

Brand Restriction in Thailand 2017

Use and advertising of brands with tobacco products (“**TP**”) and alcoholic beverages (“**AB**”) are restricted. Advertising of brands with food and food supplement for infants and babies is also restricted.

The Tobacco Products Control Act B.E. 2560 (A.D. 2017) (“TPCA”)

The TPCA was enacted by the National Legislative Assembly (“**NLA**”) on 3rd March 2017. It was published in the Royal Gazette on 5th April 2017. It will become effective on 5th July 2017. It has replaced the Tobacco Products Control Act B.E. 2535 (A.D. 1992) and the Non-Smokers Health Protection Act B.E. 2535 (A.D. 1992).

The TPCA prohibits sales of TP to the under aged (younger than 20 years) and it controls channels and manners of whole sales and retail sales and promotion of TP (Sections 26-28).

Any advertising or marketing communication of TP is banned (Section 30).

The name or mark of TP or the name or mark of its manufacturer or importer or any symbol or any other thing cannot be shown on any media for the purpose of advertising of TP (Section 31). This restriction also applies to showing such name or mark on any other products or showing any abbreviation, modification or adaptation of such name or mark for advertising of TP or advertising of such name or mark for the purpose of advertising of TP (Section 32).

Advertising of any other goods that bears a name or mark of TP or its abbreviation, modification or adaptation to advertise TP is also prohibited (Section 33).

The manufacturer or importer of TP for sales in Thailand is required to ensure that TP itself and its packaging are made in the size, color, symbol, label including a display of trademark, symbol, picture and text in compliance with the rules, procedures and conditions announced by the Minister of Public Health per recommendation of the National Tobacco Products Control Board (“**NTPCB**”).

Any TP not presented in the packaging or not displaying a trademark, symbol, picture and text as required by the announcement of the Minister is not allowed for sales.

The NTPCB may recommend amendment of such announcement of the Minister every two years from the effective date of the TPCA or, in case of necessity, in a shorter period (Section 38).

The Alcoholic Beverages Control Act B.E. 2551 (A.D. 2008) (“ABCA”)

Advertising of AB or displaying of a name or mark of AB in a manner to show its properties or to induce directly or indirectly another person to drink it is prohibited.

An advertisement or public relation of AB can be made only for giving information or social

creative knowledge to the audience and no illustration or packaging of AB can be shown, except for a display of a symbol of such AB or symbol of its manufacturer as may be prescribed in the ministerial regulations.

The foregoing restriction does not apply to the advertisements originated from abroad (Section 32).

The Infant and Baby Food Promotion Control Act B.E. 2560 (A.D. 2017) (“IBFPCA”)

The IBFPCA was approved by the NLA on 4th April 2017. It is expected to be published in the Royal Gazette this year and become effective after the period of 60 days from its publication date. It prohibits advertising and promoting directly or indirectly of any food and food supplement for infants (first borne to 12 months) and babies (older than 12 months to 3 years) (Sections 14 and 25).

If the manufacturer, importer or distributor of food or food supplement for infants or babies or their agent donates any thing, equipment or appliance to a public health center, such thing, equipment or appliance must not bear a name, brand or any other symbol which leads a person to perceive it as a name, brand or symbol of such food or food supplement for infants or babies (Sections 19 and 29).

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