

<b>THEMATIC TITLE</b>	LEGAL ENFORCEMENT OF CONSUMER PROTECTION LAW: CASE STUDY ON TOY PRODUCTS
<b>KEYWORDS</b>	STANDARD OF PRODUCT/PRODUCT RECALL/GOODS MAY BE HARMFUL
<b>STUDENT</b>	PRANISA PHANOI
<b>THEMATIC ADVISOR</b>	DR. CHANVITAYA SUVARNAPUNYA
<b>LEVEL OF STUDY</b>	MASTER OF LAWS: BUSINESS LAW
<b>FACULTY</b>	FACULTY OF LAW SRIPATUM UNIVERSITY
<b>YEAR</b>	2016

### **ABSTRACT**

In Thailand, the protection of consuming kids with regard to the use of products is not enough even though Consumer Protection Act B.E. 2522 has been effective. However, the Act has not prescribed the right of kids in particular case and according to Industrial Product Standard Act B.E. 2511, the standard of toy products safety is not equal to the international level. The compulsory standard, is considered as preventive measure which does not allow disqualied and unsafe toy products to be distributed in the market. Even Thailand has preventive measure , there have always been the news about unsafe toy products or product being harmful to consumer from time to time. Therefore, the consumer protection commission have duty to find the way to manage unsafe product or product being harmful to consumer by means of urgent recall as soon as possible including handling the goods that may be harmful being in consumer's hand. Due to the fact that goods that may be harmful have not only in the stage of manufacturing process or in the market , they are also in consumer's hand. As a result, the consumer protection commission would arrange for product recall in consumer's hand for removing and reducing the risk of consumer from using goods that may be harmful. This Independent Study aims to study problems, legislative measure for controlling toy products including determination of the regulations to recall products that may be harmful especially for consuming kids.

From the preliminary study, it is found that the standard of toy products according to the Industrial Product Standard Act B.E. 2511 in Thailand is still not up to date. This is because it is

in low standard comparing to international standard. In addition, the consumer production commission have not managed with the problems of toy products that may be harmful properly. In fact, it is found that the consumer production commission use the prohibition of the sale of goods measure as the only one measure to solve the problem.. Other measures which can be able to give protection to consumers efficiently , such as, product recall measure, are not used. Differently, the laws of United States and Australia are focusing on the consumer protection for products which are in consumer's hand and may be harmful to consumers. Accordingly there are recalls of products in hand of consumers and elimination of a dangerous characters which may cause damages. This measure is known as “Product Recall”. However, the researcher is of opinion that the reason that the commission do not enforce the product recall measure is because at present in Thailand, there is no clear notification on rule, and method for product recall. Consequently, the commission have concerns about the liabilities to be occurred in both civil and criminal cases. Furthermore, there is also a problem on the definition of "goods may be harmful to the consumer" in Article 36 of Consumer Protection Act B.E. 2522 which means any goods that may be harmful to life, body, health or mind of the consumer. In this respect, the researcher views that there have no obviously and clearly been a rule. Accordingly, it may be a problem on interpretation.

Based on the foregoing, the researcher studies and compares law of Thailand with foreign law with regard to safety standard and product recall in international standard so as to adjust, modify and develop a law of industrial product standard and consumer protection law on toy products for development of consumer protection law and for the sake of developing Thai economic system. In this respect, the researcher suggests to amend the Industrial Product Standard Act B.E. 2511 in part of the compulsory standard of toy products safety to be more international by comparing with European Union Law, and recommends to clearly enact law with regard to rule and method of product recall in Consumer Protection Act B.E. 2522. In addition, it is suggested that the definition of “goods may be harmful to the consumer” be changed to be “goods may be harmful to the consumer” meaning any goods that may be harmful to life, body, health or mind of the consumer including any goods which is not in compliance with the required standard or any goods under Article 36 of Consumer Protection Act B.E. 2522 .