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POLICY

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Thailand

Post: Bangkok

Draft Regulation on Alcohol Graphic Warning Labeling

Report Categories:

Trade Policy Monitoring

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Report Highlights:

TH0015: The Department of Disease Control under the Ministry of Public Health is drafting a Notification of the Alcohol Beverage Control Committee pursuant to the Alcohol Control Act B.E. 2551, section 26, requiring manufacturers or importers of alcohol beverage to prepare packaging materials, labels and warning messages for manufactured or imported alcohol beverages in compliance with criteria, methods, and conditions prescribed by the Control Committee.

On January 21, the Department of Disease Control under the Ministry of Public Health notified the WTO for G/TBT/N/THA/332, which requires manufacturers or importers of alcohol beverage to prepare packaging materials, labels and warning messages for the manufactured or imported alcohol beverage in compliance with criteria, methods, and conditions prescribed by the Control Committee. The proposed notification aims to set the criterion and conditions of warning statements including graphic warning labeling required to be complied by both local alcohol beverage manufacturers and importers. This Notification shall be enforced 180 days from the day following the date of its publication in the Government Gazette.

The critical point that needs to be addressed is the introduction of graphic warning labeling as this will affect the sale of U.S. wines and whiskies in Thailand and it imposes unnecessary costs on importers for labeling preparation. Trade sources indicate that introducing graphic warning labels will not help tackle the problem of high alcohol consumption in Thailand but will devastate the tourism industry and image of the country.

Last year, the total Thai market value for imported alcohol beverages was US\$165 million and U.S. alcohol beverage product exports to Thailand were US\$3.81 million.

[Unofficial Translation]

Draft

Notification of the Alcohol Beverage Control Committee

Re: Criteria, Procedures, and Requirements for Packaging, Label and Warning Statements for Locally Produced and Imported Alcohol Beverages B.E.

By virtue of provisions of Section 26 (1) of the Alcohol Beverage Control Act B.E. 2551 (2008), in which contain provisions in relation to the restriction of Rights and Liberties of the Persons, in respect of which Section 29 and in conjunction with Section 41, Section 43, and Section 45 of the Constitution of the Kingdom of Thailand, the Alcohol Beverage Control Committee with the consent of the Alcohol Beverage Policy Committee issues the notification as follows:

Clause 1 In this notification,

“Packaging” means containers or packages, which are used to contain alcoholic beverages.

“Container” means bottles, cans, jars, or containers in any other forms, which are used to contain alcoholic beverages.

“Package” means boxes, which are used to contain or wrap alcoholic beverage container whether putting a bottle in a box or any other means. This does not mean boxes used for transportation purpose.

Clause 2 Containers shall comply with the following criteria:

- Containers in the form of bottle shall have the net contained volume of not less than 250 milliliters per container;
- Containers in the form of can, jar, or bag shall have the net contained volume of not less than 300 milliliters per container;
- Containers in any other forms other than (1) and (2) shall have the net contained volume not less than 300 milliliter per container

Clause 3 Labels on either of the locally-produced or the imported packaging shall not have any word or statement that mislead the consumers to understand that the alcoholic beverage is safe, or good for health, or contains lower level of harmful substance compared with other alcoholic beverages, or contains words or statement that directly or indirectly advertise the alcoholic beverages. The label shall have the following statement:

<p>“Alcoholic Beverage Sale of alcohol beverages to a person under the age of 20 years old is prohibited, Violation will be an imprisonment of one year and fine of Baht 20,000”</p>
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This statement shall be displayed at the top of the label in “Angsana New” Thai font or other similar font types, sized not less than 20 points, and bold. The statement shall be displayed in white with black-colored background, which is clearly seen and read easily as per the annex attached to this notification.

Clause 4 Pictorial labels shall be provided with the warning statements on the harm of alcohol wherein the picture shall be printed in 4 colors and 6 types of which one of them is required to be rotated at 1,000 package intervals.

The following 6 types of pictorial labels and warning statements of disadvantages and dangers of alcoholic beverages shall be labeled in accordance with the templates as appeared in the annex :

Type 1 “Drinking alcohol causes the hypertension liver cirrhosis”

Type 2 “Drunk driving causes disability or death”

Type 3 “Drinking alcohol leads to unconsciousness and even death”

Type 4 “Drinking alcohol leads to sexual impotency”

Type 5 “Drinking alcohol leads to adverse health effect and family problems

Type 6 “Drinking alcohol is a bad role model for children and young people”

The display of pictorial labels and warning statements of disadvantages and dangers of alcoholic beverages shall be made in compliance with the following criteria:

- If the packaging is in the square shape, the size of the pictorial labels and warning statement shall not be less than 50 percent of the side that has the maximum space or the sides that are considered as front and back side of the packaging;
- If the packaging is in the round or cylindrical shape, the size of the warning statement shall not be less than 30 percent of the total packaging’s surface space;
- If the packaging is of the other shapes than as specified in (1) and (2), the size of the warning statement shall not be less than 30 percent of the total packaging’s surface space.

To prepare the pictorial labels and warning statement of disadvantages and dangers of alcoholic beverages, the alcoholic producers or importers shall use the original format that is prepared by the Office of the Alcohol Beverage. However, the size can be adjusted as deemed appropriate, provided that the ratio of vertical and horizontal cannot be changed.

Clause 5 The display of the pictorial labels and warning statement of disadvantages and dangers of alcoholic beverages as mentioned in Clause 4 shall be placed on the packaging or other covered-up materials that permanently sticking on the packaging and shall not be easily peeled off or destroyed.

Clause 6 This notification shall not apply to the alcohol beverages produced or imported for distribution out of the Kingdom of Thailand, or for the specific purposes as samples for testing, analysis, or research; and not for commercial purpose in the Kingdom of Thailand.

Clause 7 If there is a problem in practice or compliance with this Notification, the Alcoholic Beverage Control Committee shall have the authority to make the final decision.

Clause 8 This Notification shall enter into force 180 days after its publication in the Royal Gazette.

Notified Date

Signed

(Mr. Withaya Kaewparadai)

President of the Alcoholic Beverage Control Committee

Label Templates: Pictorial Labels and Warning Statements of Disadvantages and Dangers of Alcoholic Beverages

Annex to Notification of the Alcohol Beverage Control Committee

Re: Criteria, Procedures, and Conditions for Packaging, Label and Warning Statements for Locally Produced and Imported Alcohol Beverages B.E.



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