

**Food Act B.E. 2522 (1979)**

Translation

BHUMIBOL ADULYADEJ REX

Given on the 8th day of May B. E. 2522

Being the 34th year of the Present Reign

By Royal Command of His Majesty King Bhumibol Adulyadej,

It is hereby proclaimed that:

Whereas it is deemed expedient to revise the law on Food Quality Control:

His Majesty the King, by and with the advice and consent of the Constituent Assembly in its capacity as Parliament, is graciously pleased to enact an Act as follows:

**Section 1**

This Act shall be called the "Food Act, B.E. 2522 (1979)"

**Section 2**

This Act shall come into force on and from the day following its publication in the Government Gazette.

**Section 3**

The following shall be repeal:

- (1) Food Quality Control Act, B.E. 2507
- (2) Announcement of the Revolutionary Party No.49, dated 18 January B.E. 2515

All other laws, rules and regulations insofar as they are provided for herein or are contrary to or conflict with the provisions of this Act are superseded hereby.

**Section 4**

In this Act:

"Food" means edible items and those, which sustain life:

- (1) Substance can be eaten drunk, sucked or gotten into the body either by mouth or by other means, no matter in what form, but not including medicine, psychotropic substances, narcotic under the law as the case may be,
- (2) Substance intended for use or to be used as ingredients in the production of food including food additive, coloring matter and flavoring:

"Controlled foods" means foods published in the Government Gazette by the Minister as the quality or standard control food;

"Food recipe" means list of substance, which is used as ingredients in the production of food in a specified content;

"Container" means any object used as a receptacle for placing, packaging or any other method;

"Label" includes any figure, invented design; or text show on the food, food container or package;

"Produce" means to make, mix, transform and includes repacking;

"Sale" includes to distribute or exchange as well as to have in a possession for the purpose of sale;

"Import" means to bring into the Kingdom;

"Export" means to sell out side the Kingdom;

"Factory" means factory under the factory law set up for the production of food;

"Licensee" means person who received license under the Act, in the case of juristic person receiving the license shall include the person that the Juristic entity has appointed to operate business;

"Authority" means the Secretary General of the Food and Drug Administration; or a person authorized by him.

"Commission" mean Food Commission;

"Competent officer" means a person appointed by the Minister to carry out the provisions of this Act;

"Minister" means the Minister in charge of this Act.

## **Section 5**

The Minister of Public Health shall be in charge of the execution of this act and shall be empowered to appoint competent officers, promulgate Ministerial. Regulations, specifying the fees not exceeding the maximum fee specified in this act, exempting the payment of fees or set other activities in order to carry out the provisions of this Act.

Ministerial Regulations and notification after published in the Government Gazette shall come into effect.

## **Section 6**

In the interests of controlling food, the Minister shall be empowered to publish in the Government Gazette.

- (1) prescribing controlled foods.
- (2) prescribing quality or standard of controlled food by reference to the name, class, kind, or nature of food produced for sale, import for sale or sale including principle, conditions and methods of production for sale, import for sale or sale;
- (3) prescribing quality or standard of food other than controlled food prescribed under (1) with or without the principle, conditions and methods of production for sale, import for sale or sale;
- (4) prescribing the proportion of ingredients used in the production of food by reference to the name, class, kind or nature of food produced for sale, imported for sale or sale, including the use of coloring matter and flavoring;
- (5) prescribing the principle, conditions and methods of using preservatives and methods of preserving, admixture of coloring or other matter in food produced for sale, imported for sale or sale.
- (6) prescribing the quality or standard of container and use of container including the prohibition to use any packaging material as a container of food;
- (7) prescribing the methods of production, tools and utensils used in the production and preservation of food in order to prevent the food produced for sale, imported for sale or sale from becoming impure food under this Act;
- (8) prescribing food, which is prohibited to be produced, imported or sold;
- (9) prescribing the principle conditions and methods of inspection, storage, seizure, and method of analysis of food including reference documents
- (10) prescribing the class and kind of food produced for sale, imported for sale or sale which required labels, the texts on the labels, conditions and the display of the labels and also the principle and method of advertising on the labels.

## **Chapter 1**

### **Food Commission**

#### **Section 7**

There shall be a commission called the "Food Commission" composed of the Permanent Secretary of the Ministry of Public Health as Chairman, Secretary General of the Food and Drug Administration, Director General of the Health Department or representative, Director General of Medical Service Department or representative, Director General of the communicable Disease control Department, or representative, Director General of the Medical Science Department or representative, Director General of Science and Service Department or representative, Director General of Department of Domestic Trade or representative, Director General of Customs Department or representative, representatives from the Ministry of Defense, representative from Ministry of Agriculture, and representative of the Legislative Commission are members and not more than 9 qualified persons appointed by the Minister as members. Of this group not more than 4 persons must be representatives of manufacturer, importer or dealer of food.

#### **Section 8**

The Commission shall have the power and duty to offer an advice and opinions to the Minister or the authority, as the case may be, in the following matters;

- (1) Promulgation under Section 6.
- (2) Consideration appeals under Section 19.
- (3) Withdraw the entire product license under Section 39.
- (4) To act according to Section 44.
- (5) To suspend licenses or withdraw licenses under Section 46.

#### **Section 9**

Members appointed by the Minister shall have a term of office of two years and may be reappointed.

#### **Section 10**

Apart from vacating office of the expiration of terms under Section 9, members appointed by the Minister shall vacate office upon;

- (1) death
- (2) resignation
- (3) being adjudged bankrupt
- (4) being adjudged incompetent or quasi-incompetent
- (5) being sentenced by or final judgment to imprisonment except for petty offenses or offenses of negligence.

When a member vacates office before the expiration of his term, the Minister may appoint another person in his stead and shall serve for the remainder of the un-expired term.

In the case of the Minister appointing additional members while other members previously appointed are still in office, the additional member shall be in office equal to the remainder of the un-expired term of the previously appointed members.

#### **Section 11**

The quorum for the meetings of the Commission shall consist of at least half the total number of members.

If the Chairman of the Commission is absent from the meeting. Those attending shall elect one of themselves as Chairman for the meeting.

Decisions of the Commission shall be by a majority vote. Each member shall have one vote. In case of tie, the Chairman of the meeting shall have an additional casting vote.

### **Section 12**

The Commission shall have the power to appoint a subcommittee for carrying out duties that the commission decreed and Section 11 shall apply to the meeting of the sub-committed *mutatis mutandis*.

### **Section 13**

In the performance of their duties, the Commission is empowered to issue written orders summoning any person to testify or submit documents or any material for consideration.

## **Chapter 2**

### **Applications for licenses and the Granting of Licenses**

#### **Section 14**

No one may to produce food for sale except receiving license from the authority.

Applications for licenses and the granting of licenses shall be in accordance with the principle, procedures or conditions prescribed in the Ministerial Regulations.

#### **Section 15**

No one may import food for sale except receiving license from the authority.

Applications for licenses and the granting of licenses shall be in accordance with the principle, procedures or conditions prescribed in the Ministerial Regulations.

#### **Section 16**

Section 14 and Section 15 shall not be including the following;

- (1) Occasional Production or import of food, which received occasional license from the authority.
- (2) Production or the export of food sample for registration or for consideration before ordering.

Persons receiving exemption under (1) and (2) must abide by the principle, and conditions prescribed in the Ministerial Regulation.

#### **Section 17**

Licenses issued under Section 14, Section 15 and Section 16 (1) shall accord protection to the employees and representative of the licensee.

It shall be deemed that actions of the employees or representative of the licensee that is accorded protection are the actions of the licensee except when the licensee can prove that the actions were beyond his Knowing or control.

#### **Section 18**

Licenses issued under Section 14 and Section 15 shall be valid until the 31st December of the third year from the date of issue. If the licensee wishes to extend the license, must submit an application before the license has expired. Upon submitting the application, the licensee can continue the business until the authority does not grant the license extension;

The application for extension of license and the granting of license shall be in accordance with the principle and conditions prescribed in the Ministerial Regulations.

#### **Section 19**

In the event that license is not granted or does not grant extension of the license or does not, grant permission to modify of production premises, import premises or storage

premises. The person applying for license, extension of license or permission to modify premises has the right to appeal to the Minister in writing within 30 days from the date of acknowledgement of the refusal to issue a license, extension of license or to modify premises.

The decision of the Minister shall be final.

In the event that the license is not granted extension of license, prior to the Ministers decision, the Minister is empowered to allow continuing the business upon request from the person who submitted the appeal.

### **Chapter 3**

#### **Duties of the licensee concerning food**

##### **Section 20**

The licensee under Section 14 or Section 15 is prohibited to produce, import or keep the food outside the place specified in the license.

##### **Section 21**

The licensee is prohibited to modify the production premises, import premises or storage premises except by the permission from the authority.

Application for permit or the granting of permit shall be in accordance with the principle and conditions prescribed in the Ministerial Regulations.

##### **Section 22**

If the license or product license is lost or destroyed, the licensee shall notify the authority and apply for a replacement of license or replacement of product license within fifteen days from the date which the loss or destruction is known.

The application for license or product license and the replacement of license and the replacement of product license shall be in accordance with the principle and conditions prescribed in the Ministerial Regulation.

##### **Section 23**

The licensee must show their license or replacement, as the case may be openly and conspicuously at the place of production or importation, which specified in the license. The licensee must have a sign showing "the food production premises" or "the import food premises" openly and conspicuously outside the premises.

##### **Section 24**

For the benefit of export or when it is necessary for the licenses to occasionally produce controlled food for export, the authority may grant occasional licenses for licensee to produce controlled food according to the standard of foreign countries or international standards, regardless of whether the standard are lower or higher than the standard that specified by the Minister in Section 6. The Commission shall be notified.

### **Chapter 4**

#### **Control of Food**

##### **Section 25**

No one may produce, import for sale or distribute the following foods:

- (1) impure food

- (2) adulterated food;
- (3) substandard food;
- (4) other food which specified by the Minister.

### **Section 26**

Food of the following description shall be deemed impure;

- (1) Food which contains anything likely to be dangerous to health
- (2) Food in which a substance or chemical substance has been mixed which could deteriorate the quality unless such admixture is necessary to the process of production, the production and has been authorized by the competent officer
- (3) Food unhygienically produced, packed or stored.
- (4) Food produced from animals having disease, which might be communicated to man.
- (5) Food in containers made of materials, which are likely to be dangerous to health.

### **Section 27**

Food of the following description shall be deemed adulterated:

- (1) Food for which other substances are partly substituted or in which valuable substances are wholly or partly removed and which is sold as or under the name of the genuine food.
- (2) Substances or food produced as substitutes for any food and distributed as being genuine food.
- (3) Food that is mixed or prepared in any way to conceal defects or inferior quality of the food.
- (4) Foods labeled in order to deceive or try to 'deceive the purchasers in matters of quality, quantity, usefulness or special nature or place or country or production
- (5) Food not up to the quality or standard prescribed by the Minister under Section 6 (2) or Section 6 (3) and the quality or standard of that food deviate from the upper or lower specified limit more than thirty percent or its deviation may harmful to the consumer.

### **Section 28**

Substandard food is a food not up to the quality or standard prescribed by the Minister under Section 6 (2) or Section 6 (3) but its deviation is not as high as in Section 27 (5).

### **Section 29**

Food of the following description shall be deemed food under Section 25 (4)

- (1) not safe for consumption;
- (2) unreliable indication;
- (3) value or usefulness is not appropriate to the consumer.

### **Section 30**

For the benefit of ensuring that food be hygienic and to protect consumer from health hazard, the Secretary of the Food and Drugs Administration shall be empowered to give written order to:

- (1) The licensee to alter or repair production premises or storage premises.
- (2) Suspension of production or import food, which is unlawfully produced or imported, or food that the results of analysis show that it is not fit for consumption.

- (3) Publicize the results of analysis to the public in the case that it is impure food under Section 26 or adulterated food under Section 27 or substandard food under Section 28 or food which could be harmful to the health of the public or that container is made of materials which are likely to be dangerous when it uses as a food container. The publish shall be included in the following:
  - (a) If the producer is known the name of the producer and the class or description of the food or containers and if the food or containers have trade names or lot number, as the case may be.
  - (b) In the event that the producer is not known but the distributor is known, the name of the distributor including class or description of the food or container.

## **Chapter 5**

### **Product registration and Advertisement of food**

#### **Section 31**

The licensee under Section 14 or Section 15, who wishes to produce or import controlled food, must get a product license from the authority.

Applications for certificate and the granting of certificate of food recipe shall be in accordance with the principle and conditions prescribed in Ministerial Regulation

#### **Section 32**

Upon promulgation under Section 6 (1) the licensee under Section 14 produced controlled food prior to the promulgation date must suspend production of food until receive product license under Section 31 unless the authority gives temporary permit to continue production for an appropriate period of time as may be deemed appropriate.

#### **Section 33**

Upon promulgation under Section 6 (1) the licensee under Section 15 imported controlled food into the Kingdom prior to the promulgation date must apply for product license under Section 31 within 60 days from the promulgation date unless the authority has extended the time.

#### **Section 34**

The licensee produce or import controlled food must produce or import according to the approved recipes.

#### **Section 35**

The application for product license under Section 31 must include the following details.

- (1) name of food;
- (2) name and quantity of the ingredients in the food;
- (3) size of packing;
- (4) label;
- (5) name of producer and place of production;
- (6) result of analysis of the food by government laboratory or institutions specified by the Commission.
- (7) other materials in connection with the food recipes.

#### **Section 36**

Alteration of approved food recipe must get permission from the authority. The granting of permit of alteration food recipes shall be in accordance with the principle and conditions prescribed in the Ministerial Regulations.

### **Section 37**

Product license shall be valid forever unless it is revoked under Section 39.

### **Section 38**

When it is necessary, for the benefit of controlling food, to make a food to be safe for consumption or to protect the consumer from health hazard, the authority shall be empowered to order the alternation of approved food recipes as appropriate or as necessary in order to make the food safe for consumption.

### **Section 39**

Any approved food recipe if found later that the details of the food do not conform to the details in the approved food recipe or is adulterated under Section 27 or is unsafe for consumption and the details of the food recipe cannot be altered under Section 38 The Minister is empowered to revoke the product license and the order shall be published in the Government Gazette.

The order of the Minister shall be final.

### **Section 40**

False or deceptive advertising of the quality, usefulness or indication of a food is prohibited.

### **Section 41**

Anyone wishing to advertise the qualities, usefulness or indication of a food by radio, television, film, newspapers or other printed matter or by other means for business purposes must submit the sound, pictures or films or text of the advertisement to the authority for consideration, and can be advertised after receiving permission.

### **Section 42**

To protect the interests and safety of the consumer, the authority is empowered to give written orders to

1. the producer, importer or distributor of food or food advertising person stop advertising which considered to be violated Section 41.
2. the producer, importer or distributor of food or food advertising person stop producing, importing, distributing or advertising a food which the Commission deems as not having the usefulness, quality or indication as advertised.

## **Chapter 6**

### **Competent Officer**

### **Section 43**

In the performance of their duties, competent officer shall have the following powers:

- (1) to enter a place of production, storage area, place of sale or office of the producer, storekeeper, distributor, including the importer office for inspection in connection with enforcement of this act during normal working hours;
- (2) where it is suspected that there is a violation of this act, to enter a place or vehicle to inspect the food and seize or attach the food or utensils connected with the violation including the containers and packages of food and documents connected with the food;
- (3) to take reasonable quantity of food for inspection and analysis;
- (4) to seize or attach food or containers suspected of capable of hazardous to the health for analysis;



- (5) to seize or attach impure food, adulterated food or substandard food or containers capable of hazardous to the health or having the nature of which not in accordance with the quality or standard set by the Minister under Section 6 (6)

In the performance of the duties in paragraph one the license or other person involved must give appropriated facility.

#### **Section 44**

Food or containers seized, attached or collected by competent officer under Section 43, after checking by the competent officer and proved to be impure under Section 26, adulterated under Section 27 or substandard under Section 28 or food that specified by the Minister under Section 29 or to be container which can be hazardous to the health of the consumer or having characteristics not according to the quality or standard set by the Minister under Section 6 (6), provided no legal proceedings in the court, the competent officer with the approval of the commission may order to destroy or treat in any way as may be deemed appropriate.

#### **Section 45**

When performing their duties, competent officers must show their identity cards when requested by licensee or person concerned.

The identity card of the competent officer shall be according to which prescribed in Ministerial Regulation.

### **Chapter 7**

#### **Suspension on or revoke of license**

#### **Section 46**

When it appears that a licensee violates this Act. Ministerial Regulations or notifications issued hereunder, or the results of the tests on food produced by any licensee is found to be impure under Section 26, adulterated under Section 27 or substandard under Section 28, food or containers might be harmful to consumer. The authority with the approval of the commission is empowered to order the suspension of the license not more than 120 days each time or in the event that legal proceedings have been in the court that the licensee has committed an offense under this Act, the license can be suspended until final judgment has been reached.

In the case that there is final judgment, any licensee who has committed a crime under Section 26 or Section 27. The authority with the approval of the Commission is empowered to revoke the license.

Order for suspension of the license or revoke of the license shall be made in writing to inform the licensee. In case the licensee may not be found, or the licensee refused to accept the order, it shall be posted in a conspicuous place at the place of production, import, sale or office of the licensee and it shall be deemed that the licensee has been notified the order from the date of posting.

Person, which the license has been suspended or revoked, has the right to appeal to the Minister within thirty days from the date of acknowledgement of the: order. The Minister is empowered to lift the appeal or alter the order of the authority beneficial to the person who appealed.

The decision of the Minister shall be final.

The appeal to the Minister under paragraph four, however, shall not stay the execution of the order for suspension or revoke of the license.

It shall be regarded that production, importation for sale of the controlled food, during suspension or revoke of license is violated Section 14 paragraph one or Section 15 paragraph one, as the case may be.

## **Chapter 8 Punishment**

### **Section 47**

Whoever violates notifications issued under Section 6 (4), Section 6 (5) or Section 6 (9) shall be liable to a fine of not more than twenty thousand Baht.

### **Section 48**

Whoever violates notifications issued under Section 6 (6) shall be liable to imprisonment of not more than 2 years or a fine of not more than twenty thousand Baht or both.

### **Section 49**

Whoever violates notifications issued under Section 6 (7) shall be liable to a fine of not more than ten thousand Baht.

### **Section 50**

Whoever violates notifications issued under Section 6 (8) shall be liable to imprisonment from six month to 2 years or a fine from five thousand to twenty thousand Baht.

### **Section 51**

Whoever violates notifications issued under Section 6 (10) shall be liable to a fine of not more than thirty thousand Baht.

### **Section 52**

Whoever does not follow the orders of the Commission under Section 13 or whoever obstructs or not give facility to a competent officer acting under Section 43 shall be liable to imprisonment of not more than one month or a fine of not more than one thousand Baht or both.

### **Section 53**

Whoever violates Section 14 paragraph one or Section 15 paragraph one shall be liable to imprisonment of not more than 3 years and a fine of not more than thirty thousand Baht or both.

### **Section 54**

Whoever produces or imports food or occasions without license under Section 16 (1) or does not follow the Ministerial Regulations prescribed under Section 16 paragraph 2 shall be liable to a fine of not more than five thousand Baht

### **Section 55**

Any licensee who violates Section 20 or Section 21 paragraph one shall be liable to a fine of not more than five thousand Baht.

### **Section 56**

Any licensee who violates Section 22 paragraph one or Section 23 shall be liable to a fine of not more than one thousand Baht.

### **Section 57**

Any licensee sell controlled food processed or export in the Kingdom, violating Section 24, shall be liable to imprisonment of not more than three years and a fine of not more than thirty thousand Baht.

### **Section 58**

Whoever violates Section 25 (1) shall be liable to imprisonment of not more than 2 years and a fine of not more than twenty thousand Baht.

### **Section 59**

Whoever violates Section 25 (2) shall be liable to imprisonment from six months to ten years and a fine from five thousand Baht to one hundred thousand Baht

### **Section 60**

Whoever violates Section 25 (3) shall be liable to a fine of not more than fifty thousand Baht.

### **Section 61**

Whoever violates Section 25 (4) shall be liable to imprisonment of not more than five years and a fine of not more than fifty thousand Baht or both.

### **Section 62**

Any licensee who does not follow the orders of the authority under Section 30 (1) shall be liable to a fine of not more than ten thousand Baht.

### **Section 63**

Whoever does not follow the orders of the authority under Section 30 (2) shall be liable to a fine of not more than fifty thousand Baht and a daily fine of five hundred Baht for the whole period the order was not follow the order.

### **Section 64**

Any licensee violating Section 31 paragraph one shall be liable to imprisonment of not more than two years or a fine of not more than twenty thousand Baht or both.

### **Section 65**

Whoever sells unregistered controlled food under Section 31 shall be liable to a fine from one thousand to ten thousand Baht.

### **Section 66**

Whoever violates Section 34 shall be liable to imprisonment of not more than one year and a fine of not more than ten thousand Baht or both.

### **Section 67**

Any licensee violates Section 36 shall be liable to imprisonment of not more than one year or a fine of not more than ten thousand Baht or both.

### **Section 68**

Any licensee does not follow the order of the authority under Section 3s shall be liable to a daily fine of 500 Baht for the whole period the order was not follow the order.

### **Section 69**

Whoever produces, imports for sale or distributes food which the Minister has revoked the product license under Section 39 shall be liable to imprisonment of not more than 3 years or a fine of not more than thirty thousand Baht or both.

### **Section 70**

Whoever advertises food violating Section 40 shall be liable to imprisonment of not more than 3 years and a fine of not more than thirty thousand Baht or both.

### **Section 71**

Whoever violates Section 41 shall be liable to a fine a not more than five thousand Baht.

## **Section 72**

Whoever does not follow the order of the authority issued under Section 42 shall be liable to imprisonment of not more than 2 years or a fine of not more than twenty thousand Baht or both and additional a daily fine of not less than five hundred Baht but not more than one thousand Baht for the whole period the order was not followed.

## **Section 73**

If the offenses under Section 49, Section 50, Section 58, Section 59 Section 60, Section 61 or Section 69 was committed by directly retail selling to the consumer, the offender shall be liable to imprisonment of not more than 6 months or a fine of not more than five thousand Baht or both but if the offender committed the offense again within 6 months after the first offense, the offender shall be liable to imprisonment of not more than one year or a fine of not more than ten thousand Baht or both.

## **Section 74**

Any licensee produces or imports food after the license has expired without submitting an application for extension of license shall be liable to a daily fine of not less than 500 Baht but not more than one thousand Baht for the whole period the license is expired.

## **Section 75**

Any offense under this act with a penalty of a fine only the Secretary General of the Food and Drug Administration or any person who the Secretary General designated can set the fine.

## **Transitory Provisions**

### **Section 76**

License under the law concerning the quality control of food prior to this act comes into force shall be in valid until it is expired. If the licensee wishes to continue the business and has submitted application under this Act, the licensee can continue the business under the existing license until receiving a new license or until receive no of the refusal to grant a license. In the event that license is granted, the licensee shall take all necessary actions to comply with this Act within 180 days from the date of receiving the license.

### **Section 77**

Product license and label authorized under the law concerning the quality control of food prior to this Act shall be in valid for 3 years after this Act comes into force.

### **Section 78**

The producer or importer of food prior this act comes into force must applies for license under Section 1 a or Section 1 5 within go days after this Act comes into force, upon submitting the application can continue the business until receiving license or received notification from the authority refusing to grant license.

Countersigned by

S.HOTRAKIJ

Deputy Prime Minister

### **Schedule of Fees**

- (1) Factory license each 10,000 Baht
- (2) Import license each 20,000 Baht
- (3) Occasional Factory license each 2,000 Baht
- (4) Occasional Import license each 2,000 Baht
- (5) Product license each 5,000 Baht
- (6) Replacement of license each 500 Baht
- (7) Replacement of Product license each 500 Baht
- (8) Extension of the license shall be equal to the fee of each license

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