



21 April 2017

(17-2170)

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Committee on Technical Barriers to Trade

Original: English

NOTIFICATION

Revision

The following notification is being circulated in accordance with Article 10.6.

1. Notifying Member: <u>THAILAND</u> If applicable, name of local government involved (Articles 3.2 and 7.2): -
2. Agency responsible: Bureau of Health Promotion Department of Health Ministry of Public Health Tiwanon Road, Nonthaburi 11000, Thailand Telephone: (+662) 590 4417 Fax: (+662) 590 4432 E-mail: mch.doh.center@gmail.com , mathernalchild@gmail.com Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above: -
3. Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [], 5.7.1 [], other:
4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Infant formula, follow-on formula and complementary food for infant (HS 0401, 0402) (ICS: 67.100.10). - Preparations for infant use, put up for retail sale (HS 190110), Milk and cream, not concentrated nor containing added sugar or other sweetening matter. (HS 0401), Milk and cream, concentrated or containing added sugar or other sweetening matter. (HS 0402).
5. Title, number of pages and language(s) of the notified document: Draft Control of Marketing of Infant and Young Child Food B.E.... (11 pages, in Thai)
6. Description of content: This Draft Act controls the marketing of infant and young child food according to the recommendation written in the International Code of Marketing of Breast-milk Substitutes and relevant resolutions adopted by Member states of World Health Organization during World Health Assembly. It is composed of 4 chapters 47 sections. 1. In this Act, <ul style="list-style-type: none">• "Infant" means a child from birth to the age of 12 months.• "Young child" means a child aged over 12 months to 3 years (36 months).• "Food for infant" means (1) milk or other food containing appropriate and adequate nutrients for feeding infants under the Food Act; and (2) milk or other food that label suggested for feeding infants• "Food for young child" means milk or other food intended for feeding young

children which shall be prescribed by the Minister in the Ministerial Notification on the advice of the Committee

- "Complementary food for Infants" means food used as nutrient supplementary or to build up familiarity to food for infants over 6 months of age and which under the Food Act.

2. The Committee on the Control of Marketing of Infant and Young Child Food shall be established and composed of the government, academic, and NGOs representatives

3. The advertisement of Food for infant is prohibited. There should be no advertisement of Food for young child in the way that cross-promote to show that it intended for feeding infant.

4. The label of Food for Infant must be clearly different and easily distinguished from Food for Young Child. The food for infant and Food for Young Child should be clearly different from other foods.

5. In providing information about the Food for Infant and Food for Young Child (not include labels), Manufacturers, importers or distributors must use the information as the same wording as appears on the labels of the Food for Infants and Food for Young Child which approved from the law on food, excluding nutrition and health claim. The Food for Infant must include (1) information regarding the approximate financial cost and the quantities, for using the Food for Infants; and (2) warning against inappropriate preparation or use of the Food for Infants. The rules, procedures and conditions for the provision of the information, as well as the channels for providing information shall be as prescribed by the Minister on the advice of the Committee.

6. In regards to Food for infant and Food for Young Child; manufacturers, importers, and distributors are not allowed, to; (1) give out discount coupons or tied products or offering exchanges, discounts, prizes, gifts or other incentives to induce sale; (2) give out samples; (3) give out the Food for Infants and Young Children or any other things to pregnant women, mothers of infants or young children, or family members; (4) approach pregnant women or mothers of infants or young children, or family members, to promote, encourage, or recommend to use the Food for Infants and Food for Young Children.

7. In regards to the Complementary food for Infant, manufacturers, importers or distributors must not engage in the following marketing promotion practices inside the health facilities: (1) Giving out discount coupons or tied products or offering exchanges, discounts, prizes, gifts or other incentives; (2) Giving out samples of the complementary Food for Infant. Manufacturers, importers or distributors are also prohibited from doing the marketing of the Complementary food to pregnant women or mothers of infants under 6 months of age.

8. The advertisement of Complementary Food for Infant is prohibited. The label of Food for Infant must be clearly different and easily distinguished from Food for Infant, Food for Young Child, and other foods.

9. In regards to Food for Infants, Food for Young Child, and the Complementary food for Infant, Manufacturers, importers or distributors are prohibited from (1) providing equipment that bear the name, mark or symbol of the products to the health service providers; (2) giving or offering gifts, money, incentives or any other benefits to the public health personnel, with exception according to the "customary giving" rules; (3) sponsoring the event or conference or academic seminars related to Food for Infants, Food for young children, and Complementary food for Infant for health personnel, the public health personnel, pregnant women or mothers of infants or young children, with exception of the funding for the Public Health Profession Organizations, (4) demonstrating or supporting the demonstration of the use of the Food for Infant, Food for Young Child, and Complementary food for Infants in health facilities.

10. The Violation of Section 14 regarding the advertisement of Food for Infant and Young Child shall be liable to imprisonment, or fines, or both. Any person who fails to comply with other sections shall be liable to a fine.

11. This Act shall come into force 60 days following the date of its publication in the Government Gazette. The section regarding adjustment of label shall come into force 1 year following the date of its publication in the Government Gazette.

7. Objective and rationale, including the nature of urgent problems where applicable:	Consumer information, labelling
8. Relevant documents:	The International Code of Marketing of Breast-milk Substitutes and relevant resolutions adopted by World Health Assembly.
9. Proposed date of adoption:	To be determined
Proposed date of entry into force:	60 days following the date of its publication in the Government Gazette.
10. Final date for comments:	60 days from notification
11. Texts available from: National enquiry point [X] or address, telephone or fax numbers and email and website addresses, if available, of other body:	<p>National Bureau of Agricultural Commodity and Food Standards (ACFS) 50 Phaholyothin Road, Ladyao Chatuchak, Bangkok 10900 Thailand Tel.: +(662) 561 4024 Fax: +(662) 561 4034, (662) 561 4088 E-mail: spsthailand@gmail.com Website: http://www.acfs.go.th https://members.wto.org/crnattachments/2017/TBT/THA/17_1963_00_x.pdf</p>