

# Food Regulation in Thailand

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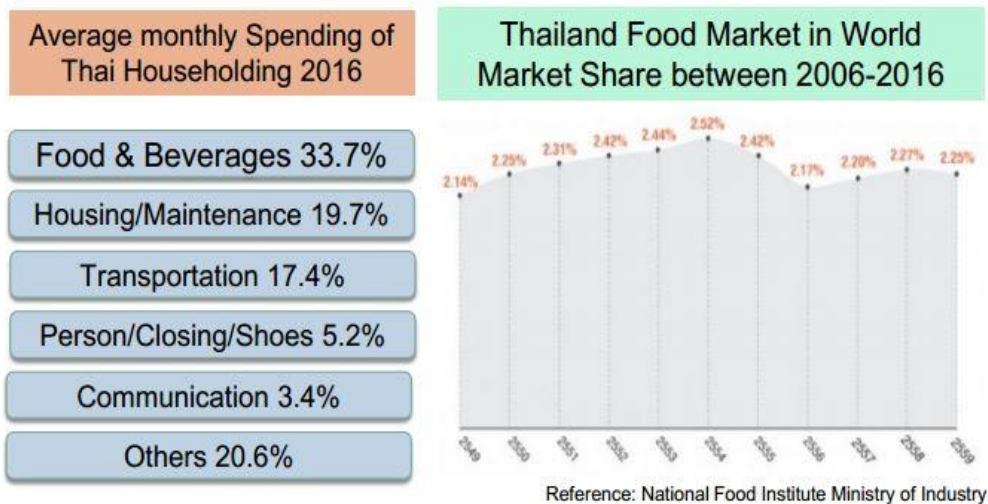
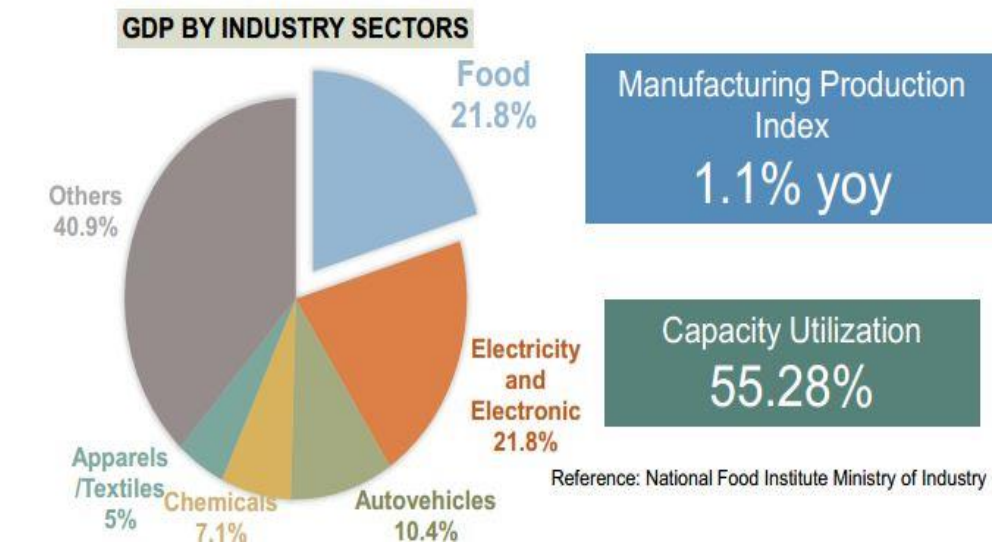
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## Food Industry in Thailand

As one of the few net exporters of food in Asia, it would be easy to assume that Thailand's booming food industry is a one-way street. In reality however, a rapidly growing middle-class consumer base, rising enthusiasm for both pre-packaged convenience food and health food and excellent opportunities for secondary industries such as processing and packaging make Thailand a very attractive destination for inbound foreign investors across many food industry sectors.

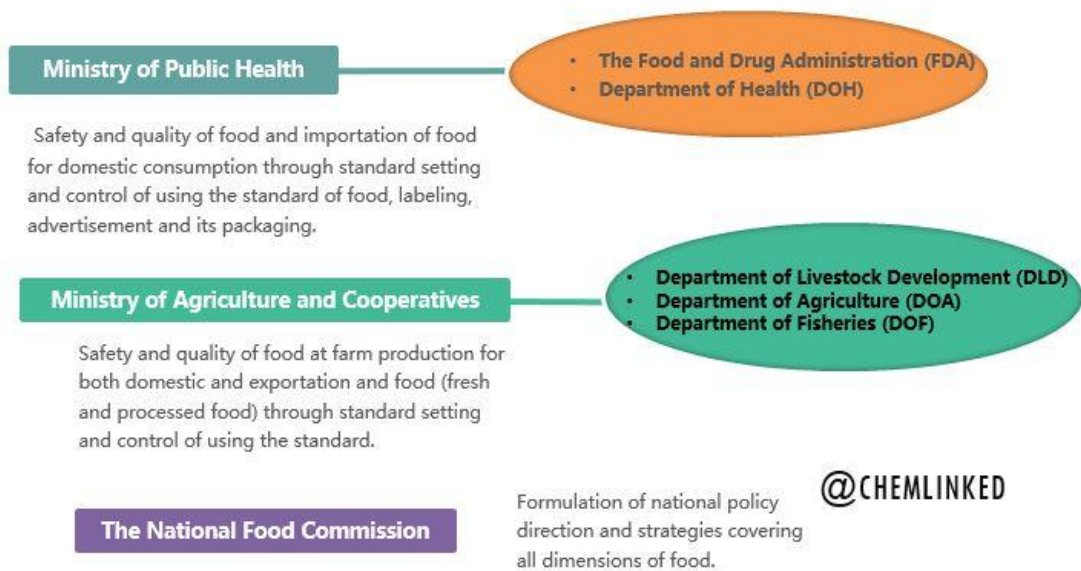


In particular, the Thai government is attempting to position Thailand as a hub for food research, innovation and development, and offers substantial grants and tax relief to food innovation startups which are set to increase over the coming years. Although it is difficult to predict the impact of such initiative, there is some evidence already that these initiatives look set to make high technology food research a boom industry in Thailand, which will have a significant effect on its already attractive market.

The Harmonized System developed by the World Customs Organization is applicable in Thailand. The customs tariff rates of all products, including foods, can be searched for via the Thai Customs Department website at [http://igtfcustoms.go.th/igtfc/en/main\\_frame.jsp](http://igtfcustoms.go.th/igtfc/en/main_frame.jsp).

## Thailand Food Management Authority

Major food safety control ministries in Thailand include:



The Food and Drug Administration (FDA), a sub department of the Ministry of Public Health (MOPH), oversees all food regulation matters in Thailand. Its primary responsibilities are:



## Food Regulations & Standards in Thailand

- [Food Act B.E. 2522 \(1979\)](#) – authorized by FDA
- Fisheries Act B.E. 2490 (1947) – authorized by DOF
- Animal Epidemic Act B.E. 2490 (1956) – authorized by DLD
- Feed Quality Control Act B.E. 2525 (1982) – authorized by DLD
- Animals and Animal Carcasses Act B.E. 2544 (2001) – authorized by DOA
- Plant Quarantine Act B.E. 2507 (1964) – authorized by DOA
- Plant Varieties Protection Act B.E. 2542 (1999) – authorized by DOA

The main regulation controlling all foods in Thailand is the **Food Act B.E. 2522 (1979)**, which provides the government and officials with the authority to control domestic production and imports and exports of food products for sale, as well as provide the criteria and penalties for food business in Thailand.

Definition of "food" in the Act means edible things or things required for the sustenance of life:

- All kinds of substances eaten, drunk, held in the mouth or taken into the body by human beings irrespective of the means or manner in which they are consumed, excluding medicines, psychotropic substances or narcotics which may be governed by other laws; or
- Substances aimed to be used, or used as ingredients, in the manufacturing of foods, including food additives, colors and flavorings.

Although the Act does not mention food packaging, the Act also covers their specification and standard (e.g. baby bottle milk for infants).

## Control of Importing of Agricultural Goods and Food

Importing of ready-made food, and raw materials for food processing (except meat, tuna, and shrimp) are regulated by the Ministry of Public Health. Importing of live plants and animals, meat, tuna, shrimp, animal feed, chemicals and hazardous substances for agricultural production are controlled by the Ministry of Agriculture and Cooperatives (voluntary).

The inspection at an entry port of the Ministry of Public Health includes:

- Check of import license, and other documents including label
- Organoleptical check (smell, colors, texture)
- Taking samples for screening test (test kit)
- Taking samples for laboratory test (to validate the positive result of the test kit)

A license is required in order to import food into Thailand. A licensed importer may import various kinds of food providing that they are approved by the Thai FDA. The designated storage or warehouse has to be inspected and approved by the Thai FDA before a license is issued. Importation licenses must be renewed every 3 years.

### Obtaining Thai FDA Licenses

Acquiring a license to import or manufacture food or drugs in Thailand requires a large amount of documentation. **Registration certificates and supporting documents** from other jurisdictions are useful in assembling a Thai FDA application. A complete and thoroughly reviewed application completed by a specialized Thailand FDA lawyer with all obtained documents can assist with expedition of the filing process. FDA fees vary depending on the item being registered.

### Food Safety Supervision in Thailand

The level of supervision depends on the risk level of the food category and the size of the production facility. The Thai FDA classifies food products into 4 groups, depending on the risk level of the food, as follows:

Types	Feature	Example
<b>Specially controlled food</b>	High risk level; Defines all quality standards, including labeling and production processes, and is tightly controlled.	Modified infant milk formula, infant food, complimentary food for infants and young children, weight-control food, food additives, cyclamates, and steviol glycosides...
<b>Standardized food</b>	Medium risk level; Product owners are directly responsible for ensuring their products are in accordance with FDA regulations.	Coffee, edible salt, vitamin-fortified rice, alkaline-preserved egg, cream, electrolyte drinks, chocolate, tea, herbal tea...
<b>Food with labeling</b>	Medium risk level; Product owners are directly responsible for ensuring their products are in accordance with FDA regulations.	Bread, husked-rice flour, sauces, meat products, flavoring, gelatin and jelly desserts, chewing gum and candy, ready-to-cook and ready-to-eat products, irradiated foods, GMO foods...
<b>General food</b>	Low risk level; Do not require food product registration with the FDA.	Animals and animal products, plants and plant products, extracts or synthetic substances, nutrients, flour and flour products, premixed food for ready-to-cook products, seasoning, sugar, and spices...

In addition, the Thai FDA provides basic levels of food safety that food manufacturing companies must adhere to in the form of “good manufacturing practices” issued as notifications by the Ministry of Public Health. These are mandatory and discrete to certain food products. It is important for manufacturers to check regularly whether any are applicable to their products.

## Requirements on Special Food Categories

If a food product, either manufactured or imported, is categorized as a specially controlled food, it must be registered with the Thai FDA. This entails **a detailed analysis of the product, manufacturing process, and ingredients**. The standards required of products in this category are specified in ministerial notifications.

The required documents for registration of certain health food/ infant formula are listed in Table below.

The complete 100% formula (w/w, w/v, v/v) under the letterhead of the manufacturer
Product Information <ul style="list-style-type: none"> <li>• Presentation form</li> <li>• Direction for use</li> <li>• Indication (if any)</li> <li>• Type/Color/Size/Specification of container</li> <li>• Shelf-life</li> </ul>
Flow process for manufacturing the food under the letterhead of the manufacturer
Finished product specification
Analysis report <ul style="list-style-type: none"> <li>• Pathogenic bacteria</li> <li>• Heavy metals</li> <li>• Nutritional facts (if required)</li> </ul>
Ingredient (raw material) specification
Product label (original and in color) <ul style="list-style-type: none"> <li>• Thai (mandatory), which must comply with the requirements laid out in ministerial notifications</li> <li>• English</li> </ul>
Packaging material specification
Good Manufacturing Practice Certificate issued by the government of the country of origin (or HACCP or equivalent ISO quality system certificate, which has been legalized by the Thai embassy in the country of manufacturing)
Free Sale Certificate issued by the manufacturer or importer and legalized by the Thai embassy in the country of manufacturing

## Food Safety Regulatory Challenges

- Standards and control of standard compliance of the Ministry of Agriculture and Cooperatives are not mandatory. This issue is quite sensitive since it involves farmers and small entrepreneurs.
- Enforcement gaps from interpretation of law e.g. interpretation of 'agricultural commodity' and 'food', which involves 3 acts: Food Act, Public Health Act and Agricultural Commodity Standards Act.



- Enforcement gaps from unclear legislation e.g. control of food transportation, control of food contact materials
- Designated authorities do not have clear operating procedure and scope of authority.
- Local administration has not yet issued local provisions/ordinance to control local activities relating to food safety.
- Supervision relating to food safety are implemented by at least 6 authorities of the 2 ministries and subsequent actions are implemented by respective departments.

## Acknowledgement

Thanks Tilleke & Gibbins for providing regulatory advice in this article. [Tilleke & Gibbins](#) is a leading regional law firm in Southeast Asia. With 150 lawyers and consultants in Bangkok, Hanoi, Ho Chi Minh City, Jakarta, Phnom Penh, Vientiane, and Yangon, it represents the top investors and the high-growth companies that drive economic expansion in Asia in the key areas of commercial transactions and M&A, dispute resolution and litigation, and intellectual property.

Its regulatory affairs practice spans the following disciplines:

- Clinical Trials and Consumer Testing
- Food and Drug Administration (FDA) Registration
- FDA Import, Export, and Manufacturing Licenses
- Ministry of Agriculture (MOA) Crop Care Registration
- MOA Animal, Aquatic, and Hazardous Substance Registration
- MOA Import, Export, and Manufacturing Licenses
- Holding Licenses
- Regulatory Compliance and Maintenance
- Labeling and Advertising Clearance
- Intellectual Property

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