

**THAILAND's Comments in
The 2011 Standard-Related Measures for the incoming 2012 Report
Submitted to the United States Trade Representatives**

23 September 2011

No.	Claims by the U.S.	Comments from Thailand
1.	<p>Technical Barrier to Trade (TBT)</p> <p>1.1 Alcoholic beverages – labeling requirements</p> <ul style="list-style-type: none"> - In January 2010, Thailand notified the WTO of a proposed regulation that would require alcohol beverage labels to include warning statements and photo images. The images would graphically depict certain potential adverse consequences of consuming alcohol, such as road accidents and diseased organs. The draft regulation also specifies that at least 50 percent of one side of square shaped packaging, or 30 percent of round or cylindrical shaped packages, must be allocated for the warning statements and images. In addition, the draft regulation calls for the various sets of warning labels and images to be rotated every 1,000 packages. - The United States raised concerns about the draft regulation during both the June and November 2010 TBT Committee meetings. Australia, Brazil, Chile, the EU, Mexico, New Zealand, and Switzerland expressed concerns as well. During the June TBT Committee meeting, Thailand distributed a report entitled “Why Thailand Should Have the Pictorial Warning Label on Alcoholic Beverage Packages: A Technical Report, June 2010.” Thailand said that it would accept comments on the report through its TBT Inquiry Point. - In its comments on Thailand’s proposed labeling requirements, the United States requested Thailand to lay out the scientific basis for the specific warning statements it sought to require on alcoholic beverage packages. The United States also expressed concerns that the proposed size of the warning label in proportion to the size of the container would interfere with displaying 	<ul style="list-style-type: none"> - Alcohol labeling is aimed to protect human health. Thailand urges the U.S. to understand the intention of the Thai government on this matter because the campaign is not only to protect health but also to solve social problems such as prohibition of alcohol consumption during festivals in order to reduce accidents and violence in the family. In addition, representatives from the Ministry of Public Health and representatives from the Industrial Standards Institute (TISI) joined the WTO meeting in Geneva on TBT on June 23, 2010 to explain to WTO members who have concerned on this matter and listened to their comments that Thailand would be taken into consideration for review of the proposed measures. - The Ministry of Public Health is in the process of appointing a Sub-committee to study the impact of the draft regulation. The Thai Industrial Standards Institute (TISI) has already informed the Committee on TBT about the appointment of the Sub-committee in June 2011. Besides, the Ministry has been conducting opinion surveys on the draft regulation.

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	<p>legitimate trademarks and useful consumer information on alcoholic beverage containers, such as information necessary to distinguish one product from another. The United States also indicated that the requirement to rotate warning statements every 1,000 bottles could impose an onerous and potentially trade restrictive burden on producers, and was potentially unnecessary to achieve Thailand's objective of addressing the harms associated with alcohol consumption. In light of the scale of the proposed changes, the United States asked Thailand to lengthen the implementation period for regulation. Thailand responded that it was considering the U.S. concerns and that it would provide a reply as soon as one was available.</p>	
	<p>1.2 “Snack Food” – labeling requirement</p> <ul style="list-style-type: none"> - Thailand has imposed problematic labeling requirements for snack foods. Thailand requires snack foods to be labeled with a message stating: “Should consume small amounts, and exercise for a better health.” While this labeling requirement represents a significant improvement over a labeling requirement that Thailand proposed in 2006, which would have instituted “traffic light” labeling meant to indicate the risks associated with certain categories of products, the United States remains concerned that the new requirement deviates from the prevailing scientific and technical information on health and nutrition. Further, Thailand's requirement creates a strong potential of impeding U.S. exports of these products. - The United States has engaged with Thailand on its snack food labeling rules since it announced its first proposal in 2006. The United States will continue to raise these requirements and other Thai food labeling regulations with Thai authorities with a view to ensuring that Thai requirements are based on relevant scientific and technical information on diet and nutrition and adopt an approach that encourages better health while avoiding trade disruption. To this end, the United 	<ul style="list-style-type: none"> - Malnutrition of children has become a serious health problem in Thailand. It has been deemed appropriate that the public be informed about nutrition and consumption guidelines through labeling. - The requirement that snack foods to be labeled with a message stating: “Should consume small amounts, and exercise for a better health” is to help consumers better understand and improve their consumption behavior for good health, and was not meant as a negative intention. In addition, the latest survey of consumer attitudes finds that more than 80 percent believe that labeling requirement is useful and encourages more exercise. Furthermore, bases on scientific evidence, labeling requirement encouraging consumers to be more healthy conscious. - Thailand assures that snack food labeling requirements are base on scientific and technical information. Furthermore, Thai FDA discussed this issue with the U.S. authorities and had reached some conclusions.

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	States hosted a team of Thai regulatory officials in November 2010, to provide information about the U.S. food labeling system.	

Ministry of Commerce
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