

Regulations for Online Advertisement of Alcoholic Beverages

On August 8, 2020, the Office of the Prime Minister has made an official announcement in the Government Gazette regarding the Regulations for Online Advertisement of Alcoholic Beverages. This announcement is in addition to the previous regulations stipulated by the Alcoholic Beverage Control Act, B.E. 2551 (2008) (“ABCA”), the Ministerial Regulations Prescribing Bases, and the Conditions on Displaying of Picture & Symbol for Advertising or Public Relations of Alcoholic Beverages, B.E. 2553 (2010) (“Ministerial Regulations”).

About the New Announcement

Due to the evolution of social media and online media platforms, more and more retailers/distributors have switched to online advertisements. As an effort to further control alcohol related advertisements by removing positive associations of brands from the consumption of alcoholic beverages, the Prime Minister has issued the following announcements in accordance with the recommendations of the National Alcoholic Beverage Policy Committee:

- Online sale/advertisement of any alcoholic beverages directly to the consumers is prohibited, this includes: in a manner of persuading another to drink or buy alcoholic beverages via online media platforms;
- This announcement does not bar any purchase or payment of alcoholic beverages via electronic methods (i.e. E-payment or Fintech);
- This announcement will become effective on December 7, 2020.

Scope of Advertisement

Despite this additional announcement, it is still possible to advertise alcoholic beverages as long as the advertisement content is in compliance with the ABCA and Ministerial Regulations. For instance, advertisements originated from outside of Thailand are exempted by a provision of the ABCA. With this being said, retailers/distributors should still follow the stipulated regulations, several examples are prescribed below:

- Any symbols that may be used to illustrate alcoholic beverages must not occupy more than 3% of the total advertisement space;
- The symbol must be accompanied by a health warning statement either in English or Thai (e.g. alcohol can decrease driving ability);
- The symbol should be displayed for less than 5% of the total advertising time, while not exceeding 2 seconds of the total advertisement;

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- Advertisement that contains positive quality of an alcoholic beverage is prohibited (e.g. the beverage has health benefits);
- Display of the actual beverage, packaging or container is prohibited;
- Using lotto, lucky draw, free-sample or promotional activity in relation to promoting alcoholic beverages is prohibited;
- Using a person of fame or minors to promote alcoholic beverages is prohibited.

Final Advice

In conclusion, the new announcement merely emphasizes that the previous regulations stipulated by the ABCA and Ministerial Regulations shall also apply to online media platforms. To this end, advertisement of alcoholic beverages in a “tasteful manner” is still acceptable. Be aware that violations of the ABCA and/or Ministerial Regulations will result in fines, imprisonment or both. For our previous guideline on Advertisement of Alcoholic Beverages, please see: [Link](#).

For further assistance or advice on how to safely construct your advertisement content or compliance evaluation, please contact us at: law@ilct.co.th

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