

Regulating alcohol marketing, sponsorship, and promotion:
Thailand alcohol advertising regulations
: some lessons learned & ways forward

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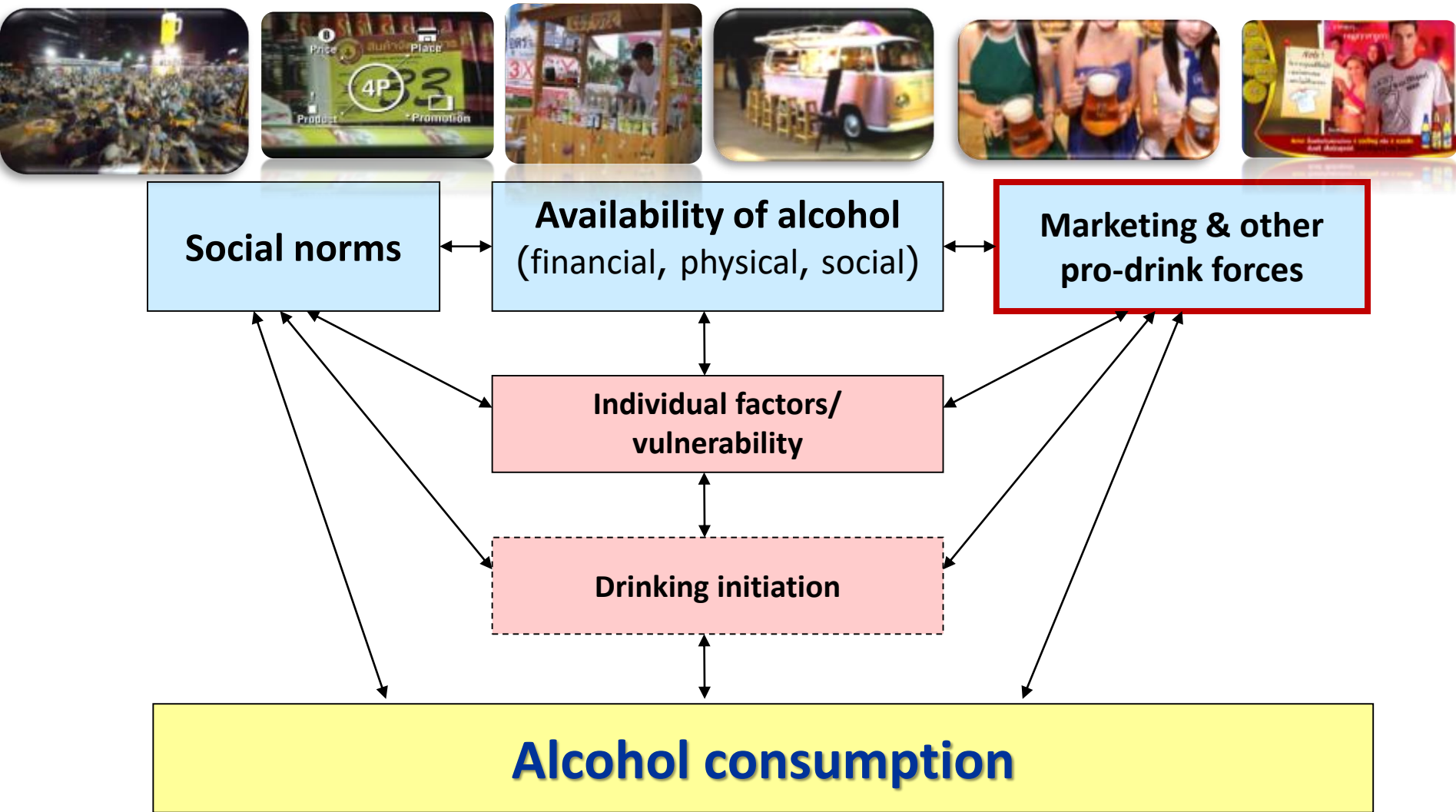
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WPRO Training for leadership and advocacy teams to reduce alcohol harm in young people
18 -20 June 2019, Phnom Penh

Why people drink? : understand its determinants



Modified from Birckmayer et al, A general casual model to guide alcohol, tobacco and illicit drug prevention: assessing the research evidence (2004),

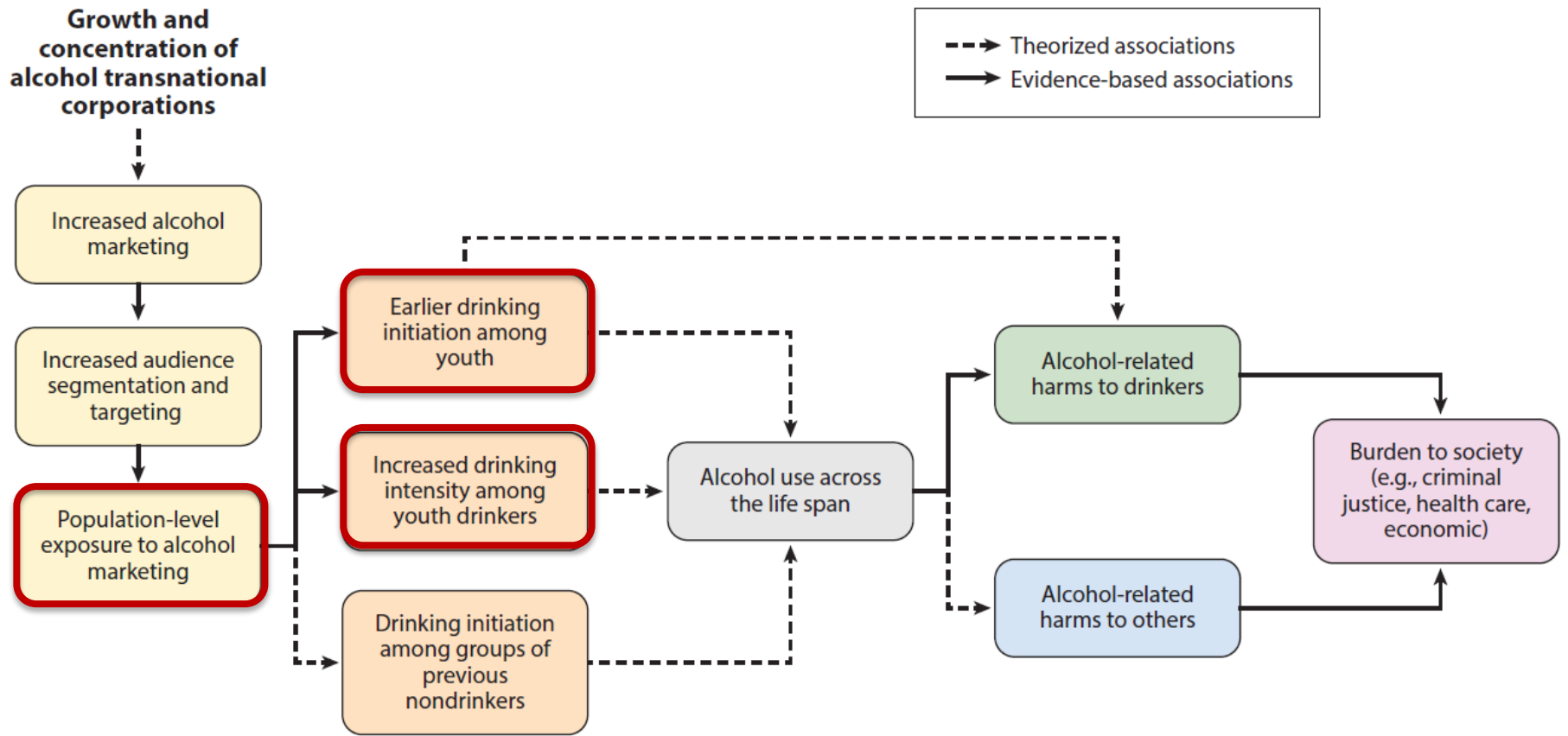


Figure 1

Conceptual framework on the growth of alcohol corporations, exposure to alcohol marketing, and alcohol-related public health problems.

Esser, M. and Jernigan, D. (2018) Policy Approaches for Regulating Alcohol Marketing in a Global Context: A Public Health Perspective, *Annu. Rev. Public Health*, 39:385-401.

How does advertising works (especially for young people)?



*Alcohol advertising manipulates young people' vulnerability by shaping their **attitudes, perceptions** & particularly **expectancies about alcohol use**, which then influence youth decision to drink.*

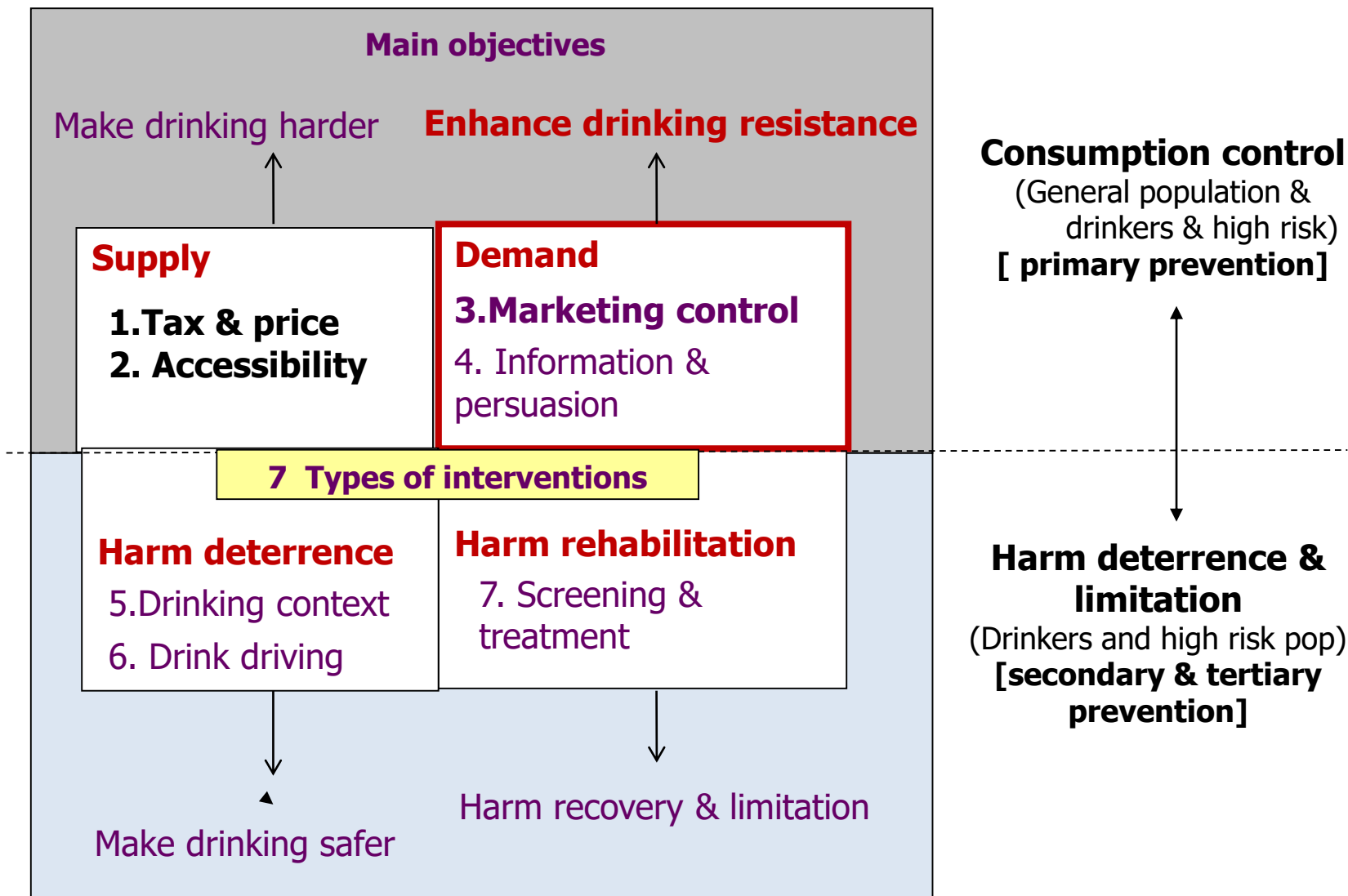
(Grube and Waiters 2005)

*There seems to be a cognitive progression from **liking*** of alcohol advertisements (such as its humour, music, lifestyle/image) to **positive expectancies about alcohol use** (such as fun, social and sexual success, stress reduction, perceived peer approval), to **intentions to drink or actual drinking** among young people.*

(Austin and Knaus 2000; Austin et al. 2000)

** an affective response associated with the desirability of portrayals in the advertisements & a resulting identification with characters in the advertisements)*

Objective of marketing control is to enhance drinking resistance & reduce individual demands via reducing level of exposure.



Marketing restrictions in ASEAN countries & Mongolia

Alcohol marketing control	Brunei	Cambodia	Indonesia	Lao PDR	Malaysia	Myanmar	Philippines	Singapore	Thailand	Vietnam	Mongolia
Advertising bans or comprehensive restrictions											
National TV	Ban	Ban	Ban	Ban	Ban	Ban	No	Voluntary	Partial	Partial	Ban
Cable TV	Ban	Partial	Ban	Ban	Voluntary	Ban	No	No	Partial	Partial	Voluntary
National radio	Ban	Ban	Ban	Ban	Ban	Ban	No	n/a	Ban	No	Voluntary
Local radio	Ban	Voluntary	Ban	Ban	Ban	Ban	No	Voluntary	Ban	Partial	Partial
Print media	Ban	No	Partial	Ban	Voluntary	Ban	No	Voluntary	Partial	Partial	Voluntary
Cinemas	Ban	No	Ban	Ban	Voluntary	Ban	No	Voluntary	Partial	Partial	Ban
Billboards	Ban	No	Partial	Ban	Ban	Ban	No	Voluntary	Partial	Partial	Ban
Point-of-sale	Ban	No	Partial	Ban	No	Partial	No	Voluntary	Partial	Partial	Ban
Product placement	Ban	No	Ban	Ban	Ban	Ban	No	Voluntary	Partial	Partial	Voluntary
Internet	Ban	No	Partial	Ban	Voluntary	Partial	No	No	Partial	Partial	Ban
Social media	Ban	No	Ban	Ban	No	Partial	No	Voluntary	Partial	Partial	Voluntary
Alcohol sponsorship	Ban	Ban	Ban	Ban	Ban	Ban	No	No	Ban	Ban	Voluntary
Ban of sale promotion	Ban	No	Ban	Ban	Ban	Ban	No	No	Ban	Ban	No

World Health Organization (2018) Global status report on alcohol and health 2018.

World Health Organization. Global Information System on Alcohol and Health (GISAH). Alcohol Control Policies 2018 [cited 2019 Mar. 17]; Available from: <http://apps.who.int/gho/data/node.gisah.A1119?lang=en&showonly=GISAH>

Evolution of Thai alcohol advertising regulations



Prohibition on billboard & in Theater (**regulation under the Consumer Projection Act**)

2008

Alcohol Control Act 2551 Section 32: advertising & marketing communication regulation (product, logo, corporate brand)

2004

“Partial ban of alcohol advertising” (restrictions on contents, times, & places)

Regulated by FDA, Government Public Relation & Consumer Projection Broad

- Prohibition of alcohol ads **on TV/Radio during 5 am - 10 pm**
- Prohibition of alcohol ads **in the area of 500 m. around academic institutes/religious places**
- Do not create **a misperception that alcohol consumption leads to social success, sexual attractiveness & health benefit**
- Do not have **public figures or celebrities including actors, singers, athletes & laborers or young people below 20 years old as presenters** in the ads

2003

2001

1979

Food Act B.E. 2522

- **Alcohol = food**
- Advertising of beverage containing >15% of alcohol (distilled beverage) on TV before 10 pm is prohibited
- need to get permission from the Food committee

Thailand Alcohol Control Act 2008

Definition

“Advertising” means an act undertaken by any means to allow the public to **see, hear** or **know** the statement **for commercial interest**. It shall also include **marketing communication**.

“Marketing communication” means activities in various forms with the main objective to sell goods, services or images. It also covers **public relations, dissemination of information, sales promotion, product expositions, organization or support of special events, and direct marketing**.

“Message” shall include projection of letters, images, films, lights, sounds, symbols or any acts to allow people in general to understand their meanings.

Thailand Alcohol Control Act 2008

Section 32. Advertising or displaying names or trademarks of alcohol beverage deemed **to show their qualifications or persuade people to drink such alcohol beverage either directly or indirectly is prohibited.**

Any **advertising** or public relations made by manufacturers of alcohol beverage of all kinds **can be done only for the purpose of giving information and creative knowledge WITHOUT** displaying pictures of the products or packages, **EXCEPT** for the display of symbol of such alcohol beverage or the symbol of the company manufacturing the alcohol beverage. **This shall comply with the Ministerial Regulations.**

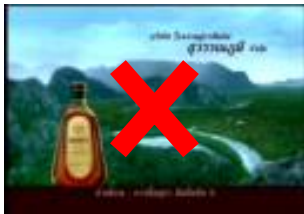
Provisions of the first and second paragraphs shall **not apply to the advertisement originated outside** the Kingdom of Thailand.

2010 Ministerial regulation on Criteria and Conditions for Displaying the Symbol for Advertising or Public Relations of Alcoholic Beverage B.E. 2553 (A.D. 2010)

>>> *To specify clearer information concerning advertising airtimes, contents & logo definitions (including pattern & size of logo)*

Clause 3. Symbol of the alcoholic beverage or symbol of the company manufacturing the alcoholic beverage shall be in conformity with the following requirements:

- 1) Not being the picture of the alcoholic beverage or package or any part of the alcoholic beverage or package;
- 2) Not containing any **message** that shows the proper ties, qualifications and quality of the alcoholic beverage;
- 3) Not persuading people to drink the alcoholic beverage, either directly or indirectly; and
- 4) Not showing any pattern, characteristic or picture that may communicate or make people understand that it is the picture of the alcoholic beverage or package of the alcoholic beverage.



2010 The Notification of the National Alcohol Control Committee on warning statement for alcohol advertising

'Compulsory warning statements for alcohol advertising in **printed media, billboard & TV**', adopted in 2010 and revised in 2014, consisted of 3 statements including;

(to have only **three statements** warning;

(1) “Liquor/beer/wine consumption could lead to **cancer**”

(2) “Liquor/beer/wine consumption could lead to **dementia**”

(3) “Liquor/beer/wine consumption could lead to **disability**”



Printed media: Thai bold “Angsana New” , white text in a frame on the dark black background, covering the area of not less than 1/4 of the total advertising area

TV media, projection, movies, videos, electronic instruments : shown both in the form of audio and text, not less than two seconds

Public service announcement (PSA) measure

2015 Notification of Alcoholic Beverages Control Committee, **Re: Rules, Procedure and Condition for Labels of Alcoholic Beverages**, issued under the Alcohol Control Act 2008

Adopted on 8 Jan 2015, fully implemented on 22 Oct 2015



Prohibition of displaying unfair messages to consumers or consequentially affected to social on alcohol container which

- **is false or exaggerated, misleads** the content of products or services although these **message** may refer to an academic report, statistical data or unrealistic or exaggerated information;
- that directly or indirectly **supports an illegal or morality** or leads to discredit to the national culture;
- that **leads to disharmony** or prejudice to the social or people.



Prohibition of displaying message

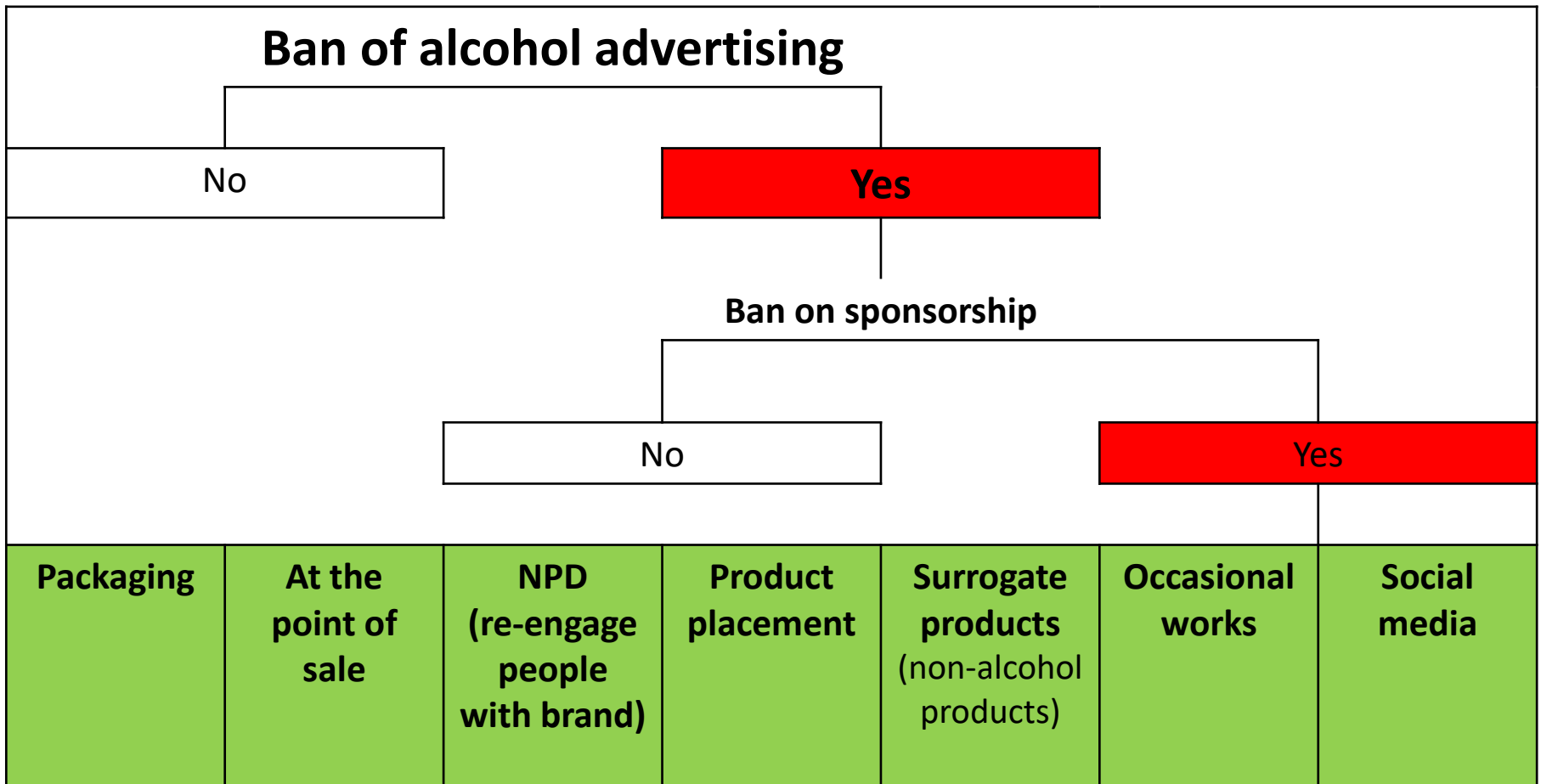
- which **directly or indirectly persuades consume or pretentiously exaggerates the benefit or quality of alcoholic beverage.**
- that introduces an **attitude that drinking alcohol can lead to social & sexual success including health;**
- that **persuades or convinces to participate in activities** such as music, sports, contests or recreation
- that **persuades or convinces to purchase or consume in order to donate money to charity**



Prohibition of the message or pictures of athlete, artist or singer, cartoon

How to market alcohol where alcohol marketing is banned

: marketing ideas by alcohol marketers

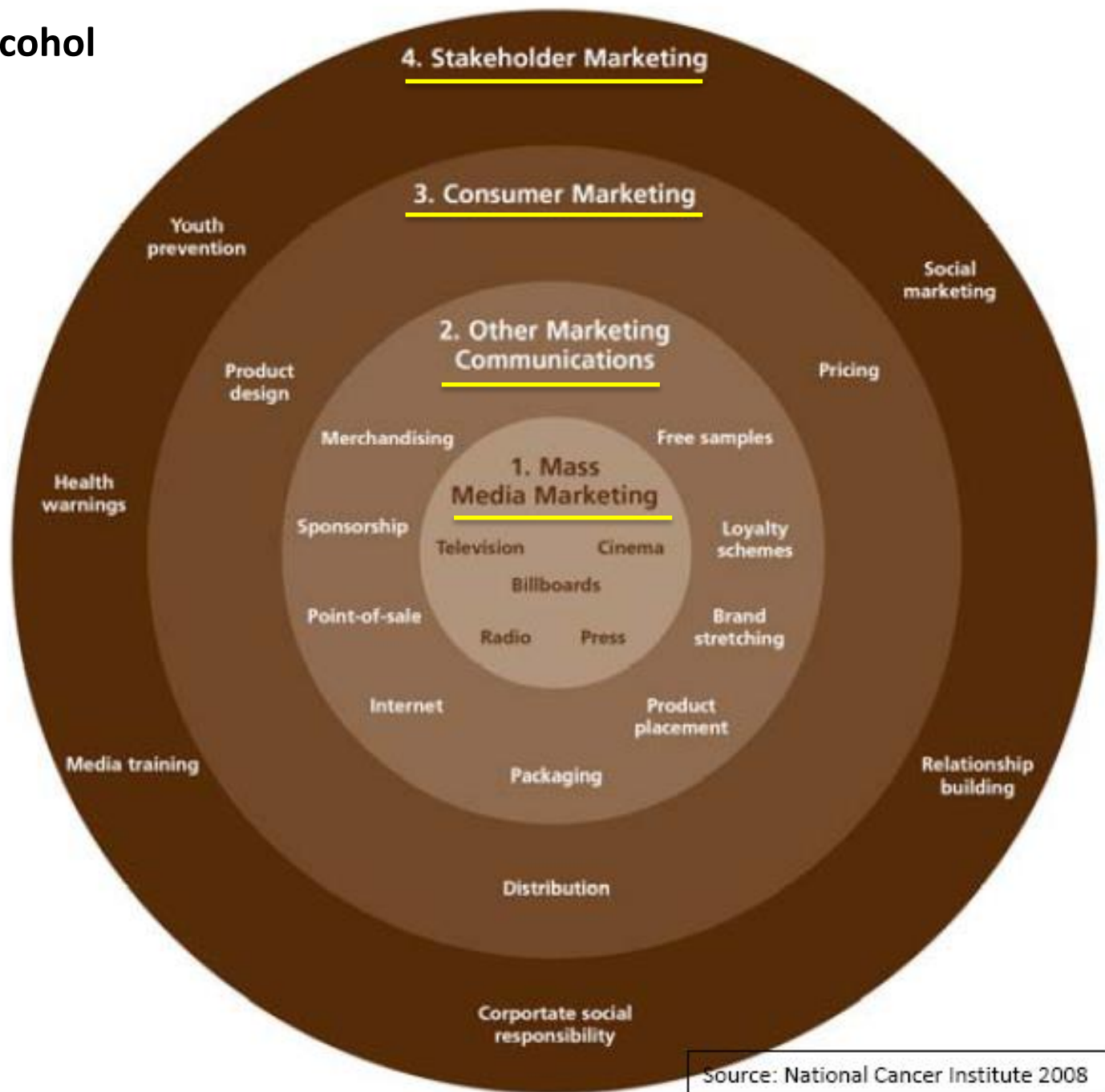


>>>To sustain awareness, close connections with brands/trade marks

Source: https://www.just-drinks.com/analysis/how-to-market-alcohol-where-alcohol-marketing-is-banned-focus_id119700.aspx

A comprehensive alcohol marketing practices in different aspects

- from direct to indirect approaches
- Easy to control to hard to control



Source: National Cancer Institute 2008

Legal loopholes: creative advertising



Message about friendships in advertising

Legal loopholes: corporate social responsibility (CSR)



Such as disaster relief, sponsorship, educational programmes, drinking responsibly messages, drink-driving campaign, promoting local cultures

Legal loopholes: sponsorships/ branded events (music, sport, & entertainment events)



Legal loopholes: **branding, brand sharing & stretching**

use of same brand across beverages & surrogate products (to circumvent restrictions)

Alcohol , Soda or Drinking water?



Legal loopholes: **product placement in the movies**



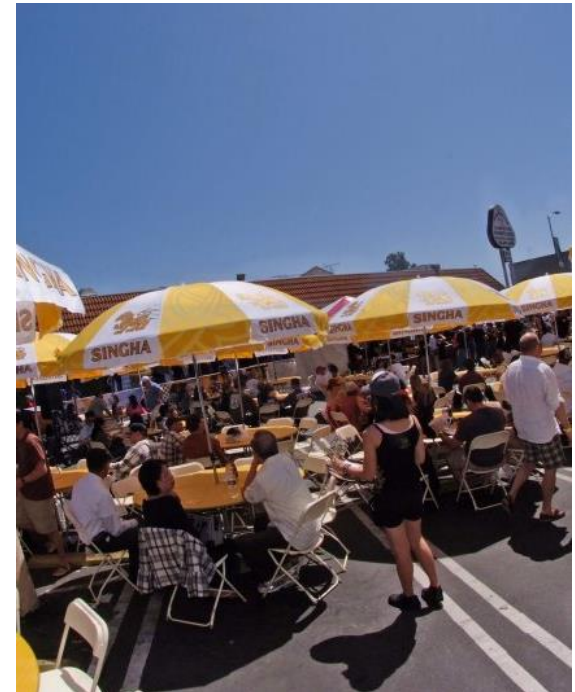
Legal loopholes: **product development, packaging, labelling, alcohol-branded merchandise**

(such as branded t-shirts, key rings, cups, place mats, umbrellas, towels)



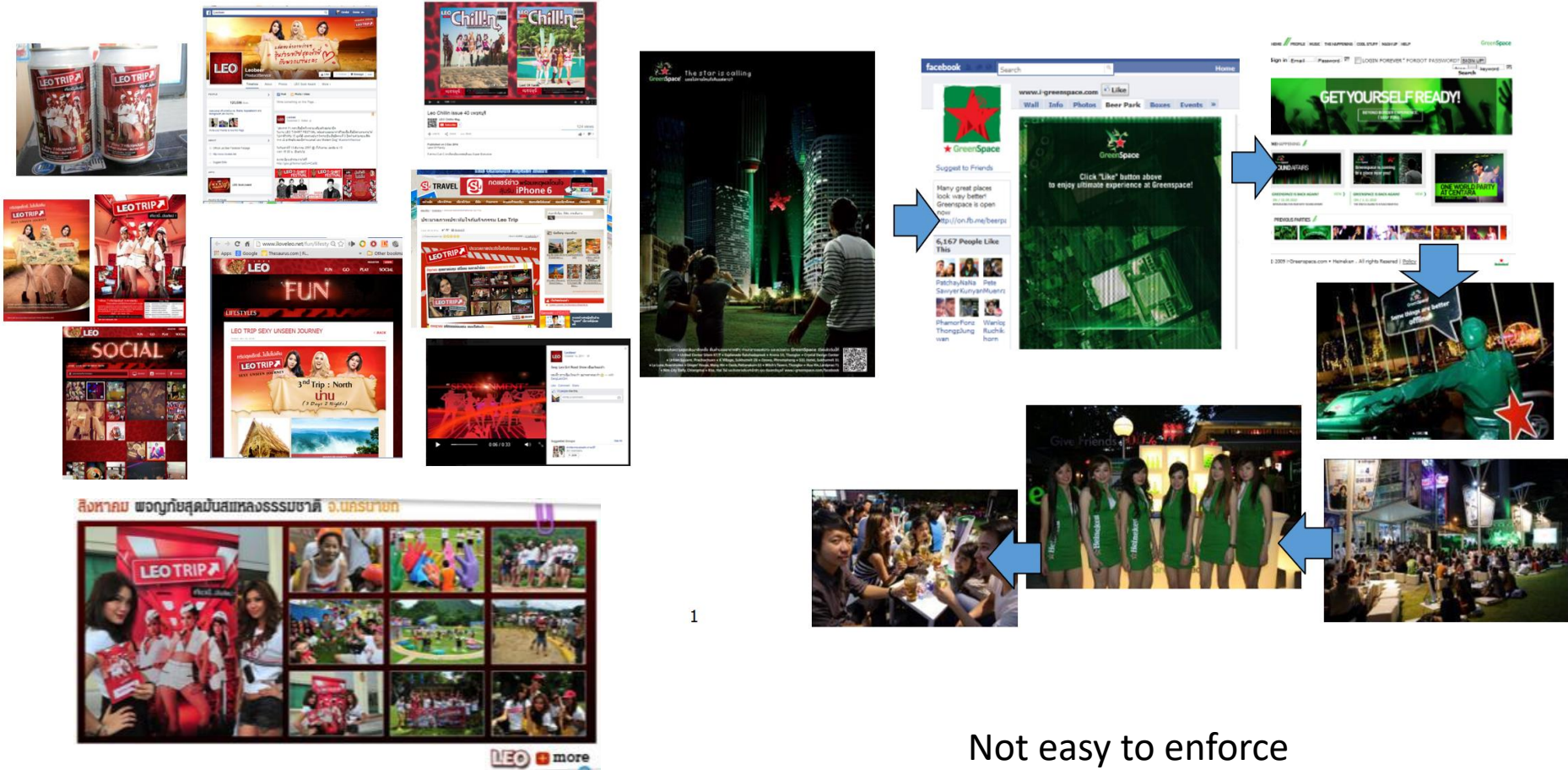
Other new developments in alcohol marketing practices

- **Price promotions, competitions** (via online system)
- **Marketing at drinking venue:** beer girls, beer garden/festivals, plasma screens



Integrated marketing communication:

using many types of medias linking to other ongoing promotional activities and bringing the drinkers to drink at the drinking venue



1

Not easy to enforce

All types of media are used for marketing communication as part of “Integrated marketing communication”.

These create the cumulative effects!



Legal loopholes:
**broadcasting originated outside
 country**



Legal loopholes:
Advertising via digital media

including company websites, social networking sites, Youtube



**Transborder
 advertising!**

- By small VS big operators whole sale/retail sale)
- By small VS large scale influencers

Successful stories in enforcing alcohol advertising regulation in Thailand : Celebrities posted their photo with beers on social media

Is this alcohol marketing?



Personal life VS commercial purpose?



(14 Oct 2015) Over 30 actors, actresses and singers were under investigation by police for violating the 2008 Alcohol Control Act, Article 32, which forbids advertising alcohol by even showing brand logos or “enticing” others to drink.



**Posting with Commercial purpose
(promote the beer's new bottle colour)**

**Celebrities whose names appeared on website
& posted alcohol on their Instagram**

2017

เทรนด์ออนไลน์

จ่อฟันอีก5-ดาราโพสต์รูปคู่เหล้าเบียร์ อื้อฟองศักดิ์-คริสทอว์ง ตร.จับตาเข้มทุกสื่อโซเชียล

วันที่ 21 กรกฎาคม 2560 - 08:12 น.

Facebook Twitter Google+ LINE



โพสต์เหล้า- พล.ต.อ.วิระชัย ทรงเมตตา ที่ปรึกษา สบ10 สั่งตรวจสอบดำเนินคดีกลุ่มดารา-คนดังโพสต์ภาพคู่เครื่องดื่มแอลกอฮอล์ผ่านสื่อโซเชียล รวมถึงคดีของ คริส ทอว์ง, นิวเคลียร์-หรรษา และดีเจ.-นักร้องรวม 5 คน

ที่ปรึกษาสบ 10 ประชุมทางไกลกับตำรวจทุกภาค สั่งเข้มมอนิเตอร์สื่อออนไลน์โฆษณาแฝงเครื่องดื่มแอลกอฮอล์ โดยคนดัง ดารา นักร้อง และเน็ตไอดอลโพสต์คู่กันในสื่อโซเชียลมีเดีย จ่อจับ-ดำเนินคดี 5 คน

(5 Aug 2017) 9 celebrities were prosecuted; another 15 will report to police

THE NATION Thailand Portal

Contact Advertise ThaiVisa The Wall Street Journal

HOME TOP NEWS EXPERIENCE THAILAND BUSINESS TRAVEL PF

A collage of Thai celebrities' controversial posts with photos of themselves with a beer, which made headlines in 2015 as such posts violated the Alcoholic Beverage Control Act bans.

Police launch campaign against social media posts with celebrities encouraging alcohol use

national July 20, 2017 15:28

Police will monitor Thai social media to punish any actors, "net idols", or celebrities who pose messages and pictures inviting others to drink alcoholic beverages. There is a fine of Bt50,000-Bt200,000 for publicly encouraging alcohol consumption under the Alcoholic Beverage Control Act.

THREE THAI WOMEN CHARGED FOR PROMOTING ALCOHOL ON FACEBOOK

10th August, 2017 by Natalie Wang

Three Thai women have been officially charged with violating Thailand's 'Alcoholic Beverage Control Act 2008' for promoting beer sales on Facebook, which could lead to up to 200,000 baht (US\$6,016) fine, following Thai police's latest campaign to crack down on social media alcohol promotion.



The three women were identified as Janjira Jansakha, Nanthida Punyamanoch and Nantharika Pheukkliang. Photo source: *The Star*

The three promoters were arrested overnight on 31 July after posting a five-minute long Facebook live video on 23 July promoting "buy one, get one [free]" beer sale in revealing outfits for a bar in Saraburi's Muang district, reported *The Nation*.

A statement from the local police station said, "The three women were arrested because they wore improper clothes and tried to advertise alcohol." In the video, young women, all in their 20s, asked customers to visit the bar and buy one bottle of Leo beer to get another one for free.

The arrest came just a few days after Thai police have launched a campaign against social media posts with celebrities, social media personalities promoting alcohol consumption. Earlier this week, Tithirat "DJ Fah Sai" Inthep was also charged with illegal advertising alcoholic products on social

media.

The Thai government introduced its alcohol ban that forbids people from advertising alcoholic drinks and brands including names and logos in 2008, but there seems to have been a renewed effort to crackdown on social media promotions in recent months.

Under Thailand's Alcoholic Beverage Control Act, first-time offenders can be punished with a 50,000 baht (S\$2,039) fine and repeat offenders with a 200,000 baht fine for violating the law.

According to Thai law, no images of alcoholic drinks, including photography, and logos in any language which "invite" the public to drink alcohol are allowed. Alcohol advertising when allowed on television, movies, video and other electronic formats can only be done between 10pm and 5am, and the logos can only be shown at the end of the advertisement.

Successful stories in controlling alcohol adverting in Thailand



Tobacco and Alcohol surveillance system (TAS): **a mobile application** to report a violation of Alcohol Control Act 2008 and Tobacco Control Act initiated in 2018

Ways forward for Thailand alcohol marketing control!

Short-term plan:

- ↑ enforcement
 - alcohol watchdog group
 - online surveillance system with more participation from consumers
 - publicise violations and legal process to inform public
- ↑ regulations to control “brand marketing”
- Correcting misconceptions & misinformation (immediate actions needed!)
- Counter advertng as appropriate (NOTE: this is expensive)

Long-term goal:

- Total ban of alcohol advertising
- FCAC (as similar tobacco control according to FCTC)
- Plain packaging as similar as tobacco products

Lessons learned for development of alcohol marketing control

- If the total ban is infeasible, **begin with a comprehensive ban to apply for all kinds of alcoholic beverages** and then write minimal exceptions later to that ban.
 - Self-regulation = no restrictions
- Clear definitions of “**marketing**”, “**advertising**”, “**promotion**”, and “**sponsorship**”
 - Think ahead about restrictions of future marketing practices such as **sale promotion, online marketing, advertising through social media, advertising at the point of sales/drinking venue, and product packages and labels, product placement**, (including brand marketing)
- Designate **an independent body** to implement, monitor, and enforce



Thank you

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