



## Banning Alcohol Advertising: A Long Way to Go

Following the coup d'état on September 19, 2006, the government initiated a policy to ban on all forms of alcohol advertisement 24 hours a day. This policy was aimed at all alcohol manufacturers, both local and foreign. Along with the ban, the government pushed forward the draft Alcohol Consumption Control Act for Cabinet consideration. The situation became a heated issue at the end of 2006 through the first months of 2007.

## Thai Society and Alcohol Policies

Alcohol policies have always caused conflict in Thailand. Originally, people were free to consume and produce alcoholic beverages. However, the government later monopolized the alcohol market, including both production and sale. After the 1932 revolution, the state ended its monopoly and supported the development of a free market.

In 1999, the Ministry of Finance developed plans to sell the government alcohol manufacturers, and suggested three alternative strategies to government, ranging from liberal to restrictive:

1. Free all distilled spirits covering special spirits, special blended spirits, mixed spirits and white spirits
2. Free all colored spirits covering special blended spirits, mixed spirits. This second policy excluded white whiskey, which would be produced by state manufacturers only.
3. Free only special spirits. Special blended spirits, mixed spirits and white spirits were to be reserved to state manufacturers only.

On September 15, 1998, the Cabinet agreed on the first policy, freeing all distilled spirits, and also changing of license fees and excise taxes.

The policies led to a debate between those supporting the free market and those favoring greater control of alcohol consumption. In the past five years measures were gradually introduced to curb consumption. *The measures to control alcohol access and purchase* identified specific selling periods (11:00 - 14:00 hrs. and 17:00 - 24:00 hrs. daily), and prohibited people under 18 years old from buying and drinking. They also designated alcohol-free zones, such as religious sites, schools and petrol stations. *The measure to control drinking*, enforced with the amended Bill on Place of Services in 2003, banned alcohol sales to intoxicated persons and people under 20 years old from entering the service places.

*The measure on road accident* reduction increased penalties for drunk driving, to reduce alcohol-related road accidents. Finally, *the public relations campaigns* run by the Ministry of Public Health (MOPH) categorized alcoholic beverages as a controlled product with warning labels stating that alcohol harms people. The campaigns involved collaboration with civil society groups working on anti-alcohol projects.

## From Free Market and Consumption Control to a Total Ban on Alcohol Advertising

Thailand experiences a high number of alcohol-related violence and road accidents. Drunk driving is among the top three causes of death in Thailand. According to research by the Road Safety Network, the risk of road accidents is fourteen times greater when driving under the influence of alcohol. The risk of experiencing critical injuries for vehicle users with over 50 milligrams of alcoholic substance in their blood was 36 times greater than those with lower blood-alcohol levels. Furthermore, 42% of road accidents during seven days of the New Year's holiday are due to drunk-driving. If the government and the society could collaborate on stopping drunk driving through awareness raising campaigns and intensified law enforcement, serious injuries inflicted by drivers under the influence of alcohol could be reduced by 45 percent.

Eventually, the government decided that measures to curb the access to and control of alcohol consumption were insufficient. At the end of 2006, measures to ban all forms alcohol advertising 24 hours a day were proposed by the Food and Drug Association (FDA), Ministry of Public Health. The ban covered advertising on television, radio, published media and open air media.

Further controversy was generated by the submission of a draft Alcohol Control Act for Cabinet approval. It was the first time the government proposed to intervene in the alcohol industry through the control of marketing and sales promotion. The industry anticipated large reductions in profit because of this interference.

The draft was proposed by Mr. Pinij Jarusombat, Minister of Public Health and Chair of the National Alcohol Consumption Control Committee, and contained the following key measures:

1. A 24-hour-ban of alcohol advertising on all media, except advertisements in live broadcast of overseas sports programs;
2. A ban on displaying alcohol products, brands and manufacturers through all types of media;
3. A ban on competitions sponsored by the alcohol industry; and
4. A moratorium on new licenses to sell alcohol drinks in places such as beer gardens.

Nevertheless, the government was concerned about pressure from foreign investors if the Act was implemented. Consequently, Prime Minister Thaksin Shinawatra urged all related parties particularly the business sector and advertising agencies, to review the Act.

However, just a month after the coup d'état, the government, led by General Surayuth Chulanont, Prime Minister, proposed a draft law on October 17, 2006, with the following main points;

1. The National Alcohol Policy Committee, chaired by the prime minister or deputy prime minister, would be established. Its duty was to set policies, plans and measures to control alcohol beverages, treat and rehabilitate alcohol addicts.
2. The National Alcohol Control Committee, chaired by the minister of public health, would be established. Its duty was to propose policies, plans and measures to control alcohol beverages to the National Alcohol Policy Committee. In addition, the Provincial and Bangkok Committee on Alcohol Control would be set up.
3. The Office of National Alcohol Control Committee would be set up in the Department of Disease Control with administrative functions to serve the two committees.
4. It required that alcohol manufacturers or importers have product labels with warning messages. It designated alcohol-free sites such as temples, government offices, education institutions, public places, dormitories, gas station, etc., and banned the sale of alcohol to anyone under 25 years old. It also banned all forms of media advertising, including brand or logo displayed in places, shows, contest or competition, and other activities with the objective of having the brand or logo perceived. The advertisements in live overseas broadcasts were exempt from the ban.
5. The Act permitted alcohol addicts, or their relatives, or groups of people, or public and private organizations, whose objective was to treat and rehabilitate to seek support from the Alcohol Control Committee for treatment and rehabilitation.
6. Government officers were authorized to examine vehicles, hold or attach alcohol beverages, and issue letters ordering the person to testify.
7. Penalties for violations of the Act were identified.

The Cabinet agreed to have the Act reviewed by a small committee consisting of representatives from the Ministry of General Education, the Ministry of Social Development and Human Securities, Ministry of Justice,

Ministry of Industry, Ministry of Public Health and Ministry of Finance.

After the reconsideration period, the Cabinet approved reducing the buyer's age from 25 to 20, and 1966 Bill on Places of Services, that prohibited people under age 20 from entering the entertainment places. The Cabinet also proposed to raise alcohol and tobacco taxes from 2 percent to 4 percent.

### A Total Ban and Its Effects

The policy generated extensive comments from related business sectors. Most agreed with the government's effort to reduce irresponsible consumption. Sports associations and activities, could be greatly affected as their primary sources of financial supports for administration, sponsorship, and competition at all levels are financed by alcohol companies.

According to Sumeth Suwannaphrom, member of the Committee on Sport Affairs, House of Representative, "Problems in Thai society are not solely from 24 hours of alcohol advertisement. If the Act is enforced, Thai sports will be affected and will lose an opportunity to continue developing. It would be better to try in a gradual way"

Alcohol manufacturers raised criticisms concerning economics and discriminatory enforcement. In terms of economics, sports and alcohol businesses will be affected the most. Sports will be obviously negatively affected as it relies primarily on alcohol companies for sponsorship. For example the Singha Corporation spends 350 million baht annually for sports sponsorship. One hundred million baht goes to sportspeople, including tennis players, swimmers and golfers, for their education and participation in competition overseas. Another 250 million baht is spent on organizing competitions.

Related business sectors, such as advertising and media agencies, event organizers and marketing groups, also will be hit. The advertising group estimates that alcohol manufacturers spend around 2,000 million baht per year for advertising.

Under the Act, all spirit, beer, wine and other alcoholic beverages produced in Thailand are prohibited from being advertised. The exemption is granted to advertisements in sports programs and movies from overseas. The ban will curtail production and the

import of new spirits and other alcoholic beverages that can be produced in Thailand. Therefore, they have no chance to be advertised and introduced to Thai society. This provides a big advantage to existing companies whose products have been already experiencing high sales in the market place.

Boonchuay Thongcharoenpoolporn, Secretary-General of the Federation on Alcohol Control of Thailand, said that "If the measure are introduced, there should not be any discrimination or double standards. All forms of advertising must be banned, including embedded advertisements in live sport programs from overseas so that no one will take advantage on each other. Taxation must be applied equally to white whiskey also"

There has been a heated public debate over the ban. The MOPH was forced to delay the ban's implementation because the Office of the Council of State invalidated the FDA's notification to ban any alcohol-related advertisement 24 hours a day. The MOPH, then submitted the Act to the Council of State to review the decision. The situation brought more criticism from anti-drinking groups.

A group of Mor Anamai members campaigned representing more than 40,000 person from 10,155 district health centers collaborated with shops in villages countrywide to remove alcohol banners or billboards without law enforcement. They also lobbied volunteer networks, the Tambon Administration Office, Provincial Administration Office and local leaders to push forwards the Alcohol Control Act. The effort was coordinated with the stop-drinking project network to campaign for reducing, refraining from and quitting all forms of alcohol consumption.

Along with campaigning, as mentioned above, 28 members of the National Legislative Assembly signed their name supporting submission of the draft Alcohol Consumption Control Act for consideration on February 14, 2007. The Act would be attached to the government's Alcohol Beverage Control Act, which contains similar provisions. After the debate in the Cabinet meeting, the government agreed to consider the Act proposed by the National Legislative Assembly within 30 days and would return to the Assembly to consider. At the present time, the government's Act has been in consideration for more than two months.

## Future Solutions to Alcohol-Related Problems

Initiatives in the past five years to curb alcohol-related problems have led to positive developments in society. The National Committee on Alcohol Consumption Control, founded in 2004, was specially assigned to develop policies and guidelines to control alcohol consumption. The Committee, together with other organizations, coordinated monitoring and evaluation studies and popular participation.

*The Center for Alcohol Studies* was founded in 2004. The Center is a joint effort of the Mental Health Department and the Health Systems Research Institute. Its role is to conduct research and knowledge management to support the control and prevention of alcohol-related problems.

The Healthy Public Policy Program was founded in the same year. The Program, managed by the National Health Foundation, is responsible for public communication management. Finally, the Stop-Drinking Network, working together with the Foundation, organizes events and projects to raise social awareness on the negatives effects of alcohol on health.

All these organizations argue that the government should strengthen the enforcement of existing alcohol-related laws. In addition, they have proposed that new measures with better controls be designed, for instance *taxation, control of the density of alcohol shops, zoning, control of stimulant products targeting young people and a total ban on advertisements.*

The public policy debate over a complete ban of all alcohol advertising and the draft Alcohol Consumption Control Act continues to generate conflict. How the conflicts will be resolved remains to be seen.

