

A THEMATIC TITLE	PROBLEMS OF CONTROL OVER THE ADVERTISING OF ALCOHOL LIKE BEVERAGE-LIKE TRADEMARKS
KEYWORDS	ALCOHOLIC BEVERAGE-LIKE TRADEMARKS, ALCOHOL ADVERTISING
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ABSTRACT

This thematic paper is the study on the problems of control over the advertising of trademarks that are similar of those of alcoholic beverages under Alcoholic Beverage Control Act B.E.2551. The objective of the Act stresses the prevention of children and youth from becoming new drinkers. The marketing strategies employed by the alcoholic beverage industry today mainly involve advertisement as it basically fosters brand awareness. Seeing photos or trademarks of alcoholic beverages repeatedly reminds people of alcoholic beverages and finally leads to an increasing number of alcoholic beverage consumers, with children and youth being the main group to purchase and consume alcoholic beverages in the long term. Still, there is a gap in the current legislation to restrict the advertisement of alcoholic beverages, particularly that related to alcohol advertising ban as seen in Section 32, Clause 1, which states, "No person shall advertise or display, directly or indirectly, the name or trademark of any alcoholic beverage in a manner showing the properties thereof or inducing another person to drink..." This shall result in several issues, especially those associated with alcohol advertising through non-alcoholic beverages such as carbonated water, mineral water or other non-alcoholic beverages, problems about the interpretation of the control over the advertising of alcoholic beverage-like trademarks, problems related to the authorities to be responsible for alcohol advertising control and problems about punitive measures.

The study found that Alcoholic Beverage Control Act B.E.2551 does not state whether the ban covers non-alcoholic beverage advertising, making it inevitable to rely on individual interpretation of the control over alcoholic beverage-like trademarks. The gap in the law makes it possible for alcoholic beverage producers to advertise their alcoholic products through the use of a name or trademark identical to that of an alcoholic beverage. The findings also indicate that alcoholic beverage producers support some activities organized by authorities, leading to a conflict of interest where authorities responsible for alcohol advertising control seem to derive support from alcohol advertisers. Furthermore, the establishment of the Office of the Alcohol Control Committee in the Department of Disease Control under the Ministry of Public Health simply serves as the Department of Disease Control's academic service center with no decisive role in solving problems of alcohol advertising by alcohol giant companies. The result is the lack of efficiency in law enforcements.

The suggestions are as follow, (1) considering amendment of the definition of "alcoholic beverages" as specifically explained in Section 3 of Alcoholic Beverage Control Act B.E.2551 into liquor according to its definition as provided in the law which also includes non-alcoholic beverages but excludes narcotic drug and psychotropic substances, (2) adding in Alcoholic Beverage Control Act B.E.2551 that the ban of alcohol advertising covers non-alcohol advertising that uses the same trademarks as those of alcoholic beverages or trademarks that may be perceived as trademarks of alcoholic beverages, (3) providing the Office of the Alcohol Control Committee a status equal to that of an authority under the Office of the Prime Minister, and (4) imposing strong punitive measures to offenders, with a fine that accounts for 10% of the offender's registered capital, in order to weaken corporate influence that may facilitate a breach of law and maximize the efficiency in alcoholic beverage control.