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### You are what you eat

Like most common law trained lawyers, I learned that the concept of “negligence” was founded in 1928 when Mrs. Donoghue of Scotland found a dead snail in her bottle of ginger beer manufactured by Mr. Stevenson. That thought came back to me as I strolled through the aisles of Villa looking to sate my new appetite for authentic ginger beer. It also occurred to me that we as consumers often fail to think about the specific ingredients that go into the food that we purchase. We just assume that government agencies regulate and supervise the food production facilities to ensure that our food is manufactured under sanitary conditions, is free from contaminants (like nails or snails), and has the ingredients properly labeled. Today we will explore whether or not those assumptions are well-founded.



The production, sale, and import of food in Thailand are regulated primarily by the *Food Act* BE 2522 (1979), which mandates that a license must be obtained from the Food and Drug Administration (FDA) before operations can begin. In deciding whether you want to be eating what is in that box, bag or jar, you will want to know where it was made, how it was made, who made it and what is in it. The Food Act addresses all of these issues.

The Act sets out specific requirements regarding where a food production facility can be located, how it must be constructed, and how it and the machinery in it must be configured and maintained. Among other things, cleanliness, good lighting and adequate ventilation are a must, and of course keeping animals and insects out away from the production line are a priority. Food production facilities must also provide their employees with annual medical examinations to ensure a minimum standard of health, and issue medical certificates as evidence. Workers with contagious diseases or alcohol or drug problems are prohibited from working in the production process, and hygienic clothing requirements – from footwear right up to headwear - are imposed.

The Act lists various chemicals and other ingredients that cannot be used in food products, so formaldehyde won't make its way into your cookies but trans-fats still might. Further, the “recipe” setting out all ingredients contained within each food product produced or imported must be approved by the FDA and can't be changed without further approval. The production process is also subject to various requirements, such as relating to the storage, cleaning and handling of raw materials, the cleanliness of the vessels and surfaces that will be used for processing the food, packaging and record keeping. If there is something that will be in your food or will touch your food, there is probably a rule in place that governs its use.

Labels must also be approved by the FDA prior to use according to both the Food Act and the *Consumer Protection Act* BE 2522 (1979). Labels must be in Thai language, contain truthful statements about the goods inside and cannot contain anything that may mislead the consumer as to the contents of the product. Alongside the manufacturer contact information and product registration number, both the manufacturing and expiry dates must be included.

A second nutrition label is also required under the Food Act for food products that make specific nutritional claims, are advertised as dietary supplements, those foods targeted to a specific group such as diabetics, and other foods restricted by the FDA. Restricted foods are those 'junk foods' on the opposite end of the health spectrum such as fried potato chips, biscuits, and other processed snacks. Manufacturers of these products are required to display certain nutritional information including the servings per package and "Recommended Daily Dietary Allowances for Healthy Thais." In addition, the packaging of those processed snacks must display the phrase "*Eat less and exercise for better health*" in bold text and in a color in contrast with the label. Food producers must also obtain a permit in the jurisdiction in which they intend to operate as mandated under the *Public Health Act* BE 2535 (1992). Local officials control the food production within their jurisdictions and have the power to impose additional restrictions beyond those listed in the Acts.

Due to the ongoing international debate over genetically modified foods (GMOs) in large part because of their generally negative image as "frankencrops" and the unknown side effects of this modern technology, it is worth noting that under Section 5 and 6(8) of the Food Act, genetically modified foods are illegal to produce, import, or sell in Thailand. The penalty for doing so is between 6 months and 2 years imprisonment, and/or a hefty fine.

Having participated in food production factory compliance reviews, I can confirm that the Thai food producers I have come into contact with take these regulatory requirements seriously and I feel confident that there is no risk of me finding a snail in my food unless I'm buying escargot.

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