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Thailand

Trade Policy Monitoring

New Alcohol Beverage Advertising Initiatives

2009

Approved by:

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Report Highlights:

The Office of the Alcohol Beverage under the Ministry of Public Health is drafting a Ministerial Regulation pursuant to the Alcohol Control Act B.E. 2551, section 32, to control the advertising of alcohol products in newspapers, magazines, TV and other broadcasting media. The proposed conditions for alcohol beverage advertising under this Ministerial Regulation can be found in this report.

Includes PSD Changes: No
Includes Trade Matrix: No
Annual Report
Bangkok [TH1]
[TH]

The Alcohol Control Act has been enforced since February 14, 2008 in order to reduce the consumption of alcoholic beverages in Thailand. Since then many measures have been enforced such as the ban of alcohol sale by grocery shops located in gas stations, schools, hospitals, temples and government offices; the ban on sale of alcohol in gift baskets by retailers; retail sale time limits, and the ban of pricing discounts and certain promotional activities. In February, the Office of the Alcohol Beverage under the Ministry of Public Health began drafting a Ministerial Regulation in pursuant to the Alcohol Control Act B.E. 2551, section 32, to control the advertising of alcohol products in newspapers, magazines, TV and other broadcasting media. At present, this Ministerial Regulation is under the process of public hearing. The conditions for alcohol beverage advertising under this Ministerial Regulation are as follows:

- The display of alcohol beverage symbols (such as trademark) or symbols of companies manufacturing alcohol beverages is permitted only when used in conjunction with the aim to providing information and constructive knowledge benefiting society, and is not information that claims qualifications, benefits, and qualities of the alcohol beverages or persuades people to drink alcohol beverages directly or indirectly. In addition, the information given must convey information and facts that promote virtue, culture or enhance social value without the display of product or package pictures or any part of products or packages of the alcohol beverages.
- The display of alcohol beverage symbols or symbols of the companies manufacturing the alcohol beverages must not display pictures of the alcohol products or packages or any part of the alcohol products or packages; or show any message that claims qualifications, benefits, and qualities of the alcohol beverages or persuade people to drink alcohol beverages directly or indirectly. The pictures of product also include the pictures of packages or any materials that are used as containers of alcohol beverages or wrap the alcohol beverages.
- The display of symbols of alcohol beverages or symbols of company manufacturing alcohol beverages is permitted under the following cases:
 - (1) To display the symbol through TV, broadcasting, movie, video, electronic equipments or any similar media, the size of a picture must be less than 5 percent of total advertising space and the display time must be less than 5 percent of total advertising time but cannot exceed 2 seconds. The symbol is allowed to be aired from 10 pm to 5 am and the display of symbol is allowed only at the end of the advertising.
 - (2) For printed advertisement, the size of the symbol must be less than 5 percent of total advertising space. The symbol is not allowed to be placed on the front cover, back cover, middle two-page spread or the package of the printed material.
 - (3) Other media than (1) and (2), the size of the symbol must not exceed 3 percent of total advertising space depending on media types.
- The warning message must be displayed every time and for a whole period of time while displaying a symbol of alcohol beverage or a symbol of company manufacturing alcohol beverages. Currently the warning message must comply with the Notification of Food and Drug Administration re: Alcohol Beverage Advertising (No. 2) for example “Drinking Alcohol Beverages Reduces Driving Ability”, “Drinking Alcohol Beverages is Harmful to Your Health”, etc.

In addition, the Office of the Alcohol Beverage is considering proposing a new regulation to attach warning images and labeling to all alcohol beverage bottles. Pictures of adverse effects of alcohol drinking such as road accidents and patients suffering from illness caused by drinking

alcohol have been proposed for attachment onto the alcohol beverage bottles, which is similar to those on cigarette packages, with an intention to remind the consumers of the dangers of consuming the products. However, this initiative is still under the discussion among members of the Control Committee and, once agreed, this draft notification requires Cabinet approval. This notification is drafted pursuant to Section 26 of the Alcohol Control Act, which requires the manufacturer or importers of alcohol beverages to arrange for packaging materials, labels and warning messages for the manufactured or imported alcohol beverage in compliance with criteria, methods, and conditions prescribed by the Control Committee. At this stage, the Post is following up with the Office of the Alcohol Beverage on the methods and detailed conditions of this proposed labeling law in order to assess the impact on the export of U.S. alcohol beverages to Thailand.

Draft
Ministerial Regulation
Re: Alcohol Beverage Advertising
B.E....

By the virtue of provisions of Section 32, the 2nd paragraph of the Alcohol Beverage Control Act B.E. 2551 (2008), in which contain provisions in relation to the restriction of Rights and Liberties of the Persons, in respect of which Section 29 and in conjunction with Section 41, Section 43, and Section 45 of the Constitution of the Kingdom of Thailand so permit by virtue of provisions of law; the Prime Minister hereby issues the Ministerial Regulation as follows:

Clause 1. In this Ministerial Regulation

“Picture of alcohol beverage symbol” means a picture of alcohol beverage trademark, which are legally registered as registered trademark.

“Picture of symbol of the companies manufacturing alcohol beverages” means a picture of a symbol of the company manufacturing alcohol beverages, which is legally registered. This company symbol shall not be the same with the alcohol beverage symbol or make the consumers to understand that this is the alcohol beverage symbol.

Clause 2. The display of alcohol beverage symbol or symbol of companies manufacturing alcohol beverages can be done only in conjunction with the advertisement aims to providing information and constructive knowledge benefiting the societies, and is not information that claims qualifications, benefits, and qualities of the alcohol beverages or persuades people to drink alcohol beverages directly or indirectly.

The information and constructive knowledge benefiting societies given according to the above paragraph shall convey information and facts that promote virtue, culture or enhance social value without the display of product or package pictures or any part of products or packages of the alcohol beverages.

Clause 3. The display of alcohol beverage symbol or symbol of the companies manufacturing the alcohol beverages shall not display pictures of the alcohol products or packages or any part of the alcohol products or packages; or show any message that claims qualifications, benefits, and qualities of the alcohol beverages or persuade people to drink alcohol beverages directly or indirectly.

The picture of product as per above paragraph includes pictures of alcohol beverages in all forms and shapes or pictures of anything that convey or make the consumers understand that those are the pictures of alcohol beverages.

The pictures of products also include the pictures of packages or any materials that are used as containers of alcohol beverages or wrap the alcohol beverages.

Clause 4. The display of alcohol beverage symbol or symbol of companies manufacturing alcohol beverages as per Clause 3 can be done as follow:

- (1) To display a picture of symbol through TV, broadcasting, movie, video, electronic equipments or any similar media, the size of a picture shall be less than 5 percent of total advertising space and the display time shall be less than 5 percent of total advertising time but cannot exceed 2 seconds. The picture is allowed to be aired from 10 pm to 5 am and the display of those symbols is allowed only at the end of the advertising.
- (2) For printed advertisement, the size of the picture shall be less than 5 percent of total advertising space. The picture is not allowed to be placed on the front cover, back cover, middle two-page spread or the package of the printing material.
- (3) Other media than (1) and (2), the size of the picture shall not exceed 3 percent of total advertising space depending on media types.

However, the warning message shall be displayed every time and for a whole period of time when displaying a symbol of alcohol beverage or a symbol of company manufacturing alcohol beverages. The format of warning message will be prescribed by the Control committee.

Date.....

(Mr.Abhisit Vejjajiva)
Prime Minister