

**COSMETIC PRODUCT ACT,
B.E. 2558 (2015).**

BHUMIBOL ADULYADEJ, REX.
Given on the 10th August B.E. 2558 (2015)
Being the 70th Year of the Present Reign.

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

Whereas it is expedient to revise the law on cosmetic product.

Be it, therefore, enacted by the King, by and with the advice and consent of the National Assembly, as follows:

Section 1. This Act is called the “Cosmetic Product Act, B.E. 2558”.

Section 2. This Act shall come into force on the day following the date of its publication in the Government Gazette.

Section 3. The Cosmetic Product Act, B.E. 2535 shall be repealed.

Section 4. In this Act:

“Cosmetic product” means:

(1) substance intended for use in applying, rubbing, massaging, sprinkling, spraying, dropping, putting on, perfuming, or acting by whatever means on external human body, and shall include the use on tooth and oral mucosa with the objective of cleaning, beautifying, or changing appearance, or deodorizing, or

*Translated by Mr. Panitarn Vacharaprechaskul under contract for the Office of the Council of State of Thailand's Law for ASEAN project. –Tentative Version– subject to final authorisation by the Office of the Council of State.

protecting such parts in good condition, and as well as skin treatment product, but not include adornment and dress which is an accessory for use on external body;

(2) substance intended for use specifically as a mixture in producing cosmetic product;

(3) other substance prescribed in the Ministerial Regulation to be cosmetic product;

“Container” means any substance for use specifically in packing or wrapping cosmetic product;

“Statement” means any act to make appearance of an alphabet, picture, movie, light, sound, sign, or any action enabling general people to understand the significance;

“Advertisement” means an act by any means enabling people to see, hear or know the statement for commercial purpose;

“Mass media” means anything used as communication media in advertisement, such as newspaper, printed matter, radio broadcast, radio-television, telephone, electronic media, or signboard;

“Label” means picture, artwork, or any statement concerning cosmetic product displaying on the cosmetic product, container or package, or inserting or accompanying with the cosmetic product, container or package, and shall include document or manual of use accompanying the cosmetic product;

“Produce” means to make, mix, transmute, transform, blend, separate pack, or repackage;

“Import” means to bring or order into the Kingdom;

“Export” means to take or send out of the Kingdom;

“Sell” means to distribute, dispense, give out, or exchange for trading purpose, and shall also include to possess for sale;

“Essence” means substances used as mixture in producing cosmetic product prescribed by the Minister under section 6 (3), or substances effecting to the properties indicated in the statement on the label, or as informed to the Informed Officer as prescribed by the Minister under section 6 (4);

“Premises” means place, building or part of building, and shall include the boundary of the premises;

“Information receipt” the document showing detail of each product of cosmetic product issued by the Informed Officer to the informer;

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

“Informer” means the person receiving information receipt of information for production for sale, import for sale, or employed to produce cosmetic product under this act;

“Informed Officer” means the Secretary-General of the Food and Drug Administration or the person entrusted by the Secretary-General of the Food and Drug Administration;

“Committee” means the Cosmetic Product Committee;

“Member” means the Member of the Cosmetic Product Committee;

“Secretary-General” means the Secretary-General of the Food and Drug Administration;

“Competent official” means the person entrusted by the Minister for implementation of this Act;

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

Section 5. The Minister of Public Health shall have charge and control of the execution of this Act, and shall have power to appoint competent official, issue Ministerial Regulation prescribing the fee not exceeding the rate attached hereto, exempt the fee, and determine other activity and issue rule or announcement for implementation of this Act.

In issuing the Ministerial Regulation prescribing fee under paragraph one, the rates of fee may be fixed different from each other, taking into account the kind of cosmetic product, size, and business of the operator, and category of the modification.

The Ministerial Regulation, rule, and announcement shall come into force upon its publication in the Government Gazette.

Section 6. For the purpose of protecting safety and sanitary of person, the Minister, with the advice of the Committee, shall have power to announce the following matters:

(1) name, category, kind, or characteristic of the cosmetic product prohibited to be produced, imported or sold;

(2) substance prohibited to be used as mixture in producing cosmetic product;

(3) name, quantity, and condition of substance which may be used as mixture in producing cosmetic product;

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

(4) name of essence, category, kind, or characteristic of the cosmetic product effecting to the properties of the cosmetic product produced for sale, imported for sale, or employed to produce;

(5) nature of the production premises, equipment, utensil, production accessory, container of cosmetic product, and place of import of cosmetic product;

(6) rule, procedure and condition on producing or importing cosmetic product;

(7) rule, procedure and condition on receiving information, and reporting undesirable symptom resulting from using cosmetic product;

(8) rule, procedure and condition for producer for sale, importer for sale, or employed producer in collecting data concerning cosmetic product for inspection;

(9) any place in the Kingdom employed as inspecting station of cosmetic product;

(10) rule, procedure and condition on informing, issuing information receipt, modification of information receipt, renewal of information receipt, and issuing substitute of information receipt;

(11) rule, procedure and condition on producing or importing cosmetic product under section 16;

(12) rule, procedure and condition on application for and issuance of certificate concerning cosmetic product;

(13) rule on determining deviation factor of under-standardized cosmetic product;

(14) rule, procedure and condition on application for opinion concerning label;

(15) rule, procedure and condition on application for opinion concerning advertisement;

(16) rule, procedure and condition on retrieval, disposal and submission of cosmetic product.

CHAPTER I

COSMETIC PRODUCT COMMITTEE

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

Section 7. There shall be a committee called the “Cosmetic Product Committee” consisting of the Permanent Secretary for Public Health as Chairperson, Director-General of the Department of Medical Services, Director-General of the Department of Disease Control, Director-General of the Department for Development of Thai Traditional and Alternative Medicine, Director-General of the Department of Medical Sciences, Director-General of the Department of Health Service Support, Director-General of the Department of Health, Secretary-General of the Food and Drug Administration, representative of the Department of Science Service, representative of the Customs Department, representative of the Council of State, representative of the Department of Consumer Protection Board, and two Deans of the Faculties of Pharmacy of every Higher Education Institutes being elected among themselves, as Members, and six qualified persons appointed by the Minister, three of whom must be appointed from societies or foundations having objective of consumer protection, and three business operators concerning production, import, or sale of cosmetic product.

The Deputy Secretary-General entrusted by the Secretary-General shall be Member and secretary, and the Secretary-General shall appoint a government official of the Office of Food and Drug Administration as assistant secretary.

The qualification, prohibition, and selection of qualified persons shall be in accordance with the rule, procedure and condition prescribed by the Council of Ministers.

Section 8. The qualified Member hold office for a term of two years and may be reappointed but not for more than two consecutive terms.

In the case where the qualified Member vacates office before the end of term, the Minister may appoint another person as qualified Member to replace him or her, and the replacing Member shall hold office for the remaining term of the replaced Member; provided that if the term of office of the qualified Member remains less than ninety days, the Minister may not proceed to appoint the replacing qualified Member, and the Committee shall consist of the remaining Members.

At the end of term under paragraph one, if there is no appointment of new qualified Member, the outgoing qualified Member at the end of term shall hold office for performance of duty until the newly appointed qualified Member assumes office.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

Section 9. In addition to vacating office at the end of term, the qualified Member vacates office upon:

- (1) death;
- (2) resignation;
- (3) being removed by the Minister due to malfeasance, misbehavior, or incapability;
- (4) lacking the qualification or being under any of the prohibition under section 7 paragraph three;
- (5) being a bankrupt;
- (6) being an incompetent person or quasi-incompetent person;
- (7) being imprisoned by a final judgment, except for an offence committed through negligence or a petty offence.

Section 10. The Committee has the power and duty as follows:

- (1) to give suggestion to the Minister on the matter concerning policy and measure for controlling cosmetic product under this Act;
- (2) to give suggestion to the Minister on issuance of an announcement under section 6;
- (3) to give suggestion on revocation of the information receipt under section 36;
- (4) to give approval concerning revocation of the information receipt under section 37;
- (5) to carry out other activity prescribed in this Act or as entrusted by the Minister.

Section 11. At a meeting of the Committee, the presence of not less than half of the total number of Members is required to constitute a quorum.

At a meeting of the Committee, if the Chairperson is absent or unable to perform the duty, a Member shall be elected to preside over the meeting.

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

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

Section 12. The Committee has the power to appoint a sub-committee to consider, study, or research on the matter concerning the power and duty of the Committee, or perform any activity entrusted by the Committee.

The Committee shall determine the quorum of the meeting and procedure of performance of the sub-committee as it deems appropriate.

Section 13. In the performance of duty under this Act, the Committee or sub-committee under section 12 shall have power to issue an order in writing summoning any person to give statement, or to submit any document or evidence for complimenting the consideration.

CHAPTER II

INFORMATION AND RECEIVING INFORMATION OF COSMETIC PRODUCT

Section 14. Any person who wishes to produce for sale, import for sale, or be employed to produce cosmetic product must inform the detail of cosmetic product to the Information Receiver. And upon issuance of an information receipt by the Information Receiver, he or she may produce or import such cosmetic product.

The information and issuance of information receipt under paragraph one shall be in accordance with the rule, procedure and condition prescribed by the Minister.

The informer under paragraph one must comply with the rule, procedure and condition on production, import or employment in production of cosmetic product prescribed by the Minister under section 6 (5), (6), (7) and (8).

Section 15. The information receipt shall be valid for three years from the date of its issuance.

In the case where the informer wishes to renew the information receipt, he or she shall file an application for renewal before the information receipt expires. Upon filing the application together with payment of fee for renewal thereof, such information receipt shall continue to be valid until the Information Receiver orders refusal to renew such information receipt.

The application for renewal of information receipt shall be in accordance with the rule, procedure and condition prescribed by the Minister.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

The informer whose information receipt has been expired for not exceeding one month may apply for renewal and abatement by explaining the reason of excuse for failure to apply for renewal within the prescribed period, together with payment of fee for renewal thereof; provided that the applicant for abatement shall not be released from penalty under section 64.

Section 16. The person who produces or imports cosmetic product as sample, for exposition, or for use in studying, researching, or academic analyzing shall be exempted from application for information receipt for such cosmetic product under section 14.

The person exempted under paragraph one must comply with the rule, procedure and condition prescribed by the Minister.

Section 17. The Information Receiver shall order refusing to accept the information of cosmetic product of the following nature:

- (1) such cosmetic product is not safe for use under section 28;
- (2) such cosmetic product bears the name of exaggerate, impolite or illusory nature;
- (3) cosmetic product bearing an unsuitable name for Thai virtuous culture or likely to disgrace Thai language.

Section 18. If the information receipt is damaged, lost, or essentially destroyed, the informer shall file an application for substitute of information receipt within fifteen days from the date of knowledge of loss, damage, or destruction.

The application for and issuance of information receipt under paragraph one shall be in accordance with the rule, procedure and condition prescribed by the Minister.

Section 19. In the case where the informer wishes to amend the particulars in the information receipt, he or she shall file an application with the Information Receiver.

The application for amendment particulars under paragraph one shall be in accordance with the rule, procedure and condition prescribed by the Minister.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

Section 20. Any informer who wishes to apply for a certificate concerning the cosmetic product, he or she shall file an application with the Information Receiver.

The application for and issuance of certificate under paragraph one shall be in accordance with the rule, procedure and condition prescribed by the Minister.

Section 21. In respect of the determination on issuance of certificate under section 14, determination on amendment of particulars under section 19, and issuance of certificate under section 20, the Secretary-General, with the approval of the Committee, shall have power to publish in the Government determining expert, expert organ, or organs both in the country and foreign country for evaluating academic documents, inspecting place of business operation, examining or analyzing cosmetic product, and determining rate of expense and procedure of payment of expense for such performance which shall be borne by the applicant.

CHAPTER III LABEL OF COSMETIC PRODUCT

Section 22. The producer for sale, importer for sale, and employed producer of cosmetic product shall provide label.

The label of cosmetic product under paragraph one must be of the following nature:

(1) having accurate statement, or no essential illusory statement concerning cosmetic product, and no statement of immoral or disgracing virtuous Thai culture;

(2) bearing statement in Thai language of the size clearly readable, and it may also have statement in foreign language; but the cosmetic product imported for sale shall be exempted from providing Thai language label on the container or package during the process of examination of cosmetic product at the customhouse, provided that Thai language label must be provided before sale;

(3) the following statement must be provided:

(a) name and trade name of cosmetic product;

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

(b) name and address of the producer in case of domestic product; name and address of the importer, and name and country of the producer in case of import;

(c) quantity, instructions for use, suggestion, warning, manufacture and expiry month and year, serial number or letter, and names of every substances used as mixture in the production;

(d) other statement for consumer protection in accordance with the rule, procedure and condition prescribed by the Committee and published in the Government Gazette.

The determination of detail under paragraph two (2) and (3) shall be in accordance with the rule, procedure and condition prescribed by the Committee and published in the Government Gazette.

Section 23. In the case where any label is not in accordance with section 22, the Secretary-General, with the approval of the Committee, shall have power to order the informer of cosmetic product to stop using or to rectify such label.

Section 24. Any informer who is suspicious whether his or her label violates or complies with section 22 or not, may request for an opinion of the Committee concerning the label wishing to be used. In such case the Committee must give an opinion and inform the informer within ninety days from the date the Office of Food and Drug Administration receives the request, otherwise it shall be deemed that the Committee has already approved.

The request and grant of opinion under paragraph one shall be in accordance with the rule, procedure and condition prescribed by the Minister.

CHAPTER IV CONTROL OF COSMETIC PRODUCT

Section 25. Upon having the announcement under section 6 (9), the import for sale of cosmetic product must be examined by the competent official at the cosmetic product inspecting station.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

Section 26. The informer must accurately produce or import the cosmetic product as informed.

Section 27. No person shall produce for sale, import for sale, employed to produce or sell the following cosmetic products:

- (1) cosmetic product unsafe for use;
- (2) fake cosmetic product;
- (3) cosmetic product deviating from standard;
- (4) cosmetic product announced to be prohibited under section 6 (1) by the Minister;
- (5) cosmetic product which the information receipt is revoked under section 36 or section 37.

Section 28. Cosmetic product of the following nature shall be deemed cosmetic product unsafe for use:

- (1) cosmetic product produced in insanitary condition or contained in insanitary container which may cause damage to user;
- (2) cosmetic product which contains dissoluble substance and may cause poisonous damage to user;
- (3) cosmetic product containing any thing which may cause damage to user;
- (4) cosmetic product which contains prohibited material as mixture in producing cosmetic product under section 6 (2).

Section 29. Cosmetic product of the following nature shall be deemed fake cosmetic product:

- (1) cosmetic product having label indicating producer, importer or origin of production which are false;
- (2) cosmetic product containing less or more than twenty percent essence as informed to the Information Receiver or as indicated on the label;
- (3) cosmetic product produced from any counterfeit material as essence of such cosmetic product, or contains no essence informed to the Information Receiver or no essence as indicated on the label;
- (4) cosmetic product claimed to have been informed which is false.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

Section 30. The cosmetic product containing less or more essence as informed to the Information Receiver or as indicated on the label over the discrepancy level prescribed by the Minister and published in the Government Gazette but does not reach the level prescribed in section 29 (2) shall be deemed cosmetic product deviating from standard.

Section 31. In the case where it appears that the informer violates section 26, or fails to comply with the announcement of the Committee under section 6 (5), (6), (7) or (8), the Information Receiver shall have power to order such person to cease the violated action, or to rectify or to perform correctly, and shall have power to publicize such violation or non-compliance for the purpose of consumer protection as it is appropriate for the case.

Section 32. No person shall sell the following cosmetic product cosmetic products:

- (1) cosmetic product without having been informed under section 14 paragraph one;
- (2) cosmetic product without label under section 22 paragraph one;
- (3) cosmetic product with label not in accordance with section 22 paragraph two (1);
- (4) cosmetic product with label not in accordance with section 22 paragraph two (2) or (3);
- (5) cosmetic product with label having been invoked by the Secretary-General under section 23;
- (6) cosmetic product expired as indicated in the label.

Section 33. In case of necessity for the purpose of protecting safety and sanitary of person, the Secretary-General has the power to order the informer to act as follows:

- (1) to report on the performance concerning cosmetic product produced or imported by him or her to the Office of Food and Drug Administration;
- (2) to submit sample of cosmetic product produced or imported by him or her to the Office of Food and Drug Administration.

Section 34. Upon having an announcement prescribing any material that may be used as mixture in producing cosmetic product under section 6 (3), it shall

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

be deemed that the use of such material in producing cosmetic product is exempted from being subject to the law on drug, the law on food, the law on hazardous substance, and the law on medical device or other relevant law.

In respect of any material which has been prescribed that it may be used as mixture in producing cosmetic product under section 6 (3), if such material is thereafter announced to be prohibited to be used as mixture in producing cosmetic product under section 6 (2), the announcement shall come into force after the lapse of one hundred and eighty days from the date of announcement; provided that in case it may cause serious damage to user, it may prescribed to be immediately enforced or to be in force sooner than such prescribed period.

Section 35. For the purpose of export, the producer or importer may produce or import the cosmetic product for export having the quality, standard, label, or other detail as required by the person who orders the purchase; provided that he or she must inform the detail of such cosmetic product to the Information Receiver, and must comply with the rule, procedure and condition prescribed by the Secretary-General, with the approval of the Committee and published in the Government Gazette.

No producer or importer for export under paragraph one shall sell the cosmetic product under paragraph one in the Kingdom.

CHAPTER V

REVOCATION OF INFORMATION RECEIPT

Section 36. The Information Receiver has the power to order revocation of information receipt of cosmetic product if it appears that:

(1) such cosmetic product is the cosmetic product prescribed by the Minister under section 6 (1);

(2) the informer fails to comply with section 26.

Section 37. For the purpose of protecting health and safety of consumer, the Information Receiver, with the approval of the Committee, has the power to order revocation of information receipt of cosmetic product if it appears that:

(1) the informer fails to comply with the rule, procedure and condition prescribed by the Minister under section 14 paragraph three;

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

(2) it is the cosmetic product unsafe for use under section 28;

(3) it is the cosmetic product which the informer has changed or added the objectives of using, or characteristic of cosmetic product as drug, food, psychotropic substance, narcotic, hazardous substance, or medical device.

Section 38. The order revoking information receipt of cosmetic product shall be made in writing and sent to the informer by addressing to the place specified in the information receipt in accordance with the procedure prescribed in section 39 or section 40.

Section 39. In delivering the order revoking information receipt of cosmetic product by hand, if the informer refuses to accept or the informer is not found at the moment of delivery, and if it has been handed to any person attaining sui juris presenting or working in such place; or in case such person refuses to accept it, if such written order has been placed or posted at a conspicuous place in such place before the competent official accompanying as witness, the informer shall be deemed to have been informed.

Section 40. In delivering the order revoking information receipt of cosmetic product by delivery recorded registered post, the informer shall be deemed to have been informed after completing the period of seven days from the date of delivery, unless it is proved that no written order has been received or it has been received before or after such day.

CHAPTER VI ADVERTISEMENT

Section 41. No advertisement of cosmetic product shall be made by using statements which are unjust to consumer or may be detrimental to the society as a whole, even in respect concerning origin, condition, quality, quantity or nature of the cosmetic product.

The following statements shall be deemed unjust to consumer or may be detrimental to the society as a whole:

(1) false or exaggerated statement;

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

(2) illusory essential statement concerning cosmetic product, no matter by using or referring to academic report, statistic, or any thing which is false or exaggerated or not;

(3) statement showing healing effect, or that which is not the objective of cosmetic product;

(4) false statement deceiving on sexual rehabilitation

(5) statement directly or indirectly supportive to illegal or immoral offence or leading to the detriment of national culture;

(6) statement leading to disunity among the public;

(7) other statement prescribed in the Ministerial Regulation.

The statement used in advertisement which is generally accepted to be absolutely impossible is not prohibited in the advertisement under paragraph two.

Section 42. Advertisement must not be carried out in the manner which may be detrimental to physical or mental health, or contrary to good moral of the public, or may be annoyed to the consumer.

Section 43. In the case where the Secretary-General is of the opinion that any cosmetic product may cause damage to the consumer, the Secretary-General, with the approval of the Committee, shall have power to order the informer or advertiser to act as follows:

(1) to prescribe that the advertisement must be carried out in accompanying with a suggestion or warning on instruction for use or danger under the condition prescribed by the Committee, however, the Committee may prescribe different condition for different type of advertising media;

(2) to limit the use of advertising media for such cosmetic product;

(3) to prohibit the advertisement on such cosmetic product.

The provisions in (2) and (3) shall also apply in the advertisement which the Secretary-General is of the opinion that it is contrary to moral or national culture.

Section 44. In the case where the Secretary-General is of the opinion that any cosmetic product violates section 41 or section 42, the Secretary-General, with the approval of the Committee, shall have power to order the informer or advertiser to act as follows:

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

- (1) to rectify the statement or procedure of advertisement;
- (2) to prohibit the use of certain statement appearing in the advertisement;
- (3) to prohibit the advertisement or the use of such procedure in the advertisement;
- (4) to render an advertisement for recovering possible misapprehension of the consumer in accordance with the rule and procedure prescribed by the Committee.

In issuing an order under (4), the Secretary-General shall comply with the rule and procedure prescribed by the Committee, taking into account the benefit of the consumer and the integrity in the performance of the informer or advertiser.

Section 45. In the case where the Secretary-General has a reasonable ground to suspect that any statement used in the advertisement is false or exaggerate under section 41 paragraph two (1), the Secretary-General shall have power to order the informer or advertiser to verify such statement.

In the case where the informer or advertiser refers to an academic report, analysis result, statistic, a guarantee of any other institute or person, or confirmation of any facts in the advertisement, if the informer or advertiser is unable to verify such facts used in the advertisement as referred thereof, the Secretary-General, with the approval of the Committee, shall have power to issue an order under section 44.

Section 46. An informer or advertiser of cosmetic product who is suspicious whether his or her advertisement violates or complies with this Act or not, may apply for an opinion of the Committee on such matter before launching the advertisement. In such case the Committee must give an opinion and inform the applicant within sixty days from the date the Office of Food and Drug Administration receives the application, otherwise it shall be deemed that the Committee has already approved.

The application and grant of opinion under paragraph one shall be in accordance with the rule, procedure and condition prescribed by the Minister.

The grant of opinion of the Committee under paragraph one shall not prejudice the power of the Committee to review such opinion otherwise upon an appropriate ground.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

Any act carried out in accordance with the opinion of the Committee, or deemed that the Committee has already approved under paragraph one and paragraph three, such commission shall not be deemed a criminal offence.

CHAPTER VII COMPETENT OFFICIAL

Section 47. For the purpose of implementation of this Act, the competent official shall have the power as follows:

(1) to enter the place of production, import, storage, or sale of cosmetic product during working hours of such place, or enter the vehicle loading cosmetic product for inspection or control in accordance with this Act;

(2) to take an appropriate amount of the cosmetic product or material suspected cosmetic product which does not comply with this Act as sample for inspection or analysis;

(3) in case there is a reasonable ground to suspect that there is a commission of offence under this Act, he or she may enter any place or vehicle for inspecting, searching, seizing, or sequestering any cosmetic product, equipment, utensil, container, package, label, document or thing concerning such cosmetic product which is suspected to be used in the commission of offence or may be connected to the commission of offence;

(4) to summon any person to give statement or submit necessary document or evidence for supplementing the consideration of the competent official.

In the performance of duty under paragraph one, the person concerned shall render appropriate facility.

The performance of duty under (3) is required to have search warrant, except there is a reasonable ground to believe that if search warrant is acquired delayed, the evidence concerned may be moved, hidden, deformed, or destroyed, the search shall be carried out without search warrant; provided that the provisions of Criminal Procedure Code on search must be complied.

Section 48. In the case where it appears to the competent official that there is a commission of offence under section 14 paragraph one, section 26,

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

section 27, or section 32, the competent official, with the approval of the Secretary-General, shall have power to order the informer, seller, or occupier of the cosmetic product to retrieve and destroy such cosmetic product, or submit the cosmetic product to the competent official within the period determined by the competent official, or in case of necessity the competent official shall collect such cosmetic product by himself or herself, in such case the operation expense incurred shall be borne by the informer, seller, or occupier of the cosmetic product in accordance with the rule, procedure and condition prescribed by the Minister.

Section 49. The competent official who operates the search shall record the detail of search and detailed inventory of the objects searched, seized, or sequestered.

The record of search and inventory under paragraph one shall be read in front of the occupier of such place or vehicle, or witness, as the case may be, and such person shall sign his or her name in verifying the search; otherwise the competent official who operates the search shall record the matter, and urgently deliver the record, inventory and object seized to the Office of the Food and Drug Administration.

Section 50. The object seized or sequestered under this Act shall be vested in the Ministry of Public Health for managing under the rule prescribed by the Ministry of Public Health when it appears that:

- (1) no owner or person claiming to be owner or occupier presents within ninety days from the date of seize or sequestration;
- (2) in case there is no litigation and the owner or occupier does not request for returning such object within ninety days from the date of informing that there is no litigation thereof;
- (3) in case of litigation and the public prosecutor issues a final order of no litigation, or the Court does not give a judgment to have such object seized, and the owner or occupier does not request for returning such object within ninety days from the date of knowledge of final order of no litigation, or the date of final judgment of the Court, as the case may be.

Section 51. In the case where the object seized or sequestered under this Act is perishable or its indicated expiry date is imminent, or in case keeping such object is potential risk to be damaged or the expense of keeping such

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

object may be excessively higher than its value, the Office of Food and Drug Administration may sell such object by auction before the case becomes final, or before such object is vested in the Ministry of Public Health. The proceeds of sale by auction, after deducted by all the expense and encumbrance charge, net amount of the rest shall be held in place of such object by depositing with a bank of the State.

The performance under paragraph one shall be in accordance with the rule prescribed by the Ministry of Public Health.

Section 52. The performance of duty under section 47 (1), (2) or (3) shall be carried out before the occupier of the place or vehicle, or if the owner or occupier is absent, it shall be carried out before at least two other persons requested by the competent official to witness the operation.

Any object seized or sequestered must be displayed before the occupier of the place or vehicle, person working in such place or vehicle or witness, as the case may be, in order to verify the operation. After such person has verified or refused to verify thereof, the competent official who performs the duty shall record the incident.

The object seized or sequestered shall be wrapped or packed and sealed, or marked the sign thereon.

Section 53. In the performance of duty under this Act, the competent official shall be official under the Criminal Code.

In case of reasonable ground, the Secretary-General may order the competent official to cooperate the investigation with the inquiry official in accordance with the rule prescribed by the Ministry of Public Health with the approval of the Royal Thai Police Headquarters. In such case the competent official shall assume the position of inquiry official under the Criminal Procedure Code.

Section 54. In the performance of duty, the competent official shall produce his or her identity card to the person concerned.

The identity card of the competent official shall be in the form prescribed by the Minister.

Section 55. The Secretary-General, with the approval of the Committee, shall have power to announce to the public the result of examination or analysis

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

of cosmetic product, or object suspicious to be cosmetic product, which fails to comply with this Act, and has been examined or analyzed under section 47 (2) for the purpose of consumer protection; provided that the owner of cosmetic product must be given the opportunity to explain, contest, and submit the evidence as appropriate to the case.

CHAPTER VIII APPEAL

Section 56. In the case where the Information Receiver issues an order refusing to issue or renew an information receipt, the informer or applicant for renewal of information receipt has the right to appeal in writing against such order to the Minister within thirty days from the date of receiving the order refusing to issue or renew an information receipt, as the case may be.

The decision of the Minister shall be final.

Pending the consideration of appeal against the order refusing to renew an information receipt, before deciding the appeal under paragraph two, the Minister has the right to permit the business operation for the time being upon request of the appellant.

Section 57. The informer whose information receipt has been revoked has the right to appeal in writing to the Minister within thirty days from the date of knowledge of order revoking information receipt under section 38.

The decision of the Minister shall be final.

The appeal under paragraph one shall not suspend the execution of order revoking the information receipt.

Section 58. In the case where the person receiving the order of the Secretary-General under section 23, section 33, section 43, section 44, or section 45 disagrees with such order, he or she has the right to appeal in writing to the Minister within thirty days from the date of receiving the information of order.

The decision of the Minister shall be final.

The appeal under paragraph one shall not suspend the execution of the order of the Secretary-General.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

Section 59. In considering the appeal under section 56, section 57 and section 58, the Minister shall finish the consideration within ninety days from the date of receiving the appeal. In case of necessity where the consideration is unable to be finished within such period, the appellant shall be informed in writing before the end of such period. In such case the period for consideration of appeal shall be extended for not exceeding ninety days from the date of ending such period.

CHAPTER IX PENALTY PROVISIONS

Section 60. Any person who produces for sale, imports for sale, or employed to produce cosmetic product in violation to the announcement of the Minister issued under section 6 (1), shall be liable to an imprisonment for a term not exceeding two years, or to a fine not exceeding two hundred thousand Baht, or to both.

Any person who sells cosmetic product in violation to the announcement of the Minister issued under section 6 (1), shall be liable to an 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 fails to give statement or submit document or object ordered by the Committee or Sub-committee under section 13, or ordered by the competent official under section 47 (4) shall be liable to an imprisonment for a term not exceeding one month, or to a fine not exceeding ten thousand Baht, or to both.

Section 62. Any person who fails to comply with section 14 paragraph one shall be liable to an imprisonment for a term not exceeding six months, or to a fine not exceeding fifty thousand Baht, or to both.

Section 63. Any informer who fails to comply with the rule, procedure and condition under section 14 paragraph three shall be liable to a fine not exceeding fifty thousand Baht.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

Section 64. Any informer who applies for renewal of information receipt beyond expiry date of information receipt but within the period prescribed under section 15 paragraph four shall be liable to a daily fine of five hundred Baht during the period of failure to renew the information receipt.

Section 65. Any person who fails to comply with section 16 paragraph two shall be liable to a fine not exceeding ten thousand Baht.

Section 66. Any person who fails to comply with section 18 paragraph one shall be liable to a fine not exceeding one thousand Baht.

Section 67. Any person producing for sale, importing for sale, or being employed to produce cosmetic product who fails to comply with section 22 paragraph one, or uses label which is not in accordance with section 22 paragraph two (1), shall be liable to an imprisonment for a term not exceeding six months, or to a fine not exceeding fifty thousand Baht, or to both.

Any person who sells cosmetic product without label under section 22 paragraph one in violation of section 32 (2), or sells cosmetic product using label which is not in accordance with section 22 paragraph two (1) which is in violation of section 32 (3), shall be liable to an imprisonment for a term not exceeding three months, or to a fine not exceeding thirty thousand Baht, or to both.

Section 68. The person who produces for sale, imports for sale, or employed to produce cosmetic product using label which is not in accordance with section 22 paragraph two (2) or (3) shall be liable to an imprisonment for a term not exceeding three months, or to a fine not exceeding thirty thousand Baht, or to both.

Any person who sells cosmetic product using label which is not in accordance with section 22 paragraph two (2) or (3) in violation of section 32 (4) shall be liable to an imprisonment for a term not exceeding one month, or to a fine not exceeding ten thousand Baht, or to both.

Section 69. The person who uses the label which is ordered by the Secretary-General not to be used under section 23 shall be liable to an

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

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

Any person who sells cosmetic product in violation to section 32 (5) shall be liable to an imprisonment for a term not exceeding three months, or to a fine not exceeding thirty thousand Baht, or to both.

Section 70. Any person who fails to comply with section 25 shall be liable to a fine not exceeding twenty thousand Baht.

Section 71. Any informer who fails to comply with section 26 shall be liable to a fine not exceeding twenty thousand Baht.

Section 72. Any person who, in violation to section 27 (1), produces for sale, imports for sale, or employed to produce cosmetic product which is not safe for use under section 28 (1) or (2) shall be liable to an imprisonment for a term not exceeding one year, or to a fine not exceeding one hundred thousand Baht, or to both.

Any person who, in violation to section 27 (1), sells cosmetic product which is not safe for use under section 28 (1) or (2) shall be liable to an imprisonment for a term not exceeding three months, or to a fine not exceeding thirty thousand Baht, or to both.

Section 73. Any person who, in violation to section 27 (1), produces for sale, imports for sale, or employed to produce cosmetic product which is not safe for use under section 28 (3) shall be liable to an imprisonment for a term not exceeding two years, or to a fine not exceeding two hundred thousand Baht, or to both.

Any person who, in violation to section 27 (1), sells cosmetic product which is not safe for use under section 28 (3) shall be liable to an imprisonment for a term not exceeding six months, or to a fine not exceeding fifty thousand Baht, or to both.

Section 74. Any person who, in violation to section 27 (1), produces for sale, imports for sale, or employed to produce cosmetic product which is not safe for use under section 28 (4) shall be liable to an imprisonment for a term not

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

exceeding five years, or to a fine not exceeding five hundred thousand Baht, or to both.

Any person who, in violation to section 27 (1), sells cosmetic product which is not safe for use under section 28 (4) shall be liable to an imprisonment for a term not exceeding three years, or to a fine not exceeding thirty thousand Baht, or to both.

Section 75. Any person who, in violation to section 27 (2), produces for sale, imports for sale, or employed to produce fake cosmetic product under section 29 (1) or (2) shall be liable to an imprisonment for a term not exceeding one year, or to a fine not exceeding one hundred thousand Baht, or to both.

Any person who, in violation to section 27 (2), sells fake cosmetic product under section 29 (1) or (2) shall be liable to an imprisonment for a term not exceeding three months, or to a fine not exceeding thirty thousand Baht, or to both.

Section 76. Any person who, in violation to section 27 (2), produces for sale, imports for sale, or employed to produce fake cosmetic product under section 29 (3) or (4) shall be liable to an imprisonment for a term not exceeding two years, or to a fine not exceeding two hundred thousand Baht, or to both.

Any person who, in violation to section 27 (2), sells fake cosmetic product section 29 (3) or (4) shall be liable to an imprisonment for a term not exceeding six months, or to a fine not exceeding fifty thousand Baht, or to both.

Section 77. Any person who, in violation to section 27 (3), produces for sale, imports for sale, or employed to produce cosmetic product deviating from standard under section 30 shall be liable to a fine not exceeding forty thousand Baht.

Any person who, in violation to section 27 (3), sells cosmetic product deviating from standard under section 30 shall be liable to a fine not exceeding five thousand Baht.

Section 78. Any person who sells cosmetic product without having been informed in violation of section 32 (1) shall be liable to a fine not exceeding twenty thousand Baht.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

If the commission under paragraph one is done by the producer for sale, importer for sale, or person employed to produce cosmetic product, the perpetrator shall be liable to an imprisonment for a term not exceeding two months, or to a fine not exceeding twenty thousand Baht, or to both.

Section 79. Any person who sells expired cosmetic product in violation of section 32 (6) shall be liable to a fine not exceeding ten thousand Baht.

If the commission under paragraph one is done by the producer for sale, importer for sale, or person employed to produce cosmetic product, the perpetrator shall be liable to a fine not exceeding fifty thousand Baht.

Section 80. Any informer who fails to comply with the order of the Secretary-General under section 33 shall be liable to an imprisonment for a term not exceeding two months, or to a fine not exceeding twenty thousand Baht, or to both.

Section 81. The producer or importer for export who fails to comply with section 35 paragraph one shall be liable to an imprisonment for a term not exceeding six months, or to a fine not exceeding fifty thousand Baht, or to both.

The producer or importer for export who violates section 35 paragraph two shall be liable to an imprisonment for a term not exceeding one year, or to a fine not exceeding one hundred thousand Baht, or to both.

Section 82. Any person who produces for sale, imports for sale, or employed to produce cosmetic product which information receipt has been revoked under section 36 (1), or section 37 (2) or (3) shall be liable to an imprisonment for a term not exceeding five years and to a fine not exceeding five hundred thousand Baht.

Any person who sells cosmetic product which information receipt has been revoked under section 36 (1), or section 37 (2) or (3) shall be liable to an imprisonment for a term not exceeding three years and to a fine not exceeding three hundred thousand Baht.

Section 83. Any person who produces for sale, imports for sale, or employed to produce cosmetic product which information receipt has been revoked under section 36 (2), or section 37 (1) shall be liable to an imprisonment

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

for a term not exceeding one year and to a fine not exceeding one hundred thousand Baht.

Any person who sells cosmetic product which information receipt has been revoked under section 36 (2), or section 37 (1) shall be liable to an imprisonment for a term not exceeding six months and to a fine not exceeding fifty thousand Baht.

Section 84. Any person whose advertisement is not in accordance with section 41, or who does not comply with section 42 shall be liable to an imprisonment for a term not exceeding one year, or to a fine not exceeding one hundred thousand Baht, or to both.

Section 85. Any person who fails to comply with the order of the Secretary-General under section 43 or section 44 shall be liable to an imprisonment for a term not exceeding one year, or to a fine not exceeding one hundred thousand Baht, or to both.

Section 86. Any person who fails to render appropriate facility to the competent official performing duty under section 47 shall be liable to an imprisonment for a term not exceeding one month, or to a fine not exceeding ten thousand Baht, or to both.

Section 87. Any person who violates or fails to comply with the order of the competent official given under section 48 shall be liable to an imprisonment for a term not exceeding six month, or to a fine not exceeding fifty thousand Baht, or to both.

Section 88. If the offence under section 84 or section 85 is a continuing offence, the perpetrator shall be liable to a daily fine of not exceeding ten thousand Baht at all time of violation, or failure to carry out accurately.

Section 89. Upon having convicted any person on account of committing an offence under section 14 paragraph one or section 27, the Court shall order the seizure of all the cosmetic product, container, label, and the device accompanying with cosmetic product or connecting with the commission of

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

offence, unless it is proved that it belongs to other person who does not conspire with the commission of offence.

In the case where the Court orders the seizure of property under paragraph one, if it subsequently appears upon request of the real owner that he or she does not conspire with the commission of offence, the Court shall order the return of such property; provided that the real owner must file the request with the Court within ninety days from the date of final judgment.

The property seized by the order of the Court under paragraph one shall be vested in the Ministry of Public Health for destroying or managing as it deems appropriate.

Section 90. In respect of all the offence committed under this Act which is punishable by fine only, or by imprisonment for a term not exceeding one year, the Secretary-General or person entrusted by the Secretary-General shall have power to settle the case in accordance with the rule on settlement of the case prescribed by the Committee.

After the alleged offender has paid the fine at the amount determined within thirty days from the date of fixing the amount of fine, the case shall be deemed settled under the Criminal Procedure Code.

The person having power to settle the case shall appropriately handle the property which may be seized by law; provided that in the following cases, the case shall be settled only upon the fact that:

(1) for the property of which production or possession is an offence, when the alleged offender agrees to have such property being vested in the Office of the Food and Drug Administration;

(2) for the property acquired from committing the offence and it is prohibited by law not to be distributed or transferred even though it may be rectified later, when the alleged offender agrees and such property has already been rectified;

(3) for the property acquired from committing the offence and it is prohibited by law not to be distributed or transferred, and it is unable to be rectified later, when the alleged offender agrees to have such property being vested in the Office of the Food and Drug Administration; in such case the alleged offender may be determined to bear the expense on destroying such object.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

TRANSITIONAL PROVISIONS

Section 91. At the initial stage, the Committee shall consist of ex officio Members under section 7, except the Deans of the Faculties of Pharmacy of every Higher Education Institutes, for the performance of duty under this Act for the time being until there are Members elected from the Deans of the Faculties of Pharmacy of every Higher Education Institutes and qualified Members under this Act. However, the appointment must be finished within one hundred and twenty days from the date this Act comes into force.

Section 92. The applications for detail information of controlled cosmetic product filed under the Cosmetic Product Act, B.E. 2535 which are still pending the consideration shall be deemed the applications for information receipt of cosmetic product filed under this Act mutatis mutandis, and the Information Receiver shall have power to order the applicant to submit additional document to the Information Receiver, or to amend the application for detail information of controlled cosmetic product as it is necessary.

Section 93. The information receipts of controlled cosmetic product issued under the Cosmetic Product Act, B.E. 2535 before the date this Act comes into force shall be deemed the information receipts of cosmetic product issued under this Act, and shall be valid for three more years from the date this Act comes into force.

Section 94. All the Ministerial Regulations, rules or announcements issued under the Cosmetic Product Act, B.E. 2535 and has been in force before the date this Act comes into force shall continue to be in force in so far as they are not contrary to or inconsistent with the provisions of this Act until the Ministerial Regulation, rule or announcement issued under this Act comes into force.

The issuance of Ministerial Regulation, rule or announcement under paragraph one shall be finished within two years from the date this Act comes into force, otherwise the Minister shall report to the Council of Ministers for information about the reason why it is unable to be finished in time.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

Countersigned by
General Prayut Chan-o-cha
Prime Minister

Office of the Council of State

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

RATE OF FEE

(1) Information receipt of production for sale	5,000 Baht each.
(2) Information receipt of import for sale	5,000 Baht each.
(3) Information receipt of employment to produce	5,000 Baht each.
(4) Substitute of information receipt	1,000 Baht each.
(5) Application for information	500 Baht each.
(6) Application for amendment of particulars in the information receipt each time.	500 Baht
(7) Certificate under section 20	1,000 Baht each.
(8) Application for opinion under section 24	10,000 Baht for each item.
(9) Application for opinion under section 46	10,000 Baht for each article.
(10) Renewal of information receipt each time equal to the fee for each category of information receipt.	
(11) Other application	100 Baht each.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE