Petitioning for the Geographical Indication (GI) Symbol Usage on “Trang Roast Pork” Manufacturing Process

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Abstract

“Trang Roast Pork” is Trang Province’s unique product which has a special manufacturing process informed by Trang’s local wisdom. The materials or ingredients for “Trang Roast Pork” manufacturing process are from the local areas. “Trang Roast Pork” signature characteristics are pork skins that are crackling, golden yellow, aromatic, tasty and full flavored. Trang Province has registered “Trang Roast Pork” as a Geographical Indication Product or GI in 2005. According to Thailand’s Geographical Indication Protection Act B.E. 2546 (2003), “Trang Roast Pork” manufacturers, who have roast pork manufacturing processes and comply with the Geographical Indication Handbook, have the right to apply for the usage of the Geographical Indication (GI) symbol in order to protect the “Trang Roast Pork” producers and consumers, maintain the uniqueness and standards, add value to “Trang Roast Pork”, create consumers’ confidence and increase the trade benefits against unfair trade and competitiveness.

Introduction

Trang Roast Pork originated with Trang’s local wisdom by using natural materials for unique production and signature taste. The whole small-sized pork is finely selected with low fat content and fermented with recipe spices. Technically, the method of cutting the inner side, fully fermenting with spices and roasting the pork at the high temperature with charcoals leads to the signature taste of crackling, golden yellow aroma and gives a full flavored pork taste. This process is related to Trang’s indigenous knowledge and adaptation of natural resources. Inevitably, Trang Roast Pork is qualified as a Geographical Indication (hereafter GI) Product and protected by Agreement on Trade– Related aspects of Intellectual Property Rights (TRIPs).

Problems appear on the World Trade Forum of Protection of Intellectual Property Rights, such as developing countries confronted with biopiracy of plant genetic resources, exploitative appropriation of agricultural products and patent application for plant species by developed countries which have advanced potentials of research development and high influence and bargaining power on International forums. These inferior products cause major problems for disadvantaged countries. The disadvantaged countries put an effort on obtaining GI status as a part of Protection of Intellectual Property Rights. According to TRIPS Agreement Article...
22, GI is defined as an indicator which identifies goods as originating in the territory of a member, or a regional locality in that territory, where a given quality, reputation or other characteristics of the good is essentially attributable to its geographical origin (Laodusit, 1998). The purpose of this agreement is to protect unique products of WTO members, enforced on 1st January 1995. Geographical Indication Protection of Intellectual Property Rights are composed of 1) Human Factor: The local wisdom is formed by specialized knowledge within the community that produces high quality and well known products. 2) Natural Factor: Geographical factors include landscape, climate and natural resources and so on that support the uniqueness and high quality of products and are well known to the consumers (Laodusit, 2001).

On 20th October 2003, Thailand issued Geographical Indication Protection Act B.E. 2546 (Trade-Related Aspects of Intellectual Property Rights: TRIPs). Trang province registered Trang Roast Pork as GI with the Department of Intellectual Property on 27th June 2005. The definition of Trang Roast Pork is the taste of crackling, golden yellow, aromatic, tasty and fully flavored. The manufacturers/entrepreneurs who are involved in the manufacturing process of Trang Roast Pork, in accordance with the handbook of Trang Roast Pork and the provincial plan of control and supervision, are able to apply for the GI symbol usage of Trang Roast Pork. The GI registration is a guarantee for the quality of product, consumers’ confidence and other commercial interests. The approval of GI is a two-year term. On 13th October 2015, there are only four approved manufacturers (41 manufacturers in total). This shows few approvals of GI symbol usage for Trang Roast Pork. Hence, this article proposes the relation of GI to the manufacturing process of Trang Roast Pork, in order to be guidance for applying for the GI symbol usage for Trang Roast Pork. Three topics included in this study are as follows: 1) Geographical Indication of Thailand; 2) Applying for the Geographical Indication on Trang Roast Pork Manufacturing Process; 3) Limitations on applying for the Geographical Indication of Trang Roast Pork.

1. Geographical Indication of Thailand

A Geographical Indication is one of Intellectual Property Rights, in accordance with Trade–Related aspects of Intellectual Property Rights, within the framework of the World Trade Organization (WTO). This agreement was based on Marrakesh Agreement on 15th April 1988 and has been enforced since 1st January 1995 (Worasittha et al. 2004 cited in Noinalum, 2008).

Geographical Indication is protected by agreements of the WTO, as part of the Agreement on Trade–Related aspects of Intellectual Property Rights (TRIPs), Article 22. GI is defined as an indicator which identifies goods as originating in the territory of a member, or a regional locality in that territory, where given quality, reputation or other characteristics of goods are essentially attributable to its geographical origin (Babcock & Clemens, 2004 cited in Laodusit, 2001). In brief, GI is a protected designation of origin of product with an acceptance reputation at regional or country level, despite not world class, such as well-known century eggs from Chaiya District (Surat Thani province), Trang Roast Pork (Trang province).

As a member of WTO, Thailand has followed the rules and regulations of the World Trade, including GI as a part of Trade–Related aspects of Intellectual Property Rights on International Forum in order to enhance the potentials and competitiveness of Thailand in the long term (Noinalum, 2008).

Geographical Indication establishes a linkage between natural and human factors. Community has a unique attribute in natural geography such as climate and distinguished materials for local unique products. Uniqueness means quality, reputation or other distinguished attributes from geographical resources (Department of Intellectual Property, 2014) Geographical Indication is divided into two aspects: 1) Direct Geographical Indication is the geographical name relating to the product, such as Chaiya District and Phetchabun Province. 2) Indirect Geographical Indication is the symbol or non-geographical name, in order to identify the geographical resources and rule of origins, such as symbols of particular districts or provinces, Ya-Mo Statue, Eifel Tower and so on.

1.1 Conditions of Geographical Indication Protection

Geographical Indication is used for protection on products’ reputation and wider spread recognition because of their own specific characteristics or distinguished attributes, influenced by geographical environment (e.g., environment, soil and climate within specific areas), and specialized skills and indigenous knowledge within the community (Department of Intellectual Property, 2014).

GI is different from other aspects of Intellectual of Property Right because the possessor not
only refers to a person but also to a community who are manufacturers/entrepreneurs within specific locality or geographical environment. The particular manufacturers/entrepreneurs who live within local area or geographical environment is able to produce and use GI symbol for the manufacturing process. On the contrary, non local manufacturers, who live outside the geographical environment, are unable to use the GI symbol as a competitor. Thailand Geographical Indication Protection Act was issued on 20th October 2003. The persons who are eligible to apply for registration of GI are as follows: 1) Government agency, a state agency, a state enterprise, a local administration organization or other public body ascribed the status of a juristic person, whose area of responsibility embraces the geographical origin of the goods. 2) A natural person, a group of persons or a juristic person, who engages in trade in connection with the goods for which a GI is used and resides in the geographical indication of the goods. 3) A group or organization of consumers consuming the goods for which a geographical indication is used.

A Protection of Geographical Indication is classified into two levels as follows (Department of Intellectual Property, 2014).

1. Generic term: The use of a GI is for any goods in order to not mislead other consumers to believe that the goods, which do not originate in the geographical origin specified in the application for registration, are originating from such geographical origin. For example, the manufacturers in Nakhon Pathom province are unable to label their products as “Trang Roast Pork” because of misleading consumers about geographical origin from Trang province. In case, the manufacturers in Nakhon Pathom use the similar process of roast pork, but located in Nakhon Pathom, need to label their products as “Roast Pork with Trang Roast Pork recipe” in order to maintain the quality of products and to prevent misleading consumers.

2. Specific term: The use of GI is for specific goods. The minister may announce any type of goods as specific goods by prescribing them in Ministerial Regulations. Indication of the geographical origin of goods refers to the use of the expressions “kind” or “type” including any expression or thing similar thereto in association with the GI used for such goods. Nonetheless, according to TRIPs Agreement, members of WTO at the minimum standard must especially protect geographical indication for wines and spirits. For example, the Thai manufacturers are unable to label their wines as Bordeaux. It cannot be indirectly claimed for the manufacturing process of Bordeaux or type of Bordeaux even though it is apparently shown as made in Thailand.

In accordance with Notification of Department of Intellectual Property (2008), Department of Intellectual Property (hereafter DIP) issued a symbol usage of GI for the manufacturers. Geographical Indication is in geographical sources or the manufacturers registered their products as GI with the DIP. The symbol usage of GI in Thai translation is “สิ่งบ่งชี้ทางภูมิศาสตร์ไทย” and in English translation “THAI GEOGRAPHICAL INDICATION” and calligraphy of “GI”. All are designed in gold plated and lotus shaped symbol, as shown in figure 1.

![Symbol of Geographical Indication (GI)](source: Department of Intellectual Property, 2008)

Once the products of community or region are registered as GI, such products are protected by law. The manufacturers get benefits only if applying for symbol usage of GI. In accordance with Rules of Department of Intellectual Property (2008), the qualifications of eligible applicants for symbol usage of GI are as follows: 1) The GI manufacturers/entrepreneurs are aligned with the handbook of operations for applicants of GI and the plan of control and regulation at provincial level. 2) The applicants operate in accordance with the handbook of operations for GI. The eligible applicants are approved for symbol usage of GI for a two-year term.

### 1.2 Benefits of Geographical Indication (DIP, 2014)

1.2.1 To protect the consumers. This advantage is based on the concept of standardization and safety of goods for consumers. The misleading of consumers to believe that the goods are from other origins is unlawful. This is because consumers are able to receive
the goods as shown on label or names, but also have an effect on standard, healthiness and safety. For example, the sales of roast pork from other origins at food exhibitions, by claiming as Trang Roast Pork, are not qualified as Trang Roast Pork. This misleads the consumers for making a decision and receiving a taste from disqualified goods. The consumers who have never tried the real taste of Trang Roast Pork might eventually be dissatisfied with the quality and taste of such products.

1.2.2 To protect the manufacturers and to prevent unfair competitiveness in the liberal economic system. The government needs to support fair trade and market mechanism efficiently. The entrepreneurs are not inferior to other traders with unfair competitiveness. The entrepreneurs must not exploit appropriation of other’s trade names or reputation, appellation of origins and interest seeking from other communities which have similar products. These are described as unfair trade.

1.2.3 To add value of products for manufacturers and market mechanism. One of the main objectives of GI is to reflect the goods produced in a particular country or locality. Specifying the name of country or locality implies to the consumers for the specific attributes of products, unlike other origins. This specific name results in increased prices or sales. The consumers have confidence of qualified products as claiming name of origins such as Sang Yod Rice (classified as GI) are more profitable to the farmers than Sang Yod Rice (not classified as GI) around 830.23 Baht per Rai (Ubonlerskul, 2012).

1.2.4 To maintain the standard of products. GI is a kind of guarantee mark of quality and origins. According to the conditions of protected GI, the applicants must show the linkage between locations and products, including quality, reputation or other characteristics, such as process and materials and so on, which has an affect on the distinguished attributes of particular origins. The group of manufacturers significantly contribute to maintain the quality and reputation of goods. Otherwise, a refrain of usage of GI can possibly happen.

1.2.5 To distribute incomes to suburb areas and to promote industrial industry. Most of the goods which are registered for GI are agricultural products. Climate or area factors significantly influence the quality of goods, and eventually the reputation of products. Protected GI products directly stimulate local economies by using their accumulated reputation for adding economic value of products and competitiveness at national and international levels, in line with the government policy.

1.2.6 To enhance the strength of community and to maintain local wisdom. Indirect benefits of GI are building up the unity and cooperation of community for developing the quality of products, with a sense of attachment and pride of origin, and creating local value which eventually alleviate a problem of labor migration to rural areas and maintain the Thai heritages, traditions and folks. For example, the farmers of Kuan Kanun District (Patthalung Province) cooperated as a group for Sang Yod Rice (classified as GI) in order to raise the bargaining power to manufacturing factors and to increase the price for sales (Ubonlerskul, 2012).

According to the Department of Intellectual Property, Ministry of Commerce, the total registered products of GI products, within 12 years (from 2004-2016), were 67 products from 49 provinces (Department of Intellectual Property, 2015). Total products on symbol usage of GI were 31 products, such as pomelo from Nakhon Chaisri, Nang Lae pineaapple, Doi Chang coffee beans, Sang Yod rice from Patthalung Province, Chai Ya Century eggs, Jek Cheuy Sao Hai rice, Lampang rice crackers, Lamphun silk and oyster from Surat Thani Province. This data reflects the fact that the farmers or entrepreneurs lack the understanding of importance, values or benefits of GI, which show the uniqueness of areas or the difference from common goods and from other origins, and the required registration of GI and applicants. Furthermore, government agencies lack sufficient public relations and campaigns for increasing the manufacturers’ awareness of GI for their importance, searching and registering GI products within their own areas, in order to maintain the uniqueness and quality and to develop the value added products.

2. A Geographical Indication on Manufacturing process of Trang Roast Pork

“Trang Roast Pork” was registered as GI at Department of Intellectual Property on 27th June 2005 with a registration no. ภษ49100004. The definition of Trang Roast Pork is originated within Trang Province with special techniques of manufacturing in accordance with local wisdom. The physical attributes of products are crackling, golden yellow, aromatic, tasty and full flavored. There are 41 manufacturers of Trang Roast Pork in total in Trang Province (Office of Commercial Affairs Trang, 2016). Only four manufacturers were approved for a symbol usage of GI on 14th August 2015. Most
manufacturers lack the perception of importance of symbol usage of GI. In accordance with the handbook of Geographical Indication, applying for symbol usage of GI of Trang Roast Pork is as follows.

2.1 Compositions of Geographical Indication are landscape climate and natural resources. These factors influence the specialty and local uniqueness of Trang Roast Pork, including the quality of pork and equipment for manufacturing process (charcoal oven and fuels).

2.1.1 Pork: Originally Trang locals consume Hainan pig breeds, the so called Khee Pra pig in local name (Chantalakkana, 1981; Wongsa, 2005). The physical appearances of Hainan pig breeds are fat bellied, saddleback with black and white colored body (mostly with white belly), short nose and face, and black ears. A mature Hainan pig weights 110-120 kilograms. Hainan pig breeds are from southern China and were brought to Thailand by Chinese migrants (Sirisatian & Ratrasarn, 1965). The Hainan pig was shipped for food stock and set off at Kun Tung Port (Trang Province) for consumption and distribution. According to Data of Gerini (1986), Trang traders exported more than 20,000 Hainan pigs via shipping to Penang in 1904. Exported pairs of Hainan pigs were not less than 1 carrier or 60 kilograms. The lower standard in size were considered as disqualified pigs, with slight problems of disability and weakness (Kerdruang, 2006). Trang locals deployed their knowledge by adapting non export pigs for Trang Roast Pork. Averagely, a Hainan pig for Trang Roast Pork weighs 30-70 kilograms. When finished roasting, the total weight of the pig is reduced in less than 3 times of its original weight. As for the purpose of Chinese festivals, the whole Hainan pig weighs 30-50 kilograms. As for sliced pieces for consumption, the weight of Hainan pig is 50-70 kilograms because of pork loin with low fat content. Consumers inevitably are satisfied with the taste of low fat content and crackling skin (Udomprasert, 1999). The Hainan pig weighing more than 75 kilograms, contains high accumulated fat, is difficult for roasting with a crackling sense. Nonetheless, the growth rate of Hainan pigs was low while the cost was high. Later on, the government promoted the imported pigs and Department of Livestock Development developed new breeds of pigs for better profits. At present, local Hainan pigs are not in demand. Instead, Department of Livestock Development suggested to the farmers three new breeds of American Duroc breeder and cross breeder Landrace - Large White pigs from Norway and America.

2.1.2 Ingredients: Five main spices for full flavored Trang Roast Pork are star anise, coriander seeds, cinnamon, fennel and nutmeg. Grind these spices together until finely powdered, the so-called “Wu-Xiang-Fan”, and ferment with other seasonings (e.g., sugar, honey, soy sauce, Hokkien chili sauce and tomato sauce) according to particular recipe.

2.1.3 Charcoal oven: in line with local knowledge, charcoal oven was invented to suit the landscape of high slopes and hot weather. Local oven is designed by drilling clay underground with a depth of 2 meters and a diameter of 1.5 meters and constructing bricks in order to thoroughly roast the whole piece, to save fuels and to increase air circulation.
2.1.4 Fuels: Firewood is made from rubber because rubber trees are fully planted in Trang and are cheap. Technically, burning firewood becomes charcoal and kept heated within the oven. The unique aroma of Trang Roast Pork is from such charcoal scent.

2.2 Human factor: The local invent exclusive manufacturing process for Trang Roast Pork (Nakban, Nuwongsri, Sapbua & Thorarit, 2014). The manufacturing process, created the unique attributes and taste of Trang Roast Pork and consists of 5 stages: 1) Preparation for pork. 2) Preparation for ingredients. 3) Fermented process. 4) Preparation for charcoal. 5) Roasting.

2.2.1 Preparation for pork: The process starts with cleaning the whole body of the pig, scraping off the pig hair, vertical cutting from neck through the lower body and belly, taking out the joints and entrails, and cutting out the thick pork meat for smooth and easy roasting process. Then, cleaning all the blood stains and marinating the pork meat with salt water or salt in order to absorb all the water inside. Next steps are hanging the pork meat for no less than 10 minutes and scraping off the rest of the pig hair. Later, fine cutting the pork, in line with a checkered pattern with a size of 1 centimeter which must be prepared by the skillful person. Each piece should be in a similar size. Cutting pattern is not deep down through the skin because it will easily be burnt. Finally, hang or dry the pork.

2.2.2 Preparation for ingredients: Mix “Wu-Xiang-Fan” and sea salt with brown sugar in an appropriate proportion. Then, crush, clean and peel garlic and mix with other seasonings (grounded pepper, soy sauce, Hokkien chili sauce or tomato sauce) for an attractive color of roast pork.

2.2.3 Fermented pork: turn the pork inside out and ferment it with the first half of the ingredients, depending on particular recipe. First, the fermented process should take no less than 3 hours but no more than 8 hours. Then, drain water out and ferment it with the rest of the ingredients for the second fermented process which is around 30–60 minutes. Later, stretch the fermented pork upside down with the wooden frame for a better shape. Some recipes may coat the pork skin with honey and water for a brown color.

2.2.4 Preparation for charcoal: Burn rubber firewood in the charcoal oven and spread some to the edge of oven to maintain heat.

2.2.5 Roasting: The first step is roasting the skin. Hang fermented pork upside down in the charcoal oven and use foils covering all the pork meat. When the pork skin is stretched and turns yellow, take the pork out, hang it on the line nearby the oven and then soak it with clean water. Insert the top of a hook into the pork skin, the so-called tattooing, all over the skin in order to expand spaces and crackling of the skin. Then, coat the pork with honey and roast for 5-10 minutes. Next, hang the roast pork on the line nearby the oven and then move to the second step. The second step is roasting the pork meat. Use wet cooking paper or foils covering the ready part of the pork and then roast for 40 minutes to 1 hour, until the pork is done with the crackling, golden yellow and aromatic scent. Bring the ready pork out of the oven and immediately unfold the cooking paper or foils in order to release heat and keep the crackling skin. Trim the burnt part and then it is ready.
for serving. The weight of roast pork is around one third of fresh pork meat.

![Figure 6 Roasting process](Source: Nakban, Nuwongsri, Sapbua & Thorarit, 2014)

2.2.6 Packaging: Packaging for one piece of product must be sealed and clean to protect from food contamination. The package should contain a label, indicating name and address of manufacturer, manufacturing date, ingredients, how to use, storage recommendations, and the legend explaining the story of Trang Roast Pork. Packing for the whole body of roast pork, laid on a wooden tray, should be folded with a cooking paper. Trang Roast Pork should be kept for consumption at a normal temperature for 1 day (Yunchalad, Supasri, Stonsaovapak, Puminat & Sarikaphuti, 2005). If the product is kept in the temperature of 4 degree celsius; it should be consumed within 15 days. The manufacturers of Trang Roast Pork in Trang Province, according to the given processes above, are able to apply for the symbol usage of GI of Trang Roast Pork, in order to maintain their uniqueness and quality of product image, to build up consumers’ confidence and to protect a copied trade name from other areas, based on Geographical Indication Protection Act 2003.

3. Petitioning Limitations of GI symbol usage on Trang Roast Pork

Trang Roast Pork is one of the GI products in Thailand. Trang Province registered Trang Roast Pork on 27th June 2005. There were no less than 40 manufacturers in Trang Province. Trang Roast Pork is a unique food product for public relations of tourism in Trang Province. Nonetheless, only four manufacturers were approved for GI symbol usage on 14th August 2015. The term of symbol usage is within 2 years. Although Trang Roast Pork is registered for GI, a few manufacturers were approved for the symbol usage. The manufacturers and consumers gain lower benefits than it should be. This reflects the petitioning limitations of GI symbol usage. Limitations are divided into three aspects:

3.1 The manufacturers in Trang Province

3.1.1 Lack of knowledge: The manufacturers lack of knowledge of applying for GI symbol usage, including the processes and details of application. The government should provide such knowledge to the manufacturers and entrepreneurs via seminars or organize helpers for representatives of Trang Roast Pork groups.

3.1.2 Preparedness for government supervision: Application for GI symbol usage is required for government supervision, in accordance with the handbook of Geographical Indication. It is shown that many manufacturers/entrepreneurs were not ready for government supervision of the manufacturing process. These manufacturers were afraid of mistakes in the manufacturing process. They were afraid that they could be unlawful and prosecuted. All related government agencies of application for GI symbol usage should cordially assist, as helpers, the manufacturers/entrepreneurs, in order to reduce their apprehension.

3.1.3 Expenses: The incomes of manufacturers/entrepreneurs of Trang Roast Pork fluctuate, depending on economic conditions, Chinese festivals or tourism festivals. Fees of applications of GI symbol usage affect the manufacturers and entrepreneurs’ hesitation. In addition, they lack knowledge of GI symbol usage. Hence, they neglect the importance of GI symbol usage.

3.2 Consumers

3.2.1 Few consumers have perceived the information of Thailand GI. Once the consumers neglect the importance, the manufacturers are also not aware of the symbol usage of GI. The strength and bargaining power of products have not emerged. Phaiputh (2010) assesses the willingness of consumers to pay for GI products. It is found that consumers place the last priority to the symbol usage of GI and protected designation of origins. This claim shows the lack of GI products information.

3.2.2 Price: Trang Roast Pork is more costly than Trang Roast Pork without the GI symbol.
Higher price of Trang Roast Pork with GI affects consumer’s decision making. Hence, the government agencies should offer widespread information through multi-channels of public relations, in order to increase consumers’ perception and awareness of the benefits of GI. A better understanding of GI leads to better willingness of consumers to pay for GI products.

3.3 Related government agencies of petitioning for GI symbol usage.

3.3.1 Budget: The Thais familiarity depends on government support. Higher support from related government agencies’ budget will possibly increase attention of manufacturers/entrepreneurs on petitioning for GI symbol use of Trang Roast Pork. However, government support affects self-reliance and strength of local manufacturers/entrepreneurs on product development. Rather, related government agencies should act as helpers and support a budget while the rest of the fees are from the manufacturer/entrepreneurs themselves. It is a type of pilot project unless the manufacturers/entrepreneurs are able to successfully proceed by themselves.

3.3.2 Manpower: The process of petitioning for GI symbol usage of Trang Roast Pork requires high supervision of quality control in accordance with its handbook. Duration of Trang Roast Pork manufacturing process is not less than 24 hours. As for approval process of petitioning for GI symbol usage, based on its handbook of GI, related government agencies demand sufficient manpower, officers for supervision. Some government agencies are confronted with insufficient manpower.

3.3.3 Promotion of GI products in real practice: If the manufacturers/entrepreneurs of Trang Roast Pork, based on the handbook of GI, are in demand, their awareness of the importance of GI symbol usage will be increased.

Discussion

Trang Roast Pork product establishes a linkage between natural factor (referring to landscape, climate and natural resources in Trang Province) that is, pork and equipment for roasting process, and human factor (referring to local knowledge and capability for manufacturing process with unique taste and distinguished attributes). Trang Roast Pork was registered for GI and protected intellectual property. Other types of roast pork, resembling to Trang Roast Pork and not produced within Trang Province, are unable to be labeled as Trang Roast Pork. Instead, such products are labeled as Roast Pork with Trang Roast Pork recipe. The manufacturers/entrepreneurs neglect applying of GI symbol usage on Trang Roast Pork. Main limitations are concerned with the lack of knowledge, high expenses, low preparedness and limited budget and manpower of related government agencies. The lack of knowledge of GI product affects the consumers’ willingness to pay for GI products. Nonetheless, it is believed that reducing such limitations and increasing government promotion for GI products will significantly support quality of Trang Roast Pork and eventually bring positive effects on consumers and the economy.

References


