

PRAKAS No. 084 ON FORMALITY, PROCEDURE, AND MEASURE FOR ALCOHOLIC DRINKS ADS MANAGEMENT

31 July 2024

Further to Decisions No. 76 and 108 issued respectively on 12 April and 06 June 2024 as well as Prakas No. 041 dated 11 June 2024 on the establishment of Working Group for Alcoholic Drinks Advertisement Management, Ministry of Information recently issued Prakas No. 084 to impose permit requirement and more comprehensive conditions on advertisements by all forms and means, whether digitally or otherwise, of alcoholic drinks having more than 3% Ethanol content per total volume.

1. What's new?

Issued on 23 July 2024, Prakas No. 084 set forth certain permit requirement and a more detailed conditions that advertisements of **alcoholic drinks having Ethanol content > 3% per total volume** are subject to ("**Regulated Drinks**"). Said requirements apply on all forms and means of advertisements of the Regulated Drinks including but not limited to on television or via radio by electronic or digital means including on social media page or through Key Opinion Leader (KOL) etc., ("**Regulated Drinks Ads**").

2. Highlight of key takeaway

a. Permit

To duly advertise the Regulated Drinks, a permit must be obtained from Working Group for Alcoholic Drinks Advertisement Management ("**Regulated Drinks Advertising Permit**"). An application can be lodged digitally or physically at the office of Secretariat of the Working Group of Alcoholic Drinks Advertisement Management, located within the premises of the Ministry of Information. The application form will be reviewed within 07 working days, following which a permit in digital form will be issued.

b. Other conditions

Some of the Do's examples for the Regulated Drinks Ads:

- Displaying the required warning messages displayed clearly and visibly of $\frac{1}{4}$ size of the advertisement
- For advertisement by electronic or digital means including on social media page, displaying the required warning message including views restriction for minors

Some of the Don'ts examples for the Regulated Drinks Ads:

- Containing false or incorrect description about the products
- Having audiences consumed the Regulated Drinks on stage

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- Speech or activity by host of the show in the manner that will promote or encourage consumption of the Regulated Drinks on stage
- Targeting minors and/or having the minors played roles in the Regulated Drinks Ads
- Broadcasting the Regulated Drinks Ads on television and radio from 6:00pm to 8:00pm, unless the advertisement is limited only to display of logo, product's name, or reading of product's name
- Containing obscene or sexually suggestive image
- Having scene of the Regulated Drinks consumed before or when driving

3. Non-compliance and penalty

Not complying with the Prakas No. 084 will subject the businesses to penalty provided under the applicable laws and regulations.

4. Entering into force

This Prakas came into force on the date it was issued. There is **03 months grace period** for the businesses and relevant parties doing advertisement of the Regulated Drinks, e.g. Key Opinion Leader (KOL), to file for obtaining of Regulated Drinks Advertising Permit.

To ensure uninterrupted advertisement and sale promotion activities of your businesses as well as to stay in full compliance with relevant regulations, it is advisable that proper and regular legal advice be sought for a timely and correct understanding of the most updated mandatory requirements for a better business planning in terms of cost and risk mitigation.

CONTACT

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