

**FOOD ACT,  
B.E. 2522 (1979)**

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BHUMIBOL ADULYADEJ, REX.

Given on the 8th Day of May B.E. 2522;  
Being the 34th Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:  
Whereas it is expedient to revise the law on food quality control;  
Be it, therefore, enacted by the King, by and with the advice and consent of  
the National Legislative Assembly acting as the National Assembly, as follows:

Section 1. This Act shall be called the "Food Act, B.E. 2522".

Section 2. This Act shall come into force as from the day following the date  
of its publication in the Government Gazette.<sup>1</sup>

Section 3. The following shall be repealed:

- (1) The Food Quality Control Act, B.E. 2507;
- (2) The Announcement of the Revolutionary Council No. 49, dated 18<sup>th</sup>  
January B.E. 2515.

All other laws, rules, and regulations, in so far as they have already been  
provided herein or are contrary to or inconsistent with the provision of this Act, shall be  
replaced by this Act.

Section 4. In this Act:

"food" means edible things and those for life sustaining. i.e.,

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\* Translated by Ms. Siriphan Ponrob under contract for the Office of the Council of State of  
Thailand's Law for ASEAN project. -Initial version -pending review and approval by the Office of the  
Council of State.

<sup>1</sup> Published in the Government Gazette, Vol. 96, Part 79, Special Issued, dated 13<sup>th</sup> May B.E. 2522  
(1979).

(1) any substances that human beings may eat, drink, suck, or put into body by any means whatsoever or by what forms, but not including medicines, psychotropic substances or narcotics under the relevant law, as the case may be;

(2) any substances intended to be used or mixed as ingredients in the production of food including food additives, food coloring and food flavoring;

“specially controlled food” means any food notified by the Minister in the Government Gazette as a quality or standard control food;

“food recipe” means a list of substances used as ingredients in the production of food in a specified weight or content;

“container” means any objects used to contain food by placing, packing or other method;

“label” includes any figure, invented sign, mark or text shown on food, food container or package;

“produce” means to prepare, mix, flavor and including to pack;

“sale” includes to sell, distribute, give as gift or exchange, providing for commercial purpose or having for sale;

“import” means to bring or order things into the Kingdom;

“export” means to bring or send things outside the Kingdom;

“factory” means a factory under the law on factories established for production of food;

“licensee” means a person received a license under this Act; in case of a juristic person, includes a person appointed by the juristic person to operate its business;

“grantor” means the Secretary-General of the Food and Drug Administration or a person authorized by him or her;

“Commission” means the Food Commission;

“competent official” means a person appointed by the Minister for the execution of this Act;

“Minister” means the Minister having charge and control of the execution of this Act.

Section 5. The Minister of Public Health shall have charge and control of the execution of this Act and shall have the power appoint competent officials as well as the power to issue ministerial regulations specifying fees not exceeding the rates annexed to this Act, exemption of fees, and to specify other operation including issuance of notification for the execution of this Act.

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Such ministerial regulations or notifications shall come into force upon their publication in the Government Gazette.

Section 6. For the purpose of food control, the Minister shall have power to notify in the Government Gazette prescribing:

- (1) specially controlled food;
- (2) quality or standard of specially controlled food according to names, categories, kinds, or characteristics of food to be produced for sale, imported for sale or for sale, as well as criteria, conditions or methods of the production, import or sale;
- (3) quality or standard of food other than the food in (1) and may prescribe criteria, conditions or methods of its production, importation or sale;
- (4) proportion of ingredients according to names, categories, kinds, or characteristics of food to be produced for sale, imported for sale or for sale, as well as its coloring or flavoring;
- (5) criteria, conditions or methods to use food additives, preservatives and process to preserve food, coloring or adding other substances in food to be produced for sale, imported for sale or for sale;
- (6) quality or standard of food container and how to use the container as well as any objects prohibited to be used as food container;
- (7) method of production and equipments or tools used in producing or preserving food to prevent the impurity of food to be produced for sale, imported for sale or for sale under this Act;
- (8) food prohibited to be produced, imported or sold;
- (9) criteria, conditions or methods of inspection, collection of samples, seizure, and analysis of food including reference documents;
- (10) categories, kinds, or characteristics of food to be produced for sale, imported for sale or for sale which required labels, content on labels, conditions and display of labels, as well as criteria and methods of advertising on labels.

## CHAPTER I

### Food Commission

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Section 7. There shall be a commission called the “Food Commission” comprising of the Permanent Secretary of the Ministry of Public Health as Chairperson; the Secretary-General of the Food and Drug Administration, the Director General of the Department of Health or representative, the Director General of the Department of Medical Service or representative, the Director General of the Department of Disease Control or representative, the Director General of the Department of Science Service or representative, the Director General of the Department of Internal Trade or representative, the Director General of the Customs Department or representative, a representative from the Ministry of Defense, a representative from the Ministry of Agriculture and Cooperatives, and a representative from the Office of the Council of State, as *ex officio* members; and not more than nine qualified members appointed by the Minister in which four person must be representatives from manufacturers, importers or distributors of food products.

Section 8. The Commission shall have the duty to give advice and recommendation to the Minister or the grantor, as the case may be, in the following matters:

- (1) issuance of notifications under section 6;
- (2) consideration of appeal under section 19;
- (3) revocation of a register of food recipe under section 39;
- (4) operation under section 44;
- (5) suspension or revocation of a license under section 46.

Section 9. Members appointed by the Minister shall hold office for a term of two years and may be re-appointed.

Section 10. In addition to vacating office at the end of the term under section 9, the members appointed by the Minister shall vacate the office upon;

- (1) death;
- (2) resignation;
- (3) being a bankrupt;
- (4) being an incompetent person or quasi-incompetent person;
- (5) being sentenced by a final judgment to be imprisoned except if it is an offence committed by negligence, or a petting offence.

In case a member vacates office before the expiration of term, the Minister shall appoint another member to replace him or her, and the appointed member shall be in office for the remaining term of the member he or she replaces.

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In case the Minister has appointed an additional member during the period the existing appointed qualified members are still in office, the new appointed persons shall be in office for the remaining term of the former appointed members.

Section 11. At a meeting, the presence of not less than one-half of the total number of members of the Commission shall constitute a quorum.

If the Chairperson is absent or unable to present at the meeting, the members of the Commission shall elect one among themselves to preside over the meeting.

A decision shall be made by a majority of votes. In casting votes, each member shall have one vote. In case of an equality of votes, the person who presides over the meeting shall cast an additional vote as a casting vote.

Section 12. The Commission shall have the power to appoint a sub-committee to consider matters.

The provisions of section 10 shall apply *mutatis mutandis* to meeting of the sub-committee.

Section 13. While perform duties under this Act, the Commission shall have the power to issue an order in writing to summon a person to provide a statement, or to send relevant documents or evidence or any items for consideration.

## CHAPTER II

### Application and Issuance of Licenses

Section 14. A person shall not establish a factory to produce food for sale unless receiving a license from the grantor.

The application and issuance of a license shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulation.

Section 15. A person shall not import food for sale unless receiving a license from the grantor.

The application and issuance of a license shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulation.

Section 16. The provisions of section 14 and section 15 shall not apply to:

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- (1) temporary production or importation of food which receiving temporary permission from the grantor;
- (2) production, importation or exportation of food as a sample for registration of food recipe or for purchasing purpose.

A person exempted under (1) or (2) shall comply with rules, procedure and conditions prescribed in the Ministerial Regulation.

Section 17. The license issued under section 14, section 15 and section 16(1) shall cover an employee or agent of the licensee.

Any action of employee or agent of the licensee protected under the paragraph one shall be deemed the action of the licensee unless the licensee can prove that the action is beyond his or her knowledge or control.

Section 18. The license issued under section 14 and section 15 shall be effective until 31<sup>st</sup> December of the third years from the year of issuance. A licensee who wishes to renew a license shall apply thereto before the expiration of the license. In doing so, the licensee shall continue his or her business until the grantor has not renewed the license.

The application and renewal of a license shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulation.

Section 19. In case the grantor refuses to issue or renew a license or refuses to permit the moving of a place of production, importation or storage of food, the licensee concerned shall have right to appeal in writing to the Minister within thirty days from the date receiving the written notification of such refusal.

The decision of the Minister shall be final.

In case the grantor has refused to issue or renew a license before the time the Minister has made a decision and, upon request of the licensee, the Minister may grant permission to the business operation for the time being.

### CHAPTER III

#### Duties of the Licensees Regarding Food

Section 20. A licensee under section 14 or section 15 shall not produce, import, or store food at a place other than specified in the license.

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Section 21. A licensee shall not move a place of production, importation or storage of food unless receiving permission from the grantor.

The application and permission thereof shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulation.

Section 22. If the license or the registration record of food recipe is lost or damaged, the licensee shall inform the grantor of the matter and shall apply for the substitute within fifteen days from the date the loss or damage known to him or her.

The application and issuance of the substitute shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulation.

Section 23. A licensee must display the license or the substitute, as the case may be, in an open and conspicuous place at a premise of production or importation of food specified in the license. A licensee must also fix or display a sign board showing that it is a licensed production or importation place in an open and conspicuous place outside the premises.

Section 24. For the benefits of exportation and it is necessary to allow the licensee for production of specially controlled food for temporary importation of food for sale outside the Kingdom, the grantor may grant a temporary permission to the licensee in order to produce specially controlled food according to foreign or international standards, notwithstanding lower or higher than quality or standard notified by the Minister under section 6 and then informs the Commission of such permission.

#### CHAPTER IV Food Control

Section 25. Any person shall not produce, import for sale or sell the followings:

- (1) impure food;
- (2) adulterated food;
- (3) substandard food; or
- (4) other food as specified by the Minister.

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Section 26. Food of the following characteristics shall be deemed an impure food:

- (1) food which contains things likely to be harmful to health;
- (2) food which contains substances or chemical substances in the portion that may deteriorate quality of the food unless it is necessary to the process or the production of food as permitted by the competent official;
- (3) food unhygienically produced, packed or stored;
- (4) food produced from animals having disease communicable to humans;
- (5) food in containers made from objects likely to be harmful to health.

Section 27. Food of the following characteristics shall be deemed an adulterated food:

- (1) food for which other substances are partly substituted or in which valuable substances are wholly or partly removed and then sold as or under the name of the genuine food;
- (2) substances or food produced to imitate any food and sold as that genuine food;
- (3) food mixed or prepared in any means to conceal defects or inferior quality of that food;
- (4) food labeled to deceive or try to deceive purchasers in matters of quality, quantity, usefulness or special characteristic, or matters of place or country of production;
- (5) food produced not be in accordance with quality or standard prescribed by the Minister under section 6 (2) or (3) to the extent that its quality or standard deviate from the minimum or maximum specified criteria by more than thirty percent or to the extent that it is toxic or harmful.

Section 28. Substandard food is the food not in accordance with quality or standard prescribed by the Minister under section 6 (2) or (3) but not deviate to the extent that provided in section 27 (5).

Section 29. Food of the following characteristics shall be deemed the food under section 25 (4):

- (1) food not safe for consumption;
- (2) food with unreliable indication; or

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- (3) food of which value or usefulness is not appropriate to humans.

Section 30. For the purpose of controlling food to be hygienic or safe to consumers, the Food and Drug Administration shall have power to:

- (1) issue a written order to command the licensee to alter or improve a premise of production or storage;
- (2) order the suspension or production or importation of food produced without permission or food of which the analytical results show that it is not appropriate for consumption;
- (3) notify analytical results of food to the public in cases of impure food under section 26, adulterated food under section 27, substandard food under section 28 or any food likely to be harmful to health or hygiene of the humans, or any containers made from objects likely to be harmful to health if contains food; provided that the following shall also be specified:
  - (a) if the producer is known, name of the producer together with kinds and characteristics of food or container; and if such food or container have is trade name or lot number of production or importation, the detail thereof;
  - (b) if the producer is not known but the seller is known, name and place of the seller together with kinds and characteristics of food or container.

## CHAPTER V

### Registration and Advertisement of Food

Section 31. Any licensee under section 14 or section 15 who wishes to produce or import any specially controlled food shall apply for registration of food recipe and receive the registration record from the grantor prior to the production or importation.

The application for registration of food recipe and issuance of registration record shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulation.

Section 32. Upon the notification under section 6 (1), the licensee under section 14 who produces any specially controlled food before the date of notification shall

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suspend the food until already received the registration record of food recipe under section 31 unless temporary permission is granted by the grantor within specified period as deemed appropriate.

Section 33. Upon the notification under section 6 (1), the licensee under section 15 who imports or orders any specially controlled food into the Kingdom before the date of notification shall apply for registration of food recipe under section 31 within sixty days from the date of notification unless the grantor has extended the period of time.

Section 34. Any licensee to produce or import specially controlled food must produce or import the food according to the registered recipe.

Section 35. The application for registration of food recipe under section 31 under section 31, must contains items or details as follows:

- (1) name of food;
- (2) name and quantity of ingredients of food;
- (3) size of packing;
- (4) label;
- (5) name of producer and place of production;
- (6) analytical result from a government agency or institute specified by the Commission;
- (7) other items relevant to the application.

Section 36. Alteration of registration record of food recipe shall be made upon receiving permission of the grantor.

The alteration of registration record of food recipe and the permission thereof shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulation.

Section 37. The registration record of food recipe shall be valid permanently unless it is revoked by the grantor under section 39.

Section 38. In case of necessity of food control for the purpose of food safety or consumer safety protection, the grantor shall have power to order the alteration of any registered food recipe as deemed appropriate or necessary.

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Section 39. Any registered food if found later that it contains elements not in accordance with the registered recipe or it is an adulterated food under section 27 or unsafe to the consumer and its recipe shall not be able to alter under section 38, the grantor shall have the power to revoke the registration of such recipe upon publication in the Government Gazette.

The order of the Minister shall be final.

Section 40. Any person shall not make an advertisement of false quality, usefulness or indication of food or that is deceptive.

Section 41. Any person who wishes to make an advertisement of quality, usefulness or indication of food through radio broadcasting, television, picture, film, or newspapers or other printed matters or by any other means for commercial purpose, must submit the sound, picture, film or content to be advertised to the grantor for prior consideration and permission.

Section 42. To protect benefit and safety of the consumer, the grantor shall have the power to issue any written order as follows:

- (1) any producer, importer or seller, or person advertising food must stop advertisement of food in violation to section 41;
- (2) any producer, importer or seller, or person advertising food must stop the production, importation, sale or advertisement of food the Commission considers not having quality, usefulness or indication as advertised.

## CHAPTER VI

### Competent Officials

Section 43. In performing duties, a competent official shall have the powers as follows:

(1) to enter into a place or business premise of production, storage or sale of food of any producer, keeper or seller as well as a business premise of person who imports or orders food in to the Kingdom during business hours to inspect and control it for the compliance with this Act;

(2) in case of a reasonable ground to suspect that there is a violation under this Act, to enter into any place or vehicle for food inspection and may seize or confiscate any food or equipments or tools relevant to the offense as well as containers or package of food or relevant documents;

(3) to collect a reasonable amount of food for inspection or analysis;

(4) to seize or attach food or a container suspected that it likely to cause injury to health or hygiene of the public for analysis; or

(5) to seize or attach an impure food, adulterated food, substandard food, or a containers likely to cause injury to health or hygiene of the public or having characteristics not in accordance with quality or standard as specified by the Minister under section 6 (6).

The licensee or any person concerned must provide appropriate facility the competent official who is performing duties under paragraph one.

Section 44. Food or a container seized, attached or collected under section 43 if proved later that it is not an impure food under section 26, adulterated food under section 27, substandard food under section 28 or food specified by the Minister under section 25 (4), or a container likely to cause injury to health or hygiene of the public or having characteristics not in accordance with quality or standard as specified by the Minister under section 6 (6), and no any legal proceeding thereto in the court, the grantor may, with the approval of the Commission, order to destroy or treat by any means as deemed appropriated.

Section 45. In the performance of duties, the competent official shall produce the identify card upon the request of the licensee or the person concerned.

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The identity card of the competent official shall be in the form prescribed in the Ministerial Regulation.

## CHAPTER VII

### Suspension and Revocation of Licenses

Section 46. When it appears that any licensee does not comply with the provisions of this Act, the Ministerial Regulation or the Notification issued under this Act, or the analytical result shows that the food produced by any producer is an impure food under section 26, adulterated food under section 27, substandard food under section 28, or food or container likely to cause injury to health or hygiene of the public, the grantor shall, with the approval of the Commission, order the suspension of the license for a period of not more than one hundred and twenty days each time. In the case where the legal proceeding has filed against the licensee in the court for the offences under this Act, the license may be suspended until the time of final judgment of the court.

In case the final judgment decides that the licensee is guilty for an offence under section 26 or section 27, the grantor shall, with the approval of the Commission, have the power to order the revocation of the license.

The order to suspend or revoke the license shall be made in writing to the licensee for acknowledgement. In case the licensee has not been found or the licensee refuses to accept the order, it shall be posted in an open and conspicuous place at a premise of production, importation, selling or business premise of the licensee; providing it shall be deemed that the licensee has acknowledged the order from the posting date.

The licensee whose license is suspended or revoked shall have right to appeal to the Minister within thirty days from the date of acknowledgement. In this regard, the Minister may dismiss the appeal or alter the order of the grantor in favor of the appellant.

The decision of the Minister shall be final.

The appeal to the Minister under paragraph four shall not stay the execution of the order to suspend or revoke the license.

It shall be deemed that the production, importation or order of specially controlled food into the Kingdom for sale during the suspension or revocation of the license violates section 14, paragraph one or section 15, paragraph one, as the case may be.

## CHAPTER VIII

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## Penalties

Section 47. Any person who violates the Notification issued under section 6 (4), (5) or (9) shall be liable to a fine of not exceeding twenty thousand baht.

Section 48. Any person who violates the Notification issued under section 6 (6) shall be liable to imprisonment for a term of not exceeding two years or to a fine of not exceeding twenty thousand baht or to both.

Section 49. Any person who violates the Notification issued under section 6 (7) shall be liable to a fine of not exceeding ten thousand baht.

Section 50. Any person who violates the Notification issued under section 6 (8) shall be liable to imprisonment for a term from six months to two years and to a fine of from five thousand to twenty thousand baht.

Section 51. Any person who violates the Notification issued under section 6 (10) shall be liable to a fine of not exceeding thirty thousand baht.

Section 52. Any person who fails to comply with the order of the Commission under section 13 or who obstructs or fails to facilitate the competent official in the execution of section 43 shall be liable to imprisonment not exceeding one month or to a fine not exceeding one thousand baht or to both.

Section 53. Any person who violates section 14 paragraph one or section 15 paragraph one shall be liable to imprisonment for a term of not exceeding three years or to a fine of not exceeding thirty thousand baht or to both.

Section 54. Any person who produces or imports food temporarily without receiving license under section 16 (1) or fails to comply with the Ministerial Regulation issued under section 16 paragraph two shall be liable to a fine of not exceeding five thousand baht.

Section 55. Any licensee who violates section 20 or section 21 paragraph one shall be liable to a fine of not exceeding five thousand baht.

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Section 56. Any licensee who violates section 22 paragraph one or section 23 shall be liable to a fine of not exceeding one thousand baht.

Section 57. Any licensee who brings back into the Kingdom for sale the specially controlled food produced for the purpose of importation in violation to section 24 shall be liable to imprisonment for a term of not exceeding three years and to a fine of not exceeding thirty thousand baht.

Section 58. Any person who violates section 25 (1) shall be liable to imprisonment for a term of not exceeding two years or to a fine of not exceeding twenty thousand baht or to both.

Section 59. Any person who violates section 25 (2) shall be liable to imprisonment for a term from six months to ten years and to a fine of from five thousand to one hundred thousand baht.

Section 60. Any person who violates section 25 (3) shall be liable to a fine of not exceeding fifty thousand baht.

Section 61. Any person who violates section 25 (4) shall be liable to imprisonment for a term of not exceeding five years or to a fine of not exceeding fifty thousand baht or to both.

Section 62. Any licensee who fails to comply with the order of the grantor shall be liable to a fine of not exceeding ten thousand baht.

Section 63. Any person who fails to comply with the order of the grantor under section 30 (2) shall be liable to a fine of not exceeding fifty thousand baht and a daily fine of five hundred baht during the time of contravention.

Section 64. Any licensee who violates section 31 paragraph one shall be liable to imprisonment for a term of not exceeding two years or to a fine of not exceeding twenty thousand baht or to both.

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Section 65. Any person who sells the specially controlled food without registration of food recipe under section 31 shall be liable to a fine from one thousand to ten thousand baht.

Section 66. Any person who violates section 34 shall be liable to imprisonment for a term of not exceeding one year or to a fine of not exceeding ten thousand baht or to both.

Section 67. Any licensee who violates section 36 shall be liable to imprisonment for a term of not exceeding one year or to a fine of not exceeding ten thousand baht or to both.

Section 68. Any licensee who fails to comply with the order of the grantor under section 38 shall be liable to a daily fine of five hundred baht during the time of contravention.

Section 69. Any person who produces, imports for sale or sells the food of which the registration of recipe is revoked by the Minister under section 39 shall be liable to imprisonment for a term of not exceeding three years or to a fine of not exceeding thirty thousand baht or to both.

Section 70. Any person who advertises any food in violation to section 40 shall be liable to imprisonment for a term of not exceeding three years or to a fine of not exceeding thirty thousand baht or to both.

Section 71. Any person who violates section 41 shall be liable to a fine of not exceeding five thousand baht.

Section 72. Any person who fails to comply with the order of the grantor under section 42 shall be liable to imprisonment for a term of not exceeding two years or to a fine of not exceeding twenty thousand baht or to both, and to a daily fine from five hundred to one thousand baht during the time of contravention.

Section 73. If the offence under section 48, section 50, section 58, section 59, section 60, section 61 or section 69 is committed by way of retailing directly to the

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consumer, the offender shall be liable to imprisonment for a term of not exceeding six months or to a fine of not exceeding five thousand baht or to both. If the offender has committed the same offence within six months from the day he or she had committed the previous offence, the offender shall be liable to imprisonment for a term of not exceeding one year or to a fine of not exceeding ten thousand baht or to both.

Section 74. Any licensee who produces or imports any food after the expiration of the license without applying for the renewal thereto shall be liable to a daily fine from five hundred to one thousand baht during the time of contravention.

Section 75. Any offences under this Act shall be punishable only to a fine shall be settled by the Secretary-General of the Food and Drug Administration or the person entrusted by him or her.

### **Transitory Provisions**

Section 76. Any license to operate food business under the law on food quality control prior to the day this Act coming into force shall continue to be valid until the expiration thereof. The licensee who wishes to continue the business and already filed an application under this Act shall continue the operation of business according to the existing license until a new license is granted or until the date of acknowledgement of the refusal by the grantor. If the new license is granted, the licensee must take all actions to comply with the provisions of this Act within one hundred and eighty days from the date of issuance of the license.

Section 77. Any record of food details permitted and labels granted under the law on food quality control prior to the day this Act coming into force shall continue to be valid for three years from the date of enforcement of this Act.

Section 78. Any licensee to produce or import of food prior to the day this Act coming into force shall submit an application under section 14 or section 15 within ninety days from the date of enforcement of this Act. When the application has been submitted, the operation of existing business shall be continued until a new license is granted or until the date of acknowledgement of the refusal by the grantor.

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Countersigned by:

S. Hotrakitya

Deputy Prime Minister

Certified Correct Translation

(Mr. ....)

Secretary-General of the Council of State

*Office of the Council of State*

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### Rates of Fees

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- |     |  |   |
|-----|--|---|
| (1) | License to produce food                                  | 10,000 baht each                          |
| (2) | order food<br>Into the Kingdom                           | License to import or<br>20,000 baht each  |
| (3) | produce food   | Temporary license to<br>2,000 baht each   |
| (4) | import or order food<br>Into the Kingdom                 | Temporary license to<br>2,000 baht each   |
| (5) | food recipe  | Registration record of<br>5,000 baht each |
| (6) | baht each  | License substitute 500                    |
| (7) | registration record of food recipe                       | Substitute for<br>500 baht each           |
| (8) | Renewal of each license<br>Same rate of each license fee |   |

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