

4 February 2012

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**The Management of Illegal Advertisement of Drugs Food and Health Products  
On Community Radio, Cable TV, Satellite TV, and the Internet**

The 4<sup>th</sup> National Health Assembly

Has considered the report on “The Management of Illegal Advertisement of Drugs Food and Health Products On Community Radio, Cable TV, Satellite TV, and the Internet”

**Worried about** the present worsening situation on the advertising of drugs and health products, which is the over claiming of their health benefits through community radio, cable television satellite television and the internet, worried because the advertisements are illegal in nature, has a damaging influence on the consumer, and the phenomena now tends to increase rapidly.

**Anxious that** the legal systems and mechanism in place are not up to date and lack effectiveness in implementation.

**Realizing** the harm to health of consumers and losses to the economy resulting from the influence of such kind of advertisements, and realizing also of the importance of having an efficient system and mechanism of control and monitoring.

**Appreciative of** attempts made by all parts concerned with the problem to develop systems to controlling and monitoring of advertisement of drugs and health products so that it will not be riddled with over claims, boasting, false information, and deceit.

**Is of the opinion** that the effective way to solve the problem of drugs, food and health product advertisements is to place importance on developing the potential of the consumer and that of society in general to see through the tactics of advertisers, and to recruit all parts of the society in the endeavor.

**The NHA, thereby resolves to:**

1. Request the Food and Drug Administration, the Office of the Consumer Protection Commission and the Division on Suppression of Wrongful Acts connected to Consumer Protection to be the core responsible agency in doing the following:

1.1 Support the establishment of a data base, develop forms of communication and disseminate timely information on advertisements in such a way that relevant legal officials and the public can access them. This would enable these two groups to participate in reporting on the

following issues: information on permissible advertising, illegal advertising, data and information on who are affected by illegal advertising, information on advertising strategy or forms that need to be monitored, technical facts on products and other necessary data and information.

1.2 Improve laws related to the management of illegal advertisement of drugs, food, and health products such that they are more effective. Also, increase penalties in the law, support social sanctions, oversee the situation such that the law is followed at all stages and consider issuing administrative decrees to suspend or cancel permits.

1.3 Arrange for a formal mechanism or channel to be in place to receive complaints about illegal advertisement of drugs, food, and health products. And set it up in such a way that the people both in the central area and periphery can access it conveniently.

1.4 Effectively monitor, be vigilant, manage and take to court those who illegally advertise drugs, food and health products—and do so in a rigorous manner. Draw up standard guidelines, and get the agencies responsible to use them. Disseminate to the public continually the truth about advertised products that violate the laws, so the Thai public and society know about such deceptions.

1.5 Develop a system of consultation and litigation for officials to use that is timely and up to date in solving the problem.

2. Request the National Broadcasting and Telecommunication Commission to do the following:

2.1 Announce and enforce standards for radio, television and related telecommunication business that are related to drugs, food and health products. Also, draw up a clear supervisory mechanism and prompt penalties of entrepreneurs. Also, data and information on wrong doing in advertisement of drugs, food and health products that are collected are to be used when considering the cancellation of the permit to engage in radio and television broadcasting and telecommunication business.

2.2 For those who receive a permit to engage in the advertising business via the media channels in question, specify that they must unambiguously allocate airtime for consumer protection agencies or organizations to disseminate facts to people so the latter can see through drug, food and health product advertisements. Airtime allotted must also be sufficient and continuous.

2.3 Allocate money from the Radio, Television and Telecommunication Research and Development Fund for the Public Interest. The money allocated must be sufficient and continuous. It is to be used to promote and protect consumers in the area of radio and television broadcasting (elaborated in the Act on Organization to Assign Radio Frequency and to regulate the Broadcasting and Telecommunications Services B.E. 2553 (2010), meaning:

2.3.1 Support communities that are ready or support operators in radio or television in community service that do so with quality and adhere to media ethics and morals.

2.3.2 Support the people sector to act as watchdog on drugs, food and health product advertisements that violate the law, as well as support the sector in managing problems at the local level.

2.3.3 Support local governmental organizations, local organizations, the people sector, research organizations and agencies that support research (such as the Public Health Research Institute, Office of Health Promotion Fund) to do study and research to develop mechanisms to monitor and deal with problems on drug, food, and health product advertising, including assessing the effects of such advertising. They are also to study and research ways to test the systems and mechanisms developed.

3. Request the Food and Drug Administration be the core agency in cooperation with with related agencies and the people sector to do the followings

3.1 Prepare a strategic plan to manage the problem of drug, food and health product advertising on the radio, television and internet with a process of participation by all levels of government agencies built in, and finish the plan within 1 year. Then propose it for approval in the 5<sup>th</sup> National Health Assembly.

3.2 Accelerate actions to communicate to the public, so that they would know about laws covering advertising and understand their consumer rights. Also, develop a process of learning to enable people to see through the fog of advertisement. This is to prevent against the powerful influence exerted by advertising. There must also be inculcation of knowledge so people would change their values and behavior such that it would promote good health. These efforts are to be done with the support of the Office of the Health Promotion Fund and other agencies.

4. Request that the Ministry of Technology and Communication Technology integrate all efforts to monitor advertisements of drugs, food and health products, using the Computer-Related Offences Act of 2007 as the framework, this is order to increase effectiveness and unity of efforts. Also, consider improving the law on computer crimes such that it is able to efficiently and promptly manage channels of communication that are covered by the law.

5. Request local governmental organizations at all levels give support in terms of budget to the work of allied organizations and networks in the localities, and also set up a control and monitoring mechanism that incorporates the idea of participation, in the interest of effective implementation.

6. Request that professional mass media, advertising and marketing organizations be the core organizations and in cooperation with operators, social organizations and other professional bodies e.g. that of health, teachers and lawyers, to determine measures and guidelines to supervise the ethics of communication of drugs, food and health products messages to consumers, and in so doing place paramount importance to the safety of consumers.

7. There shall be an independent organization to protect consumers and the state shall support this organization's work in monitoring and inspecting actions related to the advertising of drugs, food and health products.

8. Request the Secretary of the National Health Commission to participate proactively in the process of preparing a strategy (and also be involved in the networks active on this point) on control, study, inspection and monitoring radio, television, internet and all other forms of media in all areas.

9. Request the Secretary of the National Health Commission to report progress to the 5<sup>th</sup> National Health Assembly.