



2024 AVIA Regulating for Growth – Advertising Matrix for Thailand

	Pay TV	OCC TV	Foreshadowed changes
<b>GENERAL</b>			
<i>Overview of regulation</i>	<ul style="list-style-type: none"> <li>• <b>Regulatory Organisations</b> The Advertising Association of Thailand (AAT) provides regulations which are in accordance with relevant acts such as the Thai Broadcasting Act.</li> <li>• <b>General Principles</b> There are general strictures against the following:               <ul style="list-style-type: none"> <li>• Statements which are false or exaggerated;</li> <li>• Statements, supported by false or exaggerated interpretation of reports or data, which mislead as to the benefits of advertised goods or services;</li> <li>• Statements which directly or indirectly encourage unlawful or immoral acts, or adversely affect the national culture;</li> <li>• Statements which will cause disunity or adversely affect public unity.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• There is no specific regulation of advertising on OCC services. Laws of general application apply, although we are not aware of enforcement against offshore providers of OCC services.</li> </ul>	
<i>Regulatory Bodies</i>	<ul style="list-style-type: none"> <li>• The AAT is the governing body in charge of advertising self-regulation with its own Code of Ethics. This Code sets widely-observed industry standards; AAT members are required to observe it, and major broadcasters also follow it.</li> <li>• The Consumer Protection Board is the government regulator of the Consumer Protection Act 1979.</li> </ul>	<ul style="list-style-type: none"> <li>• The AAT Code extends to advertising on online content services.</li> <li>• The Consumer Protection Board is the government regulator of the Consumer Protection Act 1979, as amended.</li> </ul>	
<i>Advertising per hour</i>	<ul style="list-style-type: none"> <li>• Pay TV: total ad minutes must not exceed 6 minutes per hour, but not exceed 5 minutes per hour on average per day.</li> <li>• The commercial break minutage (ad minutes) on FTA TV is restricted to 12 and a half minutes per hour, but may not exceed 10 minutes per hour on average per day.</li> </ul>	<ul style="list-style-type: none"> <li>• No regulations/ restrictions exist.</li> </ul>	

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<i>Revenue Restrictions</i>	<ul style="list-style-type: none"> <li>No regulations/ restrictions exist.</li> </ul>	<ul style="list-style-type: none"> <li>No regulations/ restrictions exist.</li> </ul>	
<i>Product Placement</i>	<ul style="list-style-type: none"> <li>No regulations/ restrictions exist.</li> </ul>	<ul style="list-style-type: none"> <li>No regulations/ restrictions exist.</li> </ul>	
<i>Foreign Commercials</i>	<ul style="list-style-type: none"> <li>No regulations/ restrictions exist.</li> </ul>	<ul style="list-style-type: none"> <li>No regulations/ restrictions exist.</li> </ul>	
<i>Govt Levy</i>	<ul style="list-style-type: none"> <li>4% of gross revenue.</li> </ul>	<ul style="list-style-type: none"> <li>No regulations/ restrictions exist.</li> </ul>	
<i>PSAs</i>	<ul style="list-style-type: none"> <li>No regulations/ restrictions exist.</li> </ul>	<ul style="list-style-type: none"> <li>No regulations/ restrictions exist.</li> </ul>	
<b>PRODUCT-SPECIFIC</b>			
<i>Alcohol</i>	<ul style="list-style-type: none"> <li>Extensively restricted under the Alcohol Control Act 2008.</li> <li>Ads may only be shown for the purpose of giving information / creative knowledge without displaying pictures of the products or packages, except for the display of the beverage and manufacturing company's logos in accordance with the Ministerial Regulations. This does not apply to ads originating outside Thailand.</li> <li>Alcohol ads may only be screened during 10:00PM –5:00AM.</li> </ul>	<ul style="list-style-type: none"> <li>No specific regulations for OCC. In principle, the Alcohol Control Act requires the same restrictions as for pay TV, other than advertising time restriction.</li> </ul>	
<i>Pharmaceutical</i>	<ul style="list-style-type: none"> <li>Copy must be approved by the Thai FDA.</li> <li>Must adhere to the Drug Act 1967, as amended.</li> <li>Besides giving false representation, an ad for the sale of a drug may not: <ul style="list-style-type: none"> <li>cause to be understood that it is an abortifacient or a strong emmenagogue; or an aphrodisiac or a birth control drug;</li> <li>show the therapeutic properties of a dangerous or a specially-controlled drug.</li> <li>No sale of drugs shall be advertised impolitely, or by means of singing and dancing, or by showing the distress or suffering of a patient.</li> </ul> </li> <li>No sale of drugs shall be advertised by means of a gift or lottery drawing.</li> </ul>	<ul style="list-style-type: none"> <li>No specific regulations for OCC. In principle, the Drug Act requires the same restrictions as for pay TV.</li> </ul>	
<i>Gambling</i>	<ul style="list-style-type: none"> <li>Restrictions apply. Games/gambling activities as prohibited under the Gambling Act of 1935 are not allowed to advertise.</li> </ul>	<ul style="list-style-type: none"> <li>No specific regulations for OCC. In principle, the Gambling Act requires the same restrictions as for pay TV.</li> </ul>	
<i>Claims</i>	<ul style="list-style-type: none"> <li>Substantiation must be provided upon request under the Consumer Protection Act.</li> </ul>	<ul style="list-style-type: none"> <li>No specific regulations for OCC. In principle, the Consumer Protection Act requires the same restrictions as for pay TV.</li> </ul>	

	Pay TV	OCC TV	Foreshadowed changes
<i>Food &amp; Beverages – general</i>	<ul style="list-style-type: none"> <li>• Subject to Thai FDA approval. Copy must be approved beforehand under the Food Act B.E. 1979.</li> <li>• Ads for energy drinks may not be screened between 10:00PM and 5:00AM. They must also contain warnings to consumers that they should not drink more than two bottles a day.</li> </ul>	<ul style="list-style-type: none"> <li>• No specific regulations for OCC. In principle, the Food Act requires the same restrictions as for pay TV.</li> </ul>	
<i>Food &amp; Beverages – sugar levels</i>	<p>For the period of 1 April 2023 – 31 March 2025, the sweetness tax applies in proportion of the sugar quantity at the progressive rates under the Excise Tax 2017 as follows:</p> <ul style="list-style-type: none"> <li>• Sugar content of 6-8 grams will be charged a tax rate of 0.3 baht per liter.</li> <li>• Sugar content of 8-10 grams will be charged a tax rate of 1 baht per liter.</li> <li>• Sugar content of 10-14 grams will be charged a tax rate of 3 baht per liter.</li> <li>• Sugar content of 14-18 grams will be charged a tax rate of 5 baht per liter.</li> <li>• Sugar content of from 18 grams will be charged a tax rate of 5 baht per liter.</li> </ul> <p><b>Products subject to excise tax from the amount of sugar are in 2 groups:</b></p> <ul style="list-style-type: none"> <li>• Drink</li> <li>• Products that use beverages that are in the form of powders, flakes, or concentrated beverages that contain sugar and can be dissolved in water.</li> </ul>	<ul style="list-style-type: none"> <li>• No specific regulations for OCC. Same tax applies.</li> </ul>	
<i>Personal hygiene/ Sanitary (including Condoms)</i>	<ul style="list-style-type: none"> <li>• Must adhere to the Cosmetics Act 1992.</li> </ul>	<ul style="list-style-type: none"> <li>• No specific regulations for OCC. In principle, the Cosmetics Act requires the same restrictions as for pay TV.</li> </ul>	
<i>Tobacco</i>	<ul style="list-style-type: none"> <li>• Prohibited.</li> <li>• Live broadcasts from abroad are exempt from this rule.</li> </ul>	<ul style="list-style-type: none"> <li>• No specific regulations for OCC. Same restrictions as for pay TV.</li> </ul>	

	<b>Pay TV</b>	<b>OCC TV</b>	<b>Foreshadowed changes</b>
<i>Children</i>	<ul style="list-style-type: none"> <li>No specific legislation. However, the AAT requires its members to observe Thai Advertising Code of Ethics' Statement No. 10: "Should not create advertising that may be harmful to youth by taking advantage of their lack of knowledge to exploit and abuse them."</li> </ul>	<ul style="list-style-type: none"> <li>No specific regulations for OCC. Same practices as for pay TV.</li> </ul>	
<i>Women</i>	<ul style="list-style-type: none"> <li>No regulations/restrictions exist.</li> </ul>	<ul style="list-style-type: none"> <li>No regulations/restrictions exist.</li> </ul>	
<i>Property</i>	<ul style="list-style-type: none"> <li>No regulations/restrictions exist.</li> </ul>	<ul style="list-style-type: none"> <li>No regulations/restrictions exist.</li> </ul>	
<b>COUNTRY-SPECIFIC INFORMATION</b>	<ul style="list-style-type: none"> <li>Ads must not contain elements that denigrate or insult the King or other heads of states.</li> <li>Ads should never insult or defame any religion or sacred person, place or thing.</li> <li>All advertisements must follow the "Consumer Protection Act 1979, as amended.</li> </ul>	<ul style="list-style-type: none"> <li>Same restrictions as for pay TV.</li> </ul>	
<b>Useful Links</b>	<ul style="list-style-type: none"> <li><a href="http://moph.go.th">FDA THAI : Food and Drug Administration, Thailand (moph.go.th)</a></li> <li><a href="#">Office of the Consumer Protection Board, Thailand</a></li> <li><a href="#">The Advertising Association of Thailand (AAT)</a></li> </ul>		