

(Unofficial)

Notification of the Ministry of Public Health

(NO. 353) B.E.2556

RE: Fermented Milk

Whereas it is deemed appropriate to revise the Notification of the Ministry of Public Health regarding fermented milk.

By virtue of the provision of Section 5 and Section 6(1) (2) (4) (5) (6) (7) and (10) of the Food Act B.E. 2522 (1979), as a law containing certain provisions relating to restriction of people's rights and liberty, for which Section 29 together with Section 35, Section 39, Section 48 and Section 50 of the Constitution of the Kingdom of Thailand allows by virtue of the provision of specific law, the Minister of Public Health hereby issues a notification as follows:

Clause 1. The Notification of the Ministry of Public Health (No. 289) (B.E. 2556) Re: Fermented Milk dated 17th January, B.E. 2548 shall be repealed.

Clause 2. Fermented milk is prescribed food to have qualities or standards.

Clause 3. Fermented milk means products derived from edible animal milk or component of milk in which pathogenic microorganisms have been destroyed. The said products shall be fermented with non-pathogenic or harmless microorganisms to increase their acidity and may be added with flavor, color or food additive, nutrient or ingredient other than milk. These products shall also include fermented milk that has been subjected to heat treatment, freezing or dehydration.

Clause 4 Fermented milk is categorized according to the type of microorganism used during fermentation as follows.

(1) Yoghurt means fermented milk obtained by fermentation with

Streptococcus thermophilus and *Lactobacillus delbrueckii* subsp. *bulgaricus* or other subspecies of *Lactobacillus*.

(2) Acidophilus milk means fermented milk obtained by *Lactobacillus acidophilus*.

(3) Kefir means fermented milk obtained by fermentation with bacteria and

yeast i.e. *Lactobacillus kefir* or *Lactococcus* and *Acetobacter* and *Kluyveromyces marxianus* and *Saccharomyces unisporus* or *Saccharomyces cerevisiae* or *Saccharomyces exiguus*.

(4) Kumys means fermented milk obtained by fermentation with bacteria and yeast i.e. *Lactobacillus delbrueckii* subsp. *bulgaricus* and *Kluyveromyces marxianus*.

(5) Fermented milk obtained by fermentation with other microorganisms besides the microorganisms specified in (1)-(4) such as *Lactobacillus casei* subsp. *shirota*, *Bifidobacterium*.

Fermented milk in (1) (2) (3) and (4) may use other microorganisms during fermentation in addition to the microorganisms as specified.

Clause 5. Addition of nutrient to fermented milk shall follow the criteria notified by the Food and Drug Administration with the approval of the Food Committee.

Clause 6 Fermented milk which is subjected to heat treatment after fermentation shall be homogenized and processed by one of the followings.

(1) Pasteurization means the heat treatment process to destroy microorganisms at an appropriate temperature that will not cause the loss of desirable characteristics after the process. Pasteurization shall be undertaken using the temperature and time as follows.

(1.1) Temperature not less than 63 degree Celsius and hold at this temperature for not less than 30 minute, then cool immediately at temperature 5 degree Celsius or below.

(1.2) Temperature not less than 72 degree Celsius and hold at this temperature for not less than 15 second, then cool immediately at temperature 5 degree Celsius or below.

(2) UHT means the heat treatment process to destroy microorganisms at temperature of not less than 100 degree Celsius and hold at this temperature for an appropriate length of time to destroy microorganisms that can increase in number during storage at normal temperature, then pack in containers under an aseptic condition.

(3) Other processes equivalent to those described in (1) or (2) according to an

approval of the Food Committee.

Clause 7 Unflavored fermented milk shall be of the following qualities or standards:

- (1) shall have flavor inherent of the specific characteristics of that particular fermented milk;
- (2) shall contain protein not less than 2.7 % by weight for fermented milk as stipulated in No. 4(1) (2) (3) and (5);
- (3) shall contain butterfat as follow.
 - (3.1) less than 15 % by weight for fermented milk as stipulated in No. 4(1) and (2).
 - (3.2) less than 10 % by weight for fermented milk as stipulated in No. 4(3) (4) and (5);
- (4) shall have acidity, calculated as lactic acid, as follows.
 - (4.1) not less than 0.6 % by weight for fermented milk as stipulated in No. 4(1) (2) and (3).
 - (4.2) not less than 0.7 % by weight for fermented milk as stipulated in No. 4(4).
 - (4.3) not less than 0.6 % by weight for fermented milk as stipulated in No. 4(5);
- (5) fermented milk that is not subjected to heat treatment after fermentation shall contain, in one gram, microorganisms used during production whichever the case may be, as follows.
 - (5.1) bacteria not less than 10,000,000 colonies
 - (5.2) yeast not less than 10,000 colonies;
- (6) shall not use preservatives;
- (7) shall not contain pathogenic microorganisms;
- (8) coliform bacteria presence shall be less than 3 per gram of fermented milk as detected by Most Probable Number (MPN) method;
- (9) mold presence shall be less than 100 colonies per gram of fermented milk that is not subjected to heat treatment after fermentation;
- (10) yeast presence shall be less than 100 colonies per gram of fermented milk that does not use yeast during fermentation and is not subjected to heat

treatment after fermentation;

- (11) yeast and mold presence shall be less than 10 colonies per gram of fermented milk that is subjected to heat treatment after fermentation.

Clause 8. Flavored fermented milk shall contain milk as an ingredient not less than 50 % by weight and shall be of the following qualities or standards:

- (1) in case of product that is not subjected to heat treatment after fermentation, the product shall be of qualities or standards as stipulated in 7(1) (6) (7) (8) (9) and (10). Qualities or standards as stipulated in 7(2) (3) (4) and (5) shall be in accordance with the proportion of milk used as an ingredient;
- (2) in case of product that is subjected to heat treatment after fermentation, the product shall be of qualities or standards as stipulated in 7(1) (6) (7) (8) and (11). Qualities or standards as stipulated in 7(2) (3) and (4) shall be in accordance with the proportion of milk used as an ingredient.

Clause 9 Frozen fermented milk, after thawing, shall be of the following qualities or standards:

- (1) in case of unflavored product that is not subjected to heat treatment after fermentation, the product shall be of qualities or standards as stipulated in 7(1) (2) (3) (4) (6) (7) (8) (9) and (10), and shall contain living bacteria and yeast that remain from the fermentation;
- (2) in case of flavored product that is not subjected to heat treatment after fermentation, the product shall be of qualities or standards as stipulated in 7(1) (6) (7) (8) (9) and (10), and shall contain living bacteria and yeast that remain from the fermentation. Qualities or standards as stipulated in 7(2) (3) and (4) shall be in accordance with the proportion of milk used as an ingredient;
- (3) in case of unflavored product that is subjected to heat treatment after fermentation, the product shall be of qualities or standards as stipulated in 7(1) (2) (3) (4) (6) (7) (8) and (11);
- (4) in case of flavored product that is subjected to heat treatment after fermentation, the product shall contain milk as an ingredient not less than

50 % by weight and shall be of qualities or standards as stipulated in 7(1) (6) (7) (8) and (11). Qualities or standards as stipulated in 7(2) (3) and (4) shall be in accordance with the proportion of milk used as an ingredient.

Clause 10. Dehydrated fermented milk, when dissolved to make ready-to-drink product according to instruction for preparation described on the label, shall be of the following qualities or standards:

- (1) in case of unflavored product, the product shall be of qualities or standards as stipulated in 7(1) (2) (3) (4) (6) (7) (8) and (11);
- (2) in case of flavored product, the product shall contain milk as an ingredient not less than 50 % by weight and shall be of qualities or standards as stipulated in 7(1) (6) (7) (8) and (11). Qualities or standards as stipulated in 7(2) (3) and (4) shall be in accordance with the proportion of milk used as an ingredient.

In the case that the product has different purpose of usage than that prescribed in the first phrase, the product may be of different qualities or standards from those prescribed in the first phrase but shall be as notified by the Food and Drug Administration according to an approval of the Food Committee.

Clause 11. Fermented milk that is not subjected to heat treatment after fermentation and fermented milk that is subjected to heat treatment after fermentation as stipulated in No. 6(1) shall be stored at temperature not higher than 8 degree Celsius at all time, from after packing until reaching the consumers. The period of consumption shall not be more than 30 days since the date of packing in containers for sale, with the exception of frozen fermented milk or dehydrated fermented milk.

In cases where total consumable period shown is longer than as stipulated in the first phrase, there shall be of qualities or standards control measures at all time after being packed until sold to consumers as agree by Thai Food and drug administration.

Clause 12. Fermented milk that is subjected to heat treatment after fermentation as stipulated in No. 6(2) shall be stored at normal temperature for a period of not less than 5 days since the date of packing in containers prior to sale in order to determine that the product maintains the qualities or standards as prescribed and does not change from the produced characteristics, with the exception of frozen fermented milk or dehydrated fermented milk.

Clause 13 The use of food additives other than preservatives shall be in accordance with the Notification of the Ministry of Public Health Re: Food Additives. In the case that preservative is found as carried over from the usage of flavor, color or ingredient other than milk, the amount found shall not exceed the amount allowed for use in those raw materials, as the case may be.

Clause 14 Manufacturers or importers of fermented milk for sale shall follow the Notification of the Ministry of Public Health Re: Production Process, Production Equipment and Food Storage.

Clause 15 Fermented milk producer or importer shall follow to

(1) The notification of the Ministry of Public Health, Re: Production Processes, Production Equipments, and storage of ready-to-consume milk products in liquid form which passed through pasteurization heat treatment;

(2) The notification of the Ministry of Public Health, Re: production processes, production equipment, and foods storages of acidified and low cid can food.

Clause 16 The use of containers for fermented milk shall follow the Notification of the Ministry of Public Health Re: Containers.

Clause 17 Display of the label for fermented milk shall follow the Notification of the Ministry of Public Health Re: Labels, with the exception of name of food for fermented milk and declaration of statement for some types of fermented milk which shall follow the followings:

(1) name of food for fermented milk

(1.1) fermented milk in No. 4(1) shall use the name “yoghurt” or “fermented milk yoghurt”. In case the name “fermented milk” is

to be used, it shall be accompanied by statement “yoghurt type”.

(1.2) fermented milk in No. 4(2) shall use the name “acidophilus milk”. In case the name “fermented milk” is to be used, it shall be accompanied by statement “acidophilus type”.

(1.3) fermented milk in No. 4(3) shall use the name “kefir”. In case the name “fermented milk” is to be used, it shall be accompanied by statement “kefir type”.

(1.4) fermented milk in No. 4(4) shall use the name “kumys”. In case the name “fermented milk” is to be used, it shall be accompanied by statement “kumys type”.

(1.5) “fermented milk” for fermented milk in No. 4(5), the name of food for fermented milk can be a trade name but shall be accompanied by a statement according to (1.1) (1.2) (1.3) (1.4) or(1.5) as the case may be. The statement can be displayed on the same line as the trade name and can use alphabets of different size from the trade name, however it shall be clearly

visible;

(2) kefir and kumys shall also display the following statement.

(2.1) “contain ethyl alcohol not more than ... %” (the blank space is to specify number of alcohol content in % by weight), using clearly visible alphabets in the proximity of the name of food or trademark.

(2.2) “not suitable for children and pregnant women”, using clearly visible alphabets;

(3) fermented milk that is subjected to heat treatment after fermentation as stipulated in No. 6 shall display the statement “pasteurized” or “UHT” and part of the name of food or accompanied the name of food, as the case may be.

Clause 18. Any producer or importer of Fermented milk, who has been granted Registration Permit or Food Labelling Permit, as the case may be, pursuant to the notification of the Ministry of Public Health (No. 289) B.E. 289 (2004), Re: Fermented milk, dated 17th January B.E. 2548 (2004), prior to this notification come into force shall continue to use the food serial number as such and shall be regarded that the food has been notified according to this notification.

Clause 19. This notification shall come into force after 180 days as from the day following date of its publication in the Government Gazette.

Notified on 26th June 2013

(Signed) Pradit Sintavanarong

(Mr. Pradit Sintavanarong

Minister of Public Health

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Note: This English version of the notification is translated to meet the need of the non-Thai speaking people. In case of any discrepancy between the Thai original and the English translation, the former will take priority.