CONSUMER PROTECTION ACT,
B.E. 2522 (1979)**

BHUMIBOL ADULYADEJ, REX.
Given on the 30th Day of April, B.E. 2522.
Being the 34th Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:
Whereas it is expedient to have a law on consumer protection;
Be it, therefore, enacted by the King, by and with the advice and consent of the
National Legislative Council serving as the National Assembly, as follows:

Section 1. This Act is called the “Consumer Protection Act, B.E. 2522 (1979)”.

Section 2.¹ This Act shall come into force as from the day following the date of
its publication in the Government Gazette.

Section 3. In this Act:

“purchase” includes a lease, hire-purchase or acquisition by any means in return
for remuneration in the form of money or any other benefit;

“sale” includes letting out on hire, letting out on a hire-purchase or procuring by
any means in return for remuneration in the form of money or any other benefit and also
making an offer or a solicitation for the said purposes;

¹ Translated by Associate Professor Dr. Pinai Nanakorn, and reviewed by Professor Vichai
Ariyanuntaka 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.

** Amended up to the Consumer Protection Act (No. 3), B.E. 2556 (2013).

¹ Published in the Government Gazette, Vol. 96, Part 72, Special Issue, p. 20, dated 4th May B.E. 2522
(1979).

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“goods” means articles produced or made available for sale;
“service” means undertaking to carry out particular work, granting any right or authorising the use or the benefit of property or any business in return for remuneration in the form of money or any other benefit but shall not include a hire of service under the labour law;
“produce” means making, mixing, preparing, assembling, inventing or processing and includes transforming, modifying, selecting or repackaging;
“consumer” means a person who purchases or receives a service from a business operator or a person who receives an offer or a solicitation from a business operator for purchasing goods or receiving a service and includes a person who duly uses goods or receives a service from a business operator despite no payment of remuneration on his part;
“business operator” means a seller, a producer for sale, a person ordering or importing the goods into the Kingdom for sale or a person purchasing goods for resale or a person providing a service and also includes a person operating an advertising business;
“statement” includes an act of causing an appearance through letters, an image, a cinematographic movie, light, sound or a mark or any act enabling persons in general to comprehend the meaning;
“advertise” includes an act by any means enabling the public to have notice or knowledge of a statement for the purpose of trade;
“advertising media” means a thing used as a medium for advertisement, such as a newspaper, printed matter, radio broadcasting, television broadcasting, post, telegramme, telephone or signboard;
“label” means a figure, artificial mark, paper or any other thing enabling a statement relating to the goods to appear on the goods or the container or package thereof or to be inserted or assimilated into the goods or the container or package thereof and includes a document or manual to be used together with the goods, a tag installed or displayed on the goods or the container or package thereof;

2 In section 3, the definition “consumer” is amended by the Consumer Protection Act (No. 2), B.E. 2541 (1998).

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“contract” means an agreement between a consumer and a business operator for purchasing and selling goods or providing and receiving a service;
“Board” means the Consumer Protection Board;
“member” means a member of the Consumer Protection Board;
“competent official” means a person appointed by the Minister to perform activities under this Act;
Minister” means the Minister having charge and control of the execution of this Act.

Section 4. A consumer has the rights to be afforded the following protection:
(1) the right to information including correct and adequate description of quality as to the goods or services;
(2) the right to enjoy freedom in the selection of goods or services;
(3) the right to be afforded safety in the use of goods or services;
(3 bis) the right to fairness in concluding contracts;
(4) the right to have injury considered and compensated for;
provided that all this shall be as provided by the law on particular matters or by this Act.

Section 5. In the performance of duties under this Act, the competent official has the powers as follows:
(1) to count, weigh, measure, inspect, collect or take, without paying the price, the goods, in a reasonable quantity, as samples for a test, in accordance with the rules prescribed by the Board;

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In section 3, the definition “contract” is added by the Consumer Protection Act (No. 2), B.E. 2541 (1998).

Subsection (3 bis) of section 3 is added by the Consumer Protection Act (No. 2), B.E. 2541 (1998).

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(2) to search for, seize or attach the goods, containers of packages of the goods, labels or other documents which are not in conformity with this Act for the purpose of legal proceedings in the case where there is a reasonable cause to suspect that an offence under this Act has been committed;

(3) to enter any premises or vehicles for inspecting the production of goods, sale of goods or services and inspecting books, accounts, documents and related equipment of a business operator in the case where there is a reasonable cause to suspect that an offence under this Act has been committed;

(4) to issue a summons instructing any person to appear for giving such statements or evidence as necessary for assisting in the consideration of competent officials.

In the performance of duties under paragraph one, persons concerned shall provide reasonable assistance.

Section 6. In the performance of duties under section 5 (3), the competent official shall, if it is not the case of emergency, give a reasonable prior notice, in writing, to the owner or the occupier of the premises or vehicle and the action shall be carried out in the presence of the occupier of the premises or vehicle or, if the owner or the occupier is not present thereat, in the presence of at least two other persons requested by the competent official to be witnesses.

The search under section 5 (2) may be carried out by the competent official only during sunrise and sunset.

Section 7. In the performance of duties under this Act, the competent official must produce his identity card upon request by the person concerned.

The identity card of the competent official shall be in accordance with the form prescribed in the Ministerial Regulation.
Section 8. The Prime Minister shall have charge and control of the execution of this Act and shall have the powers to appoint competent officials and issue Ministerial Regulations for the execution of this Act.

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

CHAPTER I
CONSUMER PROTECTION BOARD

Section 9. There shall be a Board called the “Consumer Protection Board” consisting of the Prime Minister as Chairman, Secretary-General to the Prime Minister, Permanent Secretary to the Office of the Prime Minister, Permanent Secretary of the Ministry of Agriculture and Co-operatives, Permanent Secretary of the Ministry of Commerce, Permanent Secretary of the Ministry of Interior, Permanent Secretary of the Ministry of Industry, Permanent Secretary of the Ministry of Transport, Permanent Secretary of the Food and Drug Administration and not more than eight qualified persons appointed by the Council of Ministers as members, and Secretary-General of the Consumer Protection Board as member and secretary.

Section 10. The Board has the powers and duties as follows:

(1) to consider complaints from consumers suffering grievances or injury in consequence of acts of business operators;

(1/1) to mediate or compromise disputes in connection with violation of rights of consumers in reliance on an agreement concluded by the consumer and the business

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5 Section 9 is amended by the Consumer Protection Act (No. 2), B.E. 2541 (1998).
6 Subsection (1/1) of section 10 paragraph one is added by the Consumer Protection Act (No. 3), B.E. 2556 (2013).

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operator prior to the institution of an action in Court, in accordance with the rules prescribed by the Board and published in the Government Gazette;

(1/2)\(^7\) to promote, develop and support consumer protection affairs in accordance with the rules prescribed by the Board;

(2)\(^8\) to take action in connection with goods or services which may be harmful to consumers under section 36, section 37 or section 38, as the case may be;

(3) to give notice of or publish information concerning goods or services which may be injurious or prejudicial to rights of consumers, provided that names of the goods or services or names of business operators may also be indicated;

(4) to give advice and recommendations to specific committees and consider as well as make the determination on appeals against orders of specific committees;

(5) to lay down rules in connection with the performance of duties of specific committees and sub-committees;

(6) to observe and expedite the performance of competent officials, Government agencies or other State agencies to ensure compliance with the powers and duties prescribed by law and expedite legal proceedings by the competent officials vis-à-vis offences in connection with violation of rights of consumers;

(7) to take legal proceedings in connection with violation of rights of consumers as the Board deems appropriate or upon a request made under section 39;

(8)\(^9\) to accredit associations and foundations under section 40;

\(^7\) Subsection (1/2) of section 10 paragraph one is added by the Consumer Protection Act (No. 3), B.E. 2556 (2013).

\(^8\) Subsection (2) of section 10 paragraph one is amended by the Consumer Protection Act (No. 3), B.E. 2556 (2013).

\(^9\) Subsection (8) of section 10 paragraph one is amended by the Consumer Protection Act (No. 3), B.E. 2556 (2013).
(9) to submit opinions to the Council of Ministers in connection with consumer protection policies and measures and consider as well as give opinions on any matters in relation to consumer protection as entrusted by the Council of Ministers or the Minister;

(10) to perform any other act as provided by law to be the power and duty of the Board.

In the performance of duties under this section, the Board may entrust the Office of the Consumer Protection Board to carry out activities or prepare recommendations for submission to the Board for its further proceedings.

Section 11. Members appointed by the Council of Ministers shall hold office for a term of three years.

Outgoing members may be re-appointed.

Section 12. In addition to the vacation of office upon the expiration of the term under section 11, a member appointed by the Council of Ministers vacates office upon:

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

In the case where a member vacates office before the expiration of the term, the Council of Ministers may appoint another person to fill the vacancy and the person so appointed shall be in office for the remaining term of the replaced person.

In the case where an additional member is appointed by the Council of Ministers during the term of the members already appointed, the additional appointee shall hold office for the remaining term of the members already appointed.
Section 13. At a meeting of the Board, if the Chairman does not attend the meeting or is not present at the meeting, the members shall elect one amongst themselves to preside over the meeting.

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

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

Section 14. There shall be the specific committees as follows:

(1) the Committee on Advertisement;
(2) the Committee on Labels;
(3) the Committee on Contracts.

A specific Committee consists of not less than seven but not more than thirteen members qualified in the related matters as appointed by the Board.

A member of a specific Committee shall hold office for a term of two years and section 11 paragraph two and section 12 shall apply mutatis mutandis.

A specific Committee has the powers and duties as provided in this Act and as entrusted by the Board.

Section 15. The Board and the specific Committee may appoint a sub-committee for considering or performing any particular act as entrusted by the Board or the specific Committee.

Section 16. Section 13 shall apply mutatis mutandis to a meeting of a specific Committee and a sub-committee.

10 Subsection (3) of section 14 paragraph one is added by the Consumer Protection Act (No. 2), B.E. 2541 (1998).

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Section 17. The Board and a specific Committee have the power to instruct any person to furnish documents or information concerning the matters in respect of which complaints are made or any other matter concerning the protection of rights of consumers for consideration. For this purpose, persons concerned may also be summoned to appear for giving explanations.

Section 18. In the performance of duties under this Act, the Board or a specific Committee must give the person accused or suspected of having committed an act violating rights of consumers reasonable opportunities to give explanations of facts and express opinions except in the case of necessity and emergency.

In determining or issuing an order in any matter under this Act, the Board or a specific Committee shall have regard to injury which may be caused to both the consumer and the business operator and, in the case where it deems appropriate, the Board or a specific Committee may fix conditions or provisional measures in the execution of the order so determined or so issued.

Section 19. There shall be established the Office of the Consumer Protection Board within the Office of the Prime Minister.

There shall be Secretary-General of the Consumer Protection Board, with the powers and duties to exercise general supervision, and with responsibilities for the performance of official duties, of the Office of the Consumer Protection Board, and there may also be Deputy Secretaries-General and Assistant Secretaries-General to assist in the performance of official duties.

Section 20. The Office of the Consumer Protection Board shall have the powers and duties as follows:

1. to accept complaints made by consumers suffering grievances or injury in consequence of acts of business operators for submission to the Board;

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Section 19 is amended by the Consumer Protection Act (No. 2), B.E. 2541 (1998).

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(2) to monitor and observe business operators’ conduct amounting to violation of rights of consumers and cause to be undertaken tests or proof of any goods or services as it deems appropriate and necessary for the protection of rights of consumers;

(3) to support or conduct studies of and research into problems in connection with consumer protection in association with educational institutions and other agencies;

(4) to promote and support studies made available for consumers at all educational levels in connection with safety and hazards possibly resulting from goods or services;

(5) to disseminate technical information and provide knowledge and studies to consumers with a view to creating consumption behaviours contributing to health promotion, cost-effectiveness and exploitation of natural resources for maximum benefits;

(6) to co-ordinate with Government agencies or State agencies with powers and responsibilities in connection with the control, promotion or formulation of standards of goods or services;

(7) to perform any other activities as entrusted by the Board or specific Committees.

CHAPTER II
CONSUMER PROTECTION

Section 21. In the case where any particular law specifically makes provision for any matters, such matters shall be governed by the provisions of law on such matters and the provisions of this Chapter shall apply insofar as they are not repetitious therewith or contrary thereto, except that:

(1) in the case where it is necessary for the benefits of the consumers at large, if it appears that officials with authority under the said law has not yet taken action or has taken incomplete action in accordance with the law on such particular matter and has failed to issue orders in connection with consumer protection under the said law within ninety days as from

12 Section 21 is amended by the Consumer Protection Act (No. 2), B.E. 2541 (1998).
the date of receipt of the written notification from the specific Committee or the Board, then
the specific Committee or the Board may refer the matter to the Prime Minister for
consideration and issuance of orders in accordance with this Chapter;

(2) In the case under (1), if there arises such urgent necessity that further delay may
not be allowed to take place, the specific Committee or the Board may refer the matter to the
Prime Minister for consideration and issuance of orders in accordance with this Chapter without any
written notification or without awaiting the expiration of the ninety-day period under (1).

In the case where the said law does not contain provisions empowering officials
with authority thereunder to issue orders in connection with consumer protection as provided
in this Chapter, the specific Committee shall have the power to issue orders in accordance with
provisions of this Chapter except that in the case where the said law provides for officials with
authority thereunder, the Board may delegate to officials with authority under the law on such
particular matter the powers exercisable under this Act on behalf of the specific Committee.

The delegation of powers to officials with authority under the law on such
particular matter under paragraph two shall be published in the Government Gazette.

PART 1

CONSUMER PROTECTION IN ADVERTISEMENT

Section 22. An advertisement shall not contain any statement which is unfair to
consumers or any statement which may produce adverse effects on society at large, be it a
statement as to origins, conditions, qualities or characteristics of goods or services as well as the
delivery, procurement or use of goods or services.

The following statements are deemed to be statements which are unfair to
consumers or statements which may produce adverse effects on society at large:

(1) a false or exaggerative statement;

(2) a statement causing fundamental misunderstanding as to the goods or
services, whether it is made through the use or reference to technical reports, statistics or
anything which is false or exaggerative or not;

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(3) a statement directly or indirectly supporting violation of law or morals or conducive to cultural depreciation of the nation;

(4) a statement causing disunity or prejudicial to unity of the people;

(5) other statements as prescribed in the Ministerial Regulation.

A statement, used in an advertisement, the exact untruth of which is known to ordinary persons is not a statement prohibited from being advertised under (1).

**Section 23.** An advertisement shall not be conducted by any means which may be harmful to health or cause physical or mental harm or which may cause disturbances to consumers, as provided in the Ministerial Regulation.

**Section 24.** In the case where the Committee on Advertisement considers that any particular goods may be harmful to consumers and the Committee on Labels has prescribed such goods as the label-controlled goods under section 30, the Committee on Advertisement shall have the power to issue orders to the effect as follows:

(1) requiring that such advertisement be conducted upon advice or warning as to the usage or harm, in accordance with the conditions prescribed by the Committee on Advertisement, provided that the Committee on Advertisement may prescribe different conditions for advertisement through different media;

(2) restricting the use of advertising media for such goods;

(3) prohibiting any advertisement of such goods.

The provisions in (2) and (3) shall also apply to the advertisement in respect of which the Committee on Advertisement considers that the use or usefulness of the goods in question is contrary to public policy, morals or national culture.

**Section 25.** In the case where the Committee on Advertisement considers that, with respect to any goods or services, consumers need to know facts as to the standing, status and other details concerning business operators, the Committee on Advertisement has the power to make the advertisement of such goods or services subject to the requirement that the said details be given as prescribed by the Committee on Advertisement.
Section 26. In the case where the Committee on Advertisement considers that, with respect to a statement in any advertising media, it is appropriate to bring to the notice of consumers that such statement is for the advertising purpose, the Committee on Advertisement has the power to make the advertisement in such advertising media subject to the requirement that it be, for public awareness, accompanied by a worded explanation that the said statement is an advertisement, provided that the Committee on Advertisement may also prescribe any condition to be observed.

Section 27. In the case where the Committee on Advertisement considers that any advertisement contravenes section 22, section 23, section 24 (1) or section 25, the Committee on Advertisement shall have the power to issue any one or more orders to the effect as follows:

(1) requiring correction of statements or means of advertisement;
(2) prohibiting the use of certain statements appearing in the advertisement;
(3) prohibiting the advertisement or prohibiting the use of such means in the advertisement;
(4) requiring an advertisement correcting consumers’ misunderstanding which may have occurred, in accordance with the rules and procedures prescribed by the Committee on Advertisement.

In issuing an order under (4), the Committee on Advertisement shall prescribe rules and procedures, having regard to benefits of consumers in conjunction with good faith in the conduct of the advertiser.

Section 28. In the case where the Committee on Advertisement has a reasonable cause to suspect that any statement used in an advertisement is false or exaggerative under section 22 paragraph two (1), the Committee on Advertisement shall have the power to issue an order demanding the advertiser to make such proof as to vindicate the truth.

In the case where the advertiser makes reference to technical reports, statistics or certification of an institute or any other person or affirms any fact in the advertisement, if the

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advertiser in unable to prove that the statement used in the advertisement is true as claimed, the Committee on Advertisement shall have the power to issue orders under section 27 and it shall be deemed that the advertiser knew or ought to have known that such statement is false.

Section 29. Any business operator who suspects that his intended advertisement contravenes or fails to conform to this Act may, prior to the advertisement, apply to the Committee on Advertisement for considering and giving its opinion on that matter. In this case, the Committee on Advertisement must give its opinion and notify it to the applicant within thirty days as from the date of the Committee’s receipt of the application. In the absence of such notification within the said time limit, it shall be deemed that the Committee on Advertisement has given approval thereto.

The application for an opinion and fees for giving an opinion shall be in accordance with the rule prescribed by the Committee on Advertisement. The fees so received shall be remitted to the Treasury as the State revenue.

The giving of the opinion by the Committee on Advertisement under paragraph one shall not preclude the power of the Committee on Advertisement from reconsidering the matter and making a new decision thereon when a reasonable causes arises.

Any act committed in pursuit of the opinion of the Committee on Advertisement given under paragraph one shall not be deemed a criminal offence.

PART 2
CONSUMER PROTECTION IN LABELLING

Section 30. Goods produced, for sale, by factories under the law on factories and goods ordered or imported into the Kingdom for sale shall be the label-controlled goods.

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

In the case where it appears that there exist goods which may be harmful to health or cause physical or mental harm because of their use or their nature or that there exist

13 Section 30 is amended by the Consumer Protection Act (No. 2), B.E. 2541 (1998).
goods regularly used by general members of the public such that labelling requirement to be imposed on such goods, which are not label-controlled goods under paragraph one, shall benefit consumers in terms of knowing essential facts pertinent thereto, the Committee on Labels shall have the power to prescribe such goods as the label-controlled goods by publication in the Government Gazette.

Section 31. A label of label-controlled goods must be of the following descriptions:

1. containing a statement representing the truth and containing no statement causing fundamental misunderstanding as to the goods;

2. indicating the following statements:

   (a) the name or trademark of the producer or the importer for sale, as the case may be;

   (b) the place of production or the place of import business, as the case may be;

   (c) the statement enabling perception as to what the goods are and, in the case of imported goods, the name of the country of production;

3. indicating necessary statements, viz, the price, quantity, usage, instructions, cautions, expiry date in the case of expirable goods or in other cases in the interest of protecting rights of consumers, in accordance with the rules and conditions prescribed by the Committee on Labels by publication in the Government Gazette.

A business operator who produces for sale or orders or imports into the Kingdom for sale label-controlled goods, as the case may be, shall prepare a label therefor prior to the sale, provided that the label must contain the statements specified in paragraph one. For this purpose, the statements under paragraph one (2) and (3) must be prepared in accordance with the rules and procedures prescribed by the Committee on Labels by publication in the Government Gazette.

Section 31 is amended by the Consumer Protection Act (No. 2), B.E. 2541 (1998).
Section 32. The prescription of the statements of labels under section 30 must not be made in any manner compelling business operators to disclose confidential information related to production unless such statements are necessary for health, sanitation and safety of consumers.

Section 33. When the Committee on Labels considers that any label fails to conform to section 31, the Committee on Labels has the power to order business operators to cease the use of such label or to take corrective action vis-à-vis such label.

Section 34. Any business operator who suspects that his intended label contravenes or fails to conform to section 31 may apply to the Committee on Labels for considering and giving its opinion on such label. In this case, section 29 shall apply mutatis mutandis.

Section 35. For the purpose of controlling and inspecting the operation of businesses related to label-controlled goods, the Minister has the power to, by publication in the Government Gazette, require business operators dealing with such goods to prepare and retain accounts, documents and evidence for inspection by competent officials.

Procedures for preparation and retention of accounts, documents and evidence under paragraph one shall be in accordance with the Ministerial Regulation.

PART 2 BIS
CONSUMER PROTECTION IN CONTRACTS

Section 35 bis.¹⁶ In the operation of business involving sales of any particular goods or supplies of any particular service, if a contract of sale or a contract for a supply of such service is required by law to be made in writing or is customarily made in writing, the Committee on Contracts has the power to prescribe the business involving sales of such goods or supplies of such service as the contract-controlled business.


¹⁶ Section 35 bis is added by the Consumer Protection Act (No. 2), B.E. 2541 (1998).

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In the operation of a contract-controlled business, contracts which business operators make with consumers must be of the following descriptions:

(1) containing necessary contract terms the absence of which shall place consumers at an unreasonable disadvantage with business operators;

(2) not containing contract terms unfair to consumers;

provided that this shall be in accordance with such rules, conditions and details as prescribed by the Committee on Contracts, and the Committee on Contracts may, for the benefit of consumers at large, require business operators to prepare contracts in accordance with the forms prescribed by it.

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

Section 35 ter. When the Committee on Contracts has required that contracts used in the operation of a contract-controlled business contain any contract terms or contain any contract terms with conditions concerning the use thereof under section 35 bis, if such contracts do not contain the said contract terms or contain the said contract terms without conforming to the conditions, it shall be deemed that such contracts contain the said terms or contain the said terms with such conditions, as the case may be.

Section 35 quater. When the Committee on Contracts has required that contracts used in the operation of a contract-controlled business not contain any contract terms under section 35 bis, if such contracts contain such contract terms, it shall be deemed that such contracts do not contain such contract terms.

Section 35 quinque. The Committee on Contracts has the power to prescribe the business involving sales of any particular goods or supplies of any particular service as the controlled business with respect to particulars of receipts.

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17 Section 35 ter is added by the Consumer Protection Act (No. 2), B.E. 2541 (1998).
18 Section 35 quater is added by the Consumer Protection Act (No. 2), B.E. 2541 (1998).
19 Section 35 quinque is added by the Consumer Protection Act (No. 2), B.E. 2541 (1998).
In the operation of controlled business with respect to particulars of receipts, the receipts must be of the following descriptions:

(1) containing necessary particulars and statements the absence of which shall place consumers at an unreasonable disadvantage with business operators;

(2) not containing statements unfair to consumers;

provided that this shall be in accordance with such rules, conditions and details as prescribed by the Committee on Contracts.

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

Section 35 sex.\textsuperscript{20} When the Committee on Contracts has required that receipts used in the operation of controlled business with respect to particulars of receipts should contain any statement or contain any statement with conditions concerning the use thereof under section 35 bis or should not contain any statements under section 35 quinque, the provisions of section 35 ter and section 35 quater shall apply to the said receipts \textit{mutatis mutandis}.

Section 35 septum.\textsuperscript{21} In the case where a business operator sells goods or supplies services with a promise that a warranty contract shall be made in favour of consumers, the said contract must be made in writing, signed by the business operator or his representative and be delivered to consumers together with the delivery of the goods or services.

If the contract under paragraph one is made in any foreign language, it must also be accompanied by the Thai translation.

Section 35 octo.\textsuperscript{22} Business operators are obligated to deliver contracts containing contract terms or containing contract terms as well as duly conforming to the forms under section 35 bis or deliver receipts containing particulars and statements in conformity with

\textsuperscript{20} Section 35 sex is added by the Consumer Protection Act (No. 2), B.E. 2541 (1998).

\textsuperscript{21} Section 35 septum is added by the Consumer Protection Act (No. 2), B.E. 2541 (1998).

\textsuperscript{22} Section 35 octo is added by the Consumer Protection Act (No. 2), B.E. 2541 (1998).
section 35 *quinque* to consumers within such time as in the regular course of practice in the operation of such type of business or within such time as prescribed by the Committee on Contracts by publication in the Government Gazette, whichever becomes due first.

**Section 35 novem.** Any business operator who suspects that his contract form or receipt form contravenes or fails to conform to this Act may first apply to the Committee on Contracts for giving its opinion on such contract form or receipt form. In this case, section 29 shall apply *mutatis mutandis*.

**PART 3**

**CONSUMER PROTECTION IN MISCELLANEOUS MATTERS**

**Section 36.** When there is a reasonable cause to suspect that any goods may be harmful to consumers, the Board has the power to issue an order requiring the business operator to conduct a test or proof of such goods. If the business operator fails to conduct a test or proof of the goods or delays such conduct without justifiable reason, the Board may cause the test or proof to be conducted at the business operator’s cost. In the case of necessity and emergency, the Board may issue an order prohibiting sale of such goods *pro tempore* until the result of the test or proof thereof becomes known.

In the case where the result of the test or proof reveals that the goods may be harmful to consumers and harm resulting from such goods may not be prevented by the labelling requirement under section 30 or under other laws, the Board shall have the power to issue any of the following orders:

1. prohibiting business operators from selling such goods;
2. requiring business operators to recall goods not yet distributed to consumers or recall goods from consumers;

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*23* Section 35 *novem* is added by the Consumer Protection Act (No. 2), B.E. 2541 (1998).

*24* Section 36 is amended by the Consumer Protection Act (No. 3), B.E. 2556 (2013).

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(3) requiring business operators to rectify, modify or improve such goods in order to be no longer harmful to consumers or to arrange for replacement goods or price compensation in favour of consumers;

(4) requiring business operators who have ordered or imported such goods into the Kingdom to send them out of the Kingdom;

(5) requiring business operators to destroy such goods;

(6) requiring business operators to, in the interest of consumers’ awareness, post a notice of, notify or publicise information on the harm of such goods or on the action under (1), (2), (3), (4) or (5).

Business operators shall be responsible for expenses incurred by consumers and expenses incurred in the action taken under paragraph two.

For the purpose of this section, goods which may be harmful to consumers mean goods which may cause harm to life, the body, health, a sanitation condition or a mental condition of consumers.

The rules, procedures and conditions for the actions to be taken under paragraph two and paragraph three shall be in accordance with the Notification issued by the Board and published in the Government Gazette.

Orders under this section shall be published in the Government Gazette.

Section 37. In the case where the Board has issued an order under section 36 paragraph two (2), (4), (5) or (6) but the business operator has failed to comply with the said order, the Board shall have the power to cause the action to be taken on behalf of the business operator at the business operator’s cost.

Section 38. When there is a reasonable cause to suspect that any service may be harmful to consumers, the Board has the power to issue an order requiring the business

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25 Section 37 as repealed by the Consumer Protection Act (No. 2), B.E. 2541 (1998) is added by the Consumer Protection Act (No. 3), B.E. 2556 (2013).

26 Section 38 as repealed by the Consumer Protection Act (No. 2), B.E. 2541 (1998) is added by the Consumer Protection Act (No. 3), B.E. 2556 (2013).

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operator to conduct a test or proof of such service. If the business operator fails to conduct a test or proof of the service or delays such conduct without justifiable reason, the Board may cause the test or proof to be conducted at the business operator’s cost. In the case of necessity and emergency, the Board may issue an order prohibiting supplies of such service pro tempore until the result of the test or proof thereof becomes known.

In the case where the result of the test or proof reveals that the service may be harmful to consumers, the Board shall have the power to issue any of the following orders:

(1) requiring business operators to, in the interest of consumers’ awareness, post a notice of, notify or publicise information on the harm of such service or on the action under (2) or (3);

(2) requiring business operators to rectify, modify or improve the means of supplying the service in order to be no longer harmful to consumers or to compensate remuneration for the service in favour of consumers;

(3) prohibiting business operators from supplying such service.

Business operators shall be responsible for expenses incurred by consumers and expenses incurred in the action taken under paragraph two.

In the case where the Board has issued an order under paragraph two (1) but the business operator has failed to comply with the said order, the Board shall have the power to cause the action to be taken on behalf of the business operator at the business operator’s cost.

For the purpose of this section, services which may be harmful to consumers mean services which may cause harm to life, the body, health, a sanitation condition or a mental condition of consumers.

The rules, procedures and conditions for the actions to be taken under paragraph two and paragraph three shall be in accordance with the Notification issued by the Board and published in the Government Gazette.

Orders under this section shall be published in the Government Gazette.

Section 39. In the case where the Board deems it appropriate to pursue legal actions in connection with violation of rights of consumers or where, upon a request from
consumers whose rights are violated, the Board considers that the pursuit of such legal actions will be beneficial to consumers at large, the Board has the power to appoint a public prosecutor with the approval of the Director-General of the Department of Public Prosecution or a Government official in the Office of the Consumer Protection Board possessing a qualification not lower than a bachelor’s degree in law as a consumer protection official to be in charge of pursuing civil and criminal actions in Court against violators of rights of consumers, and the consumer protection official shall, upon the Board notifying the Ministry of Justice for the purpose of further notification to the Court, have the power to pursue legal actions as entrusted by the Board.

In pursuing legal actions in Court, the consumer protection official shall also have the power to claim property or damages for the consumers who make the request and, for this purpose, shall be exempted from all fees.

**Section 40.** Any association and foundation which has the object of protecting consumers or combating unfair trade competition and of which the regulations with respect to the Executive Committee, members and methods of operation satisfy the conditions prescribed in the Ministerial Regulation may submit an application to the Board for its accreditation by the Board to the effect that such association and foundation have the right and power to pursue legal actions under section 41.

The accreditation of associations or foundations by the Board under paragraph one shall be for a term of two year as from the date of the accreditation.

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

The accreditation of associations and foundations under paragraph one shall be published in the Government Gazette.

**Section 41.** In pursuing legal actions in connection with violation of rights of consumers, associations or foundations accredited by the Board under section 40 have the right

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27 Section 40 is amended by the Consumer Protection Act (No. 3), B.E. 2556 (2013).
28 Section 41 is amended by the Consumer Protection Act (No. 3), B.E. 2556 (2013).

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to institute civil and criminal actions and pursue any proceedings in the litigation in the interest of consumer protection beneficial to consumers at large in accordance with such descriptions and types of actions as prescribed by the Notification of the Board and shall have the power to claim property or damages on behalf of consumers if powers of attorney authorising the same are obtained from the consumers.

In pursuing a legal action in Court, no association or foundation shall withdraw the action unless the Court grants permission when the Court considers that such withdrawal is not prejudicial to the protection of consumers at large. With respect to a civil action in connection with a claim of property or damages on behalf of consumers, any withdrawal or delivery of judgment in the case where parties reach an agreement or make a compromise must be made upon production to the Court of written consent of consumers having authorised the claim of property or damages on their behalf, as the case may be.

Section 42. Associations or foundations accredited by the Board under section 40 must, apart from complying with the provisions of the Civil and Commercial Code and other laws, comply with the rules prescribed by the Board.

When it appears that any association or foundation accredited by the Board under section 40 fails to comply with the rules prescribed by the Board under paragraph one or that there exists a circumstance involving an institution of a legal action in contravention of good faith, the Board shall have the power to revoke the accreditation of such association or foundation.

In the case where the accreditation of any association or foundation has been revoked under paragraph two, the Board may refuse to grant it any subsequent accreditation under section 40.

The revocation of the accreditation of associations or foundations under paragraph two shall be published in the Government Gazette.

Section 42 is amended by the Consumer Protection Act (No. 3), B.E. 2556 (2013).

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CHAPTER III
APPEALS

Section 43. In the case where the person having received an order of a specific Committee under section 27 or section 28 paragraph two is not satisfied with the said order, such person shall have the right to appeal to the Board.

Section 44. The appeal under section 43 shall be submitted to the Board within ten days as from the date on which the appellant has the knowledge of the order of the specific Committee.

The rules and procedures for submission of appeals and procedures governing the consideration of appeals shall be prescribed in the Ministerial Regulation.

An appeal against an order under paragraph one shall have no effect of staying the execution of the order of the specific Committee unless the Board orders otherwise pro tempore prior to its decision on the appeal.

A decision of the Board shall be final.

CHAPTER IV
PENALTIES

Section 45. Any person who obstructs or fails to provide assistance or give statements or furnish documents or evidence to the competent officials performing the duties under section 5 shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding ten thousand Baht or to both.

Section 46. Any person who fails to comply with an order of the Board or of any specific Committee under section 17 shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding ten thousand Baht or to both.
Section 47.  
Any person who, with the intent to cause misunderstanding as to the origin, condition, quality or quantity of, or other essential matters concerning, his own or any other person’s goods or services, performs an advertisement or uses a label containing statement which is false or a statement which is known or ought to be known to possibly cause such misunderstanding shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding fifty thousand Baht or to both.

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

Section 48.  
Any person who, in an advertisement, uses a statement under section 22 (3) or (4) or a statement prescribed in the Ministerial Regulation issued under section 22 (5) or contravenes or fails to comply with section 23, section 24, section 25 or section 26 shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding thirty thousand Baht or to both.

Section 49.  
Any person who fails to comply with an order of the specific Committee on Advertisement which is issued under section 27 or section 28 paragraph two shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding fifty thousand Baht or to both.

Section 50.  
If the act under section 47, section 48 or section 49 is committed by an owner of an advertising media or an advertising business operator, the offender shall be liable to only one-half of the penalty provided for such offence.

Section 51.  
If the commission of an offence under section 47, section 48, section 49 or section 50 is continuous, the offender shall be liable to a fine not exceeding ten thousand Baht per day or not exceeding two times the expenses incurred in such advertisement throughout the period in which the contravention or non-compliance occurs.

\[30\] Section 47 is amended by the Consumer Protection Act (No. 2), B.E. 2541 (1998).

\[31\] Section 48 is amended by the Consumer Protection Act (No. 2), B.E. 2541 (1998).

\[32\] Section 51 is amended by the Consumer Protection Act (No. 2), B.E. 2541 (1998).
Section 52. Any person who sells label-controlled goods under section 30 without any label or with a label which is incorrect or which is incorrectly displayed or sells the goods with a label the use of which has been ordered by the Committee on Labels to be ceased under section 33 shall, when he knows or ought to know that the absence of such label or the display of such label is not in conformity with the law, be liable to imprisonment for a term not exceeding six months or to a fine not exceeding fifty thousand Baht or to both.

If the act under paragraph one is committed by a producer for sale or a person who orders or imports the goods into the Kingdom for sale, the offender shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding one hundred thousand Baht or to both.

Section 53. Any business operator who fails to comply with an order of the Committee on Labels which is issued under section 33 shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding fifty thousand Baht or to both.

Section 54. Any person who, under commission, makes a label which is not in conformity with the law or attaches a label which is not in conformity with the law to the goods shall, when he knows or ought to know that such label is not in conformity with the law, be liable to a fine not exceeding twenty thousand Baht.

Section 55. Any business operator who fails to comply with the Ministerial Regulation issued under section 35 shall be liable to a fine not exceeding ten thousand Baht.

Section 56. Any business operator who contravenes the Board’s order prohibiting sale of goods pro temore under section 36 paragraph one or contravenes or fails to comply with the Board’s order under section 36 paragraph two shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding five hundred thousand Baht or to both.

If the business operator under paragraph one is a producer for sale or is a person who orders or imports the goods into the Kingdom for sale or if the contravention or failure to

33 Section 52 is amended by the Consumer Protection Act (No. 2), B.E. 2541 (1998).
34 Section 54 is amended by the Consumer Protection Act (No. 2), B.E. 2541 (1998).
35 Section 56 is amended by the Consumer Protection Act (No. 3), B.E. 2556 (2013).
comply with the order under paragraph one causes harm to other persons, the offender shall be liable to imprisonment for a term not exceeding ten years or to a fine not exceeding one million Baht or to both.

Section 56/1. Any business operator who contravenes the Board’s order prohibiting supplies of services pro tempore under section 38 paragraph one or contravenes or fails to comply with the Board’s order under section 38 paragraph two shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding five hundred thousand Baht or to both.

If the contravention or failure to comply with the order under paragraph one causes harm to other persons, the offender shall be liable to imprisonment for a term not exceeding ten years or to a fine not exceeding one million Baht or to both.

Section 57. Any business operator who fails to furnish a contract containing contract terms or containing contract terms as well as duly conforming to the forms under section 35 bis or fails to furnish receipts containing particulars and statements in conformity with section 35 quinque to consumers within the time under section 35 octo shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding one hundred thousand Baht or to both.

Any business operator who furnishes a receipt indicating an amount greater than that which the consumer is obligated to pay and thereby receives such amount from the consumer shall be liable to imprisonment for a term not exceeding one month or to a fine of five hundred to ten thousand Baht or to both, unless he can prove that he has exercised reasonable care in the operation of such business.

36 Section 56/1 is added by the Consumer Protection Act (No. 3), B.E. 2556 (2013).
37 Section 57 paragraph one is amended by the Consumer Protection Act (No. 2), B.E. 2541 (1998).

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Section 57 bis.\textsuperscript{38} Any business operator who contravenes or fails to comply with section 35 septum shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding one hundred thousand Baht or to both.

Section 58. If any person commits an offence under this Act within a place of business of a business operator and such act is committed for the benefit of the business operator, it shall be presumed that the business operator is a joint offender unless the business operator can prove that he cannot expect that such person will commit the offence although he has exercised reasonable care.

Section 59. In the case where the offender to be inflicted with penalty under this Act is a juristic person, then a director or a manager or a person responsible for the operation of such juristic person shall also be liable to such penalty as provided by law for such offence unless he can prove that he had no part in the commission of the offence by such juristic person.

Section 60.\textsuperscript{39} Any person who, with dishonest intent, employs, hires, asks as a favour, instigates or causes an association or a foundation accredited by the Board under section 40 to institute a civil or criminal action before the Court against any business operator with a view to frivolously causing injury to such business operator shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding three hundred thousand Baht or to both.

Section 61. Any person who discloses any fact relating to the undertaking of the business operator, being the fact which the business operator’s usual course of affairs requires confidentiality and which such person has acquired or known in consequence of the performance of activities under this Act, shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding one hundred thousand Baht or to both, unless such disclosure is made in pursuit of the performance of official duties or for the purpose of an inquiry or trial.

\textsuperscript{38} Section 57 bis is added by the Consumer Protection Act (No. 2), B.E. 2541 (1998).

\textsuperscript{39} Section 60 is amended by the Consumer Protection Act (No. 3), B.E. 2556 (2013).
Any person who, having acquired or known any fact from the person under paragraph one in consequence of the performance of official duties or an inquiry or trial, discloses such fact in a manner likely to cause injury to any person shall be liable to the same penalty.

**Section 62.** All offences under this Act may be settled by the Board by way of payment of a fine and, for this purpose, the Board shall have the power to entrust a specific Committee, a sub-committee, an inquiry official or a competent official to proceed with the settlement, provided that rules for the settlement or any conditions may be prescribed for observance by the person so entrusted, as the Board deems appropriate.

Subject to the provisions of paragraph one, in an inquiry, if the inquiry official finds that any person has committed an offence under this Act and such person agrees to have the case settled by way of payment of a fine, the inquiry official shall refer the matter to the Board or the person entrusted by the Board to perform settlement under paragraph one within seven days as from the date of such person’s expression of consent to the settlement.

Upon payment of a fine by the offender as settled, the case shall be deemed as terminated under the Criminal Procedure Code.

Countersigned by:
S. Hotrakit
Deputy Prime Minister