

Christine Nichols
Aug. 7, 2007

A Summary of Current Alcohol Legislation in Thailand

Thailand's alcohol control groups are currently working to pass a new law limiting sales and advertisement of alcoholic beverages. Their call for a complete ban on alcohol advertising in the media failed in 2006 after the FDA had approved the bill. Strong opposition from the alcohol industry prompted the Council of State (the government's legal advisory body) to rule the FDA had no authority in comprehensively prohibiting alcohol advertisements. The CS rule out FDA announcement on two issues in the first round, after FDA appealed the CS still confirm on one issue "The legitimacy of FDA to use the Food ACT 1979 to ban alcohol advertising". Firstly, as alcohol is defined as food, FDA has no authority to 'ban' food advertising. FDA can ban ad spot if it over-states about food property. Secondly, FDA announcement is the lower ranking Law, cannot be contrary to the Act which is a major law one.

Further work on a total advertising ban bill was abandoned, with a new endeavor undertaken entitled the "Alcohol Control Bill". This bill includes a provision for a complete ban on alcohol advertising, but also covers many other issues related to controlling the sale and consumption of alcohol. The original draft calls for¹:

- A total ban on alcohol advertising.
- Prohibition of sale/consumption of alcohol in temple compounds, places of religious ceremonies, public health sites, government sites, youth clubs, educational grounds, youth dormitories and petrol stations.
- A ban on sale of alcohol in vending machines.
- Cessation of promotion of liquor sales through discounts, free giveaways and prizes.
- A raise in the minimum age for buying alcohol from 18 to 20.
- Restrictions on sales outlets, retailer hours and marketing activities.
- Funding for rehabilitation for those suffering alcohol addiction and related problems.
- Require warning labels on all alcoholic drinks.

The Cabinet accepted the draft as outlined above, and sent it to the National Legislative Assembly (NLA) for review. However, passage of the bill is moving very slowly as the Assembly has reviewed the draft 13 times, covering all 48 articles. The NLA's evaluation has resulted in much discussion and amendment to articles 31 and 34, dealing with the advertising ban. Public Health Minister Mongkol na Songkhla stated alcohol advertising could be allowed in pubs and bars where entrance by youth under 20 is prohibited. The NLA supported the Minister's position. In addition, the NLA proposed an amendment to the advertising ban by allowing alcohol

¹ "Bill Proposed to Limit Alcohol Sales", *Bangkok Post*.

advertisements on signs and billboards as long as they do not contain any images of alcohol, or any images of people in poses to encourage drinking. The signs would also have to include a warning on the top covering at least 25% of the display².

The above amendments have come in a large part due to the extensive lobbying to the NLA by alcohol companies. Alcohol producers are trying very hard to reject, delay and weaken the bill, especially the provision calling for a complete advertising ban. Alcohol companies assert a ban won't solve or reduce social problems caused by alcohol. Opposition leaders to the Alcohol Control Bill believe it would be better if government authorities focused on the problems caused by consumption of cheap strong liquor, rather than banning advertising of the less-consumed expensive liquors³. The industries use the tactic to deviate the policy momentum. They call for white spirit (the Arrack) tax raise so that they can gain business benefit, even though it is relatively.

In response to the Alcohol Control Bill an alliance of major liquor firms (including Bacardi, Diageo Moet Hennessy, Pernod Ricard, Thai Asia Pacific Brewery, Siam Winery Trading) drafted a summary of voluntary, self-regulatory industry guidelines. This course of action was yet another measure the alcohol industry has taken to attempt to weaken the importance of the Alcohol Control Bill before the NLA. The alcohol industry's proposed self-regulation would include a ban on alcohol advertising in media outlets such as television, radio, and magazines where greater than 25% of the audience is less than 20 years of age. The alcohol industry claimed that this is an international code of conduct used by markets worldwide⁴.

Various alcohol-control groups have vigorously campaigned in support of the Alcohol Control Bill in order to counteract the alcohol industry's influence upon the NLA. Representatives from Buddhist, Christian, Muslim, and Sikh religious groups came together to support the draft proposal on alcohol legislation. Samana Purputh Chantasettho, a Buddhist representative, said if the law is not passed it is a signal that the alcohol business has in fact taken control of the Thai government⁵. In March 2007, a health-advocacy group campaigned to collect 8 million signatures to present to the Prime Minister and the NLA in support of the alcohol control legislation. A marathon of runners starting from four different provinces of Thailand collected a total of 13 million signatures, which is the highest record in number of supporters for a public policy in Thai history, when they convened in Bangkok on 18 March, 2007⁴.

The National Legislative Assembly has an important decision concerning the future of alcohol control measures in Thailand. Strong influence from the alcohol industry, coupled with dedicated support for the bill by alcohol control groups prove to make the NLA's decision a long and arduous debate. It seems that the industry applies the

² "Alcohol Ads: Consensus Still Slow in Coming". *The Nation*, 14/07/2007.

³ "National Marathon Supporting Alcohol Control Legislation".

⁴ "Major Liquor Firms Suggest Voluntary Ad Guidelines". *Bangkok Post*, 17/01/2007.

⁵ "Religions Want all Alcohol Ads Axed". *The Nation*, 13/07/2007.

tactic prolonging this stage into next government, who will come from election. As these professional politicians are more vulnerable for industry support and lobby.