluate new or existing regulation to ensure it is compatible with the ASEAN nutrition and food security policy.<sup>73</sup>

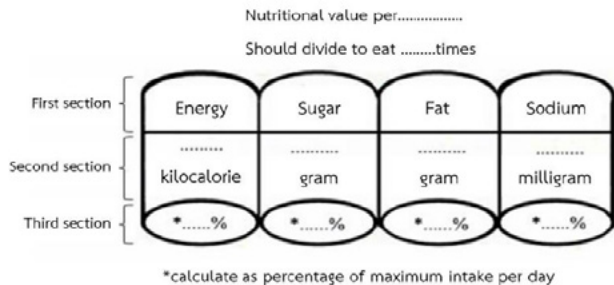
### Nutrition labels

**Nutrient declarations** are mandatory for certain categories of food. These include foods with a specific nutritional claim, foods that use nutritional values in sales promotions, foods that target a group of consumers (e.g., students or the elderly), and other foods specified by the FDA. The FDA's specified foods are a range of specific food categories (snacks, chocolates, bakery products, and ready meals) which are required to display the mandatory 'Guideline Daily Amount' FOPNL, and consequently require a mandatory nutrient declaration to support this display.

**Nutrition and health claims:** Nutrition claims are voluntary but are subject to conditions that are similar to Codex and US Food and Drug Administration standards. Nutrient function claims, which are claims about the function of a nutrient to the human body such as "Vitamin B1 and vitamin B12 assist in function of nervous system", are subject to FDA approval. Comparative claims of '...enriched, fortified' can be claimed for vitamins and minerals (excluding sodium), dietary fibre or protein only when the per 100g or mL of food when compared to the reference food: a) has a higher nutrient content; b) when the quantity difference is not less than 10% of Thai RDI for people aged six or over; and c) the reference food is displayed. Other health claims are not allowed on food products in Thailand.

Edible iodised salt must include the statement 'Iodized edible salt' displayed adjacent to the name of the food product. Products that contain non-iodised salt should include a statement 'for people who need to limit iodine consumption'.

**Supplementary nutrition information:** No standalone fortification logo was identified in the review, with the iodisation statement and enriched and fortified claims the only data linking nutrition labelling to fortification. A 'Guideline Daily Amount' style FOPNL label is mandatory for specific food categories and voluntary for other foods. Foods bearing the Guideline Daily Amount label are also required to display the statement 'Consume less and exercise for better health'. There is also a voluntary 'Healthier Choice' FOPNL that can be applied for where a product meets nutrition criteria (for energy, fat, sugar and sodium) and is considered a healthier choice within certain categories.



'Guideline Daily Amount' style FOPNL<sup>175</sup>



'Healthier Choice' logo<sup>176</sup>



### Recommendations to reform nutrition labelling regulations to enable LSFF

- To align Thailand with Codex standards and best practices, **nutrient declarations** should be made mandatory for all processed foods with limited exceptions. It is unclear whether current regulations achieve this in practice.
- Thailand could consider a **mandatory salt iodisation logo** on foods. Prioritisation of this action may depend on the priority of salt iodisation to address iodine deficiency compared with other nutrition interventions, given the additional regulatory burden it will require to implement. Prioritisation may also account for current sodium intake levels that are being partly addressed by the sodium declaration as part of the Guideline Daily Amount style FOPNL.
- **Regulatory governance** appears strong across many key areas, including through the FDA's pre- and post-market surveillance of food products, the pre-approval of food advertisements, and a clear enforcement regime administered through the FDA's Competent Officers. However, we found limited information in other areas of regulatory governance – which would ideally be publicly available. For example, no information was available on consumer education for labelling, in particular for SNI, about how regulations are evaluated, and the process for regulatory drafting beyond the Food Commission advising the Minister on regulations.

### Information sources and limitations

We only undertook a desktop regulatory review in Thailand. Limited detail was identified on several aspects of regulatory governance, including resourcing, regulatory design and drafting processes, consumer education, evaluation of existing regulations, and transparency and complaint handling in labelling enforcement. Such information may sit outside of the regulatory documents reviewed or may have only been available in information published in the Thai language.

**Table 11 – THAILAND – Summary of nutrition labelling regulations**

Excludes draft regulations unless specified.

	Nutrient declaration	Nutrition and health claims	SNI
Regulatory framework	<ul style="list-style-type: none"> <li>Mandatory for foods: with a nutrition claim; that use food values in their promotion; which define consumer groups (e.g., elderly); foods notified by the FDA and approved by the Food Committee (but excludes food prescribed by the Ministry of Public Health re labelling such as infant food etc.); and processed foods that require the FOPNL logo.<sup>172</sup></li> </ul>	<ul style="list-style-type: none"> <li>Voluntary nutrition claims – nutrient content claims, comparative claims (including 'fortified') and nutrient function claims (e.g., "Vitamin B1 and vitamin B12 assist in function of nervous system").<sup>172</sup></li> <li>Voluntary health claims – 'healthy, healthful, healthiness, health'.<sup>172</sup></li> <li>Certain claims are prohibited.<sup>172</sup></li> <li>Mandatory salt iodisation statement and fortification statement for plant stanol/sterol.<sup>172</sup></li> </ul>	<ul style="list-style-type: none"> <li>We are unaware of a standalone fortification logo.</li> <li>Mandatory 'Guideline Daily Amount'-style FOPNL logo for a range of processed foods; voluntary for other foods.<sup>175</sup></li> <li>Voluntary Nutrition Symbol (a "Healthier Choice" nutritional logo).<sup>174</sup></li> </ul>
Regulatory objective(s)	<ul style="list-style-type: none"> <li>To provide information and useful nutrition facts to people and to protect consumers.<sup>172</sup></li> </ul>	<ul style="list-style-type: none"> <li>To provide information and useful nutrition facts to people, and to protect consumers.<sup>172</sup></li> </ul>	<ul style="list-style-type: none"> <li>Guideline Daily Amount FOPNL to benefit consumers and support preventive measures to reduce nutritional problems.<sup>175</sup></li> <li>"Healthier Choice Logo" to assist consumers in decision making for balanced nutrition to prevent over-nutrition and NCDs.<sup>174</sup></li> </ul>
Operative terms and conditions	<ul style="list-style-type: none"> <li>Expressed in the required format (varies for container size, e.g., full-form, short-form and dual nutrition display box and number of nutrients) and colour with contrasting text for reading, text size proportional to box area, quantity per serve and per serve per container, expressed in RDIs and kCal, g or ml per the appendices or nutrition value per 100m/gm where no serving size can be determined. Reference serving sizes specified.<sup>172</sup></li> <li>Must include:<sup>172</sup> <ul style="list-style-type: none"> <li>total energy kcal and energy from fat kcal.</li> <li>the quantity and % of RDJ in g or mg for: total fat; saturated fat; cholesterol; protein; total carbohydrate; dietary fibre; sugar; sodium; vitamin A, B1 and B2; calcium, iron.</li> <li>a second panel detailing energy demand for an individual of 2000 kcal per day, and the relevant nutrients they shall receive (e.g., fat, cholesterol).</li> </ul> </li> <li>Expressed in Thai, but a foreign language may be included and must conform to criteria and conditions (applies to nutrient and health claims).<sup>172</sup></li> <li>For processed foods requiring the FOPNL logo with GDAs:<sup>175</sup> the full format nutrition facts label or simplified format nutrition facts label is required; but where a nutrition claim is made, the full format facts label is required.</li> <li>Cholesterol content must be displayed where &gt;2mg per serve.<sup>175</sup></li> <li>General labelling requirements for pre-packaged foods:<sup>173</sup> must be in a prominent position, proportional (e.g., size requirements apply, not &lt;2mm for product name, not &lt;1mm for small labels and for texts re nutrients, nutrient values etc.) and readily legible; background label colour must contrast with the text colour for legibility.</li> </ul>	<ul style="list-style-type: none"> <li>Nutrient content (e.g., 'low in', or 'source of'), comparative (e.g., 'less than or fewer' compared to a reference food), and nutrient function claims (e.g., reference to Thai RDIs for 6+ years) – are allowed but are subject to conditions. For example, comparative claims must specify the reference food and display the comparative nutrient or energy level increased or decreased to the reference food; nutrient function claims must be based on reliable scientific evidence; nutrient content and comparative claims must accord with specific conditions in the Notification.<sup>172</sup> <ul style="list-style-type: none"> <li>NB comparative claims of '...enriched, fortified' can be claimed for vitamins and minerals (excluding sodium), dietary fibre or protein provided that when compared to the reference food, per 100g or 100mL of food the nutrient content is higher and the difference of quantity is not less than 10% of the Thai RDI for 6+ years, and the reference food is displayed.<sup>172</sup></li> </ul> </li> <li>Some claims are prohibited a nutrient function claim cannot be used if it leads consumers to think that consumption prevents or cures disease.<sup>172</sup></li> <li>Only foods that meet nutrient criteria can make claims such as 'low fat' or that express health such as 'healthy' e.g., per serve or 100 g/ml contain: sodium &lt;360 mg; cholesterol &lt;60 mg; and vitamin A, B1 or B2, protein, calcium, iron and dietary fibre ≥10% of the Thai RDI.</li> <li>Edible iodised salt (as a food or ingredient) must be labelled with "iodized edible salt" in Thai (but can also be in a foreign language) with letters of ≥5 mm height and legible attached with the food name, among other requirements. A similar fortification phrase exists for foods with added Phytosterols.<sup>169</sup></li> </ul>	<ul style="list-style-type: none"> <li>Guideline Daily Amount (GDA) with summary indicators of energy (kCal), sugar (g), fat (g), sodium (mg), % of GDAs, and nutritional value and servings.<sup>175</sup> <ul style="list-style-type: none"> <li>Mandatory for e.g.: snacks; chocolate; bakery products; and semi-processed foods including noodles. Not required where such foods are sold directly to consumers.</li> </ul> </li> <li>GDAs shall be: Four figures of vertical cylindrical shape attached to display energy value, sugar, fat, and sodium content; cylinder frames must be black, dark blue or white, contrasting to the label background; the cylinder background must be white; each line in cylinders must be black or dark blue and in the same letter colour as that in cylinders; they must be displayed in a clear, prominent position at front side of label and be readily legible. <ul style="list-style-type: none"> <li>Must also display: % of GDAs; 'nutritional value per' (easily understood unit e.g., per cup/packet); 'should divide to eat...times' (the no. of serves if &gt;1 serve per pack).</li> <li>For some products, where the FOP is &lt;65cm<sup>2</sup>, a nutrient detective mobile application can be applied.</li> </ul> </li> <li>"Healthier Choice Logo" must comply with the format and technical requirement set by the Sub-Committee of Developing and Promoting the Use of Simplified Nutrition Symbol.<sup>174</sup></li> </ul>
		<ul style="list-style-type: none"> <li>Products that require the FOPNL logo must include "consume small amount and exercise for healthy condition" in bold, visible letters contrasting with the background and with the frame colour contrasting with the label colour.<sup>175</sup></li> </ul>	

## Regulatory governance

### Drafting regulatory rules and scheme design

- Under the Food Act, the Minister of Public Health has specific powers concerning foods (such as prescribing controlled foods, and standards, and determining which foods require labels, the label text and conditions, including their display). The Food Commission has the power and duty to offer advice and opinions to the Minister on regulations related to the Minister's powers.<sup>171</sup>
- Under ASEAN Regional Guidelines on Food Security and Nutrition and ASEAN Principles and Guidelines for National Food Control Systems Member States should provide clear and effective regulation that promotes food security and nutrition,<sup>73</sup> engage stakeholders in regulatory development to ensure transparency and that views are considered,<sup>74</sup> and consider Codex standards, recommendations and guidelines.<sup>74</sup> All aspects of a national food control system should be transparent and open to public scrutiny while respecting legal requirements to protect confidential information.<sup>74</sup> Decision making should be evidence-based, and competent authority/ies and all officials should be free of improper or undue influence or conflict of interest.<sup>74</sup>

### Administration

- Under the Food Act the FDA issues licences for the importation of food, and for specific food products, to ensure compliance with Thai standards before they enter the market. The application and process are outlined in the regulations and include a review of a product's nutrition labelling. Licences are valid until 31 December three years from their date of issue, but extensions can be sought. The FDA must also pre-approve any food advertisement for quality, usefulness, or indication.<sup>171</sup>
- Under the Notification re Nutrition Labelling<sup>172</sup>; for food producers and importers that hold food registration licences and food labelling approvals under the Food Act B.E. 2522 are provided time to update their licences and approvals to accord with this Notification, and for labels printed pre-enforcement of this Notification to be used for at most one year from enforcement.
- Under the Notification re Display of Nutrition Symbol on Food Label, food manufacturers, importers and distributors can only display the voluntary Healthier Choice nutrition symbol on a food label after it has been inspected and certified by The Nutrition Promotion Foundation under the Institute of Nutrition of Mahidol University, or other relevant agencies authorised under the National Food Committee.<sup>174</sup>
- Under ASEAN Regional Guidelines on Food Security and Nutrition and Principles and Guidelines for National Food Control Systems, Member States' independent statutory bodies should retain authority for policy administration<sup>73</sup> and legislation should provide the authority with the power and mechanisms to: establish, monitor and enforce standards; implement regulations; perform activities to verify, investigate, and enforce regulatory compliance; and apply sanctions and/or penalties.<sup>74</sup>

### Monitoring

- Under the Food Act Competent Officers can enter premises to inspect and carry out other duties in connection with enforcing the Act (see Enforcement), and pre- and post-market authorisation via licences allows monitoring (see Administration).<sup>171</sup>
- Under ASEAN Regional Guidelines on Food Security and Nutrition and Principles and Guidelines for National Food Control Systems Member States' national food control systems should be transparent and open to public scrutiny, while respecting the need to protect confidential information.<sup>74</sup> To assess effectiveness and suitability to achieve objectives, the system should be subject to ongoing monitoring and review against documented criteria, and consider scientific evidence, and non-compliance.<sup>74</sup> Legislation and guidelines should also include provisions to monitor dietary consumption.<sup>73</sup>

### Evaluation

- Under ASEAN Regional Guidelines on Food Security and Nutrition and ASEAN Principles and Guidelines for National Food Control Systems Member States' national food control systems should possess the capacity and capability to undergo continuous improvement and include mechanisms to evaluate whether the system is achieving its objectives.<sup>74</sup> Member States should also evaluate new or existing regulation to ensure it is compatible with nutrition and food security policy.<sup>73</sup>

### Enforcement

- Under the Food Act<sup>171</sup>
  - The FDA may order food producers, importers, or distributors to stop advertising if they do not have a licence or to stop producing, importing, distributing or advertising a food that the Food Commission deems does not have the usefulness or quality of indication advertised.
  - The FDA's Competent Officers have powers to enter and inspect premises and seize food and containers that do not accord with the Act for analysis.
  - Where a licensee violates the Act, ministerial regulations or notifications issued under the Act, the authority can suspend the licence pending judgment, and revoke the licence if final judgment is reached against the licensee. For example, if a licensee violates notifications for labelling they are subject to a fine of ≤30,000 Thai baht. If a licensee doesn't follow the orders of the Food Commission or obstructs a competent officer, they are liable to imprisonment of ≤1 month or a fine of ≤1,000 Thai baht or both. Penalties are also provided if FDA orders are not followed regarding halting advertising.
- Under ASEAN Regional Guidelines on Food Security and Nutrition and Principles and Guidelines for National Food Control Systems Member States' independent statutory bodies should retain enforcement authority,<sup>73</sup> be appropriately resourced and employ qualified personnel.<sup>74</sup> State authorities should establish, implement and enforce science- and risk-based regulatory requirements that encourage and promote positive food safety outcomes and establish and maintain arrangements with relevant organisations such as officially recognised inspection, audit, certification and accreditation bodies.<sup>74</sup> Compliance and enforcement programmes should be designed to enable a competent authority to take corrective remedial action, from education to sanctions, while maintaining public transparency.<sup>74</sup>

## Section references

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