

**Consumer Protection Act, B.E. 2522 (1979)**

**Translation**

BHUMIBOL ADULYADEJ, REX.

Given on the 30th day of April 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 have a law on consumer production;

Be it: therefore, enacted by the King, by and with the advice and consent of the National Legislation

Assembly acting as the national Assembly as follows:

**Section 1**

This Act is called the "Consumer Protection Act, B.E. 2522 (1979)".

**Section 2**

This Act shall come into force as from the day following the date of publication in the Government Gazette.

**Section 3**

In this Act:

"Purchase" includes hire, hire purchase or acquire by whatever means for monetary consideration or other value;

"Sale" includes let, sell by hire purchase or procure by whatever means, for which monetary consideration or other value is demanded, and also includes offer or invitation to do as aforesaid;

"Goods" means articles produced or possessed for sale;

"Service" Means an undertaking to accomplish a work, grant of any right or permission to use or conferring benefit in any property or business, for which monetary consideration or other value is demanded, excluding hire of services under the labor laws;

"Produce" means manufacture, mix, prepare, assemble, invent or denature, and includes transform, modify, select and divide for repackaging;

"Consumer" means a person who buys or obtains services from a businessman or a person who has been offered or invited by a businessman to purchase goods or obtain services and includes a person who duly uses good or a person who duly obtains services from a businessman even he/she is not a person who pays the remuneration

"Business man" means a seller, manufacturer or importer of goods sale, or purchaser of goods for re-sale, person who renders services, and includes a person who operates the advertising business:

"Statement" includes an act expressed in the form of letters, pictures, cinematographic film, light, sound, sign, or any act enabling the public to understand its meaning;

"Advertisement" includes any act, which, by whatever means, causes the statement to be seen or known by an ordinary person for trading purposes;

"Advertising media" means a thing as advertising media, such as newspaper, printed matter, radio, television, post and telegram, telephone or sign board;

"Label" means a picture, design, paper or any other thing causing the statement relating to good to appear on the goods, or the goods, or container or package of goods, or inserted in or put together with the goods or container or package of goods, and includes a document or hand-book on usage, or tag attached to or displayed on the goods or container or package of such goods;

"Contract" means an agreement between a consumer and a businessman for purchasing and selling goods or providing and obtaining services.

"Board" means the Consumer Protection Board;

"Member" means a member of the Consumer Protection Board;

"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 4**

The consumer has the following right of protection:

- (1) the right to receive correct and sufficient information and description as to the quality of goods or services;
- (2) the right to enjoy freedom in the choice of goods or service
- (3) the right to expect safety in the use of goods or services;  
"(3 bis) the right to receive a fair contract"\*\*\*
- (4) the right to have the injury considered and compensated in accordance with the laws on such matters or with the provision of this Act.

#### **Section 5**

In the performance of duties under this Act, competent official shall have the following powers;

- (1) to count, weigh, measure, inspect and collect or take free of charges, goods in reasonable quantities as samples for testing, subject to the rules prescribed by the Board;
- (2) to search, seize or attach goods, container or package of goods, label or other document which do not conform with this Act for the purpose of instituting legal proceeding in the case where there is a reason to suspect an offence under this Act has been committed;
- (3) to enter any premises or vehicle in order to inspect the manufacture of goods, sale of goods or services, as well as to examine books of account, related document and equipment of a businessman in the case where there is a reason to suspect that an offence under this Act has been committed;
- (4) to issue a summons to any person to give statement or submit necessary document and evidences for supplementing the consideration of the competent official.

In the performance of duties under paragraph one, the competent official shall be provided with reasonable by the person concerned.

#### **Section 6**

In the performance of duties under Section 5 (3), which is not urgent, the competent official shall, by a written notice, give the owner or occupier of the premises or vehicle a reasonable time in advance and acts must be done in the presence of the owner or occupier of premises or vehicle or, if he not present, the presence of at least two other persons whom the competent official has asked to act as witnesses.

The search, under Section 5 (2), shall be carried out by the competent official, only during sunrise and sunset

## **Section 7**

In the performance of duties under this Act, the competent official must produce his identity card at the request of person concerned.

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

## **Section 8**

The Prime Minister shall have charge and control of the execution of this Act and shall have the power to appoint competent officials and issue Ministerial Regulation for the execution of this Act.

Such Ministerial Regulation shall come into force upon their publication in the Government Gazette

## **Chapter 1**

### **Consumer Protection Board**

## **Section 9**

There shall Board called the "Consumer Protection Board" consisting of the Prime Minister as Chairman, Secretary-General to the Prime Minister, Permanent Secretary of the Office of the Prime Minister, Permanent Secretary of the ministry of Agriculture and Cooperative, Permanent Secretary of the Ministry of Commerce permanent Secretary of the Ministry of Interior, Permanent Secretary of the Ministry of Industry, Permanent Secretary of the Ministry of Transport and Communications, Secretary-General of the Food and Drug Board and not more than eight qualified members appointed by the council of Ministers as members and the Secretary-General of the consumer

Protection Board shall be a member and secretary.

## **Section 10**

The Board shall have the following powers and duties;

- (1) to consider the complaints from the consumers who suffer hardship or injury resulting from the acts of the business man;
- (2) to proceed with the goods which may be harmful to the consumer under Section 36;
- (3) to issue or publicize information concerning goods or services which may cause damage to or be pre judicial to the right of the consumers and for this purpose, the names of such goods or service or the name of the business man may be specifically
- (4) to give recommendation and advice to the ad hoc committees, and consider and determine appeals against order of the ad hoc committees;
- (5) to lay down rules concerning the performance of duties the ad hoc committees and sub-committees
- (6) to scrutinize and expedite the execution of powers and duties of the competent officials, government offices or other state agencies in accordance with the laws as well as to expedite the legal proceeding by the competent officials for the offences regarding the infringement of the consumer's right;
- (7) to institute legal proceedings regarding the infringement of the consumer's right as Board thinks fit or when there is a request under Section 39;
- (8) to recognize an association under Section 40;

(9) to submit opinion to the Council of Ministers concerning the policy and measure for the protection of the consumer, and consider and give opinion in any matter regarding the consumer protection as entrusted by the Council of Ministers of Minister

(10) to do any other act as prescribed by laws to be the function of the Board.

In the performance of duties under this Section, the Board may entrust the Office of the Consumer Protection Board to carry out or prepare proposals to be submitted to the Board for consideration.

### **Section 11**

A member appointed by the Council of ministers shall hold office for a term of three year  
An outgoing member may be re-appointed.

### **Section 12**

Apart from vacating office at expiration of the term under Section 11, a member appointed by the Council of Ministers vacates office upon;

- (1) death;
- (2) resignation;
- (3) being removed by the Council of Minister;
- (4) being a bankrupt;
- (5) being an incompetent or quasi-incompetent person;
- (6) being imprisoned by final judgment to a term of imprisonment, except for offence committed through negligence or petty offence

In the case where a member vacates office before the expiration of his term, the Council of Ministers may appoint another person to replace him, and the appointee shall hold office the remaining term of the member he replaces.

### **Section 13**

At a meeting of the Board, if the Chairman dose not attend or is not present at the meeting, the members present shall select one among themselves to preside over the meeting.

At every meeting of the Board, the presence of not less than one-half of the total number of members is required to constitute a quorum.

The decision of the meeting shall be by majority of votes. Each member shall have one vote. In case of an equality of, the person presiding over the meeting shall have an additional vote as the casting vote.

### **Section 14**

There shall be ad hoc committees as follows:

- (1) The Committee on Advertisement;
- (2) The Committee on labels.
- (3) The Committee on Contract

An ad hoc committee shall consist of not less than seven but not more than thirteen members qualified in the relevant fields appointed by the Board.

A member of an ad hoc committee shall hold office for a term of two year and Section 11 paragraph two and Section 12 shall apply *mutatis mutandis*.

An ad hoc committee has the power and duty as prescribed in this Act and as entrusted by the Board.

## **Section 15**

The Board and the ad hoc committees may appoint a sub-committee to consider or carry out matter as entrusted by Board or the ad hoc committees.

## **Section 16**

In the meeting of an ad hoc committee and of a sub-committee in Section 13 shall apply *mutatis mutandis*.

## **Section 17**

The Board and the ad hoc committees have the power to order any person to submit documents or particulars in connection with the subject matter of complaints or other matters in connection with the protection of the consumer's right for consideration. For this purpose, the person concerned may be summoned to give an explanation.

## **Section 18**

In the performance of duties under this Act, the Board or the ad hoc committees shall provide reasonable opportunity for the person accused or suspected of having committed an act infringing the consumer's rights to submit representation and express opinion except in the case of necessity or urgency.

In the stipulation or issue of order on any matter under this Act, the Board or the ad hoc committees shall give due regard to the damage which may be caused to both the consumer and the businessman; and in the case where it is deemed reasonable, the Board or the ad hoc committees may stipulate provisional conditions or procedure for the enforcement thereof.

## **Section 19**

There shall be established the Office of the Consumer Protection Board attached to the Office of the Prime Minister.

There shall be the Secretary-General of the Consumer Protection Board having powers and duties to exercise general supervision and being responsible for the performance of official duties of the Office of the consumer Protection Board, and there may be the Deputy Secretary-General and Assistant Secretary-General to assist in the administration of the affairs of the office.

## **Section 20**

The Office of the Consumer Protection Board shall have the following powers and duties:

- (1) to receive complaints from the consumer who suffer hardship or injury resulting from the acts of the businessman for further submission to the Board;
- (2) to follow up and scrutinize actions of the business man who may do any thing infringing the consumer's right, and arrange for testing or verifying any goods or services as it think proper for the protection of the consumer's right;
- (3) to encourage or conduct the study and research on the problem concerning the consumer protection with other academic institutions and other agencies;
- (4) to promote and encourage the Providing of education the consumers at all levels on safety and harm from the goods or service;
- (5) to propagate technical information and provide educational information to consumer in order to instill the consumption habit promote health, is economical and maximizes the utilization of natural resources;
- (6) to co-operate with the government offices or state, agencies which have the power and duty to control, promote or prescribe the standard of goods or services;
- (7) to do any other acts as entrusted by the Board or the ad hoc committees.

## **Chapter II**

### **Consumer Protection**

#### **Section 21**

In the case where any law has specifically provided for any matter, such matter shall be subject to the provisions of such law, and the provision of this Act shall apply only in so far as it is not a repetition or contrary to such provision, unless;

- (1) In the case of necessity for the benefits of the consumers as a whole, if it appears that the competent official under such law has still not proceeded or has not completed the proceeding thereof in accordance with the law concerned and has not issued orders pertaining to consumer protection in accordance with such law within ninety days as from the date of the receipt of the written notice from the ad hoc committees or the Board, the ad hoc committees or the Board shall submit to the Prime Minister the matter for issuing orders in accordance with the provisions of this Chapter;
- (2) In the case under (1), if it is necessary and urgent which can not delay, the ad hoc committees or the Board shall submit to the Prime Minister the matter for considering and issuing orders in accordance with the provisions of this Chapter without notifying in written thereof or waiting until the period of ninety days in accordance with the conditions in (1) is elapsed.

In the case where such law does not contain any provisions empowering the competent official to issue orders for the consumer protection as provided on this Chapter, the ad hoc committees shall have the power to issue orders in accordance with the provisions of this Chapter, except in the case where such law has provided for a competent official, the Board may delegate the power to the competent official under such law to exercise it on behalf of the ad hoc committees.

The delegation of power to the competent official under the law on such matter under paragraph two shall be published in the Government Gazette.

### **Part 1**

#### **Consumer Protection against Advertising**

#### **Section 22**

An advertisement may not contain a statement which is unfair to consumers or which may cause adverse effect to the society as a whole; that is, notwithstanding such statement concerns with the origin, condition, quality or description of goods or services as well as the delivery, procurement or use of goods or services.

The following statements shall be regarded as those which are unfair to consumers or may cause adverse effect to the society as a whole: statement which is false or exaggerated; statement which will cause misunderstanding in the essential elements concerning goods or services, notwithstanding it is based on or refers to any technical report, statistics or anything which is false or exaggerated; statement which is directly or indirectly encouraging the commission of an unlawful or immoral act, or which adversely affects the national culture; statement which will cause disunity or adversely affects the unity among the public; other statements as prescribed in the Ministerial Regulation.

A statement used in the advertisement, which an ordinary person knows that it is not possible to be true, is not prohibited for use in the advertisement under (1).

#### **Section 23**

An advertisement shall not be effected by a method which may be harmful to health, or cause physical or mental harm or annoyance to consumers; that is, as prescribed in the Ministerial Regulation.

## **Section 24**

In the case where the Committee on Advertisement is of the opinion that any goods may be harmful to consumers and the Committee on Labels had declared such goods to be label-controlled goods.

The Committee on Advertisement shall have the power to issue the following orders;

- (1) prescribing that the advertisement must be made together with the advice on or warning about the usage or harmful effect in accordance with the conditions prescribed by the Committee on Advertisement;
- (2) provided that the Committee on Advertisement may prescribe different conditions for the same advertisement made by different advertising media;
- (3) restricting the use of advertising media for such goods; prohibiting the advertisement of such goods.

The provision of (2) and (3) shall also apply to the advertisement which the Committee on Advertisement is of the opinion that the use or utility of such goods is contrary to the social, moral or cultural policy of the nation.

## **Section 25**

In the case where the Committee on Advertisement is of the opinion that, with respect to any goods or service, it is necessary for the consumers to know the facts concerning the status and other details regarding the business man, the Committee on Advertisement shall have the power to prescribe that the advertisement of such goods or service shall also disclose such facts as prescribed by the Committee on Advertisement.

## **Section 26**

In the case where the Committee on Advertisement is of the opinion that the consumers should be informed that a statement which is used in any advertising media is for advertising purpose, the Committee on Advertisement has the power to prescribe that the advertisement through such advertising media must be accompanied by the explanation to that effect so that the public may be informed that such statement is for advertisement. For this purpose, the Committee on Advertisement may prescribe any condition for the compliance therewith.

## **Section 27**

In the case where the Committee on Advertisement is of the opinion that any advertisement violates Section 22, Section 23, Section 24 (1) or Section 25, the Committee on Advertisement shall have the power to issue one or several of the following orders:

- (1) to rectify the statement of method of advertisement;
- (2) to prohibit the use of certain statements as appeared in the advertisement;
- (3) to prohibit the advertisement or the use of such method for advertisement;
- (4) to correct by advertisement the possible misunderstanding of the consumers in accordance with the rules and procedure prescribed by the Committee on Advertisement.

In issuing an order under (4), the Committee on Advertisement shall prescribe the rules and procedure by having regard to the interest of the consumers and to the bona fide act of the advertiser.

## **Section 28**

In the case where the Committee on Advertisement had a reasonable cause to suspect that any statement used in an advertisement is false or exaggerated under Section 22 paragraph two (1), the Committee on Advertisement shall have the power to issue an order requiring the advertiser to substantiate the claim.

In the case where the advertiser refers to any technical report, research result, statistics, certification from any other institution or person or assets any fact in the advertisement, if the advertiser cannot substantiate the statement used in the advertisement as so referred, the Committee on Advertisement shall have the power to issue an order under Section 27 and it shall be taken that the advertiser knows or ought to know that such statement is false.

### **Section 29**

Any businessman who is doubtful whether his advertisement will violate or does not conform to this Act may apply to the Committee on Advertisement for consideration and opinion on such matter before advertising. In this case, the committee on advertisement shall give opinion and notify the applicant within thirty days from the date the Committee on Advertisement receives the application; or it shall be deemed that the Committee on Advertisement has given its approval thereto.

The application for opinions and the fees for giving opinions shall be in accordance with the rules prescribed by the Committee on Advertisement. The fees received shall be remitted to the Treasury as the state revenue.

The giving of opinion by the Committee on Advertisement under paragraph one shall not be deemed to curtail the power of the Committee on Advertisement to review the matter when there is a reasonable cause.

Any act done pursuant to the opinion of the Committee on Advertisement under paragraph one shall not be deemed a criminal offence.

## **Part 2**

### **Consumer Protection against Labeling**

#### **Section 30**

Goods, which are manufactured for sale by the factories under the law on factories, and goods, which are ordered or imported into the Kingdom for sale, shall be a label-controlled goods.

The provisions of paragraph one shall not apply to the goods prescribed by the Committee on Labels by publishing in the Government Gazette.

In the case where it appears that goods which may be harmful to health or cause physical or mental harm because of the use or the nature of such goods or the goods regularly used by the public and the requirement of labels for such goods will be beneficial to the consumers so that they may be aware of the material facts concerning such goods not being a label-controlled goods under paragraph one, the Committee on Labels shall have the power to declare such goods to be a label-controlled goods by publishing in the Government Gazette

#### **Section 31**

The label of label-controlled goods shall be of the following descriptions:

- (1) it shall contain truthful statements and have no other statements which may include misunderstanding as to the material facts concerning such goods;
- (2) it shall contain the following statements;
- (3) the name or trade mark of the manufacturer or the importer for sale, as the case may be;
- (4) the place of manufacturing or the place of operating import business, as the case may be;

- (5) the statements which indicate what the goods are; in the case of imported goods, the name of the manufacturing country shall be specified;
- (6) it shall contain necessary statements such as price, quantity, usage, recommendation, caution and
- (7) an expiry date in the case of goods which can be expired or in other cases to protect the consumer rights; provided that, such protection shall be made in accordance with the rules and conditions prescribed by the Committee on Labels by publishing in the Government Gazette.

The businessman who is the manufacturer or importer for sale of a label-controlled goods, as the case may be, shall prepare the label of such goods before the sale and such label shall contain statements in paragraph one. For this purpose, the statements in (2) and (3) of paragraph one shall be made in accordance with the rules and procedure prescribed by the Committee on Labels by publishing in the government Gazette.

### **Section 32**

The businessman shall not be compelled to disclose confidential matters of production as a result of the prescription of a statement of a label under Section 30 unless such statement is necessary to the health, hygiene and safety of the consumers

### **Section 33**

When the Committee on Labels is of the opinion that any label does not conform to Section 31, the Committee has the power to order the businessman to cease using such label or rectifies such label.

### **Section 34**

Any businessman who is doubtful whether his label will violate or does not conform with Section 31 may apply to the Committee on Labels for consideration and opinion on such label.

In such case, Section 29 shall apply *mutatis mutandis*.

### **Section 35**

For the purpose of supervision and inspection of the operation of business concerning the label controlled goods, the Minister has the power to publish in the Government Gazette a notification requiring the businessman producing such goods to have and keep accounts, documents and evidences for the inspection of the competent official.

The method of keeping accounts, documents and evidences under paragraph one shall be prescribed in the Ministerial Regulation.

## **Part 2 bis**

### **Consumer Protection on Contract**

#### **Section 35 bis**

In any business in connection with the sale of any goods or the provision of services if contract of sale or such contract of service required by law or the custom to be made in writing, the committee on Contract shall have the power to provide such business to be a controlled business with respect to contract.

A contract between a businessman and the consumers in the controlled business with respect to contract shall be of the following descriptions:

- (1) stipulating the necessary contract terms which if not stipulated in the contract the consumers would be unreasonable disadvantageous;
- (2) does not stipulating the unfair contract terms to the consumers.

Provided that, subject to the rules, conditions and details prescribed by the Committee on Contract, and to the benefit of the consumers as a whole, the Committee on Contract may permit a businessman to prepare a contract in accordance with the form prescribed by the Committee on Contract.

The prescription under paragraph one and two shall be in accordance with the rules and procedure prescribed by the Royal Decree.

#### **Section 35 ter**

When the Committee on Contract prescribes that any contract term for a contract of a controlled business with respect to contract must stipulate or does not stipulate any contract terms with a condition under Section 35 bis, if that contract does not stipulate such contract terms or stipulate such contract terms but does not comply with its condition, that contract shall be deemed to stipulate such contract terms or stipulate such contract terms under the condition, as the case may be.

#### **Section 35 quarter**

When the Committee on Contract prescribes that any contract of a controlled business with respect to contract shall not stipulate any contract terms under Section 35 bis, if that contract stipulate such contract terms, it shall be deemed that such contract terms does not exist.

#### **Section 35 quinqué**

The Committee on Contract shall have the power to prescribe any one of the business in connection with the sale of goods or the provision of services to be a controlled business with respect to receipt of payment.

The receipt of payment of a controlled business with respect to evidence on receipt of payment shall be of the following descriptions: having particulars and necessary statements which if such particulars or statements are not sued, the consumers would be unreasonable disadvantageous. Not having the unfair statements to the consumers, provided that, it shall be in accordance with the rules, conditions and particulars prescribed by the Committee on Contract.

The prescription under paragraph one and two shall be in accordance with the rules and procedure prescribed by the Royal Decree.

#### **Section 35 sex**

When the Committee on contract prescribes that receipt of payment of the controlled business with respect to evidence on receipt of payment shall contain any statement or any statement with conditions or shall not contain any statement under Section 35 quinqué, the provisions of Section 35 ter and Section 35 quarter shall apply to such evidence of receipt of payment *mutatis mutandis*.

#### **Section 35 septem**

In the case where a person operating a business in connection with the sale of goods or the provision of services makes a promise for a guarantee contract to the consumer, such contract shall be made in writing, signed by such person or his agent and delivered to the consumer together with the goods or services.

If the contract under paragraph one is made in foreign language, the Thai translation shall be attached thereto.

#### **Section 35 octo**

The businessman shall have a duty to deliver the contract having contract terms or contract terms with the correct form in accordance with Section 35 bis or deliver the evidence of receipt of payment having correct particulars and statements in accordance with Section 35 quinqué to the consumer within the normal course of that type of business or within the period of time prescribed by the committee on contract by publishing in the Government Gazette regarding which period of time becomes due first.

### **Section 35 novem**

Any businessman who doubt whether his contract form of form of evidence on receipt of payment will violate or fail to comply with this Ac, such businessman may require the committee on Contract to give a prior opinion on such form. In this case, the provisions of Sections of Section 29 shall apply *mutatis mutandis*.

## **Part 3**

### **Other Types of Consumer Protection**

#### **Section 36**

When there is a reasonable cause to suspect that any goods may be harmful to the consumers, the Board may order the businessman to have such goods tested or verified. If the businessman does not proceed to test or verify the goods or delays in so doing without justification, the Board may arrange for the verification at the expenses of the businessman.

If the result of the test or verification appears to be that the goods may be harmful to consumers and the harm which may be caused by the goods cannot be prevented by means of the requirement of the label under Section 30 or under any other law, the Board shall have the power to prohibit the sale of such goods and, if it thinks fit, may order the businessman to modify the goods in accordance with the conditions prescribed by the Board. In the case where the goods cannot be modified or it is doubtful as to whether the businessman would keep the goods for sale, the Board shall have the power to order the businessman to destroy the goods or arrange for the destruction thereof at the expenses of the businessman.

In case of necessity and urgency, if the Board has reason to believe that any goods may be harmful to the consumers, the Board shall have the power to prohibit the sale of such goods for the time being until the test or verification under paragraph one of paragraph two has been carried out.

The prohibition of sale of goods under paragraph two and paragraph three shall be published in the Government Gazette.

#### **Section 37**

(Repealed)

#### **Section 38**

(Repealed)

#### **Section 39**

In the case where the Board thinks fit to institute legal proceedings in the infringement of the consumer's rights or upon receipt of complaints from the consumers whose rights were infringed and the Board is of the opinion that the institution of such legal proceedings will be beneficial to the consumers as a whole, the Board has the power to appoint a public prosecutor with the approval of the Director-General of the Department of Public Prosecutions, or an officer of the Consumer Protection Board whose qualification is not below the Bachelor of Laws degree the consumer protection official having the duty to institute civil and criminal proceedings in the court against the persons infringing the consumer's rights, and when the Board has notified the Ministry of Justice in order to inform the court of the matters, the consumer protection official shall then have the power to institute legal proceeding as entrusted by the Board.

In the legal proceedings in the court, the consumer protection official shall also have the power to claim property or damages for the complainant and, for this purpose; all the costs will be exempted.

### **Section 40**

Any association which has as its object the protection of consumers or opposition against unfair trade competition and whose regulations with respect to the board, members and methods of operation of the association are in accordance with the conditions prescribed in the Ministerial Regulation, may file the application to the Board for its recognition so that the association has the right and power to institute legal proceedings under Section 41.

The filing of the application under paragraph one shall be in accordance with the rules and procedure prescribed in the Ministerial Regulation.

The recognition of the association under paragraph one shall be published in the Government Gazette.

### **Section 41**

In the legal proceedings for infringement of the consumer's rights, the association which has been recognized by the Board under Section 40 has the right to institute civil and criminal proceedings or bring any legal proceedings for the protection of the consumers and shall have the power to sue for the recovery of damages on behalf of its member if it has obtained the power of attorney to claim damages from its member.

In the legal proceeding under paragraph one, the association shall not withdraw the action without the approval of the court unless the court is of the opinion that such withdrawal will not adversely affect the protection of consumers as a whole in the civil withdrawal of the case or passing of judgment in the case where the parties agree or compromise may be made only with the written consent of the empowering member presented to the court.

### **Section 42**

Apart from complying with the provision of the Civil and Commercial Code and of the other laws, the association recognized by the Board under Section 40 shall comply with the rules prescribed by the Board.

When it appears that any association recognized by the Board under Section 40 fails to comply with the rules prescribed by the Board or when the circumstances arise to make it appear that such association mala fide proceeds to institute legal proceedings in the court, the Board shall have the power to revoke the recognition of that association.

The revocation of recognition of any association under this Section shall be published in the Government Gazette.

In the case where the association the recognition of which is revoked under this Act has instituted any legal proceeding in the court and the case is still in sub-judice, the Court shall order the disposition of such case.

## **Chapter III**

### **Appeal**

### **Section 43**

In the case where a person is not satisfied with the order issued by an ad hoc committee under Section 27 or Section 28 paragraph two, he shall have the right to appeal to the Board.

### **Section 44**

The appeal under Section 43 shall be filed with the Board within ten days from the date the appellant is aware of the order of the ad hoc committee, unless the ad hoc committee has issued a temporary order to the contrary before the appeal is decided.

The decision of the Board shall be final.

## **Chapter IV**

### **Penalties**

#### **Section 45**

Any person who obstructs or fails to render facilities or submit representation or deliver documents or evidences to the competent official who is performing the duties under Section 5 shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding ten thousand Baht or to both.

#### **Section 46**

Any person who fails to comply with an order of the Board or the ad hoc committee under Section 17 shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding ten thousand Baht or to both.

#### **Section 47**

Any person who, with an intention to cause misunderstanding as to the origin, condition, quality, quantity or other essential matters concerning goods or services, whether they belong to him or other persons, advertises or uses a label containing a statement which is false or know or should be known to cause the misunderstanding, shall be liable to imprisonment for a term not exceeding six months or fine not exceeding fifty thousand Baht, or to both.

If the offender under paragraph one commits the same offence, the offender shall be liable to imprisonment for a term not exceeding one year or fine not exceeding one hundred thousand Baht or to both.

#### **Section 48**

Any person who advertises by using a statement under Section 22 (3) or Section 22 (4) or statement prescribed in the Ministerial Regulation issued under Section 22 (6) or violates or fails to comply with Section 23, Section 24, Section 25 or Section 26, shall be liable to imprisonment not exceeding three months or fine not exceeding thirty thousand Baht, or to both.

#### **Section 49**

Any person who fails to comply with the order of the Committee on Advertisement issued under Section 27 or Section 28 paragraph two shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding fifty thousand Baht or to both.

#### **Section 50**

If an act under Section 47, Section 48, or Section 49 is done by the owner of an advertising media or the advertising businessman, the offender shall be liable to one-half of the penalty provided for that offence.

#### **Section 51**

If the offence under Section 47, Section 48, Section 49 or Section 50 is a continual offence, the offender shall be liable to a fine not exceeding ten thousand Baht a day or not exceeding double the advertising expenses throughout period of the violation or non-compliance.

#### **Section 52**

Any person who sells the label-controlled goods under Section 20 without having labels displayed thereon or having labels incorrectly displayed thereon or sells goods bearing labels which the Committee on Labels has prohibited the use there of under Section 33 and knows or ought to have known that the non-display of label or the display of such label is against the law, shall be liable to imprisonment not exceeding six months or fine not exceeding one hundred thousand Baht, or to both.

### **Section 53**

Any business operator who fails to comply with the order of the Committee on Labels issued under Section 33 shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding fifth thousand Baht or to both.

### **Section 54**

Any person who agrees in return for remuneration to produce labels, which do not conform to the law, or to attach labels, which do not conform to the law to any goods, and knows or ought to have known that such labels do not conform to the law shall be liable to a fine not exceeding twenty thousand Baht.

### **Section 55**

Any businessman who fails to comply with the Ministerial Regulation issued under Section 35 shall be liable to a fine not exceeding ten thousand Baht,

### **Section 56**

Any businessman who sells which the Board has prohibited to sell under Section 36 because they may be harmful to consumers shall be liable to imprisonment for a term not exceeding six months or to fine not exceeding fifty thousand Baht or to both.

If the businessman is the manufacturer or importer for sale, he shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding five hundred thousand Baht or to both.

### **Section 57**

Any businessman who fails to deliver the contract having contract terms or contract terms with the correct form in accordance with Section 35 bis or fail to deliver the receipt of payment containing correct particulars and statements in accordance with Section 35 quinque to the consumer within the period of time in accordance with Section 35 octo shall be liable to imprisonment for a term not exceeding one year or fine not exceeding one hundred thousand Baht, or to both.

Any businessman who delivers the receipt of payment containing the amount which is more than the amount actually paid by the consumer and having already received such payment shall be liable to imprisonment for a term not exceeding one month or to a fine of five hundred to ten thousand Baht or to both unless he can prove that he had exercised reasonable care in the operation of such business.

### **Section 57 bis**

Any businessman who violates or fails to comply with Section 35 septem shall be liable to imprisonment for a term not exceeding one year or fine not exceeding one hundred thousand Baht, or to both.

### **Section 58**

When a person commits an offence under this Act within the place of business of a businessman and the act was done in the interest of the businessman, it shall be presumed that the businessman is a joint offender unless he can prove that he cannot anticipate that such person will commit the offence although he has exercised reasonable care.

### **Section 59**

In the case where the offender who is liable to punishment under this Act is a juristic person, the director or the person responsible for the operation of such juristic person shall be liable to the punishment imposed by law for such offence, unless he can prove that he had no part in the commission of the offence by the juristic person.

### **Section 60**

Any person who, with dishonest, intent, employs, hires, asks as favor, instigates or causes an association recognized by the Board under Section 40 to institute civil or criminal proceedings against any businessman in the court in order to cause injury to the

businessman, shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding fifty thousand Baht or to both.

### **Section 61**

Any person who, having or acquiring knowledge of any fact though performing the duties under this Act, discloses any fact concerning the affairs of the businessman which normally would be kept confidential by the businessman, shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding one year or to a fine not exceeding one hundred thousand Baht or to both, unless the disclosure is made in the course of performing official duties or for the benefit of investigation or trial.

Any person who, having or acquiring knowledge of any fact from the person under paragraph one though performing the official duties or investigation or trial, discloses such fact in the manner likely to cause injury to any person, shall be liable to the same penalty.

### **Section 62**

The Board shall have the power to settle all the offences under this Act and for this purpose shall have the power to delegate the power to settle the case to an ad hoc committee, sub-committee, inquiry official or competent official under such rules or conditions as it thinks fit.

Subject to the provision of paragraph one, if an inquiry official discovers in holding an inquiry, that any person who has committed an offence under this Act and agreed to have the case settled, the inquiry official shall submit the case to the Board or to the person entrusted by the Board to exercise the power to settle the case under paragraph one within seven days from the date such person agrees to have the case settled.

When the offender has paid the fine so fixed, the case shall be deemed to have been settled.

Countersigned by

S. Holtrakij

Deputy Prime Minister

### **Disclaimer**

This translation is intended to help Thais or foreigners to understand Thailand laws and regulations only, not to use as references, because it is only the original Thai version of legislation that carries legal effect. [www.ThaiLaws.com](http://www.ThaiLaws.com), therefore, shall not be held responsible in any way for any damage or otherwise the user may incur as a result of or in connection with any use of this publication for any purposes. It's the responsibility of the user to obtain the correct meaning or interpretation of this publication or any part thereof from Thai version or by making a formal request to the appropriate or related authorities.