

Translation

NOTIFICATION OF THE MINISTRY OF PUBLIC HEALTH
(No. 441) B.E. 2566 (2023)
ISSUED BY VIRTUE OF THE FOOD ACT, B.E. 2522 (1979)
Re: CHOCOLATE AND CHOCOLATE PRODUCTS*

It deems appropriate to revise the Notification of Ministry of Public Health regarding chocolate in order to have qualities and standards for chocolate and chocolate products comply with international standards and current production technology development.

By virtue of the provisions of Section 5 paragraph one and Section 6(3)(4)(5)(6)(7) and (10) of the Food Act, B.E. 2522 (1979), the Minister of Public Health hereby issues the Notification as follows.

Clause 1 The following Notifications shall be repealed:

- (1) The Notification of Ministry of Public Health (No.83) B.E. 2527 (1984) Re: Chocolate, dated 15th November B.E. 2527 (1984);
- (2) The Notification of Ministry of Public Health Re: Chocolate (No.2), dated 3rd March B.E. 2554 (2011).

Clause 2 Chocolate and chocolate products is prescribed food to have qualities and standards.

Clause 3 In this notification:

“Chocolate” means the homogenous product obtained by an adequate manufacturing process from cocoa beans or cocoa materials which may be combined with milk products, sugars, food additives, flavouring agents, vegetable fats other than cocoa butter.

* Published in the Government Gazette, Vol. 140, Special Issue 153 d, page 29, dated 29th June B.E. 2566 (2023)

Disclaimer: This translation is provided by the Food and Drug Administration as the competent authority for information purposes only. Whilst the Food and Drug Administration has made efforts to ensure the accuracy and correctness of the translation, the original Thai text as formally adopted and published shall in all events remain the sole authoritative text having the force of law.

“Chocolate products” means “chocolate” which added with other edible foodstuffs that shall not be hazardous to health; other than milk ingredients, sugars, food additives, flavouring agents, vegetable fats other than cocoa butter.

Clause 4 The following chocolates and chocolate products shall have specific qualities and standards as specified in Annex of this notification;

- (1) Chocolate;
- (2) Sweet Chocolate;
- (3) Chocolate a la taza;
- (4) Chocolate familiar a la taza;
- (5) Couverture Chocolate;
- (6) Milk Chocolate;
- (7) Family Milk Chocolate;
- (8) Milk Chocolate Couverture;
- (9) White Chocolate;

(10) Gianduja Chocolate, the product may be added whole or broken nut varieties (ex. almonds, hazelnuts), in such quantities that, together with the ground hazelnuts content as specified in Annex of this notification, do not exceed 60% of the total weight of the product;

(11) Gianduja Milk Chocolate, the product may be added whole or broken nut varieties (ex. almonds, hazelnuts), in such quantities that, together with the ground hazelnuts content as specified in Annex of this notification, do not exceed 60% of the total weight of the product;

(12) Chocolate para mesa, which contains the grain size of sugars larger than 70 microns;

(13) Semi-bitter chocolate para mesa, which contains the grain size of sugars larger than 70 microns;

(14) Bitter chocolate para mesa, which contains the grain size of sugars larger than 70 microns;

(15) Chocolate Vermicelli / Chocolate Flakes, which obtained by a mixing, extrusion and hardening technique which gives unique, crisp textural properties to the products. Vermicelli are presented in the form of short, cylindrical grains and flakes in the form of small flat pieces;

(16) Milk Chocolate Vermicelli / Milk Chocolate Flakes, which obtained by a mixing, extrusion and hardening technique which gives unique, crisp textural properties to the products. Vermicelli are presented in the form of short, cylindrical grains and flakes in the form of small flat pieces;

(17) Filled Chocolate, the product covered by a coating of a single or combination of the Chocolates as defined in Clause 4 (1)(2)(5)(6)(7)(8)(9)(10) or (11), the centre of which is clearly distinct, through its composition, from the external coating. The chocolate part of the coating shall not be less than 25% of the total weight of the product. The centre filling(s) shall be of quality and standard according to the relevant notification of the Ministry of Public Health exists, or as approved by Thai Food and Drug Administration. Filled Chocolate does not include Flour Confectionery, Pastry, Biscuit or Ice Cream products;

(18) Praline, the product in a single mouthful size, where the amount of the chocolate component shall not be less than 25% of the total weight of the product. The product shall consist of either filled chocolate or a single or combination of the chocolates as defined in Clause 4 (1)(2)(5)(6)(7)(8)(9)(10)(11) or (17).

Clause 5 Chocolate and chocolate products as described in clause 4, in addition to have specific qualities and standards as specified in Annex of this notification, shall have qualities and standards as follows:

(1) Odor and taste shall be inherent of that specific characteristics of such chocolate or chocolate products;

(2) The addition of vegetable fats other than cocoa butter shall not exceed 5% of the chocolate, after deduction of the total weight of any other added edible foodstuffs excluding milk ingredients, sugars, food additives and flavouring agents, without reducing the minimum contents of cocoa materials as specified in Annex of this notification;

(3) The addition of flour or starch and animal fats other than milk fat shall be prohibited, except chocolate a la taza and chocolate familiar a la taza which the addition of flour or starch from wheat, maize or rice is permitted but not exceeding the level as specified in Annex of this notification;

(4) The addition of edible foodstuffs which not harmful to health; other than milk ingredients, sugars, food additives, flavouring agents, vegetable fats which not cocoa butter; shall not exceed 40% of total weight of finished product, except Gianduja chocolate and Gianduja milk

chocolate may be added whole or broken nut varieties (ex. almonds, hazelnuts), in such quantities, together with the ground hazelnuts content as specified in Annex of this notification, but shall not exceed 60% of the total weight of the finished product.

(5) Contaminants shall not be found in amount exceed the maximum levels specified in the notification of Ministry of Public Health regarding standard for contaminants in food;

(6) Pathogenic microorganisms shall follow the notification of Ministry of Public Health regarding prescribing the quality or standard, principles, conditions and methods of analysis for pathogenic microorganisms in foods;

(7) Yeast and mold shall be less than 100 CFU in 1 gram of chocolate or chocolate products

Clause 6 Use of food additives and processing aids shall follow the notification of Ministry of Public Health regarding food additives. Hexane residue used as processing aid (which its boiling point at 62-82 °C) shall not exceed 1 mg/kg (Calculated on a fat content basis).

Clause 7 Use of flavouring agents shall follow the notification of Ministry of Public Health regarding flavouring agents, by using in an amount permitted at Good Manufacturing Practice (GMP) and appropriate amount to give the flavour. Use of vanillin and ethyl vanillin, singly or in combination, shall not exceed 1,000 mg/kg. Use of flavouring agents that imitate chocolate and milk flavour are prohibited.

In case of using alcohol as flavouring agent, methyl alcohol is prohibited and alcohol content shall not exceed 0.5% by weight of chocolate or chocolate products.

Clause 8 Producers or importers of chocolate and chocolate products for sale shall follow the notification of Ministry of Public Health regarding production processes, production equipments and food storages.

Clause 9 Packaging of chocolate and chocolate products shall follow the notification of Ministry of Public Health regarding food packaging.

Clause 10 Labeling of chocolate and chocolate products shall follow the notification of the Ministry of Public Health regarding labeling of prepackaged foods and shall display additional information as follows:

(1) Use of food names, the following text shall be displayed in proximity of the food name, as the case may be, as follows:

(a) Chocolate and chocolate products described in clause 4 shall display the name corresponding to the type of chocolate and chocolate products thereof.

(b) Family Milk Chocolate shall display text of “*Family Milk Chocolate*” or “*Milk Chocolate (Milk solid ...%)*” (the blank space is the quantity by % of *milk solid*).

(c) Filled chocolate described in clause 4 (17) shall display text of “... *Filled Chocolate*” or “*Chocolate with ... Filling*” or “*Chocolate with ... Centre*” (the blank space is descriptive of the filling) and the type of chocolate used in the external coating shall be specified.

(d) Flavoured chocolate and chocolate products shall display text, as the case may be, as follows:

1) “..... (the blank space is the type of chocolate described in clause 4(1)-(18)) *flavour* or *flavouring with....* (the blank space is the name of flavouring agents)”

2) “..... (the blank space is the type of chocolate described in clause 4(1)-(18)) *taste* (the blank space is the name of taste)”

(e) Chocolate and chocolate products described in clause 4, with exception clause 4 (3)(4)(12)(13) and (14), are sold in varieties. The product shall display text of “Assorted Chocolates” with information described different types of chocolate and chocolate products contained. In that case, there shall be a single list of ingredients for all the products in the assortment or alternatively lists of ingredients by products. The product may also be used other similar words such as “*Assorted filled Chocolates*” or “*Assorted Chocolate Vermicelli*”, etc.

(f) Chocolate products, shall display text of “..... (the blank space is the type of chocolate described in clause 4(1)-(18)) *with* (the blank space is the name of other ingredients)”

(2) Specify type and content of all vegetable fats other than cocoa butter and total cocoa solid shall be indicated on area of main ingredients of the label.

(3) For chocolate and chocolate products including food products contained chocolate as ingredient, but the qualities and standards of chocolate are not complied with this notification, to use of the word “Chocolate” on any part of the label are prohibited.

(4) For chocolate and chocolate products which contained alcohol as flavouring agent, shall display the following statement:

(a) “contain ethyl alcohol not more than ...%” (the blank space is to specify alcohol content in % by weight), with clearly legible text.

(b) “children and pregnant women should not consume”, with clearly legible text.

Clause 11 Producers or importers of chocolate and chocolate products for sale, whose permits issued prior to the date of this notification come into force, can prolong to produce or import for sale, including seller can sell the former products, but not exceed two years from the date of this notification come into force.

Clause 12 This Notification shall come into force as from the day following date of its publication in the Government Gazette onwards.

Given on the 16th Day of May B.E. 2566 (2023)

Satit Pitutacha

Deputy Minister of Public Health Acting for

Minister of Public Health

Annex Attachment to the Notification of the Ministry of Public Health (No. 441) B.E. 2566 (2023) Issued by virtue of the Food Act B.E. 2522 (1979)

Re: Chocolate and chocolate products

Table: Specific qualities and standards for chocolate and chocolate products

Chocolate and chocolate products	CONSTITUENTS							
	(% calculated on the dry matter in the product and after deduction of the weight of the other edible foodstuffs)							
	Cocoa Butter	Fat-free Cocoa Solids	Total Cocoa Solids	Milk Fat	Total Milk Solids	Total fat	Flour/ Starch	Hazelnuts ⁽⁴⁾
(1) Chocolate	Not less than 18	Not less than 14	Not less than 35	Not limited	Not limited	Not limited ⁽³⁾	Not permitted	Not limited ⁽³⁾
(2) Sweet Chocolate	Not less than 18	Not less than 12	Not less than 30	Not limited	Not limited	Not limited ⁽³⁾	Not permitted	Not limited ⁽³⁾
(3) Chocolate a la taza	Not less than 18	Not less than 14	Not less than 35	Not limited	Not limited	Not limited ⁽³⁾	Not more than 8 ⁽¹⁾	Not limited ⁽³⁾
(4) Chocolate familiar a la taza	Not less than 18	Not less than 12	Not less than 30	Not limited	Not limited	Not limited ⁽³⁾	Not more than 18 ⁽¹⁾	Not limited ⁽³⁾
(5) Couverture Chocolate	Not less than 31	Not less than 2.5	Not less than 35	Not limited	Not limited	Not limited ⁽³⁾	Not permitted	Not limited ⁽³⁾
(6) Milk Chocolate	Not limited	Not less than 2.5	Not less than 25	Not less than 2.5	Not less than 12 ⁽²⁾	Not limited ⁽³⁾	Not permitted	Not limited ⁽³⁾
(7) Family Milk Chocolate	Not limited	Not less than 2.5	Not less than 20	Not less than 5	Not less than 20 ⁽²⁾	Not limited ⁽³⁾	Not permitted	Not limited ⁽³⁾
(8) Milk Chocolate Couverture	Not limited	Not less than 2.5	Not less than 25	Not less than 3.5	Not less than 14 ⁽²⁾	not less than 31	Not permitted	Not limited ⁽³⁾
(9) White Chocolate	Not less than 20	Not limited	Not limited	Not less than 2.5	Not less than 14 ⁽²⁾	Not limited ⁽³⁾	Not permitted	Not limited ⁽³⁾

Chocolate and chocolate products	CONSTITUENTS (% calculated on the dry matter in the product and after deduction of the weight of the other edible foodstuffs)							
	Cocoa Butter	Fat-free Cocoa Solids	Total Cocoa Solids	Milk Fat	Total Milk Solids	Total fat	Flour/ Starch	Hazelnuts ⁽⁴⁾
(10) Gianduja Chocolate	Not limited	Not less than 8	Not less than 32	Not limited	Not less than 5 ⁽²⁾	Not limited ⁽³⁾	Not permitted	Not less than 20 Not more than 40
(11) Gianduja Milk Chocolate	Not limited	Not less than 2.5	Not less than 25	Not less than 2.5	Not less than 10 ⁽²⁾	Not limited ⁽³⁾	Not permitted	Not less than 15 Not more than 40
(12) Chocolate para mesa	Not less than 11	Not less than 9	Not less than 20	Not limited	Not limited	Not limited ⁽³⁾	Not permitted	Not limited ⁽³⁾
(13) Semi-bitter Chocolate para mesa	Not less than 15	Not less than 14	Not less than 30	Not limited	Not limited	Not limited ⁽³⁾	Not permitted	Not limited ⁽³⁾
(14) Bitter Chocolate para mesa	Not less than 22	Not less than 18	Not less than 40	Not limited	Not limited	Not limited ⁽³⁾	Not permitted	Not limited ⁽³⁾
(15) Chocolate Vermicelli / Chocolate Flakes	Not less than 12	Not less than 14	Not less than 32	Not limited	Not limited	Not limited ⁽³⁾	Not permitted	Not limited ⁽³⁾
(16) Milk Chocolate Vermicelli / Milk Chocolate Flakes	Not limited	Not less than 2.5	Not less than 20	Not less than 3	Not less than 12	Not limited ⁽³⁾	Not permitted	Not limited ⁽³⁾
(17) Filled Chocolate described in clause 4(17)								
(18) Praline described in clause 4(18)								

⁽¹⁾ flour or starch from wheat, maize or rice for Chocolate a la taza and Chocolate familiar a la taza only

⁽²⁾ Total Milk Solids refers to the addition of milk including milk that milk fat may be added or removed, and natural milk ingredients.

⁽³⁾ The quantity must comply with the definition and specific qualities and standards of “chocolate” and “chocolate products”

⁽⁴⁾ finely ground hazelnuts