

Cosmetics Act, B.E. 2535 (1992)

Translation

BHUMIBHOL ADULYADEJ, REX.

Given on the 31st Day of March B.E. 2535;

Being the 47th Year of the Present Reign.

His Majesty King Bhumibhol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to revise the law on cosmetics;

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 is called the "Cosmetics Act, B.E. 2535 (1992)".

Section 2

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

Section 3

The followings shall be repealed:

- (1) The Cosmetics Act, B.E. 2517 (1974);
- (2) The Cosmetics Act (No. 2), B.E. 2518 (1975).

Section 4

In this Act:

"Cosmetics" mean:

- (1) articles intended to be used by applying, rubbing, massaging, sprinkling, spraying on, dropping, introducing into, perfuming or by any other means to any part of human body for cleansing, beautifying, or promoting beauty, including skin-care products, but shall not include ornaments and clothing which are accessories outside human body;
- (2) articles intended for use as a specific component in the manufacturing of cosmetics; or
- (3) other articles prescribed as cosmetics by the Ministerial Regulation;

"container" means any material used specifically for packing or wrapping cosmetics;

"label" means a picture, imprint, or any statement with respect to cosmetics which is displayed on cosmetics, containers or packages, or inserted or posted with cosmetics, containers, or packages, and shall include the statement or text used with the cosmetics;

"manufacture" means make, mix, convert, transform, prepare, pack in portion or change a container;

"import" means bringing or ordering into the Kingdom;

"sell" means distribute, dispose of or exchange, provided that it is for the purpose of trade, and shall include possess for sale;

"place" means a place, a building or any part thereof, and shall include its vicinity;

"Committee" means the Cosmetics Committee;

"Secretary-General" means the Secretary-General of Food and Drug Administration;

“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

For the protection of individual health, the Minister shall have the powers to publish in the Government Gazette:

- (1) prescribing the name, category, kind or nature of specially controlled cosmetics which has to be registered under Section 16 before their, manufacture for sale or import for sale;
- (2) prescribing the name, category, kind or nature of controlled cosmetics of which the manufacture for sale or import for sale shall be in accordance with the rule and procedure prescribed under Section 27;
- (3) prescribing the name, category, kind or nature of cosmetics which shall not be manufactured, imported or sold;
- (4) prescribing the name of substances which shall not be used as an ingredient in the manufacture of cosmetics;
- (5) prescribing the name and quantity of substances which may be used as an ingredient in the manufacture of cosmetics;
- (6) prescribing the name, category, kind or nature of cosmetics for which a label is controlled.

The cosmetics prescribed as specially controlled cosmetics shall be cosmetics that may cause serious harm to users or contain toxic substances or other substances that may cause serious harm to health of users.

Before issuance of the Notification under this Section, opinions of relevant State agencies and private sector, as appropriate, shall be heard, except for the case of emergency or necessity that causes such case not to be performed.

Section 6

There shall be a Cosmetics Committee consisting of the Permanent Secretary for Ministry of Public Health as Chairman, Director-General of the Department of Medical Services, Director-General of the Department of Disease Control, Director-General of the Department of Medical Sciences, Director-General of the Department of Health, Secretary-General of Food and Drugs Administration, Director-General of the Department Science Service, Director-General of Customs Department, two representatives of the Sub-Ministry of University appointed from the person holding position of the Dean of Faculty of Pharmaceutical Science as *ex officio* members, and not more than six qualified members appointed by the Minister, not more than two of which shall be appointed from persons conducting business in relation to the manufacture, import or sale of cosmetics, as members.

The Secretary-General of Food and Drug Administration shall appoint official of the Office of the Food and Drug Administration as a member and secretary, and two others as members and assistant secretaries.

Section 7

A qualified member shall hold office for a term of two years and may be re-appointed.

Section 8

A qualified member vacates office before the expiration of the term upon:

- (1) death;
- (2) resignation;

- (3) being removed by the Minister for dishonesty in the performance of duties, misconduct or on the ground of inefficiency;
- (4) being a bankrupt;
- (5) being an incompetent or quasi-incompetent person;
- (6) having been imprisoned by a final judgment to a term of imprisonment except for an offence committed through negligence or a petty offence.

When a qualified member vacates office before the expiration of term, the Minister may appoint another person to replace and such appointed person shall hold office for the remaining term of the qualified members he replaced.

Section 9

At a meeting of the Committee, the presence of not less than one half of the total number of members is required to constitute a quorum. If the Chairman is not present at a meeting or is unable to perform his duties, the members present may elect one among themselves to preside over the meeting.

The decision of the meeting shall be by a majority of votes.

Each member shall have one vote. In the case of an equality of votes, the Chairman of the meeting shall have an additional vote as a casting vote.

Section 10

The Committee shall have the power and duties:

- (1) to submit opinion to the Minister for the implementation of Section 5, Section 27 or Section 35;
- (2) to give advice or opinion on registration and revocation of registration of specially controlled cosmetics, unless for the case of Section 23 paragraph three;
- (3) to give advice or consultation to the Minister in relation to cosmetics;
- (4) to perform other functions as may be designated by laws.

Section 11

The Committee shall have the power to appoint a subcommittee to consider the study or research concerning the matter within the scope of its powers and duties, or to perform any act as entrusted by the Committee.

The Committee shall stipulate a quorum and procedure of the meeting of the subcommittee as appropriate.

Section 12

In the performance of the duties, the Committee or subcommittee under Section 11 shall have the powers to summon a person to give statement or deliver a document or other material, to supplement its consideration.

Section 13

No person shall manufacture for sale or import for sale, the specially controlled cosmetics under Section 5 (1), except that the Secretary-General already registers such cosmetics.

The provision of paragraph one shall not apply to any person approved to establish a duty free shop in accordance with the law on customs, who imports the specially controlled cosmetics into the Kingdom for sale in such the duty free shop. In such case, the Minister may, by publication in the Government Gazette, prescribe rules and procedure to be performed for public safety or for preventing the violation or avoidance of relevant law.

Section 14

The manufacture or import of a sample of specially controlled cosmetics for academic study and analysis or for the application of registration shall be notified to a competent official for knowledge. The amount of manufacture or import shall be as prescribed by the competent official and shall comply with the rules, procedure and conditions prescribed in the Ministerial Regulation.

Section 15

Any applicant for the registration of the specially controlled cosmetics shall submit an application, delivery a sample and notify particulars of the cosmetics to the competent official in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulation.

The Ministerial Regulation under paragraph one shall prescribe the thing that the applicant has to present and shall prescribe period of time for carrying out the registration.

Section 16

The registration of specially controlled cosmetics shall state the following essentials in the register:

- (1) name and business place of a manufacture producer for sale or importer for sale;
- (2) trade name of the cosmetics;
- (3) substances and other materials used as component;
- (4) manufacturing process;
- (5) analysis method;
- (6) place of manufacture, instruments and tools used in manufacture, in the case of manufacturer for sale;
- (7) storage procedure;
- (8) a container;
- (9) label controlled under Section 5 (6).

The specially controlled cosmetics of the same applicant that differ only in trade name, color, contained size or other unessential part, which the Minister with the approval of the Committee prescribes by publication in the Government Gazette, shall be registered altogether in the same register of specially controlled cosmetics.

Section 17

The applicant shall pay all analysis or examination cost for the registration of specially controlled cosmetics in the amount as actually paid and burdened.

Section 18

The Secretary-General shall not order the registration of specially controlled cosmetics, if the Committee considers that:

- (1) such cosmetics are unsafe for use under Section 33 (1), (2) or (3);
- (2) the name of such cosmetics may be overstating, impolite or may cause deception;
- (3) the name of such cosmetics is inappropriate to Thai culture or may demolish Thai language;
- (4) the place of manufacturing, instruments and tools used in manufacture of the manufacturer for sale are not in accordance with those prescribed in the Ministerial Regulation.

The order refusing the registration shall be final.

Section 19

If the certificate of registration is lost or damaged in essence, the manufacturer for sale or importer for sale of specially controlled cosmetics shall submit an application for a substitute thereof to the competent official within fifteen days as from the date of knowledge of loss or damage.

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

Section 20

The applicant for registration may apply for the correction of any particular of specially control cosmetics registered by complying with the rules, procedure and conditions prescribed in the Ministerial Regulation, and the provisions of Section 15 paragraph two shall apply *mutatis mutandis*.

Section 21

In the case where the specially controlled cosmetics are already registered, if it appears later that such cosmetics become unsafe for use under Section 33, the Secretary-General with the advice or approval of the Committee shall have the power to revoke the registration of such cosmetics.

Section 22

The manufacturer for sale or the importer for sale shall manufacture or import the specially controlled cosmetics in accordance with the registration thereof.

The manufacturer for sale of specially control cosmetics shall manufacture them and have a place, instruments and tools for manufacturing in accordance with the rules and procedure prescribed in the Ministerial Regulation.

Every time of import of specially control cosmetics, documents of importation shall be provided according to the rules and procedure prescribed in the Ministerial Regulation. In such case, if a customs official or relevant competent official inspects and permits the importation, such relevant documents shall be delivered to the Office of the Food and Drug Administration without delay.

Section 23

If any person whose specially controlled cosmetic is registered shall notify to the Secretary-General for knowledge before the beginning of the manufacture or import of such cosmetics.

After notification under paragraph one, the person whose specially controlled cosmetic is registered shall have paid an annual fee as prescribed in the Ministerial Regulation which shall not exceeding the rate annexed to this Act until he notifies to stop the manufacture or import thereof.

If the annual fee is not paid within specified period of time, an additional fee shall be charged in the amount of five percent per month, and the Secretary-General shall notify that the unpaid annual fee and the additional fee shall be paid within thirty days as from the date the notice is received. The Secretary-General shall revoke the registration of specially controlled cosmetics, if no paid has been correctly done.

Section 24

In the case where it appears that the manufacturer for sale or importer for sale of specially controlled cosmetics violates or fails to comply with Section 22 or the Ministerial Regulation issued under Section 22, the Secretary-General shall have the powers to order that such person shall terminate the act of violation or correct such act or comply correctly with it. For the purpose of protection of consumers, the Secretary-General shall also have the powers to notify such violation or non-compliance to public, as it deems expedient.

Section 25

No person shall sell the specially controlled cosmetics that are not registered or their registration are revoked, except for the sale in the duty free shop operated by the person who complies with the rules and procedure prescribed by publication by the Minister under Section 13 paragraph two.

Section 26

In the case of necessity for control, the Secretary-General shall have the power to issue an order as follows:

- (1) the manufacturer for sale or importer for sale of specially controlled cosmetics shall report the details of operation in relation to the cosmetics which he manufactures or imports;
- (2) the manufacturer for sale or importer for sale of specially controlled cosmetics shall submit the sample of the cosmetics which he manufactures or imports.

Section 27

For the protection of sanitary of persons, the Minister shall have the powers to publish in the Government Gazette to prescribe quantity of essential components of the controlled cosmetics under Section 5 (2), and may prescribe a container, rules, process of manufacturing, process of importation or procedure of storage for the manufacturer for sale or importer for sale of controlled cosmetics to comply with.

Section 28

Any person intending to manufacture for sale or import for sale of controlled cosmetics shall comply with the followings:

- (1) notifying a name, location of office and the place of manufacture or storage of the cosmetics, as the case may be;
- (2) notifying a name, category or kind of the cosmetics which he intends to manufacture or import;
- (3) notifying quantity of essential components of such cosmetics.

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

The manufacturer for sale or importer for sale of controlled cosmetics shall comply with the Notification of the Minister issued under Section 27.

The provisions of Section 23 paragraph two and paragraph three, Section 24 and Section 26 shall apply *mutatis mutandis* to the manufacture for sale or import for sale of controlled cosmetics.

Section 29

In the case where there are prescribed substances that may be used as ingredients of the cosmetics under Section 5 (5), using such substances shall be deemed legal without being subject to provisions of other relevant laws.

In the case where any substance is prescribed as the substance that may be used as an ingredient in the manufacture of cosmetics under Section 5 (5), if later there is a Notification prescribing the prohibition of such substance to be used as ingredient in the manufacture of cosmetics under Section 5 (4), such Notification shall come into force after one hundred and eighty days from the date that its publication has been elapsed, except in the case of being harmful to users that such Notification may be prescribed to come into force promptly or within the shorter period of time than specified above.

Section 30

The label of cosmetics controlled under Section 5 (6) shall have the following characteristics:

- (1) using true statement and no statement that may cause deception in essential with respect to the cosmetics;
- (2) specifying necessary particulars that if not so specified, consumers may misunderstand the essential part with respect to the cosmetics.

Specifying particulars under paragraph one (2) shall be in accordance with the rules, conditions and particulars prescribed by the Committee and published in the Government Gazette.

Section 31

When the Committee considers that any label is not in accordance with Section 30, the Committee shall have the power to order the manufacturer for sale or the importer for sale of cosmetics, the label of which is controlled, not to use or rectify such label.

Section 32

Any person intending to manufacture for sale or import for sale of cosmetics the label of which is controlled may request to the Secretary-General for opinion on the label intended to be used.

The request for opinion, a commission and the period of time to give such opinion shall be in accordance with the Rule issued by the Minister.

Section 33

The cosmetics having any characteristic as follows shall be deemed as cosmetics unsafe for use:

- (1) the cosmetics containing substances that may be harmful to users;
- (2) the cosmetics having prohibited substances under Section 5 (4);
- (3) the cosmetics in-sanitarily manufactured or contained in an in-sanitary container, which this may be harmful to users;
- (4) the cosmetics having substances which can be dissolved in whole or in part after containing and can cause toxin that may be harmful to users.

Section 34

The cosmetics having any characteristic as follows, shall be deemed falsify cosmetics:

- (1) the cosmetics having any pseudo substance as its essential part or the cosmetics not having essential particulars as notified to the competent official;
- (2) the cosmetics presented as being registered, which this is not true;
- (3) the cosmetics the label of which specifies name of manufacturer or place of manufacturing which is not true;
- (4) the cosmetics having essential substances less or more than twenty percent of those as registered, as notified to the competent official or as specified on the label.

Section 35

The cosmetics having essential substances less or more than those registered in the registration of cosmetics as notified to the competent official or as specified on the label, or having essential substances in excess of erroneous rate as prescribed by the Minister by publication in the Government Gazette but not reach to such rate as prescribed under Section 34 (4), shall be deemed nonstandard cosmetics.

Section 36

No person shall manufacture for sale of, import for sale of or sell the cosmetics unsafe for use under Section 33, the falsify cosmetics under Section 34 or the non-standard cosmetics under Section 35.

Section 37

The provisions of the law on consumers' protection in relation to the protection of consumers on advertisement shall apply *mutatis mutandis* to the advertisement of the cosmetics. The powers and duties of the Consumers Protection Board shall be deemed the powers and duties of the Minister, and the powers and duties of the Advertisement Committee shall be deemed the powers and duties of the Committee.

Section 38

When it appears that the manufacturer for sale or the importer for sale commits an offence under this Act or that there is reasonable suspicion of such act, the competent official with the approval of the Secretary-General shall have the power to arrest such person in order to send him to an inquiry official for proceedings under the law.

In the case of having a reasonable cause, the Secretary-General may order the competent official to join with the inquiry official according to the Rule issued by the Minister of Public Health with the approval of the Ministry of Interior.

In such case, such competent official shall be the inquiry official under the Criminal Procedure Code.

Section 39

In the case where there is reasonable suspicion that the offence under this Act has been committed, the Secretary-General shall have the power to order the competent official to perform as follows:

- (1) to enter a place of manufacture, a place of importation, a place of storage, or a place for sale of cosmetics or to enter a vehicle loading the cosmetics, in order to examine the cosmetics, containers, documents or other things in relation to the cosmetics, including manufacturing process or storage procedure during the sunrise to the sunset or on the working day of such places;
- (2) to bring the cosmetics or other substances suspected as cosmetics in reasonable quantity to be a sample for examination or analysis;
- (3) to search for, seize or garnish the cosmetics, containers, documents or other things in relation to the cosmetics;
- (4) to summon in writing any person to give statement or submit documents and evidence as necessary for the consideration of the competent official.

In the performance of duties under paragraph one, the person concerned shall provide convenience as appropriate.

Section 40

The duty under Section 39 (1) shall be performed at the presence of occupier of the place or the vehicle or, in the absence of the owner or the occupier, at the presence of at least two other persons who the competent official requests to be witnesses. If not in emergency, the competent official shall reasonably notify in writing to the owner or the occupier of such place or such vehicle for knowledge in advance.

Any thing seized or garnished shall be examined and certified by the occupier of the place or the vehicle, a person who works in such place or such vehicle or the witnesses, as the case may be. If such person certifies or refuses to certify as such, the competent official responsible for the performance of such duty shall record the matter.

The thing seized or garnished shall be packed or contained with the seal or shall be essentially marked.

Section 41

For the protection of consumers, the Secretary-General with the approval of the Committee shall have the power to notify to public the result of examination or analysis of the cosmetics or other things suspected as the cosmetics brought as such under Section 39 (2). In such case, the owner of the cosmetics shall have an opportunity to explain, object and present evidences, as appropriate for the case.

Section 42

In the performance of duties under Section 39, the competent official shall perform his duties to cause no damage or dispersion as possible.

Section 43

The competent official who is responsible for searching shall record the details of searching and a list of things searched, seized or garnished.

The record of the searching and the list under paragraph one shall be read to the occupier of the place or vehicle, the person who works in such place or such vehicle or the witnesses for listening, as the case may be, and such person shall sign for certification. In the case where he refuses to sign, the competent official shall record as such and submit the record, list and things seized to the Office of Food and Drug Administration, Ministry of Public Health without delay.

Section 44

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

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

Section 45

When it appears that any cosmetics manufactured for sale or imported for sale or sold, by violation of Section 13 or have any characteristic specified under Section 21, Section 33, Section 34 or Section 35, the competent official shall have the power to seize or garnish them for the proceedings under the law.

The competent official may order the manufacturer for sale, importer for sale, seller or occupier of cosmetics under paragraph one to keep and destroy such cosmetics or to deliver them to the competent official within the period of time specified by him.

If the owner or the occupier of the things seized or garnished has not objected and applied for the return within ninety days from the date of seize or garnish, such cosmetics shall be vested in the Office of the Food and Drug Administration for administration in accordance with the Rule issued by the Ministry of Public Health.

Section 46

Any person who fails to give a statement or submit documents or materials according to the order of the Committee or the sub-committee under Section 12 or the order of the competent official under Section 39 (4) 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 violates Section 13 paragraph one or fails to comply with the rules and procedure prescribed by publication by the Minister under Section 13 paragraph two shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding thirty thousand Baht or to both.

Any person commits the same offence under paragraph one within five years from the date of committing the previous offence shall be liable to twice the penalty provided under paragraph one.

Section 48

Any person who fails to comply with Section 19 paragraph one shall be liable to a fine not exceeding five thousand Baht.

Section 49

Any person who violates or fails to comply with the Ministerial Regulation issued under Section 14, or violates Section 22 paragraph one or the Ministerial Regulation issued under Section 22 paragraph two shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding twenty thousand Baht or to both.

Section 50

Any person who manufactures or imports the specially controlled cosmetics the certificate of registration of which is revoked under Section 21 shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding thirty thousand Baht or to both.

The provisions of Section 47 paragraph two shall apply *mutatis mutandis* to the person who commits the offence under paragraph one.

Section 51

Any person who violates Section 23 paragraph one shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding twenty thousand Baht or to both.

The provisions of Section 47 paragraph two shall apply *mutatis mutandis* to the person who commits the offence under paragraph one.

Section 52

Any person who violates or fails to comply with Section 24 or Section 45 paragraph two shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding twenty thousand Baht or to both.

Section 53

Any person who violates Section 25 shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding twenty thousand Baht or to both.

If the offence under paragraph one be committed by negligence, the offender shall be liable to a fine not exceeding ten thousand Baht.

The provisions of Section 47 paragraph two shall apply *mutatis mutandis* to the person who commits the offence under paragraph one.

Section 54

Any person who fails to comply with the order of the Secretary-General under Section 26 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 55

Any person who fails to comply with Section 28 paragraph one or paragraph three 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 56

Any person who intends to cause the deception of origin, condition, quality, quantity or other substances in relation to the cosmetics of himself or other person, or uses a label containing false statement or any statement he knows or should know that may cause such deception shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding thirty thousand Baht or to both.

If the offender under paragraph one commits the same offence within six months from the date of committing the previous offence, the offender shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding sixty thousand Baht or to both.

Section 57

Any person who sells the cosmetics having a controlled label, having no label or having an incurred label or incorrect presentation of label, or who sells the cosmetics having the label that the Committee has ordered to cease using under Section 31 shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding twenty thousand Baht or to both.

If the offence under paragraph one be committed by negligence, the offender shall be liable to a fine of not exceeding ten thousand Baht.

If the offence under paragraph one committed by the manufacturer for sale or the importer for sale of cosmetics, the label of which is controlled, the offender shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding thirty thousand Baht or to both.

Section 58

Any person who is hired for producing an illegal label or for posting an illegal label with the cosmetics the label of which is controlled by knowing or having cause to know that such label is illegal shall be liable to a fine not exceeding ten thousand Baht.

Section 59

Any person who manufactures for sale, imports for sale or sells the cosmetics that having any characteristic under Section 33 (1) or (2) or Section 34 (1) or (2), which this violates Section 36 shall be liable to imprisonment for a term not exceeding one year or to a fine of exceeding sixty thousand Baht or to both.

Any person who manufactures for sale, imports for sale or sells the cosmetics having any characteristic under Section 33 (3) or (4), or Section 34 (3) or (4), which this violates Section 36 shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding thirty thousand Baht or to both.

If the import for sale of cosmetics under paragraph one or paragraph two committed by negligence, the person who commits it shall be liable to a fine not exceeding thirty thousand Baht.

If the sale of cosmetics under paragraph one or paragraph two committed by negligence, the person who commits it shall be liable to a fine not exceeding ten thousand Baht.

Section 60

Any person who manufactures for sale, imports for sale of cosmetics having the characteristics under Section 35, which this violates Section 36 shall be liable to a fine not exceeding twenty thousand Baht.

If the import for sale under paragraph one committed by negligence, the person who commits it shall be liable to a fine not exceeding five thousand Baht.

Section 61

Any person who sells the cosmetics having the characteristic under Section 35, which this violates Section 36, shall be liable to a fine not exceeding five thousand Baht.

If the offence under paragraph one be committed by negligence, the offender shall be liable to a fine not exceeding three thousand Baht.

Section 62

Any person who fails to render facilities, as appropriate, to the competent official that performs the duties under Section 39 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 63

All cosmetics that are manufactured for sale, imported for sale or sold in violation of Section 13, or have any characteristic prescribed under Section 21, Section 33, Section 34 or Section 35, including containers, labels and instruments for use with such cosmetics shall be forfeited, whether or not there is any person who is convicted by the judgment of the court. The things forfeited shall be vested in the Office of Food and Drug Administration for administration according to the Rule issued by the Ministry of Public Health.

Section 64

In the case where a court convicts any person of an offence under Section 47, Section 50, Section 53 or Section 59 paragraph one or paragraph two, if circumstances appear that such person may re-commit such offence, the court may order in its judgment to prohibit

the manufacturing or importation or sale for a period of not exceeding five years as from the date the punishment released.

Section 65

For all offence having only the penalty of fine under this Act, the Committee or the competent official entrusted by the Committee shall have the power to settle a fine.

In the case where there is the seize or garnish of the exhibit concerned with the offence committed under this Act, the person who has the power to settle a fine under paragraph one shall have the power to settle the fine upon that:

- (1) an offender consents to correct and already corrects the exhibit seized or garnished, in the case where the correction can be made;
- (2) an offender consents that the exhibit seized or garnished be vested in the Office of the Food and Drug Administration, in the case where the correction can not be made.

In the case where the person consents the settle of fine and already corrects the exhibit, the competent official shall withdraw the seize and garnish of such exhibit.

All things being vested in the Office of Food and Drug Administration shall be administered according to the Rule issued by the Ministry of Public Health.

Section 66

Within six months as from the date this Act comes into force, the Minister shall issue the Notification prescribing the name of specially controlled cosmetics and of controlled cosmetics.

During that the proceeding under paragraph one has not yet finished:

- (1) the cosmetics that their manufacture for sale or import for sale shall be subject to a license under Section 5 (1) of the Cosmetics Act, B.E. 2517 (1974) shall be deemed the specially controlled cosmetics under this Act, and the person who was licensed to manufacture for sale and import for sale or who received the certificate of registration of such cosmetics shall be deemed the person who is registered for the specially controlled cosmetics under this Act;
- (2) the cosmetics that had to be qualified as prescribed under Section 5 (2) of the Cosmetics Act, B.E. 2517 (1974) shall be deemed the controlled cosmetics under this Act, and the Notification of the Minister prescribing standard quality for such cosmetics shall be deemed the Notification issued by the Minister under Section 27 of this Act.

Section 67

All Ministerial Regulation and Notification issued under the law on cosmetics and being in force on the day this Act comes into force shall be in force to the extent of not contrary to and inconsistent with this Act.

Section 68

The Minister of Public Health shall have charge and control of the execution of this Act and shall have the powers to appoint competent officials, issue Ministerial Regulations prescribing the rate of fee not exceeding the rate of fee annexed to this Act, the gratis of fee, and other activities, and issue Notifications for the execution of this Act.

Such Ministerial Regulations and Notifications shall come into force upon their publication in the Government Gazette.

Countersigned by

Mr. Anan Panyarachun

Prime Minister

Rates of Fee

1. Certificate of Registration 1,000 Baht each
2. Substitute of a Certificate of Registration 1,000 Baht each
3. Fee of manufacture for sale 3,000 Baht a year
4. Fee of import for sale 3,000 Baht a year

Published in Government Gazette, Volume 109, Part 42, of 8th April 1992

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