

“No. 1” Claims in Thailand: What Has Changed Under the 2026 Food Advertising Notification?

October 2026

In our May 2025 update, *Food Advertising and Claims in Thailand*, we outlined the regulatory framework governing food advertising and claims in Thailand, including the distinction between factual advertising that may be made without prior approval and claims concerning the benefits, quality or properties of food that require prior approval from the Thai Food and Drug Administration (the “FDA”).

The FDA has now issued the Notification of the Food and Drug Administration re: Criteria for Food Advertising B.E. 2569 (2026) (the “2026 Notification”), replacing the notification issued in 2021 (the “2021 Notification”).

One of the most commercially relevant changes concerns the use of superiority wording such as “No. 1”.



KEY TAKEAWAY

The 2026 Notification does **not** generally permit “No. 1” claims.

Rather, certain superiority wording that was previously prohibited when used in claims concerning the **benefits, quality or properties of food** has been removed from the prohibited examples. Such claims remain subject to prior FDA approval, but are no longer barred at the outset solely because of the superiority wording used.

For businesses, the focus should therefore be on what the claim communicates, how it is substantiated and which regulatory route applies.



KEY CHANGES

Under the 2021 Notification, expressions such as “No. 1”, “the only one” and “the best” were expressly identified as examples of wording that was not permitted when used in advertising claims concerning the benefits, quality or properties of food.

The 2026 Notification removes several of these generic superiority expressions from the prohibited examples. As a result, a claim concerning the benefits, quality or properties of food is no longer barred solely because it uses wording such as “No. 1”. The claim may instead be considered by the FDA under the applicable prior-approval framework.

The underlying approval requirement remains unchanged:

Advertising concerning the benefits, quality or properties of food continues to require prior FDA approval.



“No. 1” Claims:

Factual sales-ranking claims remain subject to a separate regulatory route

Claims such as “**No. 1 in sales**” and “**No. 1 selling brand**” may be made without prior FDA approval where the prescribed conditions and substantiation requirements are satisfied.

The claim must remain within the scope of the supporting evidence. In particular, the advertisement should identify whether the ranking relates to a product, product group or brand and state the relevant year. A worldwide “No. 1” sales claim requires evidence demonstrating a No. 1 sales ranking in every country.

Accordingly, a factual claim that a brand is “**No. 1 in sales**” is subject to a different regulatory analysis from a claim using “**No. 1**” to describe the benefits, quality or properties of the food.

What Does This Mean for Businesses?

Businesses should assess proposed claims based on their **substance rather than the wording alone**. In particular, businesses should consider:

? What does the claim communicate?

Determine whether the statement is factual advertising or a claim concerning the benefits, quality or properties of the food.

? Is the claim adequately substantiated?

Ensure that the wording and scope of the claim are supported by appropriate data, surveys or other evidence.

? Is the scope of the claim clear?

For sales-ranking claims, ensure that the relevant product, product group or brand, period and scope of the supporting evidence are appropriately identified.

? Is prior FDA approval required?

Claims concerning the benefits, quality or properties of food continue to require prior FDA approval.

? Should existing or planned advertising be reviewed?

Businesses may wish to revisit materials prepared under the 2021 framework to assess whether the 2026 Notification creates additional flexibility or requires changes to the claim, supporting evidence or approval approach.



The 2026 Notification also clarifies the distinction between **labelling and advertising** and revises certain required statements and warnings.

Businesses should therefore confirm the requirements applicable to the relevant product and advertising format when preparing or updating marketing materials.



HOW WE CAN HELP

Our Regulatory Practice advises businesses on food advertising and marketing requirements, including:

- › reviewing proposed food advertising claims and supporting substantiation;
- › assessing the applicable regulatory route and FDA approval requirements;
- › reviewing claim wording, scope and qualifications;
- › advising on applicable statements, warnings and other regulatory requirements; and
- › assisting with FDA advertising approval applications and related regulatory matters.



If you have any questions about how the 2026 Notification may affect your business or proposed advertising, please contact us.



About the Weerawong C&P Regulatory Practice:

Weerawong C&P's Regulatory Practice advises leading global and local businesses on regulatory compliance throughout the product and marketing lifecycle, including product registration, labelling, advertising approvals and marketing claims. Our team regularly advises businesses operating in highly regulated sectors, including food and beverage, healthcare, consumer products, digital platforms, technology and financial services.

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