

THEMATIC TITLE	LEGAL PROBLEMS OF MEASURES TO CONTROL UNSAFE FOOD PRODUCTS IN THE MARKET
KEYWORD	CONTROL UNSAFE FOOD PRODUCTS/ PRODUCT RECALL/ QUALITY SYSTEM/ HAZARD ANALYSIS CRITICAL CONTROL POINTS/FOOD SAFETY MANAGEMENT SYSTEM.
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ABSTRACT

This independent study was conducted on a purpose of studying and analyzing in law enforcement and measure of controlling of safety of food product. Thai Food Act B.E. 2522 (1979)'s provisions are not efficient and sufficient to protect consumer from harmful and unsafe food like the legal idea's purpose. The fact shows that nowadays consumer still get harmed biologically chemically and physically by food product. This fact affects Thai food exporting industry, makes Thai food get excluded in trade market, and worsen Thai business's competition capacity. Finally, this makes Thailand become unreliable in global forum. To deal with such problem, the author think it is necessary to research in related measure, idea, and theory in both Thailand and in foreign country.

The Food Act B.E. 2522 (1979) established the measure of recalling any unsafe food in the market, and the measure of controlling manufacturing source after discovering unsafe product. According to the study, the author found that the Food Act B.E. 2522 (1979) grants the officer (of the Office of Food and Drug Commission) a power to control and deal with unsafe food in market. Such granted power need to be performed as administrative act that need to satisfy public interest. However, the Food Act provides the measure that impact to people's right. In fact, such measure should subject

to the principle of public interest. In any case that there is a conflict between food producer's interest and consumer's interest, the consumer interest should be protected beyond consumer's interest. And based on the principle of rule of law, the government officer who get vested legal power that can impact other people's right, need to exercise such power complying with law.

To establish a resolution, the author has an offer of amending Food Act B.E. 2522 (1979) to provide the officer a power to recall unsafe product, or power to order the producer to recall his own product. The officer should has a power to order producer to change his or her manufacturing procedure by using "Hazard Analysis and Critical Control Point: HACCP", or using "Food Safety Management System" of ISO 22000 in his manufacturing procedure.