

(Unofficial)
Notification of the Ministry of Public Health
(No. ...) B.E. (....)
Issued by virtue of the Food Act B.E. 2522
Re: Chocolate and chocolate products

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

By the virtue of the provisions in the first phase of Section 5 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Clause 1 The following Notifications shall be repealed: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 and flavouring agents.

Addition of vegetable fats other than cocoa butter shall not exceed 5% by weight of the chocolate, after deduction of any other added edible foodstuffs excluding milk products, sugars, food additives and flavouring agents, the minimum contents of cocoa materials from cocoa beans shall be as specified in Annex of this notification.

Addition of flour or starch and animal fats other than milk fat are 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 shall not exceed the maximum content as specified in Annex of this notification.

“Chocolate products” means “chocolate” which added with other edible foodstuffs that shall not be hazardous to health, other than milk products, sugars, food additives and flavouring agents. The quantity of those edible foodstuffs added shall not exceed 40 % of total weight of finished product, except Gianduja chocolate and Gianduja milk chocolate may contain 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, that do not exceed 60% of the total weight of the finished product.

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, with whole or broken nut varieties (ex. almonds, hazelnuts), may be added in such quantities that, together with the ground hazelnuts content as specified in Annex of this notification, that 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, they do not exceed 60% of the total weight of the product;
- (12) Chocolate para mesa, contains the grain size of sugars is larger than 70 microns;
- (13) Semi-bitter chocolate para mesa, contains the grain size of sugars is larger than 70 microns;
- (14) Bitter chocolate para mesa, contains the grain size of sugars is larger than 70 microns;
- (15) Chocolate Vermicelli/Chocolate Flakes, 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, 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 make up at least 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 the FDA. 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) หรือ (17).

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

(1) Odor and taste shall be inherent of that specific characteristics of such chocolate and 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 products, 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 shall not exceed the maximum content as specified in Annex of this notification;

(4) Contaminants in chocolate and chocolate products 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;

(5) 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;

(6) Detected yeast and mold shall be less than 100 in 1 gram (CFU/g) 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, in an amount permitted at GMP. Only those flavouring agents that imitate or synthetic chocolate and milk flavour are prohibited. Use of vanillin and ethyl vanillin, singly or in combination, shall not exceed 1,000 mg/kg.

In case of using alcohol as flavouring agent, the alcohol content shall not exceed 0.5% by weight of chocolate or chocolate products. Methyl alcohol shall not be used.

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 Use of chocolate and chocolate products containers shall follow the notification of Ministry of Public Health regarding containers.

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 list in clause 4.

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

(c) Filled chocolate 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, 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* (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) Assorted chocolate, 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) For chocolate and chocolate products which use sweeteners, shall display text of “*with sweeteners*” close to the food names.

(3) 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.

(4) 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.

(5) 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 number of alcohol content in % by weight), with clearly legible text.

(b) “not suitable for children and pregnant women”, 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.

Notified on ...

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

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 Solid	Milk Fat	Total Milk Solids	Total fat	Starch/Flour	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⁾
(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

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 Solid	Milk Fat	Total Milk Solids	Total fat	Starch/ Flour	Hazelnuts ⁽⁴⁾
(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 ingredients in their natural proportions except that milk fat may be added or removed.

⁽³⁾ The quantity must comply with the definition of “chocolate” described in clause 3

⁽⁴⁾ finely ground hazelnuts