

Getting tipsy in thailand _ Part 1

- Published: [25/08/2013](#) at 12:00 AM
- Newspaper section: [Spectrum](#)

If you are a tourist reading this article poolside and it is after lunch, the odds are good that you've got a cold beer or an umbrella-laden fruity concoction at your side. After all, drinks on holiday don't count, right?



Yet even discounting the influence of tipsy tourists, Thailand is far from a nation of teetotalers. It is, for example, the third largest importer of Johnny Walker whisky in the world.

The Thai government has enacted legislation that is intended to curb the increased consumption of alcohol. In the next few articles we will look at legal issues relating to alcohol in Thailand, so that whether you are selling it, sipping it or steering a vehicle, you can stay on the right side of the law.

Alcohol consumption is regulated by the Alcoholic Beverage Control Act BE 2551 (2008), which, among other things, increased the legal drinking age from 18 to 20.

In addition, Section 29 of the act states that it is illegal to sell alcohol to the heavily intoxicated. Being caught serving to either the overly inebriated or the underage could land you in prison for up to one year and/or result in a fine of up to 20,000 baht for each violation.

The act designates certain places where alcohol cannot be legally consumed, namely temples or any place of worship, infirmaries and pharmacies, public offices, dormitories and educational institutions, petrol stations and petrol station shops, public parks and any other places prohibited by the National Alcoholic Beverage Policy Committee.

However, these, like many other rules, have their exceptions. For example, if you are attending a banquet at an educational institution or public office, or if you are at a temple where consuming alcohol is part of the worship, then you may legally drink. The penalty for drinking alcohol at one of these locations without proper authorisation is up to six months imprisonment and/or a fine of not more than 10,000 baht.

The act also outlaws all forms of advertising and promotion related to alcohol consumption. It is illegal for retail outlets to conduct sales promotions or offer discounts on alcohol or to erect displays that could entice a shopper to buy alcohol.

In fact, any marketing gimmick designed to in any way incentivise the purchase and therefore consumption of alcohol by the public is illegal according to the act. It could be argued that these provisions are honoured more in the breach than in the observance.

In fact, any marketing gimmick designed to in any way incentivise the purchase and therefore consumption of alcohol by the public is illegal according to the act. This provision extends not only to displays in shops, but also to advertising on television.

Further, no logos are allowed to be displayed in commercials, movies or television series. This is in contrast with the product placement which is so popular in Western media, as it underwrites an increasing portion of the production costs and permits advertisers to reach consumers who would otherwise skip their commercials by fast forwarding on their DVR.

These advertising rules do not apply to media that is broadcast into Thailand from outside, thankfully, as episodes of Mad Men on the Sundance Channel would otherwise struggle to reach 30 minutes and Roger Sterling would get no screen time.

Advertisers cannot make drinking alcohol appear to enhance your social status in any way, increase the quality of your life or use celebrities to promote the product. Bill Murray's Suntory Whisky campaign in Lost in Translation would not have worked in Bangkok.

However, an exception does exist for manufacturers who are allowed to display their logo in advertising without directly promoting alcohol, a subtle distinction if ever there was one. For example, famous footballers from English Premier League teams are prominently displayed on the sides of skyscrapers and BTS cars alongside a corporate logo for a company that manufactures alcohol.

Corporations such as Singha or Chang can put their logo on these advertisements because, not only are they team sponsors, but the advertisements are not directly promoting the consumption of alcohol. Exerting control over the wide breadth of alcohol promotion in international media and sporting events would be all but impossible _ even for a censorship apparatus as technologically advanced as Thailand's.

One interesting note is that the act specifically defines who is an alcoholic. The act defines an alcoholic as a person who drinks alcoholic beverages in a manner whereby he desires to drink

increasing amounts habitually until his physical or mental condition has been affected adversely and alcohol withdrawal syndrome is going to be presented when he stops drinking. A high bar indeed.

The Act states that that those family members, friends, or NGOs whose objective it is to provide treatment or rehabilitation for an alcoholic can apply for support from the Office of the Alcoholic Beverage Control Committee.

In coming weeks we will delve further into Thailand's laws relating to the grape and the grain _ such as why you can only buy alcohol at the 7-Eleven at certain times of the day, what could be the legal consequences when your teenage children drink and what happens when you are caught driving under the influence.

In the meantime, sate your thirst ... but do so responsibly.

Angus Mitchell (angus.mitchell@dfd.com),
Matthew Christensen (matthew.c@dfd.com) and
Poomjai Chaivanich (poomjai@dfd.com) of DFDL Legal and
Tax.
For more information visit www.dfd.com.



Source: <http://www.bangkokpost.com/news/investigation/366270/getting-tipsy-in-thailand---part-1>