

**THE DRIVING OF SELF-REGULATORY MECHANISMS OF
THE ADVERTISING PROFESSION IN THAILAND**



Nichakhun Tuwaphalangkun

**A Dissertation Submitted in Partial
Fulfillment of the Requirements for the Degree of
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ABSTRACT

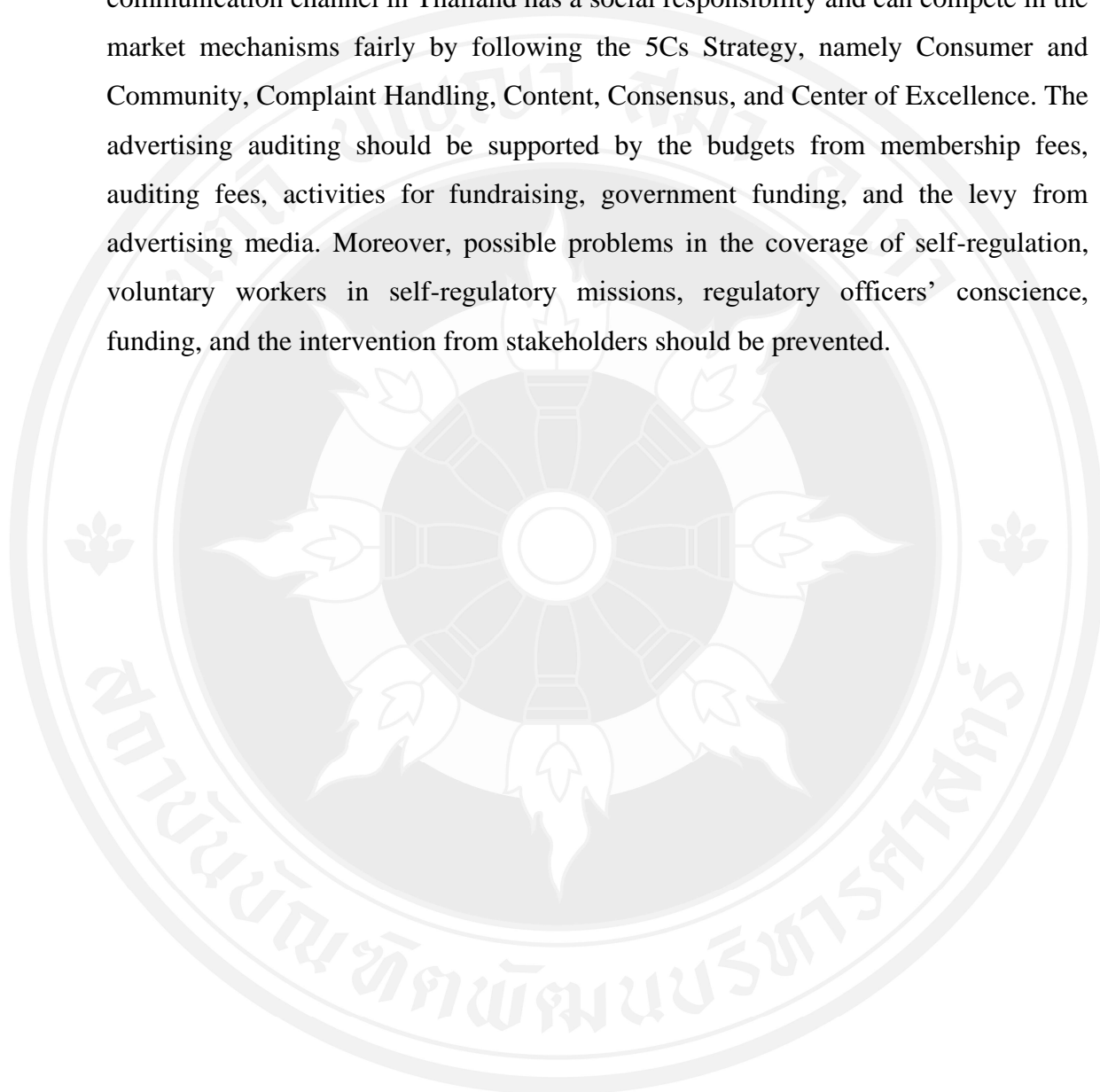
Title of Dissertation	THE DRIVING OF SELF-REGULATORY MECHANISMS OF THE ADVERTISING PROFESSION IN THAILAND
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The research is aimed 1) to study the driving of self-regulatory mechanisms of the advertising profession in successful countries, 2) to explore the driving of self-regulatory mechanisms of the advertising profession in Thailand, and 3) to examine guidelines for solving problems and obstacles for the driving of self-regulatory mechanisms of the advertising profession in Thailand. The study was divided into two parts:

Part 1: The study on the driving of self-regulatory mechanisms of the advertising profession in successful countries was conducted by qualitative research through the documentary analysis of public records of the advertising media professional organizations for regulating advertising ethics in the United Kingdom, Australia, and the People's Republic of China. The results show that the United Kingdom and Australia have driven advertising ethics in their countries by developing codes of conduct, establishing regulatory committees, and disseminating through organizational communication. For the People's Republic of China, advertising regulatory associations were established, including researching and upgrading the advertising industry. The self-regulatory organizations in the United Kingdom and Australia are responsible for establishing fundamental structure, enacting and enforcing laws, consumer protection, support, and regulation, while Chinese organizations determine roles covering additional issues towards the utmost social and economic. Regarding funding, the budget of self-regulatory organizations in the United Kingdom and Australia benefits comes from the levy, fees, and fines, while the income of Chinese organizations comes from other additional sources.

Part 2: The study on the driving of self-regulatory mechanisms of the advertising profession in Thailand was conducted by qualitative research through in-

depth interviews. The study found that self-regulatory mechanisms of the advertising profession in Thailand should be managed by the Advertising Association of Thailand via the determination of roles and responsibilities in advertising regulation, research, and collaboration development to ensure that advertisements through every communication channel in Thailand has a social responsibility and can compete in the market mechanisms fairly by following the 5Cs Strategy, namely Consumer and Community, Complaint Handling, Content, Consensus, and Center of Excellence. The advertising auditing should be supported by the budgets from membership fees, auditing fees, activities for fundraising, government funding, and the levy from advertising media. Moreover, possible problems in the coverage of self-regulation, voluntary workers in self-regulatory missions, regulatory officers' conscience, funding, and the intervention from stakeholders should be prevented.



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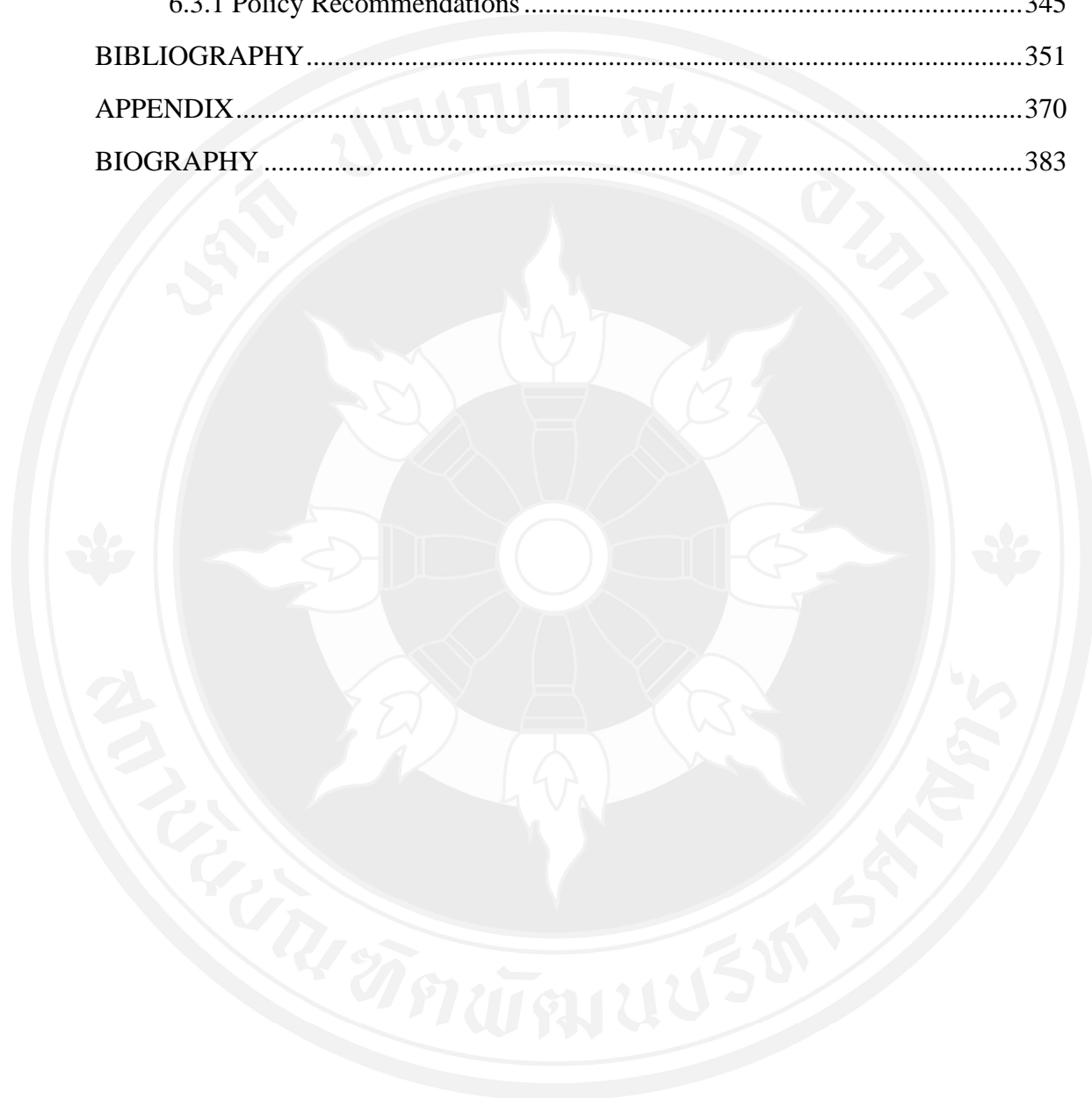
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CHAPTER 1

INTRODUCTION

1.1 Background and Significance of the Problem

Advertising is communication aimed to create an understanding of products and services, create a positive attitude and induce a recall, and stimulate consumers towards product and service consumption behaviors. However, advertising requires expenses for design, creation, and production, including publicity of each piece of the advertisement so that it can access the target consumers and function as planned. (Bovee, 1995; Lane, King, Russell, & Kleppner, 2005) Accordingly, it can say that advertising is a major marketing communication tool in Economic Liberalism with marketing competition. Thus, manufacturers or product owners use advertising for communicating to their target consumers to inform them about their product brands, products, and services, to persuade consumers to make their decisions in trying products or services and to remind them of the products and services. More than that, producers can use advertising to differentiate their brands, products, and services from their competitors' ones. Especially, it can build an image for their brands, products, and services to their target consumers to have long-term positive attitudes and behaviors towards their brands, products, and services. (Fill, 1999).

From the above definition of advertising, advertising yields direct impacts on the target consumers, including on other related factors, both positively and negatively. Wells, Moriarty, and Burnett (2006) describe 4 dimensions of positive impacts of advertising: 1) Marketing. Advertising is a tool for marketing communication to communicate about brands, products, and services to the target consumers so that they can perceive the strength and differences between their brands, products, and services and their competitors' ones. Such information is expected to respond to the target consumers' needs and satisfaction, leading to product and service consumption behaviors. 2) Communication. Since advertising is a kind of

mass media aimed to stimulate the receivers or the target consumers to make decisions to consumer products and services by conveying emotional information and facts about brands, products, and services through mass media to the target consumers. 3) Economics. Since advertising is a part that helps to distribute income in economic systems. Namely, advertising induces consumers to buy products and services, so it helps to distribute products from producers or manufacturers to consumers. The gained income then is used to improve and develop products and services, including expanding business in various ways, resulting in increased employment. Once employment is increased, people have increased purchase power as well. Thus, all related resources are circulated in economic systems. 4) Society and culture. As advertising is a tool for reflecting society, it helps to indicate consumers' preferences in each period, including creating some trends to the society too. (Wells et al., 2006)

However, advertising does not yield only a positive impact, but also a negative impact on society. Dejphan Pravichai (2015) describes the effect of advertising on society that advertising is often perceived negatively and is a factor causing social problems. For instance, it is perceived to disseminate deceptive information, deceive consumers, make consumers confused, and promote consumers to have needs towards some unnecessary products. Besides, some advertisements are perceived as tasteless. It is also believed to promote materialism, encourage consumers to give importance to the possession of materials while ignoring psychological and cultural value, including rationality. Moreover, Potchana Satchasin (2005) states that advertising influences the youth's ways of living and can also arouse them to have aggressive behaviors since advertising plays a role in changing consumers' personalities. If consumers are exposed to more advertising, they tend to have behaviors in the same direction as presented in the advertising content, i.e., their manners, dressing, taste, etc. It can cause consumers without advertising literacy to adhere to materials that they think are important for their lives, have passions, and want to have products and services towards materialism rather than as their necessity in life. (Bu-nga Chaisuwan, 2018). Such negative impacts may be caused by improper messages or content. Moreover, Bu-nga Chaisuwan (2008) found in her study that there were altogether 17 patterns of problems caused by advertising content presentation, which can be divided into two

groups: a group that uses facts in advertisements in combination with the untrue and deceptive message, or any message that causes misunderstanding the main essence of the content; and the second group is a group using improper advertising content, i.e., advertisements that contradict decent culture and morality, such as using pornography, deteriorating a religion, presenting sex-oriented issues, destroying family culture, or present violent content, etc. However, the frequently found content is violence and racial or religious conflicts arousal, which are major ethical issues in advertising creation. (Sanya Donpairoj, 2001)

To illustrate this, Dunkin Donut's race discrimination, launched in August 2013, is one of the cases. At that time, Dunkin Donut introduced a new product, namely Charcoal Donut, composed of charcoal, which was considered the latest innovation of Dunkin Donut. In Thailand, an advertisement was created as a marketing communication tool and publicized through a variety of media: TV, out-of-home (OOH) media, social media, including marketing special events to support the sales of Charcoal Donut. The advertisement illustrates a model with white skin like an Asian person whose face is painted with black color, except her lips in glossy bright color, and a honeycomb hairstyle, which was a trend in the 1950s. The model is holding a Charcoal Donut with one bite with the slogan "Tear all rules of deliciousness" Such a painted face in black is called "Blackface," which is a mean irony and can be interpreted as a pattern of race discrimination. After the publicity of this advertisement in a short time, it was severely criticized by a group of Americans, especially those of human rights organizations, who saw this weird advertisement that conveys race discrimination on the American product brand. Phil Robertson, Deputy Director of Human Rights Watch's Asia Division, declared that Dunkin Donut should withdraw the said advertisement immediately and apologize to the general public. He asked Dunkin Donut to guarantee that this kind of event would not happen again. After that, on August 30, 2013, AP News Agency reported that the headquarter of Dunkin Donut in the U.S.A. publicized to apologize to the public for the "Charcoal Donut" advertisement of Dunkin Donut in Thailand. (BrandBuffet Team, 2013; Kapook, 2013; "Charcoal Donut" from Dunkin," 2013; Voice TV, 2013; "Dunkin Donut Headquarter," 2013)

On the other hand, the top executive of Dunkin Donut (Thailand) also gave an interview to the press that what happened was just Americans' paranoia and it was very ridiculous for them not to be allowed to use black color to promote their donuts. He also questioned if anything would happen if they used white color instead and painted the model in white to promote their product and if it would still be called "racial discrimination." Especially, not everyone would be cautious of racial discrimination. On the contrary, he claimed that it was just a marketing campaign, which yielded a positive outcome, as the sales volume increased 50% in two weeks after they launched such a campaign. It was further reported that this kind of advertising did not cause any shock to consumers in Thailand as it was very normal for advertising to use either black color or black people to convey the meaning of mystery to a product of various types. ("Dunkin Donut Headquarter," 2013)

Another case that was criticized widely by people of various occupations was a series of advertisement videos of Snicker-branded chocolate, telling a story of hunger problems, which is core brand value to remind consumers of the identity of the brand, "Don't let hunger change you. It's time to fill up your stomach, It's time to have Snickers." The series is composed of four stories, as follows: (Tukko, 2013)

A video entitled, "a taxi's rejection," broadcasted on June 28, 2013, presents an event where a student is sitting to block a taxi on the road and reviling him of not picking up a passenger. When the taxi driver gets out of his car, the student stands up and yells "Let everyone look at this selfish taxi driver." An old lady comes and asks "What's up? You'd better talk nicely." Then, that taxi drives off so the student walks the other way. Then, the advertisement is over.

Next, a video named, "Damn double-parking," launched on June 28, 2013, presents a happening at a parking lot where there are some cars double-parked. When the owner of the car parks inside wants to take his car off, he finds that there is a car double-parked without freeing the handbrake so he cannot move the car. The man and his friend of sexual deviation burst out because of their hunger, whereas another female friend is taking a video with a warning stating that the usage of improper words indicates violence. The words are "You should have a manner, Chanee (Thai slang means a gibbon, which is a word a transvestite calls a woman), actually everybody should. If this car belongs to a gibbon, I will put her down in a pipe. If it's

a man, I will eat him, but if it's a cross-dresser, I will slap him." Remarkably, one of the actors is a physically disabled person, who also plays a joke. Then, lipsticks are used to write "Damn double-parking" on a radiator hood of the blocking car. The disabled actor reads the message and then the advertisement is over.

The third video entitled, "Aom Sushar Freaks out over Her Fan Clubs," publicized on July 3, 2013, presents what happens in a department store. A group of her fan clubs encompass her and yell for taking photos with her because of their fondness for the actress. Some yell "Love Aom." However, the actress expresses her irritation until finally, she yells back to her fan clubs loudly, "Could you be quiet please. It's always like this. Please mind other working people. Everyone is all tired. You said you love Aom, but actually you do not. It should be over. Do you know I'm hungry? I have had nothing since this morning." She departs and hits one fan club that just arrives. The cheering light stick falls down and then the video is cut.

The last video entitled, "Such juniors should get out of the Faculty," broadcasted on July 3, 2013, displays a rehearsal of a group of cheerleaders, while a female senior is taking a clip and scoring the juniors with improper words and fierce tone of voice, "I'm your senior! Learn to listen to me!" Then, this senior walks towards the juniors and says, "Why is it so hard to just smile?" before moving one of the juniors' mouths to have a big smile. Then, some chaos happens. The juniors complain, "We're all tired and hungry. We have been rehearsing so long!" There are some quarrels and then the video is cut. After that, many news agencies tried to find out where this video was shot and found that it was Thammasat University and the production team did not ask for prior permission. ("The Faculty of Journalism," 2013)

All these videos were publicized on social media almost at the same time. They were criticized severely about the content of each video. Such criticism affected and damaged the reputation of all: actors, the education institution, etc. used for the production. They yielded a wide negative effect in society as they used sensitive issues as a tool for creating advertising content via digital media, i.e., to have a disabled person as a part for a jest, leading to humiliation, since the performing behaviors are improper. The other sensitive issue in the creation of advertising content is the simulation of a group of cheerleaders in a university. After the publicity, viewers remembered that it was the area in Thammasat University and it was also

found later that the production team did not ask for permission for using such a place officially. When negative feedback turned to be more immense, Snickers launched a clip video for an apology on its Facebook on September 1, 2013. It says, “Snickers Chocolate would like to express our sincere sorrow and apology that our advertising video caused damage to Thammasat University, actors, and all involved. We would like to assure that all happenings in this advertising is just a hypothetical situation and is just a performance.” (“Snickers apologized via Facebook,” 2013).

Another case is the case of Durex Thailand, which posted texts in the images on Facebook on September 15, 2014, that 28% of women resisted... but eventually had to surrender, with the caption, “Do they use the word ‘resisted’ just superficially? Let’s comment !!” (Kapook, 2014). It was found that consumers expressed their negative comments towards such statements heavily as many of them perceived that it was the advertisement that used the most improper example as it supports the idea that the beginning of rape ends with consent. They did not understand by which criteria the product owner used as an indicator. Besides, advertisers should publicize content about the prevention of getting pregnant, sexually transmitted diseases, or rape prevention instead. On the contrary, it advertised to promote resistance to sexual relations. Discontentment thus was widespread among consumers and sarcastic criticism followed. This news was presented by foreign news agencies, i.e., The Mirror Online of the United Kingdom. Later, the owner of the product announced, “Due to some misunderstanding of the issues posted by the Page, Durex Thailand apologizes for such misunderstanding and we have deleted the said post already to avoid any further misunderstanding. Besides, we will be more cautious of our presentation of any information, especially word choices for communication, increasingly. Again, please kindly accept our apology herewith.”

Furthermore, there has been some latent advertising via Instagram. For instance, the key opinion leaders of Chang Beer modified a new bottle from light brown to green color and used several well-known artists and actors to take photos with the product with the persuasive caption, i.e., soft taste, etc., including the background of the idea for changing a new package for the product. It writes that the background of this issue was from the posting of an image of a famous singer, Dome Pakorn Lam, with the said beer. Then, after that seven more artists and actors

followed. This group of artists appeared on the public relations campaign, “Seven super celebrities will join the image campaign in the new perspective.” (Kapook, 2015). However, subsequently, all of them had a press conference, declaring that it was the posting of the image and texts without any remuneration from the alcohol producer. Because of this, social criticism occurred with lots of posted questions in the discussion forum on Pantip web board (Pantip, 2015) under the topic, “Do you think Dome Pakorn Lam posted his image with Chang Beer on his IG without being paid?” Then, a lot of comments about marketing communication via digital media afterward.

According to Alcoholic Beverage Control Act, B.E. 2008, the main essence is as follows:

Section 32. No person shall advertise or display, directly or indirectly, the name or trademark of an alcoholic beverage in a manner that showing properties thereof or inducing other people to drink.

Advertisement or public relations provided by the manufacturer of any kind of alcoholic beverage shall only be made for giving information thereof or giving social creative knowledge without displaying an illustration of such alcoholic beverage or its package, except for the display of a symbol of such alcoholic beverage or that of its manufacturer as prescribed by the Ministerial Regulation.

The provisions of paragraph one and paragraph two shall not apply to the advertisement broadcasted from outside of the Kingdom.

On September 7, 2015, DTAC Network publicized an advertising commercial under the campaign “Whatever mobile phone can be traded for iPhone 6,” (Admin, 2015) by presenting the distinguished advantage of the iPhone 6 over other mobile phones as the narration theme to draw users of other mobile phones to change to iPhone6. The advertisement starts with a woman using Siri Application and is followed by a slow-motion on the Instagram application. Besides, the advertisement also communicates the gesture of other mobile phone users, who hide their phone into the pocket immediately because they feel embarrassed to see the other using the iPhone. Especially, in the last scene, when a beautiful woman is passing by a table

seated by a young man in a coffee shop, the man suddenly covers his mobile phone with a book to hide it. Such advertisement was also criticized unrelentingly.

In short, the advertisement, “whatever mobile phone can be traded for iPhone 6,” induces mobile phone users to display their social class, while evaluating others from mobile phones they use. Any mobile phone, unnecessarily only iPhone 6, can be proper for usage. Due to being badly criticized by consumers, DTAC decided to withdraw the said advertisement and delete it from YouTube to display its sincerity to help solve the problem.

Shortly, another advertisement “Enjoy playing, enjoy hiding, for every idea” of “Pringles” potato chips was disseminated on July 28, 2015, aimed to create the perception of its new size pricing 20 baht through its Facebook “Pringles Thailand.” The content of the advertisement presents a woman, with a high-bun hairstyle, who is watching a movie, but she hides a small can in her hair bun. After this advertisement was launched, it was criticized on social media. Mostly, it was perceived to support cheating. Besides, it should not be an excuse for a group of viewers who hide something for eating or drinking from outside because of the overpricing of food and drinks in front of the theatre.

Viewers’ opinion expression reflected their discontentment after viewing such an advertisement, similar to that expressed by members of Pantip website diversely on the web board. Mostly, they perceived that the advertisement was improper as it should respect the rules of the theatre. Moreover, the overprice of food and drinks at the theatre cannot be used as a reason for violating the rules.

Another advertisement that was criticized widely was that of a food supplement product with an advertising commercial, “The end of Cris Horwang on-screen stolen by new actresses.” It was a video clip of a Glutathione product by Seoul Secret in the collection of SnowZ Gluta (“Netizens scolded,” 2016). The content is easy to understand and presents Cris Horwang as an actress who has been in the entertainment circle for a long time; thus, she has to take good care of herself all the time as she has to compete with newly-born actresses. Her secret is her white complexion; therefore, the advertisement ends with the slogan, “Just being white can win.” After the dissemination of this advertisement, it was widely criticized and became a critical issue in the mainstream media. Moreover, CNN also reported about

Thai people's craziness of whiteness. All criticism pointed that the said advertisement was irresponsible for society. It reproduced a discourse of whiteness as a virtue. Typically, the definition of beauty is frequently determined by values of a certain social context, through historical background, power-related discourse, new media, etc. Such values induce people in society's desire to have a physical appearance as accepted in a certain context. Likewise, the value of white skin in Thai society is an idealistic beauty that has been reproduced for a long time, which is not necessarily connected with physiological beauty, but with social classes, oppression, and power struggle. Mostly, whiteness is tied with high-class people and, quite often, with the interpretation of good and evil. Therefore, such advertisement should not reproduce the said discourse that might affect receivers' beliefs and behaviors. After being dispersedly criticized, the owner of the product came out to apologize for what happened and insisted that it did not intentionally communicate towards any race or ethnicity discrimination at all. The advertisement clip was removed, including other related advertisements and media that had been planned to express corporate social responsibility.

The other case was an appeal against the pricing and quality of "Korea King" pans as it advertised to reduce the price from 18,000 baht and 15,000 baht to 3,900 and 3,300 baht, including the offer of "buy one gets one free." The pans were also claimed to have high-temperature resistance and no need for oil. A lot of consumers were fooled and bought the products. However, after use, it was not as advertised. Besides, they found out later that the prices were also fake after a consumer posted her comments on Facebook,

I feel pity for Thai people who were fooled about the pricing of the product advertised on TV. It claimed to reduce from over ten thousand baht to 3,000 baht each and besides, they could get one more extra. Everybody wanted to have it because of the sales. However, the real price sold in Singapore is less than 600 baht. Here, there are every model. I'm glad I'm not the type of people who likes to buy products from TV advertisements because mostly they are not as good as they advertise.

Thus, the advertisement was criticized severely. Consequently, several news agencies tried to prove and present facts, including the results from scientific tests and the demonstration by chopping the pan into parts to find its claimed coating substance. However, none was found since there was no special tool to testify the number of coating layers of a pan directly. After that, there was another video clip demonstrating how to manufacture a pan at a factory in South Korea. Again, it was caught that it was only a setup. Furthermore, a Korean who was an opinion leader in Thailand specified clearly that in Korea, there was no manufacture of this brand. This caused another severe criticism. Still, from all trials for testifying the claim, none could prove if it was a misunderstanding or untrue story. (“Lessons learned from the case,” 2018; Positioning, 2017; “After the drama of a Korea King,” 2017)

Kittipong Veerataecha (2017) viewed that the advertising issue mentioned widely was marketing ethics. In his opinion, to accomplish the maximal benefits is very common for sales marketing. Typically, business marketing is often operated by an advertising agency with a cautious and certified sequential procedure. In the case of Korea King, the advertisement was produced by an advertising commercial producer directly; thus, it did not pass the thorough test and procedure. Normally, the certification or a submission process for any approval requires only scientific evidence. At present, consumers can reach information increasingly; therefore, marketers have to be careful and concern about ethics highly.

Besides, the case of the advertisement of Swensen’s under the theme, “Strawberry Nutella Crepe Fondue,” was publicized on YouTube in February 2019. The advertisement is narrated through a woman who is having ice cream in the shop. Due to her beauty, nearby men pay attention to her. At the same time, there is another man who tries to sit with her, but she refuses, but with a male voice. Thus, it is understood that she is a ladyboy, which surprises all men nearby and they all leave her. It was thus severely criticized. A group of viewers pointed out that the advertisement contained sex discrimination as it makes a transgender person look weird. Such an idea should disappear from the thought of people nowadays in which people value gender equality. Bangkok Rainbow Organization urged the product owner to terminate its broadcasting of the advertisement because of its sex discrimination content against transgender people whose sexuality does not correlate

with their physical condition. Later, this advertisement was deleted, followed by an apology letter from the advertising agency to accept its mistake and its confirmed statement of having no intention to execute sex discrimination at all. Besides, the company was willing to talk with any organizational network of sexual diversity rights towards mutual understanding. (Roboots, 2019; Sanook, 2019)

In short, the abovementioned cases of the advertisements that were widely criticized in society and some of them even led to some disputes and appeals by a group of people or damaged organizations were possibly caused by increasingly severe competition. Accordingly, advertisers tried to invent all possible strategies to make consumers recall their products or brands. On the other hand, the creation of advertisements may refer to or exploit sensitive issues of people in society to stimulate them to view such advertisements through word-of-mouth and sharing among the target receivers. However, often they may violate the consideration of ethics, including subsequent impacts that might follow and yield negative effects on society. Besides, it can lead to criticism among scholars, professionals, and the general public about the ethics and ideology of people in the advertising professions. Especially, the occurring cases reflect some recklessness of concerned laws that are not accordant with the present social situations. Even in the advertising circle, there has not been a direct agency to regulate advertisements so it opens a gap that some product owners use in advertising. Furthermore, from the statistics of consultation and grievances to the Foundation for Consumers in 2018, it was found that there were 4,545 grievances and consultations. Among this figure, the ethical problems of advertising on health and food supplement products were found the most, namely 372 cases, especially those that were harmful. These products were advertised through online channels, including mainstream media, such as cable TV and local radios. Most of the advertising statements were found to be exaggerating and make a lot of consumers believe in the products. Most of all, in many cases, some products were dangerous. (Foundation for Consumers, 2019).

Since advertising can yield impacts in several domains, especially negative effects on society, it is necessary that advertising be controlled and regulated by establishing an organization to perform such roles so that ethical standards in advertising creation can be formed. Normally, the regulatory systems are multi-level,

starting from no regulation, self-regulation, statutory regulation, and co-regulation. (Bartle & Vass, 2005; Spence & Heekeren, 2005)

Bartle and Vass (2005) state that a self-regulation is a modern option of regulation as many foreign and international organizations have given importance to self-regulation increasingly since 1990, and it has been proposed as an important alternative towards more strict enforcement as well. Still, the Organization for Economic Co-operation and Development (OECD) notes that in the United Kingdom, self-regulation has been promoted increasingly, not only in terms of economic requirements but also the state ministerial regulations. Furthermore, the government aims to promote more self-regulation through the stipulation of official obligations. OECD plays an important role in urging for more flexible self-regulation guidelines due to changes in regulation approaches from the traditional to a new approach of regulation, or self-regulation.

In Thailand, there has been plenty of efforts in driving towards a media regulation process at different levels. The Office of the National Broadcasting and Telecommunications Commission (NBTC) proposed an effective self-regulation approach based on ethics, professional ethics, and responsibility, by dividing the regulation into three levels:

- 1) Regulation by governmental organizations through legal enactment, i.e., Section 37 of the Broadcasting and Television Businesses Act B.E. 2551 (2008), which says, “It is prohibited to broadcast any program with substance that causes the overthrow of the democratic regime of government with the King as Head of State or that affects the security of the state, public order, or good morals, or having an act which is obscene or has a serious impact on the mental deterioration or public health.”

- 2) Regulation by professional organizations grouped by the Broadcasting and Television Businesses Act B.E. 2551 (2008), i.e., Section 39, which says, “The Commission shall proceed to promote the integration of licensees. program producer and professional mass communication practitioners related to broadcasting and television business It is an organization of various forms that serves to establish ethical standards of the occupation or profession and to regulate the occupation or profession itself under ethical standards.”

3) Self-regulation. Each media organization plays a role in investigating its operation under ethical and professional standards. (ThaiPublica, 2014a, 2014b; Uttaradit Rajabhat University, 2013) Moreover, the Secretariat of the House of Representatives (2013) proposed that self-regulation mechanisms of Thai professional media at present should move to self-regulation at three levels: media organizations, self-regulatory organizations, and professional councils to be suitable for the present condition of media organizations and media professional organizations in Thailand, which are diverse and abundant.

Moreover, National Reform Steering Assembly has a concept to draw the draft of the protection of rights and liberties and the promotion of ethical and professional standards of mass media, B.E...., which aims to determine the structure of laws, establish national mass media professional council, promote the formation of groups and self-regulations of Mass Media Professional Organizations at the provincial, regional, and national level. The National Mass Media Professional Organization will assign an ethical committee, authorized for considering appeals of mass media organizations who are not members of any mass media professional organizations and giving penalties to violating members. Moreover, the status of the National Mass Media Professional Organization is a juristic person and non-governmental agency under the supervision of the council president, responsible for general affairs of the council, i.e., administrative affairs, facilitating the council's operations, and giving recommendations to the council for supporting and assisting self-regulation, media literacy, and media consumer protection. Additionally, it is responsible for promoting media ethical and professional standards, conducting research, and developing self-regulation for mass media professional organizations for empowering them, etc. The main income source of the National Mass Media Professional Council Office comes from research and development funds of the Broadcasting, Television, and Telecommunications Enterprises for public benefits following the laws of the organization allocating frequencies and directing the radio, television, and telecommunications businesses. The office will also be responsible for preparing the annual report to the parliament, including publicizing it to inform the general public. The information disclosure will be under the laws of governmental information relatively. The penalties for punishing any organization ignoring or violating mass

media's ethics or not complying with the judgment of the National Mass Media Professional Council will be a warning, probation, open reprimand to the public, and legislative fines. However, such laws are not applied to mass media organizations that are registered members of mass media professional organizations, except being appealed by a certain professional organization, including the termination of membership, i.e., resignation or withdrawal. (The Draft of Mass Media Ethical and Professional Standards Promotion Act, B.E...., 2017)

Generally, advertising is the presentation of business information, different from other mediated presentations, that requires transparency and neutrality or impartiality. First of all, the objective of advertising differs from other kinds of communication as it aims towards consumers' changes in cognition, knowledge, and affection or attitude towards products or services and inducing consumers to have needed to buy or use products or services. (Kalyakorn Worakullattanee & Pornthip Sampattavanija, 2010). Therefore, advertising should have self-regulation since industrial sectors have more specialized experts than government sectors to enhance more flexibility and adaptability that accords with changing circumstances of mass media. Furthermore, self-regulation is more accepted than regulation by the government. (Campbell, 1999; Livingstone, 2012)

Regarding advertising regulations in Thailand, self-regulation has been adopted in the TV advertising industry for more than 25 years. After the deregulation of the TV commercials censorship before broadcasting by government agencies under the control of the Radio and Television Broadcasting Administration Committee (BA) in 1992, it led to the beginning of self-regulation in the advertising profession. The Television Advertising Commercial Censorship Committee was appointed for the first time, comprising representatives of Channel 3, 5, 7, and 9, in collaboration with representatives of Advertising Association of Thailand, in 1994, under the concept of changes from control to regulations. Specifically, it was a change from the age of strict control by the government to the age of providing communication freedom or the period where government agencies allowed for more tolerance and let advertising business entrepreneurs regulate themselves. Self-regulation is perceived as the best alternative for all parties involved in the advertising industry. If the station master of each station is the one who makes the judgment, it may cause some confusion due to

no certain common standards. Besides, the advertising industry has the Advertising Association of Thailand as an agency playing a role in the surveillance of member organizations' advertising. Mostly, the regulation focuses on TV advertising regulation mainly via the consideration of TV Advertising Commercial Censorship Committee for approving proper advertising to be publicized by the concerned obligations or laws, i.e., Consumer Protection Act, B.E. 2522 (1979); The Act of the Organization Allocating Frequencies and Directing Broadcasting Radio, Television, and Telecommunication Enterprises, B.E. 2553 (2010); including specific laws for some kinds of products, such as Food Act, B.E. 2522 (1979); Drugs Act, B.E. 2510 (amended in 1979), etc., in combination with the consideration by Advertising Professional Ethics. The TV Advertising Commercial Censorship Committee has been still operating up to the present. Furthermore, the Advertising Association of Thailand established the Advertising Professional Ethics Committee in 2008, whose functions compose of two parts: (1) To issue regulations and guidelines for the members of the Advertising Association of Thailand, and (2) to consider and judge cases involving advertising professional ethical problems. For the appealed cases that are within the scope of the authority of the committee, the committee has proceeded by self-regulation mechanism in sequence and modified some operational details to make them more appropriate and accordant with social circumstances increasingly. (S.Vutikorn, 2017; Bu-nga Chaisuwan, 2015, 2017a, 2018)

Nevertheless, the self-regulation of the Advertising Association of Thailand is being challenged by a self-regulation process in the digital age. A distinguished example is the occurrence of digital TV stations, which affect the adjustment of the TV advertising commercial censorship process. Besides, the Television Advertising Censorship Committee was appointed, and the training of advertising commercials censorship operators was also conducted to improve the process to be more inclusive and to strengthen a regulation and censorship process. While self-regulation has been developed towards including the other 9 alliances jointly established the Association of Advertisement Censorship of Thailand (AACT), aimed to make advertising censorship of the new era to be more standardized and credible, including raising the operation of the committee to the club level. (Admin, 2014, 2017). However, the outcome was not accordant with what was found in the study of Bu-nga Chaisuwan

(2017a) entitled, “Censorship on Television Commercials for Digital TV, which recommended that TV advertising censorship of all systems should work collaboratively and by the same standard, including the needs of the laws being congruent with the changing context and technologies facilitating the censorship operations leading to the same standard. Accordingly, it reflected that the TV Advertising Commercial Censorship Committee and the Association of Advertisement Censorship of Thailand (AACT) might not work collaboratively towards the same standards as intended. Besides, it might confuse stakeholders in the advertising industry in Thailand. The aforementioned data indicate that a self-regulation process of TV advertising relies on media organizations mainly. At present, TV advertising commercials have been separated and if there are more conflicts in the future, i.e., media organizations may agglomerate to restrain from the censorship of advertising commercials before broadcasting, etc., that may terminate a self-regulation process of TV advertising.

Moreover, the self-regulation of advertising in Thailand is still limited to TV mainly. However, for other media, such as printed media, radio, website, or social media, there has not been a clear process for self-regulation of the advertising publicized on those media yet. Mostly, it is just surveillance only. Consequently, it may be a cause encouraging advertising through digital media to violate ethics increasingly. When any case is appealed, the judgment is too retarded since the advertisement has been publicized widespread already.

Besides, there are still differences from the international principles. At the international level, the International Chamber of Commerce of ICC Advertising and Marketing Communications Code is applied as a prototype for advertising self-regulation throughout the world. Such principles have been initiated since 1937. At present, 42 countries are applying or adapting the principles to accord with each country’s context for its self-regulation. (Wiggs & Calvert, 2018). Remarkably, the ICC advertising and marketing communications code covers all dimensions, not only advertising self-regulation on TV like the operation in Thailand. The code also includes all fundamental dimensions of advertising and marketing communication, including other relevant regulations, i.e., sales promotion, marketing support, direct marketing, and digital marketing communication, including environmental citation in

marketing communication. (International Chamber of Commerce, 2018) Notably, ICC Advertising and Marketing Communications Code have been improved continually to accord with communication situations in each period. In the 2018 edition, some main essence was adjusted to catch up with 5 communication and social changes, as follows: (1) Promote the provision of recommendations about the classification of marketing communication content between the content publicized by media organizations and consumers' generated content. (2) Expand the scope of obligations to cover communication through digital media, i.e., social media, the use of influencers for presenting marketing information, bloggers, vloggers, etc. (3) Gather obligations related to direct marketing and digital marketing. (4) Modify specific terms or vocabularies related to the use of mobile phone and other communication devices in advertising using technologies of identifying consumers' positioning and indicated interest. (5) Stipulate requirements and definitions related to advertising for children and youth more clearly. (Wiggs & Calvert, 2018) In foreign countries, some organizations, both at the national and international level, were established and can regulate advertising successfully. The examples are:

The European Advertising Standards Alliance (EASA) is an international organization promoting advertising self-regulation. Its members are from the most accepted countries in Europe and other continents, including Thailand. It is an organization whose main mission is to support, advise, and coordinate countries that are ready for establishing their self-regulation organizations based on good practices that are suitable for each country and are congruent with its social structure and context strongly amidst the self-regulation challenges in the digital era. EASA collaborated with the International Chamber of Commerce (ICC) to determine ICC Advertising and Marketing Communications Code 2018 Edition as mentioned above. (The European Advertising Standards Alliance, 2017, 2018; Bu-nga Chaisuwan, 2018)

The United Kingdom also founded the Office of Communication (Ofcom) for enhancing communication freedom. It is an organization responsible for regulating all types of communications in the United Kingdom, i.e., broadcasting radio and television, telecommunications, and wireless communication. Besides, the Advertising Standards Authority (ASA) was also established to regulate advertising

directly and is authorized to regulate all kinds of advertising in the country, i.e., advertisements on printed media, radio, TV, Out-of-Home (OOH), movies, internet, smartphones, and tablets, including advertising claims on corporate websites, advertising through email or SMS on a mobile phone. Both Ofcom and ASA have collaborated in co-regulations of advertising in the United Kingdom. (Office of Communication, 2018; The Advertising Standards Authority, 2018a, 2018b; Bu-nga Chaisuwan, 2018).

The U.S.A established Federal Communications Commission (FCC) as an independent organization regulating media in the country, including the telecommunications industry and broadcasting radio and TV enterprises. It is authorized for advertising regulation in broadcasting media and TV, especially advertisements that cause misunderstanding or neglect proper taste, including working with the Federal Trade Commission (FTC), which is the core organization of consumers' protection against deceptive advertisements. Moreover, it works with U.S. Food and Drug Administration (FDA) in protecting consumers from food and drugs advertising that takes advantage of consumers. For advertising self-regulation in the U.S.A., there is the Advertising Self-Regulatory Council (ARSC), occurring from the group formation of advertising associations in the U.S.A. ARSC coordinates with many specialized advertising regulation organizations and collaboratively determines self-regulation policies and guidelines for the advertising industry. Its regulatory scope also covers other related marketing and commerce. (Advertising Self-Regulatory Council, 2018; Federal Trade Commission, 2018; The Federal Communications Commission, 2018; U.S. Food and Drug Administration, 2018; Bu-nga Chaisuwan, 2018)

In Australia, an organization called "Advertising Standards Bureau" (ASB) (Later, it changed to Ad Standards) was established as an organization for solving problems appealed through the advertising regulatory process. Its vision is to be the agency with utmost authority in judging the national advertising and marketing communication appeals. Advertising standards were also determined as common standards that accord with consumers' value and can be applied as regulations for the advertising industry. The goal of the organization is to create and audit self-regulatory systems as advertising standards in Australia, increase trust and respect towards

advertising standards, explain the roles of advertising in liberal business systems, and enable to operate other regulatory systems that might be established for specific purposes. The ultimate goal is to give importance to consumers and maintain proper and decent advertising that is accordant with consumers' values. (The Advertising Standards Bureau, 2018a, 2018b)

In regards to the principles enabling effective advertising self-regulation standards, Gray (2012) describes, through the perspective obtained from the Toronto Global Advertising Summit, 10 main principles, as follows: (1) a universal regulatory system, (2) effective and sustainable support, (3) effective resource management, (4) universal and efficient rules, (5) advice and information provision, (6) efficient and quick appeal management, (7) independence and impartial judgment, (8) genuinely effective penalty, (9) efficient investigation and correction of a received petition, and (10) effective media industry and consumers' media literacy. On the other hand, Wiggs (2012) offers 7 major components of good practices for advertising self-regulation: (1) Leadership, organization, and planning, (2) regulations, (3) complaints and activity outcome, (4) enforcement, (5) investigation and censorship, (6) knowledge provision, and (7) awareness.

The Advertising Association of Thailand has attempted to proceed by advertising professional ethical framework for more than 40 years, by starting the application of Advertising Professional Ethics, B.E. 2519 (1976), consisting of 16 ethics. Then, Advertising Professional Ethics, B.E. 2546 (2003), which is the current edition, comprising 10 fundamental principles and detailed practices. In 2006, the obligations on a self-regulatory process of Advertising Professionals of Thailand, B.E. 2549 (2006) was introduced, containing 6 categories: general introduction, Advertising Professional Ethical Committee, consideration criteria of the Advertising Professional Ethical Committee related to appeals, criteria for appealing the resolutions of the Committee, penalties, and modification of regulations. One year after that, the first Advertising Professional Ethical Committee was appointed for one year, comprising 5 parties: Representatives of the Advertising Association of Thailand, representatives of consumers or organizations for consumer protection, representatives of mass media, representatives of advertising scholars, and representatives of Marketing Association of Thailand. Besides, the other 3 sets of

regulations were announced in 2008, namely the declaration on the regulations on children's product advertising, the advertising of food and snack products, whose target is children, and research-claim advertising regulations. In 2010, another advertising regulation on no-branded advertising was declared. (Bu-nga Chaisuwan, 2013, 2018).

Although the Advertising Association of Thailand announced professional ethics and regulations continuously, from the statistics of consumers' complaints to the Complaints Center, Office of the Consumer Protection Board, The Office of the Prime Minister, during 2012-2018, the complaints tend not to decrease clearly, which accords with the study of Pirongrong Ramasoota that media could not execute self-regulation genuinely and the reasons that caused media's self-regulation unsuccessful were that (1) they had insufficient motivation, (2) the gathering of media was based on their benefits rather than public benefits, (3) the use of regulation overtook the roles of professional organizations, and (4) the society had no understanding of regulation. ("A Discussion Report," 2015). With reference to the last reason, from the analysis of the related studies on advertising regulation in Thailand, it can be grouped into 3 main groups: The development of self-regulation mechanisms of advertising and Advertising Professional Council, the development of criteria for measuring advertisers' ethics, and opinions towards advertising and advertising professional ethics. (Sarunthita Chanachaiphuwapat, 2015; Nuddee Nupairoj, 2013; Bu-nga Chaisuwan, 2002, 2008, 2013, 2015, 2016, 2017a, 2017b; Pana Thongmeearkom, 2003; Humpay, 1987; Winai Jimewisatesuk, 1992; Veeraves Pacharoen, 1997; Sarunthita Chanachaiphuwapat, Ratana Timmuang, & Udomsak Dhuthanaraweesak, 2014; Sanya Donphrairod, 2001; Sudarat Disayawatthana Chandrawatanakul, 2009; Anak Urwannachotima, 2000)

Regarding the development of self-regulation of advertising and advertising professional council, it was found that the new edition of advertising professional ethics was printed in 2003, and annulled the old edition (1976) as norms for advertising creation operation. However, at present, advertising has penetrated to almost every media that apply marketing communication, both traditional and new media; thus, the current operational scheme cannot cover all of them effectively. Especially, each media has different standards and procedures. Therefore, scholars

offered to develop advertising regulatory systems, both self-regulation, and co-regulation, certified and accredited by the government sector properly by raising the advertising standards in Thai society in the form of “a council” or “bureau” to execute integrated self-regulation covering all kinds of media. In the beginning, it started with the regulation of the mainstream media and then expanded to new media, which should be one unified self-regulatory mechanism system that can be applicable for advertisers, advertising agencies, and all kinds of advertising media. Besides, it should be equipped with financing or budgeting for sustainable and effective operations, expand authority for effective punishment and cover both members and non-members, and establishing an effective self-regulatory administrative agency to achieve its functions fully. It was further recommended that they should work actively and mobilize communication campaigns to people in the industries and consumers to be aware and participate in the said process. (Nudee Nupairoj, 2013, Bu-nga Chaisuwan, 2002, 2015; (Nudee Nupairoj, 2013; Bu-nga Chaisuwan, 2002, 2015; Sarunthita Chanachaiphuwapat & Bu-nga Chaisuwan, 2016)

For the development of criteria for measuring advertisers’ ethics, it was found that advertising agencies did not have policies in promoting ethical issues since the stipulated policies for promoting advertisers’ ethics limits the boundary of advertising creatives. Namely, it is the solving approach that emphasizes each individual’s ethics in creating advertising and requires an investigation by concerned organizations before publicizing advertisements. Moreover, it was found that most advertising professionals had advertising ethics at a moderate level, and had knowledge about advertising professional ethics at a moderate level as well. Only 2.37% got full scores of advertising professional ethics knowledge. Concerning decision-making behaviors related to the ethics of advertisers, no advertising professional chose their decisions based on advanced ethical rationality in all situations. Most advertising professionals made their ethical decisions at a moderate level. (Bu-nga Chaisuwan, 2008, 2016; Sanya Donphrairod, 2001).

Regarding opinions towards advertising and advertising professional ethics, 5 ethical issues were found: one-sided information provision, the cultivation of incorrect values, the presentation of sexual arousing statements or images, the use of children as actors, and provoking or violent advertising. Since most advertising

professionals knew the methods and laws for regulating TV advertising at a moderate level, they knew only basic or regular practices only without much knowledge in detailed legal obligations. However, advertising professionals tended to have behaviors of applying their mistakes or their advertisements considered as unethical as the lessons to correct their advertising creation in the future. From comparing consumers' opinions on the advertisements with the judgment of the Advertising Committee, the Office of Consumer Protection Board, it was found that consumers expressed their opinions similar to the judgment of the Board. (Winai Jimewisatesuk, 1992; Anak Urwannachotima, 2000; Alichia Treerotchananon, 2006)

Accordingly, if the mobilization of the self-regulatory mechanism of advertising professions in Thailand is studied, the findings should help the society to understand it better and increasingly, leading to policy and practical recommendations for driving advertising governance in Thailand towards advertising creation standards under the self-regulation mechanism of advertising professions.

1.2 Research Questions

- 1) What is the structure and operation of the driving of self-regulatory mechanisms of the advertising profession in successful countries?
- 2) What should the driving of self-regulatory mechanisms of the advertising profession in Thailand be?
- 3) What are the problems and obstacles of the driving of self-regulatory mechanisms of the advertising profession in Thailand? How can they be solved?

1.3 Research Objectives

- 1) To study the driving of self-regulatory mechanisms of the advertising profession in a successful country.
- 2) To explore the driving of self-regulatory mechanisms of the advertising profession in Thailand.
- 3) To examine guidelines for solving problems and obstacles for the driving of self-regulatory mechanisms of the advertising profession in Thailand.

1.4 Scope of the Study

The study, “The Driving of Self-Regulatory Mechanisms of the Advertising Profession in Thailand” aims to study a driving process of self-regulation of advertising media in three successful countries: The United Kingdom, Australia, and the People’s Republic of China, to compare with that in Thailand, including examining approaches for solving problems and obstacles against the driving of self-regulatory mechanisms of the advertising professions in Thailand. Qualitative research was conducted by documentary analysis and in-depth interviews to gain findings for extending academic knowledge and for proposing policy recommendations. The study was conducted from April 2019 to September 2021.

1.5 Operational Definitions

1) The driving of self-regulatory mechanisms of the advertising profession means types of professional organizations’ governance by having experts determine codes of conduct that accord with the operation of the media industry.

2) The driving of self-regulatory mechanisms of the advertising profession in successful countries means types of professional organizations’ governance by having experts determine codes of conduct that accord with the operation of the media industry of the United Kingdom, Australia, and the People’s Republic of China.

3) The driving of self-regulatory mechanisms of the advertising profession means the support and mobilization towards a concrete mechanism for self-regulation in advertising professions by planning roles and responsibilities, organizational structure, strategies, service provision, and budgets.

1.6 Expected Benefits

1) To extend academic knowledge in the development of self-regulation mechanism of the advertising profession in Thailand that can be used as a model or prototype for planning towards mobilizing other mechanisms of the society.

2) To obtain policy and practical recommendations for mobilizing self-regulation mechanisms for advertising professions in Thailand to acquire creative,

safe, and righteous advertising media with good balance in business, advertising industry, and consumers.

3) To establish responsible personnel for concerned agencies for driving a self-regulation mechanism for the advertising profession in Thailand.



CHAPTER 2

REVIEW OF LITERATURE AND RELATED STUDIES

The literature review and related studies for the research “The Driving of Self-Regulatory Mechanisms of the Advertising Profession in Thailand” are as follows:

- 2.1 Theories and concepts of a communication process
- 2.2 Theories and concepts on social responsibility of mass media
- 2.3 Theories and concepts on media and advertising regulations
- 2.4 Related studies
- 2.5 Research conceptual framework

2.1 Theories and Concepts of a Communication Process

2.1.1 Concepts of Communication

In studying the concept of communication, the meanings and components or elements of communication are described to help to make an understanding of the driving mechanism of self-regulation of the advertising profession in Thailand.

1) Definitions of communication

Communication is a crucial process for human beings in several dimensions: living, social, economic, and educational. It can say that communication is a cog of social mechanics enabling society to proceed without ceasing since communication is a tool and method to bring about any change. (Kitima Surasonthi, 2014) The study on the driving mechanism of self-regulation of the advertising profession in Thailand thus can lead to developing and changing society. However, defining the term “communication” is rather complicated since communication involves wide meanings and covers all human activities. Therefore, definitions of communication are multi-dimensional, depending on the focus and interest of each scholar, who defines the term differently. (Parama Satawatin, 2003)

Aristotle defines “communication” as the seeking of any available means of persuasion.

Edward Sapir defines “communication” as the intuitive and unconscious interpretation of any symbolic act towards individuals’ thoughts and behaviors.

Warren W. Weaver defines “communication” as a term with vast meanings covering every psychological process of an individual on another individual’s one. Communication does not mean only writing or speaking but includes music, images, performance, ballet, and all kinds of human behaviors.

Jurgen Ruesch & Gregory Bateson define “communication” that communication does not mean only the transmission of a message by language only, but also all processes in which human beings can have a mutual effect. Thus, this definition focuses on the principle that all acts and events are communication. If a person understands those acts and events, it means that such a person has some information changes that may have some effect on the person.

George A. Miller defines “communication” as a message transmission from a person to another person.

George Gerbner defines “communication” as social interaction through symbols and message systems, comprising codes, content, and organization.

Carl I’ Hovland defines “communication” as a process in which a person transmits a stimulus to change another person’s behaviors in some ways, i.e., cognitive, affective, or behavioral change.

Colin Cherry defines “communication” as an act or the first sign (stimulus) creating the other sign (response or feedback), which depends on each receiver of stimulus how he or she will respond to such a stimulus, i.e., depending on a receiver’s personality, characteristics, accumulated from experiences.

Wilbur Schramm defines “communication” as having a common understanding of any informative sign.

Charles E. Osgood defines “communication” as that something occurs when a party or a sender influences the other party or a receiver through the use of symbols transmitted by media to connect both parties.

Moreover, the Royal Institute Dictionary, B.E. 2554 (2011) defines “communication” as the means of conveying words, statements, or letters from a person or place to another person or place. (Royal Society of Thailand, 2011)

From the above definitions of communication, communication defined by scholars emphasizes an understanding based on interdisciplinary disciplines, each of which can explain a communication process in various situations since the nature of communication is interdisciplinary or involves several fields of study.

2) Communication elements

The creation of a communication model is a method communication that scholars used for determining its details and scope for analyzing human communication components to make it easy and clear to understand communication components and processes. The communication model of Berlo is one of the models used widely, in which De Fleur adds feedback from a receiver to a sender. The details of a communication model are as follows:

Berlo’s communication model (1960) describes attributes and components of a communication process, which comprises 6 elements: communication source, encoder, message, channel, decoder, and communication receiver. In the transmission and receipt of a message between a sender and receiver, a communication source and encoder can be combined as one same person called “a source,” while a decoder and receiver “a receiver.” Therefore, Berlo’s communication model consists of a source, message, communication channel, and receiver.

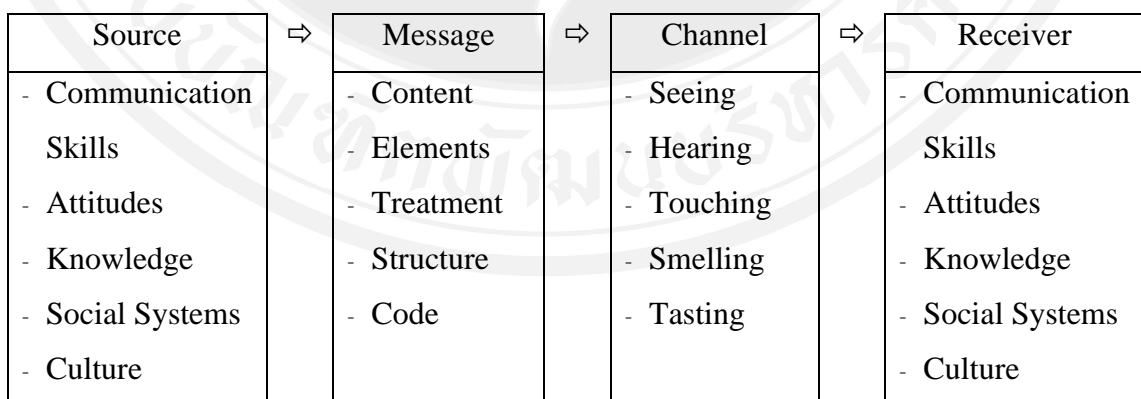


Figure 2.1 Berlo’s Communication Model

Source: Berlo, 1960.

From Figure 2.1, Berlo (1960) describes major attributes of each component that can bring about communication success or failure as follows:

Source means a person who delivers or transmits information, idea, emotion, or feeling by encoding it to be a sign, symbol, or act. Berlo believes that communication can be successful only when a source or sender possesses characteristics facilitating communication success and efficiency, namely communication skills, attitudes, knowledge, social and cultural systems.

Message means an output of idea, feeling, need, emotion, or content a source wants to convey, which can be in the form of spoken or oral, or written language, including gestures. According to Berlo, a message comprises 5 sub-elements: message code, content, treatment, structure, and message element.

Channel means a mediator used for delivering or transmitting a message. Berlo believes that human beings use 5 sensory organs: seeing, hearing, smelling, tasting, and touching, to transmit a message.

Receiver means a person who receives information or message from a source. Whether communication will be successful depends also on receivers' characteristics, namely their communication skills, attitudes, knowledge, social and cultural systems.

Despite its popularity as a prototype of a communication model in the late period, the limitation of Berlo's communication model is its one-way communication and a lack of a receiver's feedback or response. Thus, later a two-way communication model was developed, i.e., a communication model of De Fleur, which adds feedback from a receiver to a sender, which helps the source or sender to adjust his or her communication to be more effective.

De Fleur (1960) proposes a mathematic communication model with feedback, developed from the communication model of Shannon and Weaver. De Fleur emphasizes that in a communication model for conveying meanings, information must be organized into a statement through a transmitter and meaning encoding and transmitted through a communication channel to a receiver. When a receiver decoding into a message and transmitted further to the destination. If a sender and a receiver interpret the message congruently, communication will be successful, but if differently, then communication problems occur. Therefore, De Fleur adds

another component, namely feedback, to reflect a receiver's response that helps a sender to know problems occurring in the process and then can adjust communication methods towards more effectiveness.

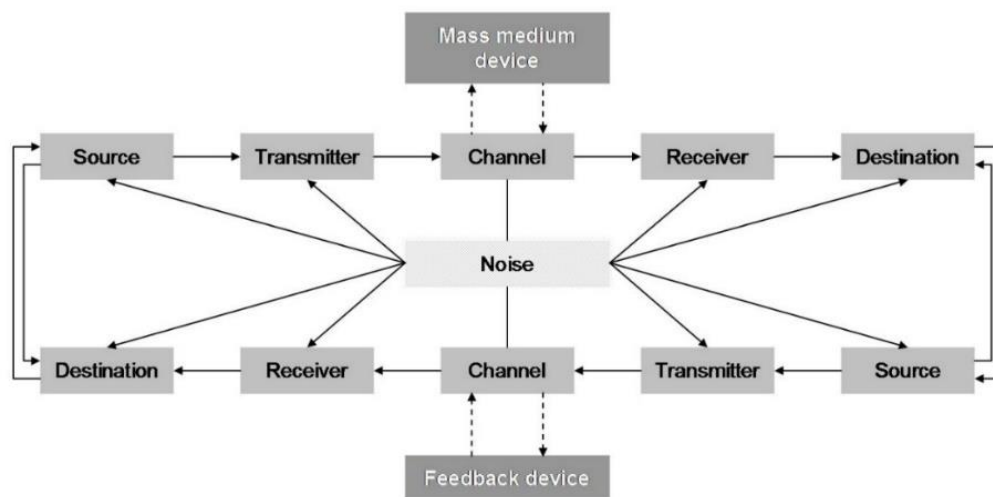


Figure 2.2 A Communication Model of De Fleur

Source: "Communication theory," n.d.

2.1.2 Planning Theory

Berger, Roloff, and Roskos-Ewoldsen (2010) state that Planning Theory is a process in which an individual pursues communication behavioral plans. Thus, planned perception is connected with communication behaviors, either intentionally or unintentionally. Typically, communication behaviors are representations of organized perception leading to the intended action. For instance, campaign planning is an organization of concrete mediated activities to persuade voters to accept a certain candidate. Accordingly, plans are an internal image towards a concrete goal. Therefore, if any action is desired, it is necessary to follow sequentially a determined or imposed cognitive process. A successful person is a person who is a planner and ready to deliver the message to achieve the imposed goal in his or her mind. He or she will know what is a society's goal which can be achieved by a variety of means. Still, the goals of society often are sequential from easy to difficult or sophisticated goals. Thus, persons must understand these sequences to reach a meta goal. Plans also must be canned plans, especially those that can be remembered easily for a long time for

instant communication behaviors. In other words, persons can use ready plans from their memory all the time, and persons who can do that must have a good understanding and skills in general and specific subjects. For example, to interview the Prime Minister, an interviewer must be knowledgeable in the subject for interviews, including the target receivers' background and characteristics simultaneously.

The more versatile and well-rounded a person is and the more he or she knows about persuasive methods, the more complicated planning he or she can do. However, by human nature, human beings can have complicated planning limitedly because general people cannot exert their effort endlessly to reach some complexity. Otherwise, they have to find other strategies by changing to easier steps or means of planning as a new alternative. Remarkably, upon adjusting strategies, they may have to acknowledge that their goal might be slightly changed from the original plans or they might have to extend to have more time to reach the same old goal. Accordingly, planning and goal accomplishment is always adjustable. Often, it is changed because of emotion. Because of the human tendency to object to changes, negative reactions to maintain their plans or planning occur. On the contrary, if plans go smoothly as wished, good feelings follow.

Therefore, persons need to find ways to get close to the goal as much as possible by considering social appropriateness as well, especially in the case of a meta goal, as human beings tend to be prey to their emotions. The bigger a goal is, the more tendency to use emotion to accelerate the success will be seen. Contrarily, the more patient they are and the more they try to use the imposed plans, the better result will be yielded since such plans have been drafted with concrete reasons and previously agreed upon. Consequently, it is common to find that the more complicated and sophisticated the plans are, the more difficulty will be faced as the action fluidity may get obstructed.

Therefore, an action facing obstacles due to a lack of others' support is refutable as the plans cannot proceed fluidly as expected. A calm-tempered person thus has advantages over a hot-tempered one in reaching a goal as the latter is impatient to wait for the result and keeps using emotion to rush the plans. (Surapongse Sotanasathien, 2016)

Friedmann (2008) views that the opinions towards Planning Theory are dispersed, but the applications of the theory are very few. From the findings of Planning Theorists for over 50 years, he perceives that firstly Planning Theory is the theory that emphasizes Humanist Philosophy used for planning and implementation. Secondly, it focuses on flexibility in the implementation, especially having a proper size under the condition of the real world. Thirdly, it transforms knowledge and idea to be scope for the study of planning. Therefore, Planning Theory is an attempt to transcend a particular field of study for scholars and professionals.

2.1.3 Concepts on Communication Strategies

To gain others' benefits tends to be one of the common goals why people communicate with one another. They try to find the best alternative to achieve the utmost benefits of others. Marwell and Schmitt (1967) propose a typology of compliance-gaining techniques, comprising promise, threat, positive expertise, negative expertise, liking, pre-giving, aversive stimulation, debt, moral appeal, positive self-feeling, negative self-feeling, positive alter-casting, negative alter-casting, altruism, positive esteem, and negative esteem. The typology tends to point out that one communicator will gain, while the other will lose benefits.

Yubol Benjarongkij (2011) defines "strategy" as a plan or planning towards the intended goal, especially a long-term goal or the best artistic planning towards accomplishment. In Thai connotative meaning, the term is used in a sense of tactics for fighting or competitiveness, and mostly in the meaning of business competition. The word "strategy" is often used in parallel to the word "plans and planning" so the term "strategic planning" sounds very common, which means the establishment of a working and decision-making system so that an organization or a project manager can prepare for what might happen in the future, which may affect its works, output, or service. Besides, strategic planning includes the determination of how to evaluate performance from following the plans to examine if its operational decision yields the intended outcome or not.

The above definition thus reflects a strategy as something offered to make people cooperate to exchange with something from other people, i.e., friendship, good feeling, respect, etc. The main essence of this theory is one should apply the least

strategies, if necessary, in practice to get the most collaboration or compliance from all available strategies. To choose only necessary strategies requires less investment while being able to function, increase quality, achieve a goal, or lead to other important dimensions. (Surapongse Sotanasathien, 2016)

Therefore, effective strategic planning needs the understanding of 5 strategic logics: 1) major factors or variables enabling an organization to achieve the utmost benefits, 2) strength and weakness of one's work, 3) strength and weakness of competitors, 4) customers or target groups, and their involvement with the working place or agency, and 5) possible changes that might happen to all the above four understandings. (Yubol Benjarongkij, 2011).

Accordingly, communication adopts the concept of strategy for conducting communication to accomplish the intended goal. Communication strategies mean communication that has been designed and planned, i.e., Who are the target groups? What is an intended goal? How is the message designed? Which media should be selected? Which approach will be selected to achieve the intended goal? (Kanjana Kaewthep, Khanitta Ninphung, & Rattikan Jenjad, 2013) Therefore, it can be concluded that communication strategies are the type of communication operated by considering the congruency of communication components: sender, message, communication channel, and receiver, which can lead to receivers' perception and behaviors, or the ultimate goal. This research aims to study the operation and important roles of communication in public issues to make people aware and adapt their behaviors to reduce the severity of problems or eradicate them from society. (Yubol Benjarongkij, 2011).

Remarkably, communication strategies are presented immensely. For this study, the following strategies were reviewed: strategies of message design, agenda-setting, campaign, social network, media advocacy, conflict management, risk management, participatory communication, negotiation, and lobby.

2.1.3.1 Message Design

The message means statements or information conveyed to receivers to induce some kinds of processes desired by a sender. The message is the most important element in a communication process. (Littlejohn & Foss, 2008). Thus, a sender must give a priority to how the intended message is created or designed.

Wirachai Tangsakoon et al. (2014) define message creation or design as a communication process in which a message creator modifies the message to receivers to induce understanding as wished or intended. Effective message design requires communication skills, such as thinking, writing, reading, listening, and observation, of both a message creator and a receiver to ensure a shared understanding of the message.

Message design is the arrangement of verbal and nonverbal language to communicate properly and suitably for the target group's interests and needs and enable their behavioral changes as desired by a sender. After information analysis, message design, the media selection, and media production planning, it then comes to the details of message design for development by considering the communication objectives, communication principles, story narration, and the evaluation of the design. (Bussaba Suteetorn, Boonlert Supphadilok, Kamolrat Intaratat, Titipat Iamnirun, Cholalit Iamsumang, Manoon Toyama, & Apinya Yoonaitam, 2015)

Rune (2012) explains that message design is not only the specification of statements composed by information of different parts, but also the application of combined knowledge in all related fields for designing the message, i.e., language, art and aesthetics, information, cognition, or knowledge and understanding, and communication by considering the related environment, i.e., Individuals, business, laws, society, and media production technologies that have been developed continuously, as illustrated in Figure 2.3.

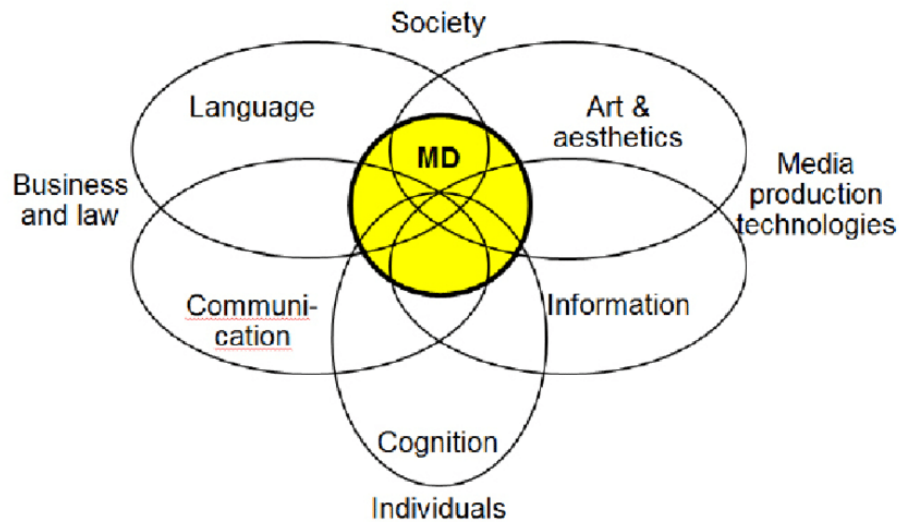


Figure 2.3 Message Design

Source: Rune, 2012.

Krismant Whattananarong (2012) defines message design as the management of knowledge, cognition, and stories, both in the form of concrete content and invisible message that cannot be perceived by eyes, ears, or other sensory organs concretely, to be presented through media to enable others to perceive and learn in various situations. Generally, message design relates to the presentation channel or media. However, each type of media and genre has different nature and needs a different process for designing a message to be presented.

Wirachai Tangsakoon et al. (2014) explains that there are 6 factors needed to consider message design, as follows:

- 1) Sender or message producer factors, which requires considering general demographic aspects, i.e., sex, age, social class, region, psychological factors, political standpoint, philosophy towards world and life. The sender factor influences message design since the selection step of what kind of message will be produced and how it will be presented.

- 2) Receiver factors. Similar to the sender factor, to what extent receivers are important and play a role in a message design process depends on types and genres of message design, concepts of message design, producers' attitude

towards receivers, i.e., their perception of viewing receivers' message exposure as passively or actively.

3) Message factors, i.e., types and nature of the message. Message design using spoken, written, or body language uses different ways of creation and different criteria in classifying types of message, i.e., realistic, fictional, etc. Besides, each communication takes a different length of time. Therefore, it is important to determine the theme or essence of the message and the critical issue needed to communicate. Then, the creation of the message must get to the point, be precise, and be relevant. Besides the importance of the content, the presentation of style, emotion, and message appeal also affect communication effectiveness. Style and tone of message should be considered from communication objectives and receivers predominantly. Message creators have to choose the proper style and presentation form, i.e., in a formal way, etc.

4) Media factors, i.e., types of media carrying messages, i.e., printed media, audio-visual media, objects, etc. Media characteristics determine the message to be designed, so it is important to consider the appropriateness of each kind of media.

5) Objectives of message design. Each communication has a purpose and the purpose has to be split to be objectives for message design and media selection. The message of different goals has different content, arrangement, presentation style, including different codes.

6) Communication contextual factors mean levels of communication, i.e., interpersonal, organizational, etc. Each level of communication also has sub-categories, i.e., informal or formal communication in an organization, etc.

It is essential for message design to be concerned about the genre of the message as different genres affect receivers differently. Generally, there are five kinds of genres in message design: Graphic, information, instructional, mass, and persuasion design, (Rune, 2012) with details as follows:

1) Graphic Design. Recently, after the arrival of technology, graphics is misunderstood as an artistic creation process by technology, which produces artwork in the form of images and letters. However, graphics are the pioneer

pattern of message design occurring a long time ago in human history, i.e., wall painting, etc. However, when technologies were introduced to help in design more widely and diversely, graphic design can be witnessed daily in books, magazines, packages, paper, posters, symbols, and products. The main purpose of the graphic is to arrange some components to make the message easy to understand, which means it helps receivers to understand the message more effectively.

2) Information Design is the planning of information details to achieve the intended goal. For instance, the design of actors' information in letters, charts, drawings, or formal requirements. The main purpose of information design is clarity.

3) Instructional Design is a large frame relative to all designs since it involves all forms of designs, i.e., the learning of information design requires knowledge in instructional design first. Besides, it includes other lessons designs, such as the learning of language needs to know the language structure, etc.

4) Mass Design is a large-sized design related to perspectives of communication and media studies, both on media and message, including mass communication: films, newspaper, radio, TV, and also photography. Thus, mass design is various and large-sized.

5) Persuasion Design is the design emphasizing persuasion like propaganda. This kind of design needs to collect information and thorough planning, possibly with specific goals. Mostly, it is used for encouraging people to do something, i.e., voting, etc. Often, it is used to create a positive attitude towards a product, leading to the purchase of the product or service.

Parichart Sthapitanon, Kitti Gunpai, Pattanapong Chatiket, and Piyanart Chatiket (2004). explain that the patterns of message design and presentation can be divided into two approaches: (1) Negative Approach composes of the use of fear appeals to stimulate receivers' sensitivity through scaring or dreadful slogans, words, and images including the use of personal media, trusted by the target group, playing a role in warning the target groups, or telling facts to explain details or relevant information, i.e., statistics, research findings, meeting reports, etc., and (2) Positive Approach consists of encouraging. It is often communicated via personal media or specialized media to transmit some meaningful message to increase morale.

It emphasizes updated information, current events, and avoids criticism or refutation. The main purpose is to avoid causing enemies with any group. Therefore, only desirable behaviors and the emphasis on the importance of society's strength are presented.

2.1.3.2 Agenda Setting

Agenda setting has been developed differently in each period; however, the basic nature of agenda-setting is the study of communication impact on receivers. At an early age, the basic theories for studying the impact of media is Magic Bullet Theory or Hypodermic Needle Theory, which assumes that receivers will believe in the story presented by mass media. It assumes that receivers' media exposure influences receivers directly and causes cognitive and then affective or attitudinal changes. Thus, it reflects the influence of mass media on receivers or people at that period. (Kanjana Kaewthep, 2013).

After the first period in which media was believed to cause receivers' changes in cognition, attitude, and behavior, it came to the next period in which the belief on mass media's influence on receivers' cognitive, attitudinal, and behavioral changes was still adhered like in the past, but with less degree of intensity. In this period, it appeared a two-step flow of communication theory. Media influence was relatively limited and did not yield much impact on receivers, as believed in the former period. The development of communication studies on media impact, brought about the concept of agenda-setting to answer questions on social changes.

Concerning the agenda-setting by changing circumstances of society nowadays, it is noticeable that several occurring information perceptions are caused by events happening in the society as an initiator of the story, but also by mass media in several cases. Mass media, as a sender, tends to choose to direct the presentation of information in a certain way, and this is called "agenda-setting." It is the presentation of information to let people be informed in certain ways, which can be considered from the information and topics. The topics may be for people to think about, or talk about by the agenda mass media sets. Media may not be able to tell the receivers who think about this or that, but it can make some topics or issues to be eminent or focus of attention until they become a current issue or an agenda of the society. Despite receivers' different opinions from their exposure to the same information, they all

know or think that such an issue or topic is important. (McCombs & Shaw, 1972) Besides, McQuail and Windahl (1986) remark that the study of the presented agenda should be aware of where the source of information is. Some agenda may be set by a political institution or organization or a group of businessmen. In short, it is important to consider deeply to whom the agenda-setting belongs and to whom it intends to communicate.

Moreover, two levels of impact that might occur are also estimated. The first level is the agenda-setting to call people's attention, which is the beginning of people's interest, and the second level is an attempt to propose some opinions to people, which will lead to behaviors eventually. Therefore, people's perception of any incident varies by the quantity or frequency of the presentation of such an incident by the media. Besides, if considering the connection in the media space, it is found that media is related to power in society, both civic and government, which connects with public benefits. Thus, more perspective on the roles of agenda-setting is expanded besides the agenda-setting by mass media, agenda can also be set by people or public, called "Public Agenda" and by the government, called "Policy Agenda." (Roger & Dearing, 1988), with details as follows:

Media Agenda is an issue, event, situation, or incident that mass media pays attention to present to receivers or general people or people in society to be acknowledged or informed of. Thus, the issue must be important enough.

Policy Agenda is the agenda-setting of the government or power of political people at a certain period. Mostly, it is the explanation about the government's governance, public relations of the policies, or the request for people's collaboration. It adheres to the government's needs mainly.

Public Agenda is the issue, event, situation, or incident in which the general public or people in society are interested and follow since it affects or connects with society as a whole as well. On the other hand, mass media plays a role in transmitting people's information correctly towards a common understanding. In this case, mass media functions as a mediator who presents a public opinion on behalf of people, instead of setting the agenda by itself.

Regarding the relationship among these three kinds of agenda-setting, it can explain that mass media influences public agenda directly, while public agenda

towards social problems influences policy agenda and media agenda is influenced partly by policy agenda. (Roger & Dearing, 1988)

2.1.3.3 Campaign

Campaigns are not new incidents in society but have been the practices of society members for many decades. However, what is new for campaigns since the 20th century is mass communication systems and new communication technologies, which play an important role in the campaign process and the development of campaign studies. (Paialey, 2001; Windahl, Signitear, & Olson, 1992). Campaigns are defined by many scholars as follows:

Roger (1973) defines campaigns as a series of communication planned activities, which is designed by change agents, aimed to bring about changes in receivers' behaviors at a certain time.

Atkin (1981) defines them as a series of a persuasive message, which is in the interest of the general public and is disseminated through mass communication to the target receivers.

Flay and Cook (1981) define campaigns based on their media utility, which is increased continually. Campaigns are often designed to avoid undesirable behaviors in society. Thus, it involves the usage of several kinds of media.

Paisley (1981) remarks that campaigns of public information often reflects some people's intention to influence others' belief and behaviors through the use of communication appeals.

McQuail (1983) defines them as a situation involving the use of a variety of media to accomplish their informative or persuasive purposes among the chosen population. Campaigns are often found in politics, advertising, fundraising, and public information provision on health and security.

Rice and Atkin (2001) define public communication campaigns as an attempt that reflects informative, persuasive, and inspiring purposes towards a large identified group of consumers' behavioral changes. This kind of campaign aims towards individual or public benefits rather than business or commercial purposes

Seri Wongmontha (1997) defines campaigns as the adoption and gathering of things used in the communication of certain topics to determine how they will be used. The word "campaign" implies the meaning of combining more than one

activity by considering what should be selected for use, and when and at what time each will be used, including how many promoting tools to be used.

Typically, campaign communication consists of four main characteristics. Namely, it is an action with a definite and clear goal aimed to influence individuals. It focuses on communication to a very large group of receivers. Mostly, it will set time clearly and definitely. In short, campaign communication composes of a series of planned, continuous, and systematic communication activities. (Berger, Roloff, & Roskos-Ewoldsen, 2010). Besides, Rice and Atkin (2001) try to distinguish between public campaign communication and other types of campaign communication and classify campaign communication into two groups. “Public campaign communication” emphasizes activities of providing public benefit services that are beneficial for society, and “personal campaign communication.” Examples are political campaigns and commercial campaigns. Thus, it is the campaign that reflects an effort of a group of people who want to exploit for their benefit. The ultimate goal of this kind of communication is social control. Since campaign communication is an intention of a group in changing other groups’ beliefs or behaviors. (Paialey, 2001), it can be divided into four groups based on the goal of campaign communication, namely cognitive change, action change, behavioral change, and value change. (Saowanee Chatkeaw, 2008)

Campaign communication is an important process applying all kinds of communication, starting from news activities, media production, knowledge provision to the general public, the empowerment of sub-groups of professionals, including an effort in searching communication approaches congruent with different target groups. Primarily, the success of campaign communication requires consideration of objectives, message, context, and the target group. Especially, there should be an attempt to make explicit what are the roles of individual stakeholders and what is their purpose, including by which approach they will communicate to different target groups. Besides, it should be known what kind of activities these stakeholders conduct in priority and how they coordinate all activities, etc. (Paialey, 2001). On the other hand, McGuire (2001) perceives that a campaign process consists of seven steps, and the operation based on these steps often results in effective persuasion or can persuade the target groups effectively. The steps are:

Step 1 Review of the Reality or the review of actual condition, starting from the selection of serious issue or problem that is worth for the campaign.

Step 2 Axiological Analysis or the consideration of ethical issues to ensure that means and goals, either direct or indirect, are appropriate or can be considered as ethical.

Step 3 Surveying the Socio-Cultural Situation or the identification of risk groups and factors in a social environment that may affect their lifestyle in health care. Thus, it is necessary to collect information by interviewing, observation, focus group interview, and documentary analysis.

Step 4 Mapping the Material Matrix or the search of cognitive, affective, and conative information that the general public often considers in parallel to the conduction of behaviors.

Step 5 Testing out the Target Themes or the search of themes related to the review of information at the earlier steps that involve with specific target group to identify the main issue that should be used for producing campaign media.

Step 6 Constructing the Communication or the development of a communication process, i.e., source, message, channel, target groups, and target behaviors by focusing on its congruence with the target behaviors.

Step 7 Evaluating the Effectiveness or the evaluation of the efficiency of a project by measuring the immediate or delayed outcome.

2.1.3.4 Social Network

A network means a group of individuals or organizations voluntarily communicating with one another or jointly doing some activities without losing their freedom. (Seri Phongphit, 2003) The term “network” is broad and is often used in different contexts. Generally, networks can be divided into four types: social, information, technological, and biological networks. However, this study focuses on a social network only.

A social network is the combination of four terms: connection, relations, communication, and objective or agreement, in a systematic and purposive way. In other words, a social network is a network that is a social system connected with some kinds of relations. It is a group of individuals with some kinds of relationship patterns and connected through communication. (Ruchareka

Wittayawuttikul, Namtip Wipawin, & Nongyao Premkamolnetr. 2015). Therefore, it can be concluded that social network means individuals' social relations through communication and mutual benefit-exchange. (Boissevain, 1979) With reference to the definition of social network that emphasizes joint interaction and goals, social network consists of 7 shared things: shared perception and perspective, shared vision, shared benefits and interest, network members' wide participation, a mutual reinforcement process, dependence, and exchange interaction. (Kriengsak Chareonwongsak, 2000)

From the above components of a social network, a social network has a social unit as individuals, groups or organizations, and society that is connected by their interaction and communication. Due to such relations and connections, the social network analysis must focus on individuals as a connected unit mainly. Thus, one of the most common and important activities that every network is joint together is a learning exchange or an exchange of information and experience, which will be developed to planning and other joint activities later. A social network thus is a kind of group synergy that can be considered as the use of effective resources, especially for mobilization purposes, which is found to work better in the form of a network. (Sorravee Tungwongthavornkij, Namtip Wipawin, & Thadasak Wachirapreechpong, 2015) Moreover, what is important for a network is "relationship," which will specify each individual or a group of individuals as "a node." If the relationships among nodes occur, then it becomes a network.

At present, society has created social media in the new form in which network members need not be in the same space or at the same time. It is the formation of a network through communication technology, which is divided into 2 kinds. The first kind is an informal communication network or a social network that is assigned that occurs without any formal establishment or delegation to communication via any certain channel officially. Thus, this kind of network will happen only when members can interact with other people freely. The other kind is a formal communication network in which some people are assigned to communicate through official channels. Nowadays, due to the development of new media, people can connect in the network without time and spatial limits. Moreover, the most important thing of the network in the new media is everybody in the network has

equal power in expressing his or her; thus, it will be very useful if members collaboratively help to solve problems in society. Especially, some occurring cases may be mobilized in the virtual or online world, but move into the real world. Thus, problems appearing in the real or virtual world can be mobilized in parallel. (Castells, 2013)

Still, a lot of networks are established for information exchange and sharing among members as their main purpose, i.e., collaboration in research, training, marketing, etc. Some networks are for exchanging professional tools and some are for mobilizing as a group to stimulate social awareness and influence the government's policy-making to keep members' benefits. Thus, the purposes of networks are diverse: information exchanges, collaborative training, and research, policy mobilization, etc. In short, the reasons for establishing social networks are three folds. 1) The situation of current problems that are too abundant, diverse, and multiplying for an individual or group to solve, or are beyond the existing capabilities, 2) networks are tools or strategies for creating social space, and 3) benefits are needed to be shared equally. Anyway, the creation of a network cannot be done by a single individual but needs supporting factors, especially the willingness of a group or party who joins as a network, resources for operation, and readiness for shared risks in driving the network to achieve its needs and goal. (Thanapauge Chamaratana, Dusadee Ayuwat, Oranutda Chinnasri, 2011; Phra Maha Suthit Arpakaro, 2004)

Additionally, Narumol Nirathron (2000) raises five reasons of the establishment of a social network: 1) individuals need working companions and peers, 2) individuals need working resources, 3) individuals need someone to share burden and risks in an activity, 4) individuals need some specialized expertise to help solve problems, 5) individuals want to be economical, and 6) individuals want to learn working experiences with others. The supplementary factor that is a major condition is members' willingness to join in a network.

Moreover, networks can be classified into two forms by the nature of the emergence and the group formation aspects.

Networks are classified by the nature of their emergence. There are four types of this form: 1) Naturally emergent networks are networks that occur because of the result of social relations among human beings, 2) networks occurring from the

crisis of human society. Thus, members need to collaborate to solve problems by a group synergy. Most members are homogeneous, 3) evolutional networks are networks that occur by members' gathering for a long time because of some specific purposes and then develops to be a network, and 4) established networks mean networks that are established or supported to achieve some purposes. (Sonthaya Polsri, 2007)

Networks are classified by the group formation aspects. Networks can also be classified by the formation of a group into three groups: 1) Area Network means the formation of a group, organization, and network, working in the focal operational area and all activities are conducted on such an area. The area can be a governmental administrative area or zones divided by the importance of natural resources, etc., 2) Issue Network means the formation of a group based on issues or occurring situations without considering spatial dimensions. It is aimed to manage the issues and collaborate with other alliances to solve problems, 3) Structural Network means the formation of a group operating under the concept, principles, objectives, main goals of an agency or organization, including the major structure of the benefit group. (Pattaraporn Polpanadham, Parichart Rattanabansakul, Paramaporn Suksai, 2011).

The operation in the form of a network can bring about power for struggling towards the intended goals of the network.

2.1.3.5 Media Advocacy

The term is based on the combination of two main keywords: media and advocacy or policy mobilization. Media means a communication tool used for disseminating or transmitting information from a source that can be individuals, business organizations, institutes, and governmental agencies, who set policies for people. Media can be radio, TV, newspaper, magazine, or written document, including the internet nowadays. Policy mobilization means policy support. Thus, the word means the use of mass media as a communication tool to cause structural changes for the public benefit. (Whiteman, n.d.)

The word "Public Policy" has been defined diversely by scholars in the field of public administration as follows:

Dye defines “public policy” as anything the government chooses to do or not to do, which is the allocation of social value by a legitimate authority. It includes hidden goals and purposes, without explicit appearance. However, public policy does not cover only the announced intention of the government agencies or officials, but also the actions of the government.

Jones defines “public policy” as a series of actions whose intention has been expressed to achieve some ultimate goal, which needs to include what happens as a result of such intention.

Anderson defines “public policy” as a series of related activities and subsequent outcomes of those activities. However, it is more than purely the use of discretion in making decisions. In other words, it is a set of actions aimed and operated by individuals or groups of individuals under certain circumstances or environments with both obstacles and good opportunities. Typically, the proposed policies are for public benefits or solving social problems towards a certain goal. However, it is remarkable that policies need to be practical rather than only a proposal or intention.

In short, public policy is the government’s practical approach with any clear and definite objective, i.e., to solve current problems, to protect or avoid problems in the future, and to yield desirable outcomes. To ensure that the government is sincere and serious in implementing public policies, the following five steps should be done:

Step 1: Problem Identification. People or stakeholders urge the government to do something.

Step 2: Policy Formulation. Concerned people propose policies for solving problems from the public hearing.

Step 3: Policy Adoption. The authorized officials select policies among proposed policies, create a political base to support a project, and issue policies in the form of laws.

Step 4: Policy Implementation. It is the assignment for governmental systems to adopt policies for implementation.

Step 5: Policy Evaluation. It is the study of policies, plans, or projects to see if they correspond to the set objective. The evaluation helps to modify, correct, or annul the policies.

Furthermore, there is an additional concept on public advocacy by comparing three forms of mobilization: Educate, campaign, and advocacy. (Bang-on Ritthiphakdi, 2014)

The distinction between public advocacy and campaign, or other communication strategies, i.e., social marketing or public campaigns, etc. is that general campaigns focus on people's interest, but public advocacy needs to come from an appeal through media or the use of mass media as a sender, while the receivers are narrower or are limited to those authorized for making policy decisions and surrounding people who can affect the decision-making only. (Krasnow, 2004) However, it is necessary to plan and determine tactics for reaching the involved people to ensure that they will support those intended policies. (Flayoyin, 2014)

Moreover, public advocacy also has to tow main operational framing: "framing for access" or the creation of incidents or messages that are attractive or valuable for society, and "framing the content" or to answer clearly which issue is needed and how it can be operated. (Jaruek Chairak,2009). The main steps are to identify what is the target goal of the policy or what needs to occur, then to decide to whom or to which organization communication is aimed to have the power to change as wished. After that, framing is imposed and a message for communication is designed. Finally, all are gathered to create a campaign plan of how to use media as a whole and publicize the designed message to yield pressure towards changes. Most of all, it is important to evaluate the most proper methods to make the advocacy process successful. In short, it can be specified in clear steps as follows: 1) Determine the goal needed to be achieved, 2) determine the target group to communicate, i.e., individuals, groups, or organizations, who have power in making decisions to cause something to happen, 3) determine or frame the issue and statement needed to be communicated, 4) plan the use of media for delivering a message for creating pressure and inducing changes, and 5) evaluate to what extent the conveyed message achieves the intended goal. (Wallack, 1994)

Public advocacy is appropriate for a campaign with not so much budget since public advocacy can save budget for buying media space, while it can disseminate knowledge widely. Thus, with an insufficient budget, public advocacy should be operated under the slogan, “effective editorial letters use the least resources but yield gigantic power on principal decision makers.” Therefore, no matter how much budget one has, media still can be chosen properly to achieve the intended goal. (Pickles, 2013). However, it should be aware that public advocacy is not a matter of promoting one’s or an organization’s reputation on mass media, but is the issue that needs to be conveyed to stimulate new ideas or different ideas. Therefore, it has to be aware that if the society does not agree with the conveyed message or information, or expresses their resistance, it might affect the authorized decision-makers to reject such proposed message. (Wanida Winichakul, 2009)

2.1.3.6 Conflict Management

Conflicts are differences occurring between two parties or more than two parties. They are the condition that may occur at several levels, starting from the cognitive or belief level, affective or feeling level, and behavioral level, that causes different opinions and discontentment against each other or may increase the level up to fighting between people of different ideas or benefits. Conflicts or conditioning leading to conflicts are something that can be anticipated before any action or planning. If the conflict is at the belief, opinion, or feeling level, it is called the “issue of problem.” However, if such a conflict is mutually communicated or is developed to be an incident with some dissidents or an unexpected incident that causes trouble, it is called a “crisis.” Therefore, conflict management strategies can be divided into two levels accordingly: issue management and crisis management levels (Yubol Benjarongkij, 2011).

Issue management is a process in which executives of an organization or the project give importance to certain issues for preparing or planning communication strategies. Thus, issue management is the anticipation of problems and the preparation of coping with such problems in advance before such problems would truly occur. (Wilcox, 2011) identifies 5 steps of an issue management process:

Step 1: Issue Identification. It is the step of following information related to an organization or project, i.e., news in mass media or specific media

produced by the organization or other organizations with similar nature of work or from a conversation with groups interested in some issues to see if there will be any issues that might be problems in the future.

Step 2: Issue Analysis is the evaluation of the possible impact of each issue to anticipate at which level it may affect the organization or project.

Step 3: Strategy Options are the preparation of what should be operated if any issue or problem occurs. Each alternative used for solving the problem will be evaluated its advantages and disadvantages.

Step 4: Action Plan. After the most appropriate strategy is selected, a master and strategic plan, including the annual strategic plan need to be planned to inform how the situation will be coped in the case of any incidents.

Step 5: Evaluation. An evaluation can be conducted only when the issue occurs and has been managed systematically as planned. After the management, the evaluation is conducted to see if the issues that used to yield negative effects have been changed and if the news on the issues is presented positively or in a better direction or not.

Therefore, effective issue management can prevent problems, risks, crises, and conflicts that might occur easily.

Crisis Management means the management of a big event that might harm an organization, project, or people concerned. Typically, a crisis may happen unconsciously or be developed from the visible issue or conflict, but a crisis that happens will cause an undesirable situation. Under this situation, it will not yield good consequences if responsible authorities show no response or express no effort to solve the situation. Therefore, what can relieve the problem, besides direct coping with the issue or crisis, is communication between concerned parties. Supportive communication can release the tension and solve the problem. Accordingly, good organizations should understand effective crisis management and communication. Typically, concerned practitioners responsible for crisis management and communication should do the following: 1) Express responsibility for what has happened, 2) explain to the general public why they need to know about it, 3) establish an information center, 4) do not say “no comment about this,” 5) display honesty without concealing any fact or distorting the issue, 6) provide information

regularly, 7) follow up news presentation and information inquiry by phone from outsiders, 8) get familiar with media's needs and timetable, 9) assign a single information provider or spokesperson in a crisis communication team, 10) give importance to receivers who are general people, and 11) allow every party to access the working team.

2.1.3.7 Risk management strategies

Risk is a chance of getting damaged in every situation, place, and time. Thus, there is always a chance of facing a risk, but at an unequal level. Risk management is the concept encouraging good preparation. If there is any damage occurring, good preparation can help to solve the damage more easily and in a more systematic way with the least damage. Risk can be property damage or reputation damage. (Yubol Benjarongkij, 2011). There are seven ways in risk management: 1) prepare and start to brainstorm ideas early, 2) think of all concerned, 3) understand that the general public may get involved any time, 4) identify the related issues, 5) anticipate and prepare for being attacked, 6) understand the needs of reporters, and 7) conduct an honest operation; although, the damage to the work or project still exists.

Well-prepared risk protection will help to prevent a problem to become a crisis of an organization. Even if any unprotectable event occurs, good preparation will help people to perceive risk management as an approach to which an agency of any level should give importance and induce more preparation and better management.

2.1.3.8 Participatory Communication Strategy

Participatory communication strategy aims to create some commonalities, i.e., common understanding, a shared feeling, shared experiences, etc. (Kanjana Kaewthep, 2013).

William defines "participation" as a process in which people participate in the development, expressing ideas, making decisions, and solving problems to bring about people's creative power for solving problems jointly.

Batori defines "participation" as a process in which individuals or groups of individuals gather together to communicate or interact with a particular

issue to inform others and be informed by others for collecting some knowledge for making decisions and problem solving jointly.

Orathai Kokpol (2009) explains that public or people's participation will change by social and political contexts. In the past, people's participation means participation in politics by giving importance to voting. However, nowadays, society gives importance to democracy with people's autonomy; thus, it affects the meaning of people's participation and expands the scope of its meanings. Now, people's participation is a process in which people must have complete participation from the beginning to the end, not just participation on the stage of voting only once. However, it must start from people's self-conscience to be aware that an issue involves their well-being, and then participate in collaborative thinking of from which cause a problem occurs and how they can participate in planning and operation, including how to surveillance the problem for their and public benefits.

Briefly, participatory communication means an opportunity for people to participate in a process from the beginning to the end or to when they can obtain the results that occur. Kanjana Kaewthep (2013) proposes 11 characteristics of participatory communication.

- 1) Communication purposes must be identified clearly to cover the meaning of "commonly" or "jointly," i.e., common understanding, shared feeling, co-operation, shared experience, etc. without aiming to persuade the opposite party, but focusing on establishing relationships instead.

- 2) It must have two-way communication with feedback so that communication can be adjusted.

- 3) Both parties can switch their roles as a sender and a receiver.

- 4) It includes stakeholders, both getting advantages and disadvantages, to communicate equally.

- 5) As participation has several levels and steps, people can choose to participate in any step or level they want and in which they have sufficient potential.

- 6) Content of information means the presentation of information related to and beneficial for all parties.

7) Communication channels used must be appropriate for enhancing the most participation.

8) Information flow must be both top-down (or communication from the state or government to people) and lateral (or communication among colleagues)

9) It opens for all types of media to be used for creating collaboration.

10) Communication can be both oral and written, and flexible by situations and communication goal of each time.

11) It focuses on decentralization of power is distributed to all stakeholders, and respect all parties' information and opinions equally.

2.1.3.9 Negotiation Strategy

Negotiation is an important mechanism at an interpersonal, organizational, and inter-organizational level to achieve some common objectives, i.e. The Labor Union negotiates salaries or welfare with the top management, executives negotiate benefits with employees, employees propose sales conditions to customers, or the purchase division negotiates with outsourcing manager, etc. In other words, negotiation is a way of conflict management through a process of communication leading to the solution that enhances higher collaboration.

Negotiation between two parties can be in an informal or formal form to achieve common goals, which are accepted by both parties. Negotiation can be in three directions: Competitive, integrative, and relationship negotiation.

“Competitive negotiation” is based on the concept that a negotiation is a tool for helping negotiators gain what they need without concerning the methods used since negotiators will try every strategies and tactic to overcome and enable the other party to accept the proposal. Chalut Pratuengrattana (2017) adds that this kind of negotiation aims to get benefits as much as possible without caring about relationships and without concern that they may be necessary to negotiate again in the future. This approach is thus ego-centric and makes the other party lose their benefits.

“Integrative negotiation” is the negotiation that aims to create collaboration between both parties. The success of a negotiation is not perceived as a win-lose relationship, but to find a solution to end the case, from which both parties

will gain benefits and lead to collaboration in the future. In this kind of negotiation, negotiators of both parties perform two main roles: to yield the utmost benefits for both sides. It is called, “win-win negotiation.”

“Relationship negotiation” aims to establish relationships despite no utmost benefits. It is believed that having a positive relationship with the opposite negotiator, it will make the next negotiation more easily. Sometimes, it is like getting a lifetime business partner, which can extend to the future co-activities that help to strengthen their relationship to be tightened.

Nevertheless, it should be noted that if a party wants to have an integrative negotiation approach, but the other party does not want a win-win approach, but rather choose to have a lose-win negotiation. What can one do in this case? Professor Leonard J. Marcus, Ph.D., the founder of the Negotiation and Conflict Resolution Program of Harvard University, suggests that if the opposite party expresses hostility apparently, a lose-win approach is the only way, and the negotiation must end with our ethical victory. (Chalat Pratuengrattana, 2017)

Seven ways of negotiation are proposed as follows:

- 1) Search for the point at which the other party cannot reject.
- 2) Listening. The strategy often used is to have someone listen to the proposed information, but will not offer opinions and make decisions yet. It is like a probing or exploration.
- 3) Illustrate incurred cost to the party, i.e., the increased cost as a result of a delay or no compliance, a cost of re-making in the case of damage, etc.
- 4) Be flexible but express the possibility that the negotiation or proposal can be adjusted
- 5) Propose commitment or agreement. The advantage is the negotiators will be advantageous and makes the other party have not many choices, but on the other hand, the negotiators also cannot change his/her demand.
- 6) Close the negotiation like a break or cut short by offering some alternatives or concluding that the agreement is done and close the negotiation, etc.
- 7) Insubordination. This method is not recommended by several scholars as it may even create discontentment or damaged relationship.

However, it should be known in the case that the other party uses this approach. Insubordination can be 1) ignorance, 2) telling straightforwardly what the other party is doing or asking to come back for negotiation, 3) negotiating in a process only, 5) payback in the case that the other party's offer is exaggerating so the same way is done, or show no interest, 6) make friends, 7) delay time or wait until the time that can get more advantages, i.e., labor union representatives often use "delay time" until the last day of their strike, or extend the negotiation to a longer time. The solution is to close an opportunity of delay time immediately

2.1.3.10 Lobby Strategy

Lobby means an effort in persuading a powerful political influencer to support the needed action or one's belief. In the U.S.A., a person who performs this role is called "a lobbyist," In Thai, it also covers persuasion to support other matters. The lobby is a concept that originated from political action. U.S. Senators define "lobbying" as a lobbyist's attempt to persuade the council to approve or not approve a particular law or act by presenting information to support the council to make decisions towards the desired direction. (Woraphat Tothanakasem, 2010) As defined above that "lobby" is an attempt to communicate to powerful people who have power in setting policies to make decisions in the direction needed by a lobbyist. Thus, it is also defined as "the use of art in persuasion." Strien (2015) defines "lobby" as a kind of art on which people believe "your thought will be others' thought" through the capability in persuading the house representatives to vote for what a lobbyist persuaded. It is a kind of unconscious skill used in people's daily life. In other words, people will learn how to say to whom and how they should say to get what they want.

Sakon Hansutthivarin (2014) states that a negotiator who plays a role in persuading people who use governmental power is called "lobbyist (Bukhoree Yeema, 2009; Khan, 2010, as cited in Jutiporn Prinyokul, 2011) displays ways of lobbying, as follows:

- 1) Direct Lobbying is a personal meeting, both officially and unofficially, i.e., meeting with a senator to present some information to be informed, aimed to persuade to get agreement.

- 2) Indirect Lobbying is to persuade people to agree to do something to let the authorized or government official be informed, i.e., persuading

people to agree with law amendment and asking them to write a letter to the government to listen to their opinions, to write an article on newspaper, to attend a talk show program, to create alliances, etc.

Typically, effective lobbying has to identify the target group, or select persons to be persuaded, including finding alliances based on benefits, especially financial benefits with a political perspective. (Pratoom Rirkklang, 2009)

Generally, lobbying strategies are used for passing some kinds of legislation. For the study, lobbying strategies are classified into two groups: Lobbying strategies using personal relations to reach a member of the legislative body or government official who has a say in the legislation, and lobbying strategies by a group of organizations, which is the gathering of individuals who can increase the power for pressing and supporting some issues to those people with legislative power.

From the aforementioned communication strategies, namely message design, agenda-setting, campaign, social network, public advocacy, conflict, and risk management, participatory communication, negotiation, and lobby, the research applied them as a conceptual framework for studying the driving mechanism of self-regulation of the advertising profession in Thailand. For example, the study on message design for communicating to stakeholders in the advertising industry, a well-rounded campaign planning for understanding the necessity in driving the self-regulation mechanism of the advertising profession in Thailand, the establishment of a social network of stakeholders in the advertising industry to induce participatory communication, negotiation and lobbying for driving self-regulation mechanism of the advertising industry to be concrete, and public advocacy and agenda-setting for informing those concerned and general public of the importance and related issues of the driving mechanism of self-regulation of the advertising profession in Thailand. However, the mobilization at a policy level may cause some resistance by dissidents of diverse groups. Therefore, conflict and risk management can be applied to cause the least negative impact.

2.2 Theory and Concept of Social Responsibility of Mass Media

2.2.1 Theory of Mass Media's Social Responsibility

From the point of view of Liberalism, mass media can present information freely. On the other hand, media is perceived to exploit its power without limit. Especially, Radical Libertarianism believes entirely and has strong faith in Liberalism; thus, mass media must not be under the control of law since it is believed that media is a good thing and provides a rationale for the general public; therefore, the government must let mass media enterprise operate without any intervention. Besides, mass media can expand its network to present information without limits. Advertising time and space in any program or column for presenting needed content is allowed freely. People can selectively read, listen to, or view anything freely. However, as it has business involved, mass media needs to afford it for survival. Thus, mass media has two statuses: as a media that needs freedom and as a business enterprise that needs income and profits. Accordingly, the theory of mass media's social responsibility emerges as a normative frame for inhibiting its conscience to focus only on its status as products or services. Its responsibility is to present information that is opinions, beliefs, and intangible culture as well. Therefore, mass media must have social responsibility from the freedom and liberty given by society. On the other hand, mass media must accept criticism of outside people from different industries. Still, mass media can change people's attitudes and beliefs righteously. (Surapongse Sotanasathien, 2016) Implicitly, the theory of mass media's social responsibility is comparable to a company, especially a multinational company, which thinks that it is not necessary to be responsible for citizens like the government's duty in governance; thus, the civil society presses it to have social responsibility. (Asawin Nadepongao, 2018)

Accordingly, the Theory of Social Responsibility of Mass Media emphasizes the roles and functions of mass media, especially its responsibility in presenting information to society inclusively. Thus, a saying appeared, a strong wish to do the right things, the most complete and correct information and knowledge for problems being confronted, and moral responsibility with full sincerity. All these three will protect the journalism profession to be free from a surrender to business benefits,

which is selfish and harmful to people's welfare. (Pulitzer, 1904, as cited in Somkuan Kaweeya, 2002)

Since then, social responsibility has been mentioned widely. A newspaper must have freedom according to the concept of Liberalism, but on the other hand, it must have a responsibility in parallel. Such a concept becomes another concept of Liberalism called "Neo-liberalism." In other words, according to this concept, mass media's freedom and liberty are limited by the scope of professional ethics or codes of conduct and responsibility, regulated by public but independent institutions.

Neo-liberalism has just become social responsibility theory clearly after world war II. Kanjana Kaewthep (2013) explains that the trend of social responsibility of mass media was introduced in 1957 in the U.S.A. when the Commission on the Freedom of the Press published a report, saying clearly that although freedom of media should be supported, media must have principles of social responsibility as well. The specified principles of mass media's social responsibility are as follows:

- 1) Provide a truthful, comprehensive, and intelligent account of the day's event in a context, which gives them meaning context which gives them meaning.
- 2) Serve as a forum for the exchange of comment and criticism and project a representative picture of the constituent groups in society
- 3) Be responsible for the presentation and clarification of the goals and values of the society. Provide full access to the day's intelligence the society.

Besides, the Commission on Freedom of the Press studied "A Free and Responsible Press" (Hutchins, 1947, as cited in Somkuan Kaweeya, 2002). Despite severe criticism from the professional circle on the work of the Commission, mostly the main principles were not argued. Therefore, the theory was modified to be more visible, by emphasizing mass media's responsibilities on duty, which yield a good outcome for general people as a whole genuinely.

- 1) It is the main function to provide service for political systems by providing information and opening for a discussion and argumentation on public issues or enterprises.

- 2) The secondary function is to promote democracy and provide enlightenment for the general people so that they can govern themselves.

3) Individuals' rights must be protected by playing a role of a watchdog over the government.

4) Economic systems must be provided by promoting the benefits of both buyers and sellers of products or services. However, the income of this must not diminish the freedom of mass media.

5) Entertainment must be provided for the general public under the condition that it must be creative and quality entertainment.

6) Content that might lead to crimes, an insurgency of the country, or humiliation on ethnic groups should be avoided or not be presented.

7) Mass media should be pluralistic or reflect a diversity of opinions and provide an opportunity for people's interaction and response.

Social Responsibility Theory is quite different from Liberalism as it does not focus on aimless freedom but responds to human rights in freedom of expression. For leading to genuine public benefit creation, mass media thus is not for individuals or groups of individuals, but society. Thus, it moves from "Freedom from" or "negative freedom" to "Freedom for" or "positive freedom."

Furthermore, McQuail (1994) identifies major features of Social Responsibility of Mass Media Theory that mass media must perform desirable missions for society, while the owner of media should be a public company, functioning as a stage or forum of exchanging ideas diversely and freely under self-regulation and compliance with ethics and professional ethics or codes of conduct. Accordingly, information of the media must be true, correct, righteous, frank, and congruent. In some circumstances, a society may necessarily intervene or sanction the work of media for public benefits.

Remarkably, the standpoint of news presentation of mass media differs from that of advertising media completely as advertising is the presentation of business news, aimed to bring about consumers' changes in their cognition and affection towards products or services, leading to purchase needs. (Kalyakorn Worakullattanee and Pornthip Sampattavanija, 2010) Therefore, civil society should mobilize corporate social responsibility, the success of which does not come from social pressure only, but the collaboration of the company also. The company then becomes a "corporate citizen" who invests their money with a concern for social responsibility.

Thus, the nation should involve in regulating through consistent law enforcement and launching laws and rules to ensure corporate social responsibility at the national and international level. Hence, social responsibility is a triangular relationship among the state or nation, the civil society, and the power of business sectors in the globalization era. (Asawin Nadepogaeo, 2018).

Thus, advertising should be regulated, but in different forms from other media. As mentioned earlier, advertising should have self-regulation as there are more specialized experts in the industry than in the government sector, so it facilitates flexibility and adaptability to changing situations of media better. Moreover, self-regulation is a system that is accepted more than state regulation. (Campbell, 1999; Livingstone, 2012)

2.2.2 Theory of the Social Contract

By nature, human beings are in the state of supreme peace and virtue or Quixotic time with simple and lonely lives. Human needs can be gratified easily by what is available in nature as nature itself is fertile and human beings face no competition. Thus, they seldom pay attention to others' behaviors. Because of their simplicity and morality, human beings are kind to others without conflicts. Owing to this belief, it leads to explaining the righteousness of the state power. It is believed that governors are righteous to use their power for governance derived from God or religious institutions, called "Divine Right." Based on this concept, the power of the kingdom and the power of the Church are identical. "Theory of the Divine Right" thus believes that the state or nation is originated from God. Namely, God creates land and human beings, including giving the power to set a government and grant sovereignty. After this concept declined, a new theory called "Theory of the Social Contract," is formulated to oppose the Theory of the Divine Right in many propositions. (Kawee Issariwan, 1987; Tossapon Sompong, 2013), as follows:

Thomas Hobbes believes that ruling by a kind with absolute power can make the nation most stable and orderly as human beings built the state. According to human nature, human beings live by themselves without rules and disciplines; thus, they tend to face several cruelties, i.e., solitaire, poverty, dirtiness, and brutality. Because of this nature, it introduces the condition that "Might is Right." Thus, human

beings need to have a government and regulations under the agreement that they will give all power to the government. Accordingly, a government owns the utmost power called, “sovereignty” and people cannot make a revolution as a governor is not a contract partner of people. Hence, a governor can have the power to do anything as wished, no matter if such action will respond to people’s purpose or not as people have sacrificed their right to the leader already. (Hobbes, 1839; Tossapon Sompong, 2013)

On the contrary, John Locke believes that by nature, human beings live in peace with stability and safety, including having the freedom to do anything they want; thus, they are satisfied with their natural living. However, later, human beings are not certain if such happiness, stability, safety, and freedom will stay forever so they try to find ways and their solution is to give sovereign power to a group of people called “the government.” Such a government thus occurs from the social contract between people and the governors that people give sovereign power to them but they, on the other hand, have to be responsible for people as well and respond to people’s will. People’s will must be beyond everything. If the government does not govern as intended by most people in the nation, people can change the cabinet by rotation. Therefore, the government cannot do everything they want. (Tossapon Sompong, 2013; Wittayakorn Chiangkul, 2008)

Jean Jacques Rousseau believes that the original state of human beings is like what Hobbes believes. It is the state of no discipline, cruelty, and exploitation. As human beings do not need these wicked things, they find ways to create a more pleasant society and agree unanimously to create a social community leading to the establishment of the nation. For Rousseau, the state or nation is democratic and based on General Will, as a major driving force towards public benefits by focusing on goal characteristics rather than the number of people. It means that if any proposal possesses no characteristics to ensure public benefit, it cannot be considered as a rational will of General Will; although, it is agreed by people or the will of all. To Rousseau, the collective grouping of all people who by their consent enter into civil society is called the sovereign, and this sovereign may be thought of as a person with a unified will. This principle is important, for while actual individuals may naturally hold different opinions and wants according to their circumstances, the sovereign as a

whole expresses the general will of all the people. Rousseau defines this general will as the collective need of all to provide for the common good of all. (Rousseau, 1896; Williams, 2014; Tossapon Sompong, 2013)

From the concepts of the three scholars, the main essence of the theory of the Social Contract is that human beings build the state and have their natural rights. Therefore, the state is formed by a social contract and a good state should be democratic to respond to people's will. People's will that is required mostly in the social contract is the preservation of integrity and morality.

2.3 Theory and Concept on Media Regulation Systems and Advertising Regulation

Advertising is a form of communication aimed towards business benefits. Advertising can be both beneficial and harmful; thus, it requires regulations by the government, professionals, media, and people. In regulating advertising, regulators should be aware that people tend to have a negative attitude towards advertising, but the claim of advertising's exaggerating power should also be aware as it can create exaggerating anxiety as well. On the other hand, advertising regulatory organizations also need to establish advertising credibility. Once it is accredited, it is important to preserve it too. Besides, advertising regulators must realize that the economic system specified in the Constitution is Economic Liberalism, relying on marketing mechanisms. Thus, free and fair competition should be supported to promote national development in the same direction. (Parama Satawatin, 1982; Potchana Satchasin, 2011; Pana Thongmeearkom, 2003)

2.3.1 Media Regulation Systems

Regulation is a governmental process in dealing with benefit conflicts of stakeholders in the media industry, which has been more complicated increasingly. According, the idea of having some representatives or NGOs with specific expertise supervise and regulate media emerged. For instance, in the U.S.A., the Federal Communications Commission (FCC) or the Office of Communication (Ofcom) in the United Kingdom was established. (Kleinstauber, 2004)

Tambini, Leonardi, and Marsden (2007) describe “regulation” as a process of controlling, directing, and governing under some rules and supervision of a responsible agency.

Baldwin, Scott, and Hood (1998) define “regulation” as the announcement of rules in combination with some determined mechanisms, mostly coming from the state power to surveillance and support the compliance with such rules.

In summary, from the above definitions, “regulation” is a process of controlling, directing, and governing an independent regulatory body, by determining rules and mechanisms for surveillance of and promoting compliance with the determined rules.

Advertising regulation is an attempt to create a balance of the benefits among stakeholders in the advertising industry to induce freedom in marketing communication. Due to social necessity, consumers should be protected from advertising causing misunderstanding or containing unrighteous content. (Dacko & Hart, 2005). Generally, scholars divide the level of regulatory mechanism similarly as follows:

Bartle and Vass (2005) classify the level of regulation into 4 levels: “No regulation,” but depending on free-market systems to operate, “self-regulation,” or having a mechanism, scope, and operational methods for regulating one another clearly, “co-regulation,” or the integration between self-regulation and state regulation, and “statutory regulation,” issuing laws and requirements by the state or government. Bartle and Vass (2005) classify self-regulations into 5 types by the role of the roles of the government sectors in the regulation, as follows:

- 1) Co-Operative regulation means the collaboration between regulators and the regulated in complying with the state’s rules, which is similar to co-regulation.

- 2) Delegated regulation means the distribution from the state’s power of regulation to a self-administered agency that is not governmental. In this kind of regulation, a governmental organization will involve in proving the correctness of the rules, the regulated compliance, and the accuracy of information submitted to the responsible governmental organization.

3) Devolved regulation means the regulation that passes from the state power to the self-regulation agency. It is often called “Statutory Self-Regulation,” i.e., having a backstop or laws for determining an agency’s self-regulation guidelines, as seen in some professions, such as the Medical Council of Thailand, Lawyers’ Council under the Royal Patronage, Engineering Institute of Thailand, etc.

4) Facilitated regulation means self-regulation supported explicitly by the government sector or the state in some ways without being supported by-laws or the scheme itself is not backed by the statute. It is a form of practical self-regulation. For instance, Italy is a country that applies this kind of self-regulation in regulating the content on a mobile phone to prevent children and the youth. The responsible organization is not the state body, called, “Organo di Garanzia” (or Guarantee Committee), playing a role in determining professional ethics or Code of Conduct for the Provision of Premium Services and the Protection of Children. It is the professional ethics or code of conduct certified by a group of mobile phone entrepreneurs under the guarantee of the Ministry of Communications as a member of the Guarantee Committee. Still, there is no directly responsible organization enforcing the application of such a code of conduct.

5) Tacit self-regulation has a similar meaning to pure-self-regulation. It means self-regulation in which the state almost has no or very little involvement, possibly plays only an implicit role. For instance, in the U.S.A., this kind of self-regulation is applied by a group of business associations, which draft codes of conduct for members to comply with. At the same time, members must admit and commit themselves to such a code of conduct. Anyone who violates the code, despite no legal punishment, will be punished in some ways, i.e., the cancellation of its membership, and/or being charged to the public, etc. This kind of self-regulation can be successful only when professional associations adhere to the principles strictly and punish those who violate the code seriously.

Spence and Heekeren (2005) studied a model of media regulation and found three levels of regulation: Statutory Regulation or Absolute Government Regulation, the state has authority in issuing laws for law enforcement and punishment when media violates the legislation, Self-Regulation or the form of regulation whose code of conduct drawn by experts in certain industries, and Co-Regulation, which is a

combination between statutory and self-regulation. Namely, both the state and experts or professional organizations collaboratively determine regulatory mechanisms to achieve successful self-regulation.

Wiggs (2012) describes the Regulatory Pyramid, developed by Ayres & Braithwaite which was accredited and modified by education institutions and policymakers. It classifies the level of regulation into 4 levels: (1) Command Regulation with nondiscretionary punishment, on the top of the pyramid. It is the regulation enforced by the government in a serious offense, i.e., murder sentenced to life imprisonment or banishment, etc. (2) Command Regulation with discretionary punishment. Most laws, either criminal or general penalty in descending order, depending on the severity of each crime or misconduct, i.e., forged signature, physical assault. The penalties depend on the judicial decision or verdict or any other punishment. (3) Enforced Self – Regulation, which is the collaboration between the regulator and self-regulation system determined by the industry and supported by the state in the form of coercion. In the United Kingdom, this kind of organization is called the “Self-Regulatory Advertising Standards Authority” (ASA), which has general requirements about Fair Trading Regulator and “Backstop” as a final measure. In the case that an independent advertiser rejects to withdraw its advertisement, the regulator will compel it to comply with the judgment of ASA. However, in practice, there had been almost no case since all complied with the judgment. For Co-Regulation, both the government and the industry will jointly determine the scope and system of regulation, which can be in various forms, depending on participants’ responses. For instance, the rules of a self-regulatory system may be audited by the governmental agency, i.e., a state representative in an organization, and (4) Self-Regulation, whose measures have the lowest regulation cost, while being able to solve complaints better than other systems. While in other regulatory systems, it may take months or years, a self-regulatory system takes only 6 months to solve all complaints and grievances.

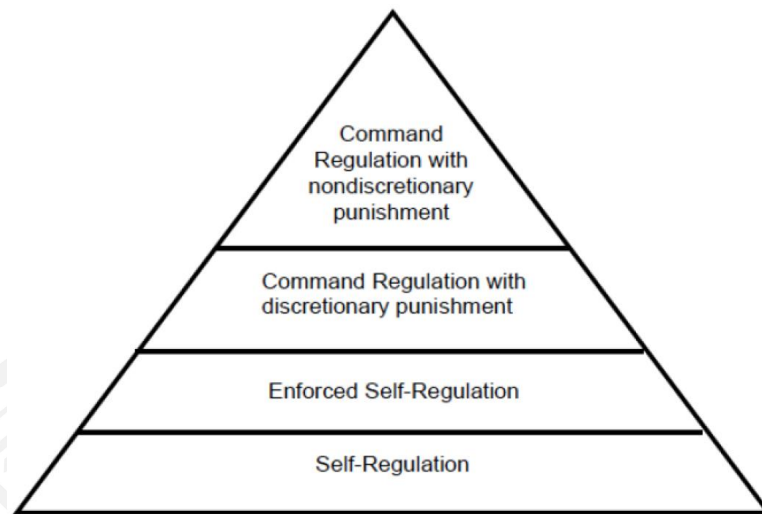


Figure 2.4 The Regulatory Pyramid

Source: Wiggs, 2012.

On the other hand, Paizer and Scheuer (2014) classify the level of regulation into 3 levels, similar to the classification of Spence and Heekeren (2005) in their study. The first level is Public Regulation is the fundamental regulatory practice of the state in issuing laws and regulatory mechanisms. This practice has some shortfalls as the legislation or regulation policies may not be able to fix the problem accurately. The second is Co-Regulation or a process in which the state collaborates with professional organizations in creating regulatory mechanisms, i.e., rules, requirements, etc., and driving the regulatory process. The last level is Self-Regulation, in which professional organizations have their experts determine the code of conduct that corresponds to the operation of the media industry. Paizer and Scheuer (2014) view that it is a good pattern since Self-Regulation is regulated by the experts of a particular industry and operated voluntarily to achieve the goal of the industry operation.

Campbell (1999) explains the advantages of Self-Regulation that it is regulated by specialized experts who have more experience in the industry sector than the government sector; thus, it enhances flexibility and adaptability to media changes better. Moreover, Self-Regulation has been more accepted than Statutory Regulation. Still, the disadvantages are the difficulty of proving the transparency of Self-

Regulation, the complexities of regulating one another, and legal penalties. (Livingstone, 2012). According to the point of view of Campbell (1999), the advantages and disadvantages of Self-Regulation can be compared in Table 2.1.

Table 2.1 A Comparison between Advantages and Disadvantages of Self-Regulation

Advantages	Disadvantages
1. Professional Associations pertain to more specialized expertise than the state, so they can execute Self-Regulation better.	1. Despite more technical expertise and knowledge of professional associations, it is uncertain if such expertise and knowledge will be applied for the public benefits genuinely
2. Self-Regulation is more flexible than Statutory Regulation.	2. Because of are private enterprises, their Self-Regulation may not facilitate the utmost utilization of resources among them fully and they may be ineffective in punishing those who violate the regulation.
3. Regulation can be adjusted properly for each specific type of media industry.	3. The goal of the regulation may be distorted to serve the benefits of some professional groups or businesses in the industry.
4. It can induce more compliance motivation as Self-Regulation by professional organizations tends to be more accepted than the regulations determined by the state.	4. The claim that the regulation formulated by the professional groups is more accepted than rules from the government sector is still short of sufficient evidence.
5. It can save the government's budget since professional organizations will bear the expenses of formulating the rules and enforcing them	5. It may lead to Anti-Competition.

Source: Campbell, 1999.

Accordingly, an integrated regulatory system among the government, political, and capitalist sectors, called "Government Regulation, Politic and Capitalist State

Theory” was introduced. The theory is based on the concept that regulation is a state tool for preventing capital accumulation and distributing benefits widely to other sectors in society. Originally, the theory is influenced by Marxist Theory. The state can have a full intervention. However, if this theory is applied with Co-Regulation, the state must contract out or hire other agencies to be responsible by delivering the power to other agencies, which helps to reduce the state’s regulation cost while being able to keep public benefits. An example of the country that applies this theory with Co-Regulation is the United Kingdom. (Horowitz, 1989, as cited in Bu-nga Chaisuwan, 2018)

From the aforementioned data, a comparison of regulations proposed by scholars is illustrated in Table 2.2.

Table 2.2 A Comparison of Regulatory Systems

Regulatory Systems	Bartle and Vass (2005)	Spence and Heekeren (2005)	Wiggs (2012)	Paizer and Scheuer (2014)
No regulation	✓	✗	✗	✗
Self-Regulation	✓	✓	✓	✓
Co-Regulation	✓	✓	✓	✓
Government/Statutory Regulation	✓	✓	✓	✓

2.3.2 Advertising Regulators

Every society is composed of masses of people with differences in ethics, morality, taste, and inhibitory control, and so is the advertising profession. Thus, the appearing advertisements have different ethical standards and troubled irritants. Accordingly, it is inevitable to have an organization function on behalf of the society in advertising regulation and control. Gray (2012) describes the principles of self-regulation and its good governance that the concepts of advertising ethical standards at present occurred from the voluntary gathering of people in the advertising industry at the international level to regulate one another. Both parties of the industry:

advertisers or advertising agencies and media agreed to accept the standards of conduct and established a system to ensure that the produced advertisements will not violate the established standards as they believe that what enables self-regulation to be successful is to have good rules or practices with which the advertising industry voluntarily will comply. Such rules will be enforced by a self-regulatory organization (SRO) consisting of every concerned sector. Gray (2012) illustrates the examples of the relationship between those concerned in the media industry in a pyramid.

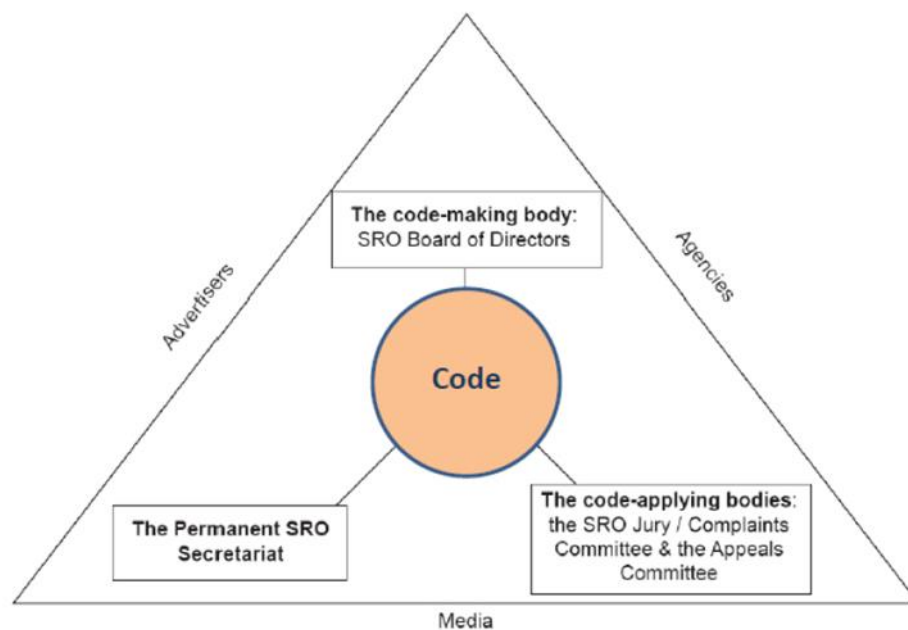


Figure 2.5 The Relationship between those Concerned in the Advertising Industry
Source: Gray, 2012.

Moreover, Pana Thongmeearkom (2003) describes the group or agencies responsible for the advertising regulation as follows:

2.3.2.1 The State/Government Sector

The advertising regulation is an activity consisting of several parties from both the government and professional agencies/organizations since advertising is mass media that is disseminated widely everywhere. Consequently, the impact will be broad at an individual and a societal level.

About the government, the Office of Consumer Protection Board is the central organization responsible for monitoring and regulating advertising, but plays

no role in preventing the monopoly and unrighteous business competition. Its consumer protection is long-termed and can also investigate any advertising that takes unfair advantage over its competitors. At present, such a duty is under the supervision of the Office of Trade Competition Commission, the Ministry of Commerce. Compared with other countries, it can be comparable to the Federal Trade Commission (FTC) of the U.S.A. However, both have huge differences. FTC supervises commerce directly and has a much wider scope of authority, i.e., consumer protection, righteous trading competition supervision, monopoly protection, etc. Besides, FTC is an NGO, designated by laws and appointed by the United States Senate from the President's proposal, with definite time, and works as a commission.

Another responsible government agency is the Food and Drug Administration of the Ministry of Public Health, which regulates advertising on food, drugs, and cosmetics. This agency may be compared to the Food and Drug Administration (FDA) of the U.S.A., which is an administrative organization under the Ministry of Public Health, responsible for stipulating rules on drug advertising. However, in terms of advertising regulation, this agency works with FTC in providing academic recommendations and consultancy on food and drug rather than regulating or controlling advertising directly.

Broadcasting Enterprise Division of the Department of Public Relations in the past (formerly, the Executive Committee of Radio and Television) played a significant role in regulating TV and radio; however, at present, it plays a consultation role rather and works jointly as a member of the Consumer Protection Board. As mentioned above, compared with the Federal Communication Commission (FCC) of the U.S.A., FCC imposes some orders on broadcasting media, but through the coordination with FTC in protecting consumers and no regulation roles in Business enterprises. Instead, it focuses on the regulation of advertising as a media and mediated regulation.

Accordingly, FCC is an independent organization like FTC, but its main mission is on telecommunications and broadcasting TV and radio, which is a vast mission with high responsibility.

In the future, there will be an independent organization for protecting consumers as stipulated in Section 57 of the Constitution:

Section 57. The rights of a person who is a consumer shall be protected as provided by law. The law under paragraph one shall provide for an independent organization comprising representatives of consumers to give opinions on the enactment of laws, rules, and regulations and to give opinions on the determination of various measures to protect consumers. (The Constitution of the Kingdom of Thailand, 1997).

The said organization is authorized to provide recommendations for issuing laws and regulations of consumer protection and consultation to the government agencies, i.e., the Office of the Consumer Protection Board. At present, the legislation of such an organization has not been completed and officially established. Especially, if considering from the intent of the constitution, this independent organization has no administrative authority, but rather a consultation role like the Office of the National Economic and Social Advisory Council, etc., established by Section 89 of the Constitution

2.3.2.2 Professional Organizations

In many countries, professional organizations play a role in self-regulation. As consumer protection covers professional protection as well, any profession that lets bad persons exploit or let misconducts, corruption, and unfair treatment happen in the profession, will be investigated by the state authority.

From another perspective, people in the same profession tend to understand and catch up with any incorrect conduct and be able to impose proper guidelines or approaches. Thus, with goodwill and understanding of the available state authority, professional organizations should play a great role in supervising and administrating consumer protection work efficiently towards national benefits.

Nowadays, the Advertising Association of Thailand pays high attention to raising the professional standard level and self-regulation. Coordination among members of scholars and government agencies has been executed to study self-regulation ethics and mechanisms, including disseminating and arousing people in the profession to see their importance. Paramet Ratchaibun, the former president of the Advertising Association of Thailand stated in an open letter to his professional fellows in 2002, as follows:

Advertising is the provision of information and alternatives towards competition, which will be advantageous for consumers. However, sometimes, we have to question ourselves as consumers if we are satisfied with what we have seen or not. Although, the Association has tried fully to make our advertising business more fluid and freer, with less involved regulations, it turns out to be that appearing advertisements of several products, especially advertising commercials, overlook what we have done and are doing and present the content that is precipitous to moral deterioration, distortion, and sex discrimination, etc. increasingly. It is true that every piece of advertising may not be illegal. However, according to the new Constitution, although we have freedom of speech and presentation, we should not neglect our professional code of conduct. From our imposed plan, we plan to uplift the status of the association to be the Council of Advertising Profession of Thailand and self-regulation will be one of the most important part in the future. The collaboration among professional organizations and the government agencies will be more concrete. On the other hand, authorized organizations should also support self-regulation, while policies and provisions should be explicit so that professional organizations who want to conduct their profession rightly can learn them and practice habitually.

2.3.2.3 Media

Mass media is a carrier of advertising to receivers. Thus, the editorial board or media owners must be responsible for the advertised content and have the power to screen advertising too. At present, a newspaper can reject any improper advertisement or ask it to be corrected partially. Broadcasting media also have people in charge of monitoring advertising. These are examples of self-regulation by media. Advertising is also a part of consumer protection. Therefore, in the future, government agencies should collaborate with media organizations in monitoring and regulating advertising to be broadcasted or disseminated. Remarkably, so far there has not been advertising regulation on digital media.

2.3.2.4 People's or Public Organizations

Nowadays, many people's organizations desire to want in the consumer protection area and some of them have already registered in the form of associations, i.e., the Consumer Power Association of Thailand, etc. These organizations play a role in the surveillance of and protecting consumers' rights. In the future, the roles of these people's organizations will be increased, especially when people's organizations in the rural area expand and can be a major body to help the government sector to regulate advertising and protect consumers. Society thus should provide an opportunity to promote people and people's organizations to participate in advertising regulation.

2.3.3 Principles for Enhancing Effective Self-regulation in the Advertising Standards

Gray (2012) summarizes the principles of effective self-regulation in the advertising standards, obtained from Toronto Global Advertising Summit, which comprises 10 major principles, as follows:

- 1) Universality of the Self-Regulatory System
- 2) Sustainable and Effective Funding
- 3) Efficient and Resource Administration
- 4) Universal and Effective Codes
- 5) Advice and Information
- 6) Prompt and Efficient Complaint Handling
- 7) Independent and Impartial Adjudication
- 8) Effective Sanctions
- 9) Efficient Compliance and Monitoring
- 10) Effective Industry and Consumer.

Wiggs (2012) also describes seven best practices of self-regulation in the advertising industry, as follows:

- 1) Leadership, Organization, and Planning
- 2) Code
- 3) Complaints and Results of Activities
- 4) Enforcement

- 5) Audit
- 6) Education
- 7) Awareness

2.3.4 Self-regulation of the Advertising Profession in Foreign Countries

In foreign countries, self-regulation of the advertising profession is organized by the establishment of an organization at the national and international level to promote and regulate successful advertising regulation, i.e.,

2.3.4.1 European Union (EU)

The European Advertising Standards Alliance (EASA) is an international organization promoting advertising self-regulation and consisting of members of several countries in Europe and other continents that are highly accepted in EU countries, including Thailand. The main mission of the organization is to support, advise, give consultation, and coordinate with countries that are ready in establishing self-regulation organizations based on best practices of each country that are suitable for each country's social structure and context strongly based on self-regulation challenges in the digital era. EASA has collaborated with the international chamber of commerce in determining advertising and marketing communication. (ICC Advertising and Marketing Communications Code 2018 Edition) Notably, ICC Advertising and Marketing Communications Code have been improved continually to accord with communication situations in each period. In the 2018 edition, some main essence was adjusted to catch up with 5 communication and social changes, as follows: (1) Promote the provision of recommendations about the classification of marketing communication content between the content publicized by media organizations and consumers' generated content. (2) Expand the scope of obligations to cover communication through digital media, i.e., social media, the use of influencers for presenting marketing information, bloggers, vloggers, etc. (3) Gather obligations related to direct marketing and digital marketing. (4) Modify specific terms or vocabularies related to the use of mobile phone and other communication devices in advertising using technologies of identifying consumers' positioning and indicated interest. (5) Stipulate requirements and definitions related to advertising for

children and youth more clearly. (The European Advertising Standards Alliance, 2017, 2018; Wiggs, 2012; Bu-nga Chaisuwan, 2018)

2.3.4.2 The United Kingdom

The Office of Communication (Ofcom) of the United Kingdom was established for enhancing communication freedom. It is an organization responsible for regulating all types of communications in the United Kingdom, i.e., broadcasting radio and television, telecommunications, and wireless communication. Besides, the Advertising Standards Authority (ASA) was also established to regulate advertising directly and is authorized to regulate all kinds of advertising in the country, i.e., advertisements on printed media, radio, TV, Out-of-Home (OOH), movies, internet, smartphones, and tablets, including advertising claims on corporate websites, advertising through email or SMS on a mobile phone. Both Ofcom and ASA have collaborated in co-regulations of advertising in the United Kingdom. (Office of Communication, 2018; The Advertising Standards Authority, 2018a, 2018b; Bu-nga Chaisuwan, 2018).

2.3.4.3 The United States of America (U.S.A.)

The U.S.A established Federal Communications Commission (FCC) as an independent organization regulating media in the country, including the telecommunications industry and broadcasting radio and TV enterprises. It is authorized for advertising regulation in broadcasting media and TV, especially advertisements that cause misunderstanding or neglect proper taste, including working with the Federal Trade Commission (FTC), which is the core organization of consumers' protection against deceptive advertisements. Moreover, it works with U.S. Food and Drug Administration (FDA) in protecting consumers from food and drugs advertising that takes advantage of consumers. For advertising self-regulation in the U.S.A., there is the Advertising Self-Regulatory Council (ARSC), occurring from the group formation of advertising associations in the U.S.A. ARSC coordinates with many specialized advertising regulation organizations and collaboratively determines self-regulation policies and guidelines for the advertising industry. Its regulatory scope also covers other related marketing and commerce. (Advertising Self-Regulatory Council, 2018; Federal Trade Commission, 2018; The Federal

Communications Commission, 2018; U.S. Food and Drug Administration, 2018; Bu-nga Chaisuwan, 2018)

2.3.4.4 Australia

In Australia, an organization called “Advertising Standards Bureau” (ASB) (Later, it changed to Ad Standards) was established as an organization for solving problems appealed through the advertising regulatory process. Its vision is to be the agency with utmost authority in judging the national advertising and marketing communication appeals. Advertising standards were also determined as common standards that accord with consumers’ value and can be applied as regulations for the advertising industry. The goal of the organization is to create and audit self-regulatory systems as advertising standards in Australia, increase trust and respect towards advertising standards, explain the roles of advertising in liberal business systems, and enable to operate other regulatory systems that might be established for specific purposes. The ultimate goal is to give importance to consumers and maintain proper and decent advertising that is accordant with consumers’ values. (The Advertising Standards Bureau, 2018a, 2018b)

2.3.4.5 Malaysia

Malaysia established The Advertising Standards Advisory (ASA) in 1977 to develop a self-regulation system by experts in the advertising industry towards independent operations. The organization is responsible for promoting and enforcing advertising ethical standards, investigating complaints, and solving related problems, including being a communication channel for those interested in advertising standards. It comprises several alliances, i.e., Malaysian Advertisers Association, Association of Accredited Advertising Agents, Malaysia, Malaysian Newspaper Publishers Association, Media Specialists Association, and Outdoor Advertising Association of Malaysia. ASA announced the advertising code of conduct of Malaysia to induce the advertising creation standards in Malaysia, consumer and social responsibility, which accords with the accepted competition principles in business operations. (The Advertising Standards Advisory, 2015)

2.3.4.6 The People’s Republic of China

The People’s Republic of China established three organizations related to advertising self-regulation, namely the China Association of National Advertisers

(CANA), China Advertising Association, and China Advertising Association of Commerce. All three organizations collaboratively develop advertising standards or codes. In 2011, these organizations collaborated with the World Federation of Advertisers (WFA), and private organizations in China to urge all brand communication to stay within the legislative scope, including being proper, decent, and true, based on the fair competition principles and the awareness of the impact of marketing communication on children and the youth. Besides, it includes the laws covering the advertising of drugs, health products, food, and cosmetics. This is the first time in Chinese history in which fundamental rules of marketing communication of alcohol products are stipulated to be conducted to promote responsible consumption and avoid targeting the youth and pregnant women. (Li, 2016) Such self-regulation standards are thus major pioneer steps in creating advertising standards effectively in China. Later, in 2014, the China Association of National Advertisers (CANA) signed an MOU with colleges and education institutions in studying the establishment of an advertising self-regulatory system in China and announced to create advertising standards and establish a self-regulation committee. (Wageman & Tang, 2014).

For this research, three countries that can drive a successful self-regulation mechanism in the advertising profession, namely the United Kingdom, Australia, and the People's Republic of China, were selected to be studied. The reasons are that the United Kingdom has mobilized its self-regulation mechanism in the advertising profession continuously, which is the prototype of advertising self-regulation for many countries. Australia operates advertising self-regulation in the country while supporting other countries that ask for assistance from Australia. China is the country that can develop a self-regulatory mechanism in the advertising profession very rapidly under the different governance systems from that of the United Kingdom and Australia. (Niwat Wongprompreeda, 2018)

2.3.5 Self-regulation of the Advertising Profession in Thailand

2.3.5.1 The Development of Self-regulatory Mechanisms of the Advertising Profession

Advertising regulation in Thailand has been executed since the old days, especially TV and radio advertising, which has been amended continually by changes of laws and social systems. Its development in Thailand can be analyzed in three periods: (Bu-nga Chaisuwan, 2018).

1) Before self-regulation of the advertising profession.

It is the period from no-regulation to advertising statutory regulation at the early stage. In the beginning, advertising was broadcast on TV for the first time in 1955. At that time, there were three TV stations: Thai TV channel 4, Thai Army channel 5, and Thai Army channel 7. It was the period where no legislation related to the advertising conduction of advertising entrepreneurs was enforced; thus, it was the period that was free of advertising control by the government sector. Then, in 1967, Drug Act was enacted so drug product entrepreneurs who needed to advertise their essential medicines had to ask permission from the Drug Committee first before broadcasting via media. Later, this product required a stamp of permission and it was the starting point of control by the government sector and the control increased until 1975. TV advertising was audited and censored before dissemination by the government agency under the Radio and Television Broadcasting Administration Committee or GBA based on the authority and regulation stipulated in the Radio and Television Broadcasting Act, B.E., 2518 (1975). Consequently, advertising broadcasted on radio and TV needed to be censored; thus, advertising freedom was thus diminished, while the scrutiny process was more complicated and complex because of several steps of scrutiny, which took a lot of time. Accordingly, such a process was criticized for lacking definite criteria of the auditor of advertising content. It was thus a major problem in the first age of auditing advertising before broadcasting under strict control of advertising media by the state. (Bu-nga Chaisuwan, 2018)

2) The transitional period towards a self-regulatory system of the advertising profession

Advertising via TV and radio broadcasting faced a critical change in 1992 as rights and freedom in broadcasting information were granted increasingly by a new policy of shifting the role of the government agencies from controlling to regulating. According to Regulations on Radio and Television Broadcasting, B.E. 2535 (1992), the Radio and Television Broadcasting Administration Committee, which performed as a center for controlling advertising and censoring Advertising commercials before being broadcasted by TV and radio stations, was announced to be terminated starting January 1, 1992. On the other hand, the National Radio and Television Broadcasting Commission were established to scrutinize programs, including advertising before broadcasting. Although the laws allow advertising to be broadcast without a pre-censor process by the government agency, namely Public Relations Department, private agencies, who were TV advertising entrepreneurs, were aware that if each station director of audit advertising content separately without shared or common standards for consideration, it would confuse since one same advertising story was often planned to broadcast on various stations. Therefore, a consultation meeting on joint operational guidelines between the Advertising Association of Thailand (the name used at that time was the Advertising Business Association of Thailand, which was changed in 2015) and all TV stations were organized, hosted by Royal Thai Army TV Channel 7. From the meeting, the committee from private agencies was joined in the committee for auditing TV advertising commercials with the representatives of TV 3, 5, and 7, and representatives of the Advertising Business of Thailand to consider all advertisements jointly, based on the same criteria as by the government sector. Such a committee has been working continuously up to the present. Thus, it was the starting of self-regulation of Television advertising in Thailand (Bu-nga Chaisuwan, 2013, 2015, 2018).

Self-regulation of the advertising profession in Thailand started to be more systematic in 1997 to respond to the Constitution of the Kingdom of Thailand, B.E. 2540 (1997) to enhance mass media's freedom in operating self-regulation based on its professional code of ethics. On the other hand, the Advertising

Association of Thailand amended the advertising code of ethics and determined a self-regulation mechanism of the profession, which has been operated continuously up to the present since the stipulation appearing in the Constitution of the Kingdom of Thailand, B.E. 2540 (1997).

Section 46 of the Constitution of the Kingdom of Thailand, B.E. 2550 (2007) says,

Officials or employees in a private sector undertaking newspaper, radio or television broadcasting businesses or other mass media business shall enjoy the liberties to present news and express their opinions under the constitutional restrictions without mandate of any government agency, State agency, State enterprise or the owner of such businesses; provided that it is not contrary to their professional ethics, and shall enjoy the right to form an organization to protect rights, liberties and fairness as well as a self-regulating mechanism for the professional organization. Government officials, officials or employees of a government agency, State agency or State enterprise engaging in the radio or television broadcasting business or other mass media business shall enjoy the same liberties as those enjoyed by officials or employees in the private sector under paragraph one. Any act committed by a person holding political position, State official or the owner of business with a view to obstruct or interfere with the presentation of news or expression of opinions on a public issue of a person, irrespective of whether such act has been done directly or indirectly, shall be deemed as a willful misuse of power and take no effect except where such act has been done to secure compliance with the law or professional ethics.

Besides, Section 35 of the Constitution of the Kingdom of Thailand, B.E. 2560 states,

A media professional shall enjoy the liberty to present news or express opinions in accordance with professional ethics. The closure of a newspaper or other mass media in deprivation of the liberty under paragraph one shall not be permitted. Censorship by a competent official of any news or statements made by a media professional before the publication in a newspaper or any media

shall not be permitted, except during the time when the country is in a state of war. The owner of a newspaper or other mass media shall be a Thai national. No grant of money or other properties shall be made by the State as subsidies to private newspapers or other private mass media. A State agency which pays money or gives properties to mass media, regardless of whether it is for the purpose of advertisement or public relations, or for any other similar purpose, shall disclose the details to the State Audit Commission within the prescribed period of time and shall also announce them to the public.

Therefore, mass media organizations specified in the Constitution of the Kingdom of Thailand cover advertising professional organizations playing a role in advertising through all kinds of mass media, which are required to operate in compliance with the Constitution of the Kingdom of Thailand, B.E. 2540. Later, when the Constitution of the Kingdom of Thailand, B.E. 2550 declared to remind advertising professionals of being aware of the importance and necessity of professional ethics and self-regulatory mechanisms of the profession, especially in the part of the first Advertising Association of Thailand in 2007. (Bu-nga Chaisuwan, 2007), which had the following development:

In the beginning (2001-2002). The Advertising Association of Thailand determined advertising professional ethics or code of conduct with the Doctoral Degree Project, the Faculty of Communication Arts, Chulalongkorn University, to conduct a dissertation by collecting all academic concepts related to advertising professional ethics and self-regulatory mechanisms of advertising professionals, including advertising academic networks of the Faculty of Communication Arts of universities. Then, a seminar for brainstorming on self-regulation of the advertising profession was organized 6 times during August 2001-2002, the results of which brought about two main components of self-regulation: 1) A new draft of advertising professional ethics or code of conduct that was more updated and congruent with the current situation. This part comprised two regulations: general practices and 10 ethical statements, and 2) a draft of self-regulation of the advertising profession, which composed of two parts: regulations before dissemination or broadcasting (Pre-censor), which covered only TV advertising.

Namely, advertising entrepreneurs had to submit their TV advertising originals to the Advertising Association of Thailand for being censored by the TV advertising commercial censorship committee before broadcasting every time. The other part is regulations after advertising publicity. It was to accept and scrutinize complaints and appeals on the publicized advertisements, which were found to violate professional ethics, by the advertising professional ethics committee.

The announcement of the enactment of the advertising professional ethics and self-regulatory mechanisms in the Advertising Association of Thailand regulations (2003-2006)

During 2003-2006, an advertising professional code of conduct and a self-regulatory mechanism were declared in the regulations of the Advertising Association of Thailand revised from the prior drafts of advertising professionals and related information. In the General Annual Meeting of the Advertising Association of Thailand in 2003, such ethics were voted to be accepted, and the new advertising professional code of conduct replaced the old one of B.E. 2519 (1976). Subsequently, the Advertising Association of Thailand started to explain and create more understanding of the process of self-regulatory mechanisms of the advertising profession to executives of advertising agencies. Later, in the General Annual Meeting of the Advertising Association of Thailand, the process of self-regulation prescribed in the regulations of the Association was voted to be enforced officially in 2006, entitled, "Regulations of the Process of Self-Regulation of Advertising Professionals of Thailand, B.E. 2549." Such regulations comprise 6 categories: General information, the Advertising Professional Ethics Committee, the Committee's criteria for considering complaints, the criteria for appealing the committee's resolutions, penalties, and the revision of regulations. Besides, in 2006, the committee for censoring TV advertising commercials in the part of the representatives of the Advertising Association of Thailand was also adjusted from the appointment of the committee of the Advertising Association of Thailand and advertising professionals who were representatives of advertising agencies to the invitation of university academicians in advertising as the representatives of the Advertising Association of Thailand to ensure the neutrality in censorship for consumer protection. Besides, it enhanced the neutrality of keeping confidential or competitive information among

advertising agencies to upgrade the standards of self-regulation of the advertising profession.

The establishment of the Advertising Professional Ethics Committee (2007-2008).

The Advertising Association of Thailand coordinated with concerned parties to appoint the Advertising Professional Ethics Committee in 2007 and a news conference was organized to introduce the first committee on April 3, 2008. The Committee comprised 5 parties with 3 representatives in each party: Representatives of the Advertising Association of Thailand, consumers or consumer protection organizations, mass media, advertising academicians, and the Marketing Association of Thailand, with a one-year working period. The Committee was responsible for two main roles: (1) To issue regulations and practical guidelines of the Advertising Association of Thailand, and (2) to scrutinize and make a final decision on problems related to advertising professional code of conduct if such problems were under the responsibility of the Committee.

The operation of self-regulatory mechanisms and the Advertising Professional Ethics Committee (2008- up to the present)

The Advertising Association of Thailand has operated self-regulatory mechanisms sequentially by revising some operational details to be more appropriate. For instance, in 2009, the tenure or terms of the Advertising Professional Ethics Committee was extended from one year to two years to increase the continuity of the operation and to be following the tenure or terms of the Advertising Association of Thailand Committee. Besides, the professional code of conduct was modified to have more inclusive and explicit operational guidelines. After operating for a while, it was found that most of the complaints were from entrepreneurs themselves; thus, some operational details related to the appealing process were revised in 2011. The appeal among marketing competitors was charged 20,000 baht to make entrepreneurs aware and to increase more righteousness in competition. However, appeals or complaints from consumers or groups of consumers would not be charged. Moreover, the appeal time was extended from 5 working days to 10 working days to let those who wanted to appeal have sufficient time for collecting new or additional evidence.

Later, in 2013, the Advertising Association of Thailand invited representatives of TV stations to be part of the Advertising Professional Ethics Committee under the category of mass media representatives due to the reason that most advertisements were TV advertisements, which could access consumers most rapidly and widely. However, if complaints or appeals are involved with any media, representatives of such media may be invited as mass media representatives as well. The scrutiny of advertising complaints operated by self-regulatory mechanism regularly each year and after the preliminary screening, if the complaints were found to violate any related laws or regulations, such complaints were proceeded to the concerned agency or office, i.e., Food and Drug Administration Committee Office, Consumer Protection Committee Office, etc.

3) The challenging period of the self-regulatory system of advertising profession.

In 2014, a major change occurred in the advertising industry. TV systems in Thailand had been developed to be digital systems to comply with the resolution of the ASEAN Ministers Responsible for Information (AMRI). Consequently, there were additional 24 digital terrestrial television station channels in Thailand with the preliminary agreement that advertising to be broadcasted on digital television had to be censored by the TV advertising commercials censorship committee like analog televisions. Therefore, in 2015, the Advertising Association of Thailand collaborated with the Office of the National Broadcasting and Telecommunications Commission (NBTC) to operate a participative activity in regulating the advertising of food, drugs, and health products to combine the TV Advertising Commercial Censorship Committee on the analog TV with that of digital TV. Furthermore, it was expanded to other media as NBTC promoted non-frequency TV business in the subscription form (Satellite or cable TV) to have a pre-censor before broadcasting. Accordingly, “the advertising professional code of conduct and self-regulatory mechanisms of the Advertising Association of Thailand” and “TV Advertising Commercial Censorship Committee” were models for operating cable and satellite TV censorship as well.

Moreover, during the development of self-regulation to induce the formation of a standard group for censoring other newly-coming digital media, in

2017, TV channel 5, 7, and several other alliance agencies collaboratively founded an Association of Advertisement Censorship of Thailand (AACT), aimed to form a group to make advertising censorship in the new era more standardized and credible, including upgrading the working of the committee to be a club, developing an advertising commercials censorship system called “My Censor,” and separated from the old TV Advertising Commercial Censorship Committee. Consequently, the pre-censorship or censorship before broadcasting committees was divided into two groups. Moreover, due to technological development, advertising disseminated through social networks and other online media grew increasingly as well. Therefore, the self-regulatory operation of the advertising profession had to confront the rapidly-changing media landscape; thus, it required further strengthening of the self-regulatory mechanism of the advertising profession. (Bu-nga Chaisuwan, 2018).

2.3.5.2 Advertising Laws

The necessity of the government to issue laws for consumer protection, from an economic perspective, was a consequence of the Laissez-faire economic system, which opened an opportunity for private sectors to have trade competition without governmental intervention until it led to a monopoly in capital systems and production profits. Due to this competition, advertising has been used for distributing products and services continuously. Nowadays, the government realizes the problem and disadvantages occurring to consumers in purchasing products or services. Accordingly, the government has to take some responsibilities for protecting consumers’ rights; therefore, laws were legislated and operated by the governance party for protecting consumers’ rights and prosecuting against any violation of the concerned laws, i.e., Drug Act, B.E. 2510 (1967), B.E. 2518 (1975), B.E. 2522 (1979); Psychotropic Substance Act, B.E. 2518 (1975); Food Act, B.E. 2522 (1979), Consumer Protection Act, B.E. 2522 (1979) Amended B.E. 2541 (1998); Hazardous Substance Act, B.E. 2535 (1992); Medical Device Act, B.E. 2551 (2008); Alcohol Control Act, B.E. 2551 (2008); Cosmetics Act, B.E. 2558 (2015), etc.

2.3.5.3 Advertising Professional Ethics

The advertising circle in the system is advertising producers, i.e., advertising agencies who create advertising media to have the same meaning as a product or service and consumers’ policies. It is a professional unit organized for

selling advertising services directly. These agencies are domestic, international, or multi-national. (Sukhothai Thammathirat Open University, 1995)

The advertising circle outside the system is general companies, stores, or manufacturers who want to advertise their products or services to consumers or general people. This group is called “clients,” and is the owner of trade owners who pay a service fee for producing advertising statements. Still, some companies, stores, or shops may produce their advertising without an advertising agency. They determine policies and plan advertising operations by themselves, which include announcers in printed media, radio, TV, internet, etc. without advertising agencies’ assistance; and companies producing advertising materials, such as banners or billboards, etc. (Parama Satawatin, 1995).

Since advertising influences society and economic systems in various ways, governmental and private agencies thus have to play a role in regulating advertising production. Advertising circles, both in and outside the system, thus have to support and collaborate in terms of business to maintain advertising institutions. The collaboration of entrepreneurs of both sides is very essential for producing advertising that is appropriate for society and the general public. The adherence to business ethics in advertising helps to support other businesses, including advertising businesses, directly and indirectly.

Although advertising is not a major factor that causes changes in society, it is like a stimulus that can change society. If an advertising agency and its clients collaborate in producing good advertisements that display responsibilities for consumers, society, and environment, etc., the result will be social order, while it also affects the business operations of the advertising agency and makes it accepted positively in society. On the contrary, if it causes social problems or disorder, business and advertising circles will be affected too.

From reviewing concepts and studies related to advertising ethics, it was found that scholars studied advertising ethics in different dimensions as follows:

Somkuan Kaweeya (1996) defines “ethics” as something good that should be conducted, goodness that should act, and regulations that should hold. Ethics are details or what have to be practiced to accord with the rules within the scope of morality.

Calkins believes that advertising ethics comprise many details, but as a whole, it aims to create faith for a product owner who uses advertising as a tool in selling his/her products or to make a product owner trust in an advertiser as his/her business consultant and make people, who are exposed to advertising, confident and use it as guidelines for purchasing products.

Bishop proposes that advertising ethical standards should be utilitarian as such standards must respond to society's needs.

Leiser divides advertising ethics into four parts: characteristics of advertised products, advertising targets, the impact of advertising on other individuals who are not direct targets of the advertising, and the content of the advertisements.

Cuningham (1991) summarizes the criticized issues related to advertising ethics in three levels:

At the societal or a macro level: Advertising is criticized as a tool of creating materialism, or the focus on the possession of materials over other things.

At the advertising industry level: As the main purpose of advertising can be informative, persuasive, or inspiring, the purpose that is criticized the most is the persuasive purpose, especially subliminal advertising. Another criticism is on the advertisements of some products, i.e., alcohol, cigarette, some kinds of drugs, etc, which is extremely improper, as it induces harm and risk to society.

At each advertising practitioner or a micro-level: It is criticism against each advertisement, such as the creation of an untrue advertisement, advertising directed to the disadvantaged, etc.

On the other hand, Treise, Weigold, Conna, and Garrison (1994) propose to classify the issues of questionable advertising ethics into four types:

Targeting Strategies are advertisements whose issues are disputable or affect some target groups, i.e., ethnic groups, the disabled, children, the youth, or the elderly, etc.

Message Strategies are advertisements presenting harmful content, i.e., untrue, exaggerating, etc., and unacceptable content, such as fear appeal, sex appeal, negative or violent appeal, aggressive humor, etc.

Product or Brand Issues are advertisements that are harmful or hazardous to people's health, present products of conflicting issues in society, unusual products, humiliating products, etc.

Broad Societal Issues are advertisements affecting the creation of values, religion, culture, etc.

Generally, ethics related to advertising are as follows:

Ethics for customers. They are the expression of responsibility of advertising agencies in keeping customers' confidentiality by not exploiting the use of customers' information, advantages and disadvantages, towards other benefits. Nor should they use them in deteriorating or forcing customers if customers reject continuing their hiring. Moreover, they must not charge customers with exaggerating costs or service fees, but as agreed.

Ethics for society means the preservation of morality, culture, and beautiful tradition for society artistically and the promotion of desirable values in society, including avoiding the use of incorrect language or cultivating undesirable values. Advertising targeted to children should be extraordinarily cautious as children tend to absorb statements and images from media easily. If advertising presents misconduct to children, it will cause them more problems in the future. Moreover, advertising should support the conservation of the natural environment, the country's cleanliness, and order. (Advertising Business Association of Thailand, 1982)

Ethics for consumers. They are the expression of the direct responsibility of advertising agencies for consumers by presenting true information without exaggerating statements for the sake of consumers. (Humpay, 1987) or referring to other professionals correctly. (Manuel, 1982) Moreover, advertising by discount, giveaway, certification, warranty, or occasional sales should be true. Advertised statements or images of a product or service should be able to be proved under the regulations and the concerned laws of advertising

Ethics for the profession. The presentation of an advertisement for the Committee's scrutiny should be done with sincerity without any libels or slanders or using power to misappropriate competitors. Besides, knowledge inquiry and a genuine understanding of the profession are needed. Furthermore, compliance with advertising

laws, consumer protection laws, and other related laws is another vital basic foundation.

Ethics for the company. They are the conscience if what one has done is correct or not and how responsible they are for themselves. (Jiam Limsodsai, 1979)

Potchana Satchasin (2011) states that two main factors are affecting the morality and ethics of advertising professionals:

1) Regulation from outside. There are two main types:

(1) Environment of professional advertisers. Generally, professional advertisers are under a certain circumstance so they must be responsible for their roles in such an environment. For instance, as an organization of society, mass media must be responsible for providing information, entertainment, knowledge, and enhancing people's intelligence, which helps to facilitate the operation of the political system of the state.

(2) Laws and order mean professional execution with responsibility and compliance with laws, rules, and social order in society that may affect the professions.

2) Self-monitor or self-control. Virtue and ethics of self-regulation come from advertising professionals' responsibilities directly. If advertisers comply with the concerned laws or regulations, it indicates their conscience of professional responsibilities, which can be considered as having high virtue and professional ethics. Contrarily, without compliance, while having no penalties either, self-regulation will be just principles and recommendations only. There are two significant types of self-control in the profession:

(1) Through their operation. Operations here mean the operation of advertising professional organizations where advertisers, both governmental or private, are responsible for screening information in the process, gathering, editing, modifying, and selecting each type of content to be publicized to the general public. All of these functions are based on the conscience of responsibility, attitude towards certain content, and conscience of professional virtue and ethics.

(2) By professional associations. Advertising professional association determines laws, regulations, or professional execution for members to

perform and execute under the scope of self-regulation towards their professional responsibility, or ethics, or code of conduct. Mostly, it emphasizes responsibilities in presenting information and content with accuracy or justification and sincerity, including fairness. However, the code of conduct is the only scope or framework prescribed by the professional association for concerned professionals to hold and practice, but it is not compulsory laws or regulations with which members have to comply. Even if some members violate them, they will not get any legal penalties. Thus, the extent to which the code of conduct can be achieved depends on individuals' conscience of their professional responsibilities in self-regulation, which will be beneficial for society. As long as advertisers have such conscience, advertisements will be correct, respectable, and honest.

Therefore, to understand the scope of advertising ethics, advertisers should study it for their proper practice.

2.3.5.4 Advertising Professional Ethics

The Advertising Association of Thailand has executed its operations following the advertising professional ethics and other related practices continuously since 1976. The first advertising professional ethics was announced to be used in 1976, comprising 16 statements of ethics. Later, such an edition was annulled and a new edition of advertising professional ethics replaced the old one in 2003. It is composed of general principles and 10 guidelines. After that, in 2006, Regulations of a Self-Regulation Process of Advertising Professionals of Thailand, B.E. 2549 (2006) was declared, consisting of 6 categories: General information, Advertising Professional Ethics Committee, the Committee's criteria for considering complaints, the criteria for appealing the committee's resolutions, penalties, and the revision of regulations. In 2007, the Advertising Association of Thailand appointed the first committee with one-year tenure. The Committee comprised 5 parties with 3 representatives in each party: Representatives of the Advertising Association of Thailand. In 2008, other declarations followed: Regulations of advertising children's products, regulations of food and snack advertising whose targets were children, including regulations of advertisements with research reference. (Bu-nga Chaisuwan, 2018).

The Advertising Association of Thailand declared the implementation of advertising professional ethics, B.E. 2519, with details as follows: (Academic Division of the Advertising Association of Thailand, 1976, as cited in Bu-nga Chaisuwan, 2018).

- 1) Conduct the profession with honesty per the practice and academic principles, and is subject to the provisions of the law.
- 2) Execute no conduct that may disgrace the prestige of the profession.
- 3) Have social responsibility upholding ethics and good culture.
- 4) Avoid advertising that humiliates religion, belief, or anything that is revered by a person
- 5) Conduct no advertisement that causes misunderstandings of products, services, performances, or others. or including exaggerating about the qualities or misleading viewers or listeners.
- 6) Advertise without any attack or comparison with products, services, performances, etc. of others unfairly by using any comparative method that misleads viewers or listeners.
- 7) Advertise without sound that disturbs listeners' feelings.
- 8) Advertise without unreasonable fear appeal.
- 9) Avoid using superstitious or supernatural beliefs as a motivational appeal.
- 10) Advertising without imitating the trademarks, slogans, or key messages of others' advertisements. which causes confusion or misunderstanding of products, services, or performances.
- 11) Advertise no illegal or immoral actions.
- 12) Avoid using improper or unreliable statistical terminology, research results, or reference of scientific reports, which may make listeners or viewers misunderstand the claimed properties.
- 13) Advertise without racial or religious discrimination.

14) Advertise without referring to a non-existing individual or institution nor claiming the quality of products, services, or performances without actual use or viewing.

15) Avoid advertisements that harm children and the youth, both physically and mentally, or advertise with conscience without exploiting their lack of knowledge as a tool in motivating them.

16) Advertise by not referring to people in other professions as stipulated in the provisions with professional etiquette.

In 2003, the Advertising Association of Thailand annulled the Advertising Professional Ethics, B.E. 2519 (1976) and declared the Advertising Professional Ethics, B.E. 2546 (2003). The basic principles were that all advertisements must be legal, honest, and true, without presenting any conflicts with decent morality and social order. Besides, advertising creation must be done with an awareness of social responsibility and conducted under fair competition acceptably widely in the business circle. Moreover, advertising must not make the general public feel insecure about the advertising. Generally, the principles were:

1) Conduct the profession with honesty under the practice and academic principles, and is subject to the provisions of the law.

2) Execute no conduct that may disgrace the prestige of the profession.

3) Have social responsibility upholding ethics and good culture.

4) Avoid advertising that humiliates religion, belief, or anything that is revered by a person.

5) Conduct no advertisement that causes misunderstandings of products, services, performances, or others. or including exaggerating about the qualities or misleading viewers or listeners.

6) Avoid using superstitious or supernatural beliefs as a motivational appeal.

7) Advertising without imitating the trademarks, slogans, or key messages of others' advertisements. which causes confusion or misunderstanding of products, services, or performances.

8) Avoid using improper or unreliable statistical terminology, research results, or reference of scientific reports, which may make listeners or viewers misunderstand the claimed properties.

9) Advertise without referring to a non-existing individual or institution nor claiming the quality of products, services, or performances without actual use or viewing.

10) Avoid advertisements that harm children and the youth, both physically and mentally, or advertise with conscience without exploiting their lack of knowledge as a tool in motivating them.

2.3.5.5 The Regulation Approach of the Advertising Committee

According to the legislation and enforcement under the authority of the Advertising Committee following the Consumer Protection Act, B.E. 2522 (1979), the Advertising Committee was responsible for regulating all kinds of mass media and monitoring advertisements that violate the regulations and cause problems to society as a whole. According to Section 22 (1) to (5), advertising must present facts about the products and enable consumers to receive information and any claimed products' properties that is true, except some sound claims that cannot be proved, i.e., "this is our style", "classy luxury," etc.

However, the person who had the right to claim if an advertisement was true or untrue or righteous or not, according to Section 32 of Consumer Protection Act, B.E. 2522, was people or consumers or business entrepreneurs. These two groups had a right to complain by themselves or through written and signed appeals that any advertisement was untrue or violate the regulations to the Advertising Committee, at the Office of Consumer Protection Committee, the Office of the Secretariat of the Cabinet.

To ask approval from the Radio and Television Broadcasting Administration Committee was another difficulty for advertising agencies. Some advertising agencies had to submit to the Radio and Television Broadcasting Administration Committee to check if their submitted advertisements had any problems, or could be edited or modified if some problems were found, including asking recommendations from the Committee. Especially, it involved several divisions so this step caused some anxiety to a hiring company and an advertising

agency if its advertisement would pass the criteria or not and how it could be fixed, etc. Later, such measure was changed to be self-regulation via the TV advertising commercials Censorship Committee and TV commercials Censorship of Thailand to ensure the correctness and righteousness in terms of business competition.

2.3.6 Capital of Advertising Self-Regulation

The European Advertising Standards Alliance (2018) has three ways of income: (1) subscription, (2) levy or tax collection, and 3) service charge or service fees. In each country, the patterns may be different. For example, the first pattern or subscription is for members of the European Union (or EU) countries. The second pattern is for members in the United Kingdom, Ireland, and Australia. To illustrate this, the budget of Australia comes from the industry 0.035% of the taxes. (Jolly, 2016) The third pattern is used in Spain, France, and Italy. There have been several discussions about the issue of the budget, but several countries view that it is one of the top important issues. Any country that has no sufficient budget may get problems. To illustrate this, more budgets may be needed for fixing the increased complaints because of more accessibility to advertising and technology. However, some countries, i.e., New Zealand tries to manage their budget without asking for assistance from outside sources.

Wiggs and Calvert (2018) present the financial information of self-regulatory organizations. For instance, the International Council for Advertising Self-Regulation (ICAS) proposes a financial model of self-regulatory organizations, comprising three components: 1) subscription systems, 2) levy or tax collection, and 3) other service fees. Among them, capital came from subscription systems the most (67%). Besides, service fees were different depending on the size of the business. The countries that use the said system were Argentina, Austria, Belgium, Brazil, Bulgaria, Canada, Canada, Chile, Columbia, Cyprus, Czech Republic, El Salvador, France, Germany, Hungary, India, Italy, Japan, Lithuania, Luxembourg, Malaysia, Mexico, Paraguay, Peru, Portugal, Romania, Slovakia, Slovenia, Spain, Turkey, United Arab Emirates, Uruguay, and Zimbabwe. The capital came from Levy (12%). Typically, capital is collected from advertising agencies. After payment, it will be delivered to Advertising regulating organizations directly or via a mediator. Anyway, a levy is voluntary and

widely accepted. The countries that use this kind of capital are the United Kingdom, Ireland, Australia, New Zealand, the Netherlands, and Greece. Another 21% of the capital came from other sources, i.e., The countries that use both subscription systems and levies are South Africa, Poland, Sweden, and Switzerland. For the United States of America and the Philippines, the capital comes from the fees collected from each kind of service.

2.4 Related Studies

2.4.1 The Development of Self-Regulatory Mechanisms of Advertising and Professional Council

Bu-nga Chaisuwan (2002) studied, “Construction of the advertising code of ethics in Thailand,” by drafting a statement of ethics from documentary research in combination with the analysis of documents related to advertising ethical issues of both governmental and private agencies, mass media’s criticism on advertising, the studies of advertising ethical issues and professional ethics of foreign countries in America, Europe, Asia, and Australia, and advertising professional ethics of the Advertising Association of Thailand, B.E. 2519 (1976), which was the first edition and that of the Advertising Association of Thailand, B.E. 2545 (2002), including from the in-depth interview of concerned groups’ opinions related to advertising and those of people representatives. After that, those statements of ethics were used to construct a questionnaire for a survey research to find the level of significance of each statement. The constructed professional ethics were similar to those of the Advertising Association of Thailand, B.E. 2545, as follows: 1) advertisements must present factual information, both the main essence of products or services, and other content with no exaggeration nor ambiguous language. 2) Advertisements must display honesty and do not cause any misunderstanding in the main essence of the content. 3) Advertisements must not leave important information and should refer to persons in other professions by concerning about ethics of such professions. 4) Advertisements should not create misunderstanding by using statistics, research findings, or scientific reports to support a product that possesses no properties as claimed. Besides, they should not refer to any person or institute without actual use, experience, nor

knowledge about such products or services. 5) Advertisements should not disgrace dignity of the profession or ruin consumers' faith. Advertisements must be under the provisions of laws, fair competition principles, and no exploitation of consumers' lack of experience. Advertisements should not cause any deterioration to decent culture or promote any illegal action, unsafe behaviors, and harm to health, especially of children and the youth. 6) Advertisements should not portray images, marks, or symbols related to the King, Queen, Heirs, or regents. Advertisements should not present religious beliefs, symbols, rites, or traditions ridiculously or negatively. Besides, advertisements should respect others' creativity and avoid imitating their ideas. 7) Advertisements should avoid using pornography of women, including images or statements that express insults on women and make women become sexual objects. Advertisements should not present any double-meaning, dirty, or sex-oriented concepts. Violence, cruelty, aggressiveness, and thrill should not be presented. Besides, advertisements should not insult, make fun of, and defame others to the general public. 8) Advertisements should not use celebrities or scholars to guarantee a product or service. 9) Advertisements should not use superstitious or supernatural beliefs as motivational appeal, 10) Advertisements should use the Thai language correctly and properly, avoid using foreign languages, and present easy-to-understand content, including displaying clearly that what is presented is an advertisement.

Sudarat Disayawatthana Chandrawatanakul (2009) studied "Media Responsibility Systems and Mechanisms in the Digital Era" by applying the conceptual framework of the dimensions and patterns of accountability of McQuail & Bertrand. It was found that media in the digital era has four accountabilities: laws, profession, market, and the general public. However, media was found to express accountability insufficiently, and perform professionalism partially, i.e., techniques, processes. Content creation was recommended to be improved. Besides, the process of self-regulation by organizations and via professional associations was still ineffective. Although new media in the digital era was found to have a more explicit mechanism than traditional media, accountable persons were unclear because the innovation of news presentation via digital channels relied on the drawing of information from various sources to apply in different occasions and circumstances. The study recommended that all kinds of media, at the institution and organizational

level, have to collaborate in solving the problems of media's responsibilities by creating professional standards and inclusive mechanisms.

Nudee Nupairoj (2013) studied "Media Regulation in the Media Convergence Age." It was found that the use of regulatory measures, either self-regulation or co-regulation, needed to create a correct and common understanding among all concerned parties, both regulators and those being regulated. Regulators must select proper measures cautiously. The most important things found to affect goal achievement effectively and efficiently were the motivation and determination of both the industry sector and professional associations. Regulators should determine and adhere to co-missions of self-regulation within the prescribed morality and code of conduct strictly. If punishment is needed, penalties should be serious and effective. Besides, the regulation requires good governance, transparency, responsibility, regular and righteous auditing mechanisms. Moreover, regulators must be aware of economic, social, and cultural impacts, including public benefits. It was noted that regulation that is not required by laws is advantageous in the way that it can be adjustable rapidly and duly. However, it should concern about the environment, technological advancement, and nature of media convergence so that the regulation can be updated and cover all dimensions that will be beneficial for all concerned parties equally and follow the same criteria and standards.

Bu-nga Chaisuwan (2013) studied "Advertising Self-Regulation: A Case Study of the Development of Advertising Self-Regulation by the Advertising Association of Thailand" and found that the execution of advertising regulations in Thailand in the past was the operation under the control of the government agencies based on specific legitimate power. Therefore, problems could be solved case by case only. Later, the government realized that the issuance of specific laws was insufficient for consumer protection; thus, a new neutral law edition, namely Consumer Protection Act, B.E. 2522 (1979), was enacted. In this act, direct practical guidelines, covering advertising of all types of products and media, were imposed. In 1992, a shift was introduced. Namely, advertising by TV and radio was granted rights and freedom in presenting and broadcasting news and information increasingly, complying with the government's policies of changing the roles of the government agencies from "controlling" to "regulating." In the first period, the Radio and Television

Broadcasting Commission still censored programs, including advertising before broadcasting (Pre-censor). Until October 13, 1994, the Commission annulled the censorship of TV programs and let each station censor the broadcasting by itself. Self-regulation in the advertising profession started to be more systematic after 1997 towards regulation among professionals following the Constitution of the Kingdom of Thailand, 1997, which promotes mass media to have freedom in operating self-regulation. Later, the Constitution of the Kingdom of Thailand, B.E. 2550 (2007) was announced. The content of the provisions still promotes freedom of mass media and can be divided into 4 periods: the operation during the beginning period (2001-2002), the period of the declaration of the use of advertising professional ethics, and self-regulation mechanisms under the regulations of the Advertising Association of Thailand (2002-2006), the period of the establishment of the Advertising Professional Ethics Committee (2007-2008), and the period of the operation of the Advertising Professional Ethics Committee (2008-up to the present). Still, it was found that in the execution of self-regulation of the advertising profession in other media, some advertisements violated professional ethics. However, they tended to appear on the media that did not collaborate with the Advertising Association of Thailand or the media whose owners did not realize or see the importance of ethical advertising, i.e., online advertisements on the internet, expressway-sign advertisements, advertisements in magazines, advertisements in local cable TV, etc. Thus, it can conclude that the self-regulation mechanisms of advertisers are a form of regulating advertising to be ethical. It is a form between the strictness of the laws and the personal awareness of advertising professionals. Self-regulation by professional ethics will lead to a change from limited rules that cannot be practiced or be unnecessary or excessive laws to a form of rules of ethics that can be practiced and accepted by society. The Advertising Association of Thailand started to execute and develop self-regulatory mechanisms for advertising professionals continuously and actively until they were accepted, especially in the TV advertising regulations among group members of the Advertising Association of Thailand. Nevertheless, such an execution still faced some obstacles, i.e., an operation with the non-members who were not voluntary to comply with the regulations. Since advertising expanded to almost every media that applied marketing communication, both traditional media (i.e., newspaper,

magazines, radio, etc.) and new media, the regulatory operation thus might be able to cover all effectively. Moreover, each media had operated by different standards and procedures. Thus, these were the problems of self-regulatory operation the profession had to face like the operation in many countries.

Bu-nga Chaisuwan (2015) studied “The mechanism of advertising self-regulation in Thailand from the Past to Present,” and found that the Advertising Association of Thailand initiated and developed self-regulatory mechanisms for advertising professionals continuously, which could be divided into 5 periods: Period 1: the operation during the beginning (2001-2002), Period 2: The period of the declaration of the use of advertising professional ethics and self-regulation mechanisms under the regulations of the Advertising Association of Thailand (2002-2006), Period 3: The period of the establishment of the Advertising Professional Ethics Committee (2007-2008), Period 4: The period of the operation of the Advertising Professional Ethics Committee (2008-2014), and Period 5: the development of approaches and feasibility in censorship of analog-TV advertising commercials in combination with those of digital systems. (2014-2015). Although self-regulation of TV advertising was found to be strong and accepted by members of the Advertising Association of Thailand, the operation faced several obstacles, i.e., an operation with the non-members who were not voluntary to comply with the regulations. Since advertising expanded to almost every media that applied marketing communication, both traditional media (i.e., newspaper, magazines, radio, etc.,) and new media, the regulatory operation thus might be able to cover all effectively. Moreover, each media had operated by different standards and procedures. Thus, these were the problems of self-regulatory operation the profession had to face. It was recommended that due to a gap of self-regulation of the advertising profession in Thailand, a unified self-regulatory mechanism should be created to enable to cover advertisers, advertising agencies, advertising media of all types, sustainable and effective funding and budgeting, the expansion of power for effective punishment, the coverage of both members and non-members, the establishment of a complete and fully-equipped self-regulatory administrative agency that can function to achieve self-regulatory mechanisms. Besides, it can enhance the active operation and mobilize communication to those in the industry sector and consumers to be aware and

participate in the said process. Besides, a more proper and better advertising regulatory pattern should be considered. For instance, in the European countries and many countries, there were studies on the use of co-regulation since it was found to be a tool towards better regulation and being able to reduce risks of mistakes in the traditional regulatory patterns while being able to express responsibility for the society.

Sarunthita Chanachaiphuwapat and Bu-nga Chaisuwan (2016) “The Direction for Developing Advertising Regulatory Systems in Thai Society,” by mixed research methods, and found that advertisements on free-TV advertising commercials were found to have proper content, language, images, and sound the most, while online media was found to have improper content, language, and images. Besides, it was found that despite having laws as guidelines for regulating products or services, some advertisements were found to be unrighteous for consumers and violated the laws. Besides, the formation of advertising self-regulation of media associations was not standardized in the same direction. Thus, there should be the development of an advertising regulatory system, both self-regulation and co-regulation, whose standards are accredited and supported properly by the government sector by raising the standard of advertising in Thai society in the form of “council” or “bureau” that can execute integrated regulation covering all media. At first, it may start with mainstream media and then extend to new media.

Bu-nga Chaisuwan (2017a) studied, “Censorship on Television Commercials for Digital Televisions,” and found that the TV advertising censorship committee comprised analog-TV entrepreneurs and representatives of the Advertising Association of Thailand, which were responsible for pre-censor. When digital terrestrial TV entrepreneurs wanted to broadcast their advertising commercials, they had to submit them for censorship before broadcasting. Therefore, the committee had to add the number of digital terrestrial TV entrepreneurs at the increasing stations. Accordingly, the censorship of advertising commercials tended to combine the traditional analog and digital stations as one same organization. Still, some problems and obstacles were found in the implementation of the regulatory approach for digital terrestrial TV as the level of knowledge and capabilities in censorship of each station were not equal. Especially, the entrepreneurs who had just been trained did not have

sufficient experience for the actual operation, which made the censorship questionable. Therefore, it required additional workshops on TV commercial regulation to develop concerned personnel to have more expertise in censorship by the same standard and more thorough knowledge in the rules and regulations of the censorship. As a result, a process of group formation between entrepreneurs of both analog TV and digital terrestrial TV and representatives of the Advertising Association of Thailand was under the stage of finding further explicit guidelines.

After the study, there were major changes in the structure of TV advertising commercials. Namely, Channel 5 and 7 established an Association of Advertisement Censorship of Thailand (AACT) whose members were Channel 5 and 7, and some digital TV channels. The Association declared not to collaborate with the old TV advertising commercial Committee, while the Committee also announced to allow representatives of digital TV channels to be parts of the TV Advertising Commercial Censorship Committee. Consequently, it caused an overlap in censoring advertising commercials since advertisers or advertising agencies had to submit their advertising commercials for censorship of both organizations depending on the TV stations they wanted to broadcast their advertisements. If each organization had different opinions, it then led to delayed working and caused a complication in producing different advertising commercials for the censorship of each organization. On the other hand, the advantage is it could stimulate each organization to compete in developing its censorship standard for TV advertising commercials to be more effective to gain acceptance from entrepreneurs, product owners, advertising agencies, the government sector, consumers, and general people. Thus, the occurring changes are crucial for further follow-up and future studies.

Besides changes in the structure of advertising commercial censorship, the pattern of advertising itself also changed. Namely, there has been a variety of types and genres of advertising commercials. Thus, the criteria and rules used in the regulation need to be improved to accord with such changes and to bring about identical standards for each agency or organization to manage its advertising commercial without any disputes. Besides, it is recommended that advertising regulation should cover advertising commercials in the form of clips via websites or other online media since consumers will perceive them as similar to those TV

advertising commercials, especially it is common for advertising agencies to communicate their advertisements through various channels to reach their target consumers. Another important thing is to give importance to consumers' rights protection. Therefore, besides, screening advertising commercials to be correct and proper before dissemination, to provide knowledge, i.e., media literacy, channels for appeals or complaints, etc. for consumers should be done in parallel. Once consumers have media literacy at a proper level, the roles of the screening or pre-censorship of advertising commercials by any agency or organization may be reduced. On the contrary, it will bring about freedom in communication genuinely.

Harker (2003) studied, "Towards Effectiveness Advertising Self-Regulation in Australia: The Seven Components," and found that although advertising yielded social and economic benefits, it also caused a lot of criticisms. From his study, advertising regulation accepted in the developed countries tended to be self-regulation without the state's intervention. In Australia, self-regulation has been operated and promoted to enhance an understanding of the regulation system for 20 years. The framework of operation comprises 7 normative guidelines for the industry and regulatory agencies for consideration as follows: (1) Funding, (2) Creation of a Written Code that accords with the industry and can be applicable, (3) Systematic Complaint Acceptance that is accepted by all stakeholders, (4) Code Enforcement, (5) An Audit of an Advertising Self-Regulation Program by analyzing constraints and methods to enhance the effectiveness of advertising self-regulatory system, i.e., a survey of attitude and satisfaction of stakeholders in advertising self-regulation process, a review of an operational process and scope, an analysis of sources, types, and frequencies of complaints, etc., (6) Education for practitioners or personnel in the advertising industry on research standards or knowledge related to the operations responding to the current situation, including a model of effective advertising self-regulation. For general people, knowledge should be provided about penalties via media, the importance of complaints, and how to manage complaints and information disclosure about the operation and persons who scrutinize the received complaints concretely. (7) Creation of Public Awareness to increase the effectiveness of an advertising self-regulation process.

Schulz (2006) studied, “Study on Co-Regulation Measure in the Media Sector,” and explained that the theory of new regulation is a dynamic concept. It is an output of triangular relationships of the state, market, and civil society. Accordingly, regulation is not only an output of the state power, but a mechanism that includes other stakeholders, i.e., professional associations, media organizations, and civil society. Therefore, a regulatory mechanism is a social process, not a social tool, which accords with the concept of Reflexive Law of Gunther Teubner, which proposes that the state necessarily designs a regulatory mechanism in the form that can reflect a working system of a free and dynamic society and creates a mechanism that enhances the interaction between political agents and society at several levels. A tendency of regulation development can be summarized into 4 directions as follows: (1) From the totalitarian regulation by the state to co-regulation, (2) from penalties by the state to social sanction, (3) from one-way regulation to collaborative regulation, and (4) from compulsory measures to persuasive strategies. Moreover, criteria for considering a co-regulation system can be divided into two parts: (1) Components in the professional sector mean the establishment of a specific organization in the professional sector as it plays a part in preparing regulations, including the professional sector under the co-regulation process. (2) Connection between regulation mechanisms of the state and professions, which should emphasize the public more than the professional benefits, and legal connection between regulation by the professional sector and regulation by the state. The state transfers some authorities in decision-making to professional organizations and the state as a tool in monitoring the outcome and impact from self-regulation. Factors affecting the success of co-regulation are the culture of co-regulation, motivation towards collaboration, the state’s tool in achieving the goal under the co-regulation mechanism, the clear division of duties between the governmental regulatory organizations and those of the profession, a procedural goal, and transparency.

Sarunthita Chanachaiphuwapat (2015) studied, “Model and Approaches to Establish Advertising Professional Council,” by mixed-method research and found that organizations in foreign countries, i.e., The European Advertising Standards Alliance (EASA) of the European Union, the Office of Communication (Ofcom), and the Advertising Standards Authority (ASA) in the United Kingdom, Federal

Communications Commission (FCC), Federal Trade Commission (FTC), U.S. Food and Drug Administration (FDA), and Advertising Self-Regulatory Council (ARSC) in the U.S.A., and Advertising Standards Bureau (ASB) in Australia, the process of establishing regulations is well-integrated and covers all media effectively, including concerning marketing activities and business operation. Regulatory organizations may include independent governmental agencies or organizations established by professional groups involved in self-regulation. The purposes are to improve advertising standards and to enhance consumers' trust. Therefore, to ensure the consumers' benefits and rights protection, survey research was conducted and found that most targets wanted to establish an advertising professional council for advertising self-regulation. Besides, from the in-depth interview to examine types of models of self-regulation and evaluate the expectation of advertising experts and organizations of the establishment of an advertising professional council, it was found that the creation of a model for an advertising professional council should comprise 6 dimensions: Management, advertising code of conduct, funding, advertising complaint management, members' incentive, and professional development. The establishment can be divided into 4 phases: Phase 1: one-year Implementation period in which there must be laws for supporting the establishment and operation. Besides, it is the period where knowledge and understanding of the council's authority and roles are created. In this period, the operation may not be able to cover all media, but possibly start with radio and TV advertising first. Moreover, people must be motivated to participate as members and operate with the government sector to get support for operation at the first stage. Phase 2: One-year Implementation after the Completion of Phase 1 in which an advertising professional council will be the main organization for operating advertising self-regulation, including assigning a secretariat for enabling the council to be continual. Besides, Advertising Standards Board is established by selecting members of the council with two-year tenure. Phase 3: One-year Implementation – After completion of Phase 2 in which the Advertising Standards Board is established, divided into 6 parties: executive director, director of advertising ethical standards, director of funding, director of complaint management, director of member relations, and director of professional development, with two-year tenure like that of the Advertising Standards Board. Phase 4: Annual Evaluation in

which performances of each division are evaluated. Advertising regulation by the established Board will start to operate its surveillance and consumer protection based on relevant criteria, i.e., the number of complaints of violation, ethical standards, etc., The results of the evaluation will be used for developing and improving the Council's operation further.

2.4.2 Status and the Development of Criteria for Measuring Advertisers' Ethics

Veeraves Pacharoen (1997) studied, "Business Ethics in Goods Advertising in the Television Media." by qualitative research, including documentary research on business ethics by analyzing TV advertising images of products and criticisms of TV advertising of products. The findings showed that six ethics should be applied in business product advertising: (1) Dhamma which is self-ethics, (2) ethics in marketing planning, (3) human rights, (4) morality and responsibility, (5) businessmen's good behaviors and intention to collaboratively create goodness for society besides the production of good products as businessmen are always in society and seen by general people, and (6) fairness since product advertising induces consumers' high expectation. If such an expectation cannot be achieved, a search for facts will occur.

Sanya Donphrairod (2001) studied, "Ethics and Ethics Management Methods of Leading Advertising Agencies in Thailand." by mixed research methodology. The qualitative research was conducted by interviewing advertising creative directors and the quantitative research by survey questionnaires to get concrete supporting data. The results showed that advertising agencies did not have a policy for enhancing ethics, but employees needed to have ethics by themselves. The determination of policies for enhancing ethics was the framing of advertising creatives' thought. The frequently-found ethical issues were the stimulation of violence and racial and religious conflicts. The problem-solving was individuals' use of ethics in creating advertising and the audit from concerned organizations before dissemination. However, the ethical policies of advertising agencies in the future have not been written yet.

Bu-nga Chaisuwan (2008) studied, "The Status of Advertising Practitioners Ethics in Thailand and a Scale Development." The criteria for measuring advertising ethics were examined from the judgment of the Advertising Monitoring and

Diagnostic Sub-Committee, and the Office of the Consumer Protection Board, and from the news and articles published on the newspaper during 1999-2003. 17 advertising situations related to ethics were found, which were divided into two groups: Group 1: the use of untrue content in advertising, i.e., untrue, deceptive, or causing misunderstanding of the main essence of the content, and Group 2: the use of improper advertising, i.e., violating decent culture and morality such as using pornography, deteriorating religion, sex-orientation, destroying family culture, presenting violent content, etc. Besides, from the survey research, it was found that most samples rated the situation of violence presented by advertising at a moderate up to high level. The mean of Group 2: the presentation of improper advertising content was 3.11, while the mean of Group 1: the use of untrue advertising content was 2.99. Moreover, from the in-depth interview with 11 advertisers, their opinions on the situation of advertising ethical problems were divided into 9 groups: Decision-making depending on self-satisfaction, people with higher authority, advertising strategies, colleagues, social acceptance, the congruence with Thai culture, professional ethics, and social responsibility and laws, used for measuring advertisers' ethics further. Regarding the advertisers' level of ethics, most samples were found to have ethics at a moderate level, followed by at a high level and at a low level respectively. Concerning the level of advertising professional ethics knowledge, most samples were found to have knowledge on advertising professional ethics at a moderate level and only 6 samples (2.37%) gained full scores. For advertisers' decision-making behaviors related to ethics, no sample was found to make decisions based on ethical rationality at a high level in all situations, but at a moderate level mostly, followed by a high and low level respectively. Regarding the factors affecting advertisers' ethics, the results were divided into two parts: the samples' demographic variables were found to have a relationship with "the line of working" and "working experience" at a statistical significance level, while ethical motivations: professional standards, social norms, ethical conscience, religious beliefs, and public trust were explored, and found that the motivations that found to have a negative relationship with advertisers' ethics were "no interest in ethics," "needs of growth," "doing everything to accomplish work," and "dependence on superiors or organizations."

2.4.3 Opinions towards Advertising and Advertising Professional Ethics

Winai Jimewisatesuk (1992) studied, “Current Opinion Upon Advertising and Ethics of Advertising Profession”, aimed to study the opinions towards advertising and advertising professional ethics of advertisers, advertising censorship committee, (i.e., the Office of Radio and Television Broadcasting Committee, the Office of the Consumer Protection Board, the Food and Drug Administration), university instructors, and consumers, and the relationship between opinions towards advertising and advertising professional ethics. The study was conducted by survey research and collected data by a survey questionnaire with four groups: advertisers, advertising censorship committee, university instructors, and consumers. For data analysis, percentage and mean was used to explain general information of the samples. The research hypothesis was analyzed by Analysis of Variance (ANOVA) and Pearson’s Correlation Coefficients. The results indicate five ethical issues: one-sided message, the creation of incorrect value, the presentation of sexually arousing statements or images, the use of children as performers, and provoking or violent advertisements. The research finds that (1) the opinions of all four groups towards the current advertising are found to be different at a statistical significance level of 0.01 (2) the opinions of all four groups towards advertising professional ethics are found to be different at a statistical significance level of 0.01, and (3) the opinions towards the current advertising and advertising professional ethics have a positive relationship.

Anak Urwannachotima (2000) studied, “Knowledge, Attitude, and Behaviors of Advertising Creators towards the Regulative Methods and the Laws of Television Commercials.” and found that most advertising professionals knew how to monitor TV and laws at a moderate level. Namely, knowledge was related to regular practices only, but they did not have so much knowledge about details of the legal issues. Besides, it was found that advertisers tended to apply their mistakes or the cases that were scrutinized as illegal, as guidelines for the creation of correct advertising in the future. Moreover, they tended to search for additional information about certain product and service advertisements, including orders in advertising. Mostly, advertisers tended to comply with the order of the censorship agency.

Alicha Treerotchananon (2006) studied, “ Consumer’s Sensitivity Toward Television Commercials that Has Content Or Execution Variance with Thai Moral

and Thai Way,” conducted by quantitative research and found that the samples perceived 8 of the total 11 issues of advertising commercials appealed to the Office of Consumer Protection Board as having improper content and presentation: obscenity, sexual arousal, violence, promoting inappropriate values, violation of individuals’ and women’s rights, incompatibility between actors and products, exploitation of historical heroes or heroic persons, making fun of death. Comparing the findings with the final judgment of the Advertising Committee, the Office of Consumer Protection Board, the study showed that the sample opinions were 63.64% similar to those judgments. Moreover, it was found that the education level is not associated with the level of sensitivity towards advertising content and presentation that violates Thai ethics and tradition, while sex, age, marital status, and occupation are.

2.4.4 The Driving of Laws or Social Mobilization Mechanisms

Teeraphan Jaiman (1999) studied, “The Mobilization of People Participation Policy: A Case Study of Community Forest Act,” and found that a call for community rights and the formation of community forestry concept was a trend of forestry resource management through people’s participation. Therefore, the Department of Forestry as the directly responsible organization had to draft the Community Forestry act, which was firstly presented in 1991 as the first alternative. After analyzing the first alternative, Community Forestry Act (People’s Edition) was introduced and involved two groups: The Department of Forestry and the Civic Sector, who had different methods of driving over time, but the ultimate goal was the same, namely to drive the Drafted Community Forestry Act to policymakers. The study found that both groups executed seven driving mechanisms: Driving by a process of the act, creating public perception, penetrating to decision-makers, driving by supporting information, searching for alliances, anti-corruption, and situation follow-up. During the drafting of the Act, conflicts occurred all the time, which were caused by different content of the draft, an attempt to revise it, and the finding of conflict resolution. Several resolutions were offered, i.e., a public hearing, an appointment of responsible persons or organizations for solving conflicts, negotiation between conflicting parties to create common understanding, and the appointment of a joint committee.

Representatives of each conflicting group attended a meeting, consulted, and exchanged information for creating shared understanding.

Parichart Sthapitanonda (2008) studied, "Public Issue Communication and Changes in Thailand's Society," conducted by qualitative research by documentary analysis, survey questionnaires, and in-depth interviews. The results showed that a process of communicating public issues towards changes is a process in which groups of concerned individuals exchange their information about occurring situations and jointly determine a goal towards changes, which can be at an individual level, i.e., cognitive, affective, or behavior, or at a structural level, i.e., physical changes, policies, laws, or other supporting systems, etc. Moreover, these concerned groups jointly determine proper measures: communication measures, i.e., information dissemination, campaign communication, policy advocacy, including other measures, i.e., physical, policy, legal, etc., leading to implementation to achieve planned goals, covering steps of delivering responses or feedback to the information-exchange process periodically. All the above actions tend to lead to jointly determining a new goal or modifying the old goal, including conducting proper measures to achieve a bigger goal. Besides, factors in a communication process that facilitates social changes comprise individual and organizational factors, i.e., determination, credibility, supporters' imposed roles, diversity, being a mediator, partnership of individuals in the mass media circle. Goal factors are coverage, public benefits, and challenges, while communication process design factors are parallel measures, flexibility, and a complete cycle. Message factors are unity, concreteness, eminence, and reference to supporting information. Communication channel factors are diversity, production, and wide dissemination, and contextual factors are politics, policies, laws, and social currents.

Kritsada Mormungkhun (2015) studied, "Process of Communication and Building Adoption of Thai Traditional Medicine," conducted by qualitative research and found that a process of creating the acceptance of Thai Traditional Medicine was developed by the perception to acceptance sequentially. Besides, it was found that each service recipient had unequal fundamental knowledge and understanding about Thai Traditional Medicine; thus, it caused different attitudes and behaviors, but the recipients saw the importance of the issues similarly by highlighting the treatment

efficiency mainly. In the acceptance process, after the acceptance, patients had faith in the treatment after they perceived the results of the treatment by themselves. Thus, it stimulated towards word-of-mouth to other patients, leading to a cycle of the creation of perception to acceptance through media dissemination by word-of-mouth of the patients treated efficiently.

Urapee Chulimasart and Pornpun Prajaknate (2018) studied, “Communication Strategies in Mobilizing Tobacco Product Control Act B.E. 2560,” conducted by qualitative research with 1,197 news clippings from 16 newspapers to analyze communication strategies of supporting and opposing groups related to the Tobacco Products Control Act, B.E. 2560 (2017). The findings showed that supporting groups used mediated public advocacy as communication strategies the most, followed by lobbying strategy, public relations, message design, decreasing the other party’s credibility, participatory communication, campaign, the creation of social networks, counteraction, agenda-setting, and negotiation. On the other hand, the opposing groups used mediated public advocacy the most, followed by public relations, lobbying, social responsibility, social network creation, decreasing the other party’s credibility, message design, counteraction, participatory communication, agenda-setting, campaign, and negotiation. Thus, it can be concluded that both supporting and opposing groups used similar communication strategies and the most found strategy of both groups was mediated public advocacy. However, social responsibility was the only strategy found in the opposing group among the 12 communication strategies.

Jutiporn Prinyokul (2011) studied, “Strategic Management of the Issue for Driving the Alcoholic Beverage Control Act,” aimed to study strategies and methods of the supporting parties in driving the said Act. The results showed that the driving of the Act applied a diversity of communication strategies and participatory communication to stimulate people to participate in the process more widely. The stimulation of people’s participation was a method that could lead to the development of two-way information exchange and enabled organizations and groups of the general public to perceive information and exchange their opinions, which may extend to the collaboration in other forms in the future. Moreover, a part of people grouped as a social force of strong citizens to participate in driving a changing phenomenon, especially in their local region. Groups of people consisted of groups

interested in well-being problems, benefit groups, well-being professional organizations, business groups related to well-being, community organizations or local organizations, and civil society gathering for public benefits.

Li (2016) studied, “China’s Policy on Development of Modern Agriculture, Farmers, and Countryside,” aimed to explore knowledge on concepts and policies in agricultural development, and agriculturists and rural areas in China. The Chinese official declaration documents were analyzed. The results found that China had a population of 1,367 million (or 20% of the global population), with an agricultural area of 6% of the world. Therefore, food security was one of the most important missions of the Chinese government, which gave high importance to agricultural development, agriculturists, and rural areas. In January of every year, there was a policy declaration on Chinese agricultural development. Such declaration was called “Document No. 1.” From the analysis, 5 issues found in the declared policies of the Chinese government: (1) Accelerate agricultural modernity and the transformation of agricultural development patterns, (2) increase agriculturists’ income and create motivation for agriculturists to increase their benefits, (3) Develop both urban and rural area to be united and be ready towards modern rural development, (4) increase rural development activities and reformation, and (5) be prepared for working in rural, agricultural, and agriculturists’ development and strengthen legal issues. Such policies were found to be accordant with the food security situation of both domestic and global situations. The other predominant issue found in the analysis was the effort of the Chinese government in every period, especially in the fifth generation of Chinese leaders, in successfully developing agriculture and the creation of new countryside. The third issue was policy stipulation by considering both internal and external factors. It was a top-down policy-making, which emphasized the role of the central government in driving policies towards implementation. People had little participation in policy-making and implementation was executed by the government, which was believed to be a method that enabled China to execute its policies successfully.

2.5 Research Conceptual Framework



Figure 2.6 Research Conceptual Framework

CHAPTER 3

RESEARCH METHODOLOGY

The research, “The Driving Mechanism of Self-Regulation of the Advertising Profession in Thailand,” aimed to study the mobilization of the self-regulatory mechanisms of the advertising profession in successful countries and Thailand, including examining guidelines for solving problems and obstacles of the driving mechanism of self-regulation of the advertising profession in Thailand. The study was conducted by qualitative research, which was divided into two parts, as follows:

Part 1: The study of the driving of self-regulatory mechanisms of the advertising profession in successful countries by documentary analysis from public records of the United Kingdom, Australia, and the People’s Republic of China.

Part 2: The study of the driving of self-regulatory mechanisms of the advertising profession in Thailand and guidelines for solving problems and obstacles in driving the self-regulatory mechanism of the advertising profession in Thailand by in-depth interviews with key informants.

After that, the analyzed and obtained information was combined with the theoretical concepts from the review of the literature and connected towards the issues to be studied. The presentation of this chapter is as follows:

3.1 The selection or sampling of information sources, interviewees, and research experts.

3.2 Research tools

3.3 The validation of research tools

3.4 Data collection

3.5 Data analysis

3.1 The Selection or Sampling of Information Sources, Interviewees, and Research Experts

3.1.1 The Study of the Driving of Self-regulatory Mechanisms of the Advertising Profession in Successful Countries

Three countries were selected as the successful countries in mobilizing the self-regulatory mechanism of the advertising profession: The United Kingdom, Australia, and the People's Republic of China. The reasons are that the United Kingdom has operated a driving mechanism of self-regulation of the advertising profession continually and is the prototype of advertising self-regulation for other countries. Australia is the country that can mobilize its self-regulatory mechanism of the advertising profession in its country and has supported other countries that ask for assistance. Finally, the People's Republic of China is the country in Communist Socialism, which is a Chinese unique governance system called, "Socialist Democracy with Chinese Characteristics," under the Socialist Market Economy, and governed by the Chinese Communist Party (CCP), which is the totalitarian political institution. The Chinese government has developed a self-regulatory mechanism of the advertising profession with rapid growth (Niwat Wongprompreeda, 2018). The information of this part was collected from public records, i.e., laws related to rights and freedom protection, annual reports, and information publicized on the websites of the self-regulatory organizations of the advertising profession of the following organizations:

The Office of Communication (Ofcom), and The Advertising Standards Authority (ASA) in the United Kingdom; Australian Communications and Media Authority (ACMA), and Ad Standards in Australia; and China Association of National Advertisers (CANA), China Advertising Association (CAA), and China Advertising Association of Commerce (CAAC) in the People's Republic of China.

3.1.2 The Study of the Driving of Self-regulatory Mechanisms of the Advertising Profession in Thailand and Problem-solving Approaches for Driving Self-regulatory Mechanisms of the Advertising Profession in Thailand

13 key informants were selected by purposeful sampling from experts or experienced scholars in the related fields based on the research objectives as this study required key informants with higher knowledge and experience than general people. (Chai Bodhisita, 2013). These key informants represented six groups as follows: Group 1: People experienced in driving laws or legal issues, Group 2: representatives of the government agencies, Group 3: advertising association executives, Group 4: media regulation scholars, Group 5: advertising agency and advertising professionals, and Group 6: consumer protection organization representatives. The selection criterion was direct knowledge and experience in the related areas. The details of the key informants are as follows:

Group 1: People experienced in driving laws or legal issues

- 1) Wasan Paileeklee, National Human Rights Commissioner
- 2) On-Usa Lamliengpol, Former National Reform Council member

Group 2: Representatives of the government agencies

- 1) Dhanakorn Srisooksai, Ph.D., Manager of Thai Media Fund
- 2) Chawanphat Srikanyarat, Director of Right and Liberty Promotion and Self-Regulatory Mechanism, Office of the National Broadcasting and Telecommunications Commission

Group 3: Advertising association executives

- 1) Rati Pantawee, President of the Advertising Association of Thailand
- 2) Siwat Chawareewong, President of Digital Advertising Association (Thailand)
- 3) Tharaputh Charuvatana, Ph.D., President of the Media Agency and Media Business (Thailand)

Group 4: Media regulation scholars

- 1) Associate Professor Pana Thongmee-arkom, Ph.D., former Deputy Dean of the Faculty of Communication Arts, Chulalongkorn University

2) Assistant Professor Chanansara Oranop Na Ayutthaya, Ph.D.,
Graduate School of Communication Arts and Management Innovation, National
Institute of Development Administration

Group 5: Advertising agency and advertising professionals

- 1) Gunpong Panthongprasert, Chief Executive of Ogilvy Thailand
- 2) Juthamas Chaimung, Creative Group Head, Youngster, Co., Ltd.
- 3) Ramida Kulratanamane, Business Planning Manager, Media Com
Thailand

Group 6: Consumer protection organization representatives

- 1) Sathaporn Arakwatana, Director, Campaign and Public
Communication, Thailand Consumers Council

3.2 Research Tool

3.2.1 The Study of the Driving of Self-regulatory Mechanisms of the Advertising Profession in the Successful Countries

The research tool used in this part was for the qualitative research for analyzing documents. A coding sheet was applied for the data on the driving mechanism of self-regulation of the advertising profession in successful countries. The outline of the questions was as follows:

- 1) Foundations related to rights and freedoms protection and legal principles of each country
- 2) History
- 3) Roles and responsibilities
- 4) Organizational structure
- 5) Purpose
- 6) Strategy
- 7) Funding

3.2.2 The Study of the Driving of Self-regulatory Mechanisms of the Advertising Profession in Thailand and Problem-solving Approaches for Driving Self-regulatory Mechanisms of the Advertising Profession in Thailand

The research tool used in this part contains open-ended questions covering research problems for collecting the opinions of the interviewees or key informants of each group. The outline of the questions is based on the information reviewed from the theoretical concepts and related studies, as follows:

Part 1: Opinions towards recommendations for the structure, roles, and operation in driving self-regulatory mechanisms of the advertising profession in Thailand.

- 1) Recommendations towards roles and responsibilities in self-regulation of the advertising profession in Thailand
- 2) Recommendations towards an organizational structure of self-regulation of the advertising profession in Thailand
- 3) Recommendations towards goals of self-regulation of the advertising profession in Thailand
- 4) Recommendations toward self-regulation strategies of the advertising profession in Thailand
- 5) Recommendations towards budgeting of self-regulation of the advertising profession in Thailand

Part 2: Recommendations towards the operations of a self-regulatory organization (SRO) in Thailand.

- 1) Recommendations towards universality of the self-regulatory system
 - (1) The creation of participation and shared agreement
 - (2) Actual application
- 2) Recommendations towards sustained and effective funding
 - (1) Capital sources and fundraising methods
 - (2) Financial management system of the advertising rates
- 3) Recommendations towards resource management and effectiveness
 - (1) Organizational structure

- (2) The number of self-regulation personnel
- 4) Recommendations towards universal and effective code of conducts
 - (1) Advertising professional ethics
 - (2) ICC Codes of Marketing and Advertising
- 5) Recommendations towards advice and information provision
 - (1) Patterns of information provision and advice, compared with other cases
 - (2) Patterns of information provision and advice, if there is no case for comparison
- 6) Recommendations for prompt and efficient complaint handling
 - (1) Length of time for managing consumers' complaints
 - (2) Length of time for handling business competitors' complaints
- 7) Recommendations towards independent and impartial adjudication
 - (1) Consumers' Complaints Scrutiny Committee
 - (2) Business Competitors' Complaints Scrutiny Committee
- 8) Recommendations towards effective sanctions
 - (1) The dissemination of verdicts of well-known product brands and advertisers
 - (2) The rejection of the dissemination of advertisements that violate the media code of conduct
- 9) Recommendations towards effective compliance and monitoring
 - (1) Auditing methods of the violation of the code of conduct or ethics
- 10) Recommendations towards effective industry and consumers' awareness
 - (1) Regular campaign and public relations for creating consumers' perception
 - (2) The stimulation of operators' or advertising professionals to be aware of codes of conduct and working steps of self-regulation

Part 3: Problem/obstacles and corrective guidelines for driving self-regulatory mechanisms of the advertising profession in Thailand.

1) Problems/obstacles and the impacts that might occur during the process of driving the self-regulatory mechanism of the advertising profession in Thailand.

2) Guidelines for correcting problems/obstacles that might occur during the process of driving the self-regulatory mechanism of the advertising profession in Thailand, including the rationale.

For analyzing the key informants' opinions were collected and analyzed thoroughly. After that, they were synthesized with the data from documentary analysis for conclusion and recommendations on the structure, roles, and operations for driving self-regulatory mechanisms of the advertising profession in Thailand, as drawn in the Second Draft and the Drafted Regulations of Self-Regulatory Mechanisms of the Advertising Profession in Thailand, B.E. ...

As the research tools of this study were divided into two parts: the interview guide used for interviewing and a recording tool. Besides, for collecting data systematically while listening to the interviewees' opinions, a voice recorder, and video recorder, including a notebook, for writing what was observed and interviewed in both verbal and nonverbal language, were used.

3.3 The Validation of Research Tools

The tools used in the qualitative research were validated for their validity and reliability, Triangulation validation was conducted before the analysis, as follows:

Method Triangulation was conducted to ensure the congruence of the data from different research methods, i.e., documentary analysis and in-depth interviews, including other supporting information.

Data Triangulation was conducted to ensure that the data obtained from different sources were similar or the overall findings from different sources were congruent. The information sources were laws related to consumers' rights and freedom, annual reports, and information publicized on the websites of the self-regulatory organizations of the advertising profession of the three countries, including personal sources: 1-3 experts in each group of the total of 6 groups: Group 1: People experienced in driving laws or legal issues, Group 2: representatives of the

government agencies, Group 3: advertising association executives, Group 4: media regulation scholars, Group 5: advertising agency and advertising professionals, and Group 6: consumer protection organization representatives to test if any information or personal source changed, the obtained data was still similar and congruent in general.

Theory Triangulation was also conducted to ensure that the use of a variety of concepts and theories can reflect the validity and reliability of the information.

3.4 Data Collection

The study “The Driving of Self-Regulatory Mechanisms of the Advertising Profession in Thailand,” was qualitative research, conducted by documentary analysis and in-depth interviews. with key informants working or having experience in related areas for no less than 10 years. The data was collected from the following sources:

1) Primary Source. For collecting documentary data, a coding sheet was prepared to gather all findings for convenience in analyzing the situations and the driving of self-regulatory mechanisms of the advertising profession in successful countries. Personal data was collected by an interview from the experts who were key informants working or having experience in related areas for more than 10 years. The questions were obtained from theoretical concepts and secondary sources. The interviewees were contacted in advance by letter introducing the research project, the objectives, and study methods. After being permitted, a summary report and questionnaire were sent out for data collection. The questions are semi-structured.

2) Secondary Source: Information was searched from books, textbooks, articles, journals, concepts, theories, theses, related studies, and information from online media

3.5 Data Analysis

3.5.1 The Study of the Driving of Self-regulatory Mechanisms of the Advertising Profession in the Successful Countries

Data were analyzed in the form of descriptive research from public records, i.e., laws related to consumers' rights and freedom protection, annual reports, and information publicized on the websites of self-regulatory organizations of the advertising profession in the United Kingdom, Australia, and the People's Republic of China during the period in which the mobilization of self-regulatory mechanisms succeeded in each country and its content can be searched from the internet.

3.5.2 The Study of the Driving of Self-regulatory Mechanisms of the Advertising Profession in Thailand and Problem-Solving Approaches for Driving Self-regulatory Mechanisms of the Advertising Profession in Thailand

Information obtained from in-depth interviews was analyzed to explore the driving of self-regulatory mechanisms of the advertising profession in Thailand and problem-solving approaches in Thailand. The data was analyzed and presented in the form of descriptive research based on the reviewed concepts, theories, and related studies, which were research conceptual frameworks.

CHAPTER 4

RESEARCH FINDINGS FROM DOCUMENTARY ANALYSIS

The study entitled “The Driving of Self-Regulatory Mechanisms of the Advertising Association in Thailand” was conducted by qualitative research by the analysis of the related document of self-regulatory organizations of the advertising organizations of three countries that have driven self-regulatory mechanisms of the advertising profession successfully, namely the United Kingdom, Australia, and the People’s Republic of China, with details as follows: The Office of Communication (Ofcom), and The Advertising Standards Authority (ASA) in the United Kingdom; Australian Communications and Media Authority (ACMA), and Ad Standards in Australia; and China Association of National Advertisers (CANA), China Advertising Association (CAA), and China Advertising Association of Commerce (CAAC) in the People’s Republic of China. The analyzed content was rights and freedom legal principles of each country including history, roles and responsibilities, organizational structure, purpose, strategy, and funding of each organization in each country.

4.1 The United Kingdom

4.1.1 Rights, Freedom, and Legal Principles

The related laws in the United Kingdom are the Constitution of the United Kingdom whose background can be acquired from the historical document, traditions of the Parliament of the United Kingdom, court judgments, and the constitutional traditions, as follows:

1) Historical Document. This kind of document is not considered as special laws, but the declaration of main principles that should be accepted in governing the country, as the following document:

Magna Carta (1215) is the document with the main essence about the limited power of the king in collecting taxed or calling for civilians’ money or wealth

and the assurance of individuals' rights that none will be punished, imprisoned, exiled, or property will be seized or any imprisonment unless he/she will be judged by people of the same class or by the provisions of the law. (Jennings, 1969, as cited in Jaroon Supharp et al., 1979)

Petition of Right (1628) was drawn up by King Charles 1 to the Parliament for civilians' rights and liberties: no imprisonment without cause or investigation of guilts, no quartering of soldiers on subjects, no martial law in peacetime, and no taxation without the consent of the Parliament. (Stephenson & Marcrum, 1972)

Habeas Corpus Act (1679). King Charles 2 was forced to issue this act for promising civilians' freedom stability to prevent imprisonment without cause. Before any imprisonment, civilians (culprits) must receive a summons from the court to make sure if any imprisonment is under the law. Besides, culprits have the right to be granted release on bail during the trial. However, the acts exclude riots and serious criminals. Still, during imprisonment, all prisoners must be treated well. (Stephenson & Marcrum, 1972)

Bill of Rights (1689) outlines specific constitutional and civil rights and ultimately gives Parliament power over the monarchy. Namely, the Crown cannot raise or collect taxes without the consent of the Parliament. The Parliament must have regular meetings and guarantee or protect civil rights. (Wittaya Napasirikulkij, 1976)

Act of Settlement (1701) is the act that displays the ultimate power of the Parliament by stipulating the succession of the English Crown under the consent of the Parliament. The Act also specifies the superiority of men to women (however, a woman can be crowned in the case of no male successor). Besides, it settles the succession to the English crowns on Protestants or Church of England only, who will be the patron of the religion too. In 1937, the Act of Settlement specifies that when the King cannot perform his mission under any circumstance, a regent will be appointed by the Parliament, who is the first heir or the first-born son of the monarch. However, if the regent cannot perform the role, the Parliament will appoint the 5-member to replace the regent. (Jennings, 1969, as cited in Jaroon Supharp et al., 1979)

Reform Act (1832). The Act grants rights to the middle-class people and owners of a small land for voting an election. In 1861, another edition of this Act

was issued to expand voting to cover all men in their hometown or those who rent on the land of no less than 10 pounds yearly. In 1864, it expands the election rights to farmers, and in 1918 to all English male citizens aged over 21 years old and women aged over 30 years old. (It was the first time that no property of voters was concerned). In 1923, the age of women eligible to be voters was reduced to 21 years old. In 1936, the age of both male and female voters was reduced to 18 years old up to the present. (Jennings, 1969, as cited in Jaroon Supharp et al., 1979)

Parliament Act (1911). The main essence of the Act is the organization of general elections at least every 5 years. The King, under the advice of the Prime Minister, can dissolve the House of Representatives before the end of the term. Besides, the power of the Parliament in passing laws was limited. (Wittaya Napasirikulkij, 1976)

2) Traditions of the Parliament. They are regulations the Parliament has to operate or the regular traditions, such as privilege, a process and specific practices of the Parliament, etc.

3) Court Judgments Principally, the court is authorized to interpret the laws issued by the Parliament, but any judgment by the court tends to be considered as guidelines and a kind of tradition. Especially, court judgments related to the state structure and civil rights can be considered as a part of constitutional laws.

4) Constitutional Traditions are rules and regulations as a result of political practices accepted by the general public of England, despite no law enforcement, but cannot be violated. These constitutional traditions can be enacted as enforced laws but it is preferred to keep this status as the advantage of this constitutional form.

Carter (1972) summarizes the Constitutional Principles as follows:

Fusion of Powers means the grant of three kinds of sovereign power or sovereignty: legislation, administration, and jurisdiction, which are all closely connected. Thus, a conflict between legislative and administrative power hardly happened in England since it has only two dominant political parties. Therefore, each general election will always have one party get the majority votes over the other party. Traditionally, the King will appoint the Prime Minister with majority votes in the British House of Commons. In England, political parties are strictly disciplined,

and British political systems are a system that balances between administration and legislation very well. The administration party has a right to initiate drafting laws, but the ultimate or final decision belongs to the Parliament without the consent of the government.

Supremacy of Parliament means the principle specifying the Parliament as the supreme legal authority and the court may not be able to judge the Act of the Parliament as nullified. However, a process of a constitutional amendment can be done through the issuance of ordinary laws, while the right of the King to withhold the drafted law is just nominal and has not been used for a long time.

The Crown as an Institution The principle says that the King is considered as an institution in the British governance system and has always been respected due to its old age. Accordingly, the monarchy still exists despite government changes. It is a secure and lasting identity of British governance institution.

Rule of Law is the main principle indicating that every citizen must be under the law and has rights, including being protected by law. Thus, every person has a right to protect himself or herself without immediate punishment, except clearly stated laws and imposed penalties. To punish or imprison any culprit, it must follow a judicial or juridical process as determined by law. On the other hand, the court will protect people from state officers who violate civil rights or violate the law. It thus points out that both civilians and state officers are equal under the same law and same juridical systems.

After considering the protection of rights and liberties following the Constitution under British political culture, it can be concluded that England is the country of a long history that is governed by the Absolute Monarchy with the King's supreme power. Later, after it evolved to have Parliament institution and governance by representatives and the cabinet. Until, it led to a democratic governance system under the parliament that emphasizes people's rights, liberties, and political participation. The monarchical institution is still the utmost important symbol of the country. On the other hand, principles of civil rights and liberties, the ruling system by law, and the governance under the consent and approval of people become deep-rooted principles in British political culture.

Keawmark (2009) states that British political culture was influenced by philosophical concepts, especially the Social Contract Theory of John Lock at the end of the 17th century, which describes the origin of the state to protect civil rights and liberties mainly. These rights and liberty concepts are reinstated and expanded on the basic principles of Adam Smith, that the free market or competitive system is the system that brings about balanced economic benefits. Such a concept became the main economic system in the 19th century. Politically, the influence of Jeremy Bentham's Utilitarianism was predominant, which was elaborated later by Stuart Mill, who emphasizes the concept of Hedonism or the concept of happiness based on the assumption that everybody has equal value. The emphasis on the concept of individualism and liberty to encourage people to seek a better life following each individual's faith and belief turns human beings to be the development goal, not a tool of development. Mill states clearly the importance of individuals' liberty in his book "On Liberty," which says, "I will protect you to have rights and liberties in expressing your opinions despite my disagreement with you." Such a statement becomes a slogan of freedom fighters. Besides, considering the facts happening in history, another significant British political culture is the seizure of experience and possibility in reality rather than the concept of rationalism, which enables British political history to be continual and gradually evolve sequentially without drastic and radical changes.

From the above political culture and evolution as aforementioned, several provisions related to the right and liberty protection in English have been legislated in the form of written laws for a long time since the Great Magna Carta (1215, Petition of right (1628), Habeas Corpus (1679), Bill of rights (1689), and the Act of Settlement (1770). Although the British Constitutional Laws are not written nor stipulate the protection of mass media's rights and liberties, mass media's liberties are the crucial component in the constitution as the British court claims that Constitutional Principles include the liberty of mass media. (Chalermchai Kokkiatkul, 2018)

Moreover, as mass media in the United Kingdom has not been financially supported by the government, except for value-added tax, there has been no sanction or intervention from the government. Especially, in the democratic governance system, mass media has freedom in presenting news and publicizing

editorial criticism, both economic and political opinions. Moreover, the laws do not specify that mass media must be neutral or impartial in presenting its report. It differs from other European countries in which there will be a specific agency and laws regulating each kind of mass media. On the contrary, in the United Kingdom, mass media is regulated by ordinary laws, i.e., violation and defamation, obscenity, racial discrimination, etc. Besides, the United Kingdom values liberalism without control or limited freedom of expression of mass media. In other words, in principles, individuals may communicate without prior permission from the governmental agency, except in the issues stipulated in the laws, i.e., the protection of individuals' reputation, official secrets, intellectual properties, etc. (Chalermchai Kokkiatkul, 2018)

4.1.2 The Office of Communication (Ofcom)

4.1.2.1 History

Politics (n.d.) reports that after a general election in 1997, the government started to determine plans for telecommunications and broadcasting regulations, which were enforced in December 2000 to respond to telecommunications technology and broadcasting rapid changes, including increasing competition, business diversity, and new media convergence in the industry.

Ofcom was established by the Office of Communications Act 2002 and gained additional authority under the Communications Act 2003. Ofcom plays many roles: The Broadcasting Standard Committee, The Independent Television Enterprise Committee, Office of Telecommunications (Ofcom), radio agency, and communication agency. Besides, it was assigned many new functions.

The Communication Act modified all structures of the telecommunications industry in the United Kingdom by replacing the old license systems with the systems the entrepreneurs or companies have to operate under general conditions of entitlement.

Since its establishment, the scope of the work of Ofcom has been expanded continually. Ofcom started the operation by providing advice on the regulations of Video on Demand in September 2009 and offered to establish two organizations for regulating media: Association for Television on Demand (ATVOD)

as the regulator of the content of Video on Demand and Advertising Standards Authority (ASA) as the regulator of the content of advertising, effective since March 2010.

Since then, the new laws have expanded the roles of Ofcom to cover and accord with communication business conditions increasingly through the legislation of Economic Act, which was declared in April 2010 by determining Ofcom to report infrastructure of communication and media content. Moreover, Ofcom was authorized to have additional authority in accessing the electromagnetic spectrum as well.

In 2010, Postal Services Act 2010 was enacted. The regulations of postal services were moved from the previous responsible regulatory agency, namely Postcomm, to Ofcom, which functions in protecting the postal services monopoly in the United Kingdom.

In April 2015, Ofcom declared that telephone service providers had to show details of all costs and charges to customers whose telephone numbers started with 084, 087, and 09 by indicating all details in the monthly bill for every customer. Such a change was renowned to affect over 175 million telephone numbers and was considered the largest change in telephone services of the decade.

On January 1, 2016, the content regulation of Video on Demand was transferred from ATVOD back to Ofcom.

Digital Economy Act 2017 expanded the working scope of Ofcom by giving its authority as an agency regulating the speed of the broadband internet of service providers and regulating children's programs organized by public service broadcasters. Moreover, Ofcom was allowed to fine service providers who could not comply with the agreement of the license as penalties. Besides, the regulations of BBC were transferred from BBC Trust to Ofcom. The condition of Ofcom's Electronic Communications Code was also improved to make it easier for installation and expansion of mobile cell towers.

According to Online Harms White Paper, during 2019-2020, the government declared that Ofcom played a role in regulating the internet increasingly to protect users from harmful and illegal content.

Ofcom is a legitimate organization that is responsible for presenting the yearly operational performance to the Parliament. Despite not being sired directly by the government, Ofcom connects to the Department for Culture, Media, and Sport (DCMS), and the Minister of Foreign Affairs. Besides, Ofcom is also under the audit of the National Audit Office and Public Accounts Committee to ensure proper and valuable operational audits.

Table 4.1 Timeline of Ofcom

Year	Critical Incidents
1997	<ul style="list-style-type: none"> The government started to determine plans for telecommunications and broadcasting regulations
2000	<ul style="list-style-type: none"> Plans of telecommunications and broadcasting regulations were enacted in December 2000.
2002	<ul style="list-style-type: none"> Ofcom was established by the Office of Communications Act 2002
2003	<ul style="list-style-type: none"> Gaining additional authorities under the Communications Act 2003 to play roles as the Broadcasting Standard Committee, The Independent Television Enterprise Committee, Office of Telecommunications (OFTEL), radio agency, and communication agency.
2009	<ul style="list-style-type: none"> Ofcom started the operation by providing advice on the regulations of Video on Demand in September 2009
2010	<ul style="list-style-type: none"> Offered to establish two organizations for regulating media: Association for Television on Demand (ATVOD) as the regulator of the content of Video on Demand and Advertising Standards Authority (ASA) as the regulator of the content of advertising, effective since March 2010.

Year	Critical Incidents
	<ul style="list-style-type: none"> the new laws have expanded the roles of Ofcom to cover and accord with communication business conditions increasingly through the legislation of Economic Act, which was declared in April 2010
	<ul style="list-style-type: none"> Postal Services Act 2010 was enacted in 2010. Ofcom functions in protecting the postal services monopoly in the United Kingdom.
2015	<ul style="list-style-type: none"> Ofcom declared that telephone service providers had to show details of all costs and charges to customers
2016	<ul style="list-style-type: none"> The content regulation of Video on Demand was transferred from ATVOD back to Ofcom.
2019	<ul style="list-style-type: none"> Played a role in regulating the internet increasingly to protect users from harmful and illegal content.

4.1.2.2 Roles and Responsibilities

Ofcom (n.d.a) plays role in regulating communication technological services via high-speed internet networks, home phones, and mobile phones, to ensure proper and best services for consumers, including regulating TV and radio and postal services with reasonable service rates. Moreover, it manages the spectrum of wireless devices. Besides, it functions in protecting consumers from deception or negative impacts from media, especially consumers of sensitive groups and the elderly.

Remarkably, the roles of Ofcom are designated by the Parliament in regulating media for the utmost benefits of the general public, including promoting organizations in the industry towards business competitive capabilities.

Ofcom also provides advice and information processing service for a large number of people via its website and service center via telephone, including opening for complaints and appeals from the civil and business sectors and dealing with the companies or organizations that violate the regulations. However, the Parliament did not authorize Ofcom to fix people's complaints on communication technological service of the high-speed internet networks, home phone, and mobile phone, but it can operate through alternative dispute resolution services. Besides, the authority for regulating the content of TV and radio is within the scope of operation.

Sometimes, entrepreneurs violated the regulations of Ofcom, so Ofcom needs to strive to make people satisfied with the content of TV and radio.

In brief, Ofcom plays a role in enabling people to access communication services, i.e., via the high-speed internet networks, TV, and radio, and protecting viewers and listeners from improper, unfair, and violating content, supervising postal services to operate 6 days weekly and setting reasonable and standardized rates, and managing radio spectrum to be operated effectively.

4.1.2.3 Organizational Structure

Ofcom (n.d.b) appointed committees to determine strategic directions for the organizations by having another group of committees operate domestically and in developed countries.

The Ofcom Board is responsible for decision-making and determining strategic directions for the organization, comprising Chief Executives and Management Committee. (Ofcom, n.d.c)

The Senior Management Team (SMT) is the center of the organizational policy and management committees. (Ofcom, n.d.d)

Ofcom Content Board is the main committee in determining and enforcing the codes of content for TV and radio, including being responsible for analyzing and operating viewers' and people's responses and interests. The Board consists of representatives of several countries in the United Kingdom and experts. (Ofcom, n.d.e)

Other Ofcom committees are composed of a lot of committees and consultation agencies designated by the Communications Act, as follows: (Ofcom, n.d.f)

- 1) Communications Consumer Panel
- 2) Advisory Committee for Older and Disabled People
- 3) Risk and Audit Committee
- 4) People Committee
- 5) Election Committee
- 6) Advisory Committee for England
- 7) Advisory Committee for Northern Ireland
- 8) Advisory Committee for Scotland

- 9) Advisory Committee for Wales
- 10) Community Radio Fund Panel
- 11) Ofcom Spectrum Advisory Board (OSAB)

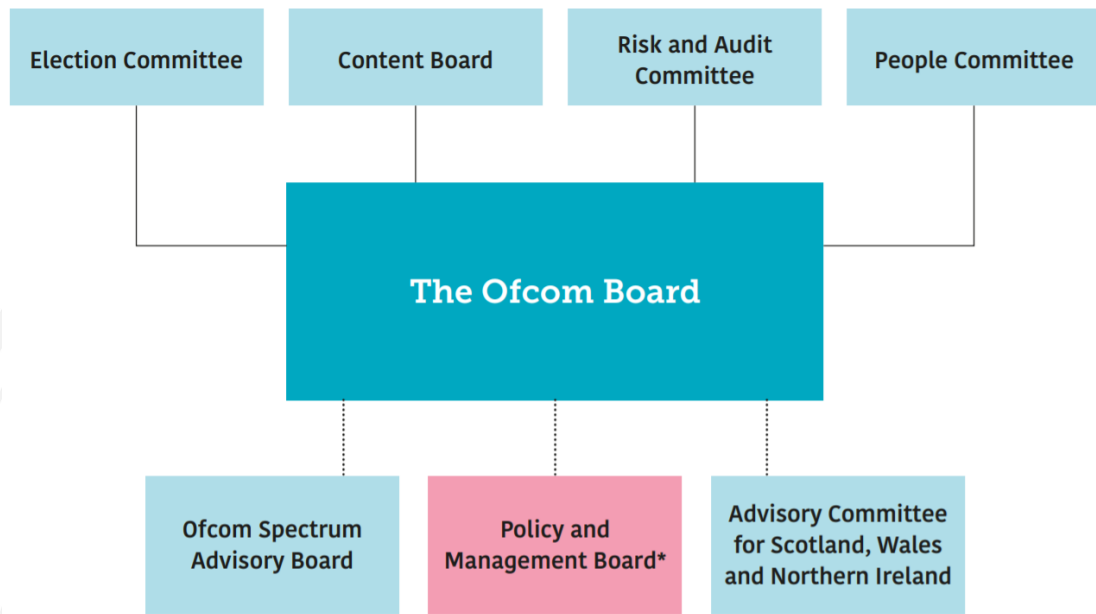


Figure 4.1 Ofcom's Governance Structure

Source: Ofcom, 2020a.

4.1.2.4 Purpose

Ofcom (2020a) is an organization for promoting alternatives, maintaining standards, and protecting risks from communication. Ofcom is authorized to make decisions in the related matters as best as possible for consumers and people in the United Kingdom.

4.1.2.5 Strategy

Ofcom (2020b) covers 5 main strategies:

To better the communication technological service via the high-speed internet networks and mobile phones by continuing financial support to provide the service inclusively with higher quality signals throughout the countries.

To enhance fairness through fair management for consumers, especially fragile groups.

To support the broadcasting industry in the United Kingdom by driving the industry to create the utmost benefits for receivers continuously.

To regulate online mediated communication for consumers and the business sector by collaborating with the government in determining policies for consumer protection against online harmful content and establishing consumers' trust in communication services via online media

To provide safe network usage by building a center of excellence in security in collaboration with the industry sector to ensure secure operations and protection against cyberattacks, including initiating to close the gap of standards towards the best practices.

4.1.2.6 Funding

Ofcom is independent in its operation as it is financially supported by the fees of the companies or regulating organizations, which are the fees or fines stipulated in Section 400 of the Communication Act 2003. Ofcom determines to be an organization with a concern of budget and its worth on operations. During the past fifteen years, Ofcom has tried to reduce the budget every year. During 2019-2020, Ofcom could collect fees and fines from penalties of 373.3 million pounds, which can be divided into 5 parts: 262.3 million pounds from Wireless Telegraphy Act Payments, 1.9 million pounds from Government Fees, 107.0 million pounds for Financial Penalties, 0.7 million pounds for Additional Fee Payments, and 13 million pounds from Geographical Numbering. Ofcom kept 56.8 million pounds for managing spectrum and other related functions and transferred the rest to other related funds. (Ofcom, 2020a)

4.1.3 Advertising Standards Authority (ASA)

4.1.3.1 History

“ASA” (n.d.a) was established in and has operated since 1961. During its advertising regulatory operations for almost 60 years, its operations can be divided into five periods:

1) Protecting consumers testing claims (1961-1973)

When television advertising started to be broadcast in 1955, it was regulated by the law for the first time, while radio advertising in 1973, and regulated by the law as well.

In 1961, The Advertising Association consulted with other industry associations and perceived that advertising appearing on other media, besides TV and radio, i.e. printed media, newspaper, posters, direct mails, billboards, etc. were all trusted for their reliability by consumers as well. Accordingly, the advertising industry, which included advertising agencies, advertising media agencies, and advertisers collaboratively the Committee of Advertising Practice (CAP) and prepared the first British Code of Advertising Practice to be disseminated and applied in the same year for regulating advertising throughout the country, while rejecting the use of American-style Federal Trade Commission. “We agreed to solve advertising that has boarder scope increasingly and can solve it by voluntary regulation effectively. However, the conclusion of the regulation depends on the satisfaction on the quality, continual, and independent operations.”

In 1963, CAP established ASA as an independent organization for regulating advertising under the new codes by forming an operational committee to develop a self-regulatory system for public benefits.

2) Introduction of the levy (1974-1987)

In 1974, in the meeting of the Advertising Association, the said regulatory system was criticized as having no coping system with advertisements causing misunderstanding to the public, while the system was not widely known. Consequently, the Advertising Standards Board of Finance (Asbof) was founded to provide sufficient budget and security for regulatory system management through the levy or tax collection of 0.1% of advertising expenditure. Since ASA was not responsible directly for the levy, this founded organization was independent, while taxes were used to operate the missions, including publicizing the organization to be acknowledged by the general public.

3) Legal backstop (1988-2003)

In 1988, the enforcement of Control of Misleading Advertisements Regulations, supported by the Office of Fair Trading (OFT), was executed to regulate misleading advertisements in the main essence, which led to legal action.

ASA was authorized to supervise problems of misleading and exploiting advertisements under the Unfair Trading Regulations 2008, including protecting business under the Misleading Marketing Regulations 2008, effective in 2008 to replace those regulations in 1988. Legal action and trading standards of the Office of Fair Trading to Trading Standards were the last measure and alternative for advertising regulations.

4) Becoming the one-stop-shop (2004-2009)

In 2004, after the achievement of self-regulation for mediated advertising that has not been broadcast for a long time, the scope of TV and radio advertising regulation was expanded.

Typically, Ofcom mobilized the newly-established agency for regulating communication with the support of the Parliament by proceeding with the responsibility contract on broadcasting and driving advertising regulations to the system of ASA to collaborate in regulation. The agreement of co-regulation was firstly developed in the United Kingdom as the only advertising regulatory agency, responsible for a one-stop process of filing and scrutinizing complaints.

To manage a one-stop process of managing complaints, the Broadcast Committee of Advertising Practice was established to determine advertising broadcasting codes, while the Broadcast Advertising Standards Board of Finance (Basbof) also execute the levy of 0.01% of the broadcasting advertising expenditure.

Despite several parts of advertising regulations, the operating system enables advertising regulations to be unified and to facilitate the application so that people can access and use it effectively. Still, there were less than 100 complaints in the first year, but nowadays ASA got more than 30,000 complaints yearly as the organization has been known increasingly, while the system is easy for consumers to access.

5) New digital advertising formats (2010-up to the present)

During the past years, the advertising self-regulatory system has responded to social changes and media landscape continually based on advertising ethical codes that advertisements should not present any misleading, harmful, and conflicting content.

Video-on-demand. In December 2009, the government of the United Kingdom approved to determine regulations for video-on-demand service under the co-regulation between ASA and Ofcom to regulate advertising through video-on-demand to have the same standards as those of television.

Online advertising. In 1995, ASA expanded its operation to cover non-broadcast electronic media, most of which were banners, display, and online marketing through search engines on the internet. However, in 2007, the internet became the media on which complaints were appealed the most in the second rank, while online advertising consumed 2 of 3 all complaints received by ASA. Most of the complaints were about claims on the organizational websites, which had not been contained in the regulations. In September 2010, CAP expanded the regulation of ASA to cover advertisers' marketing communication on organizational websites and media, i.e., social media, such as Facebook, Twitter, etc. as well.

Regulation today - Advertising under control Advertising regulations have been operated in the United Kingdom for more than 50 years. From the survey of the compliance with advertising standards regulations, more than 97% of the advertisements were found to comply with the stipulated codes as the organization also provides a service for consultation and advice for avoiding advertisements violating advertising standards. Moreover, entrepreneurs in the industry had agreed to collaborate towards effective self-regulation without legal action. Still, ASA is authorized to apply boycott measures to punish advertisers who violate the regulations so they may be rejected for buying advertising space. At present, the self-regulatory system starting in 1962 has been trusted by consumers, the industry sector, and the government.

Table 4.2 Timeline of ASA

Year	Critical Incidents
1961	<ul style="list-style-type: none"> • The beginning of a self-regulatory system for non-broadcast advertising <ul style="list-style-type: none"> ○ Council of the Advertising Association developed a self-regulatory system for non-broadcast advertising. ○ The standards of the first CAP Code was disseminated ○ ASA operated under the Companies Act 1948
1962	<ul style="list-style-type: none"> • ASA organized the first official meeting
1964	<ul style="list-style-type: none"> • More product advertising scrutiny was initiated, i.e., supplementary and dietary products, hair care products, weaving and sewing machines, Vitamins, cigarettes, beauty products, Gin, Cocktails, Vodka, and health food and drinks.
1965	<ul style="list-style-type: none"> • Recommendations for the tourism industry were disseminated to ensure that tourists would get facilities and no financial loss as a result of advertising. • Cigarettes advertising was prohibited on TV
1966	<ul style="list-style-type: none"> • Advertising on pregnancy-test products was regulated by requesting advertisers to use their discretion on the conditions of security.
1968	<ul style="list-style-type: none"> • Trade Description Act was enforced, expected for the operation of self-regulatory systems in parallel to legal systems.
1970	<ul style="list-style-type: none"> • Advertising was separated from the editorial part and was required to display clearly to let receivers know that it was an advertisement.
1973	<ul style="list-style-type: none"> • ASA disseminated the final judgment or decision for the first time. • Radio advertising was broadcast for the first time in the United Kingdom.
1974	<ul style="list-style-type: none"> • British Code of Sales Promotion was publicized. • ASA was criticized for not being widely known.
1975	<ul style="list-style-type: none"> • Advertising Standards Board of Finance (ASBOF) was established.

Year	Critical Incidents
	<ul style="list-style-type: none"> • The first advertising campaign of ASA was disseminated to let the general public, the civil sector, the industry sector, and the government know about the roles and responsibilities of ASA, including encouraging people to submit advertising complaints to ASA. • The new codes of advertising of alcoholic beverages and cigarettes were enforced.
1978	<ul style="list-style-type: none"> • A quicker process of scrutinizing complaints was requested and more compliance with regulations was demanded and developed.
1981	<ul style="list-style-type: none"> • Judgment of the complaints on competition was publicized. • Broadcasting Complaints Commission (BCC) was formed. • British Audience Research Bureau (BARB) was established.
1982	<ul style="list-style-type: none"> • Research on women's attitudes towards advertising was disseminated, which found that most women disliked advertising using images of sexual suggestiveness and stereotypes. • Enforcement of misleading advertisements was initiated in the self-regulatory system.
1987	<ul style="list-style-type: none"> • Codes on violent and anti-social behaviors were modified.
1988	<ul style="list-style-type: none"> • The control of misleading advertisements was enacted as laws for self-regulatory penalties or sanctions.
1989	<ul style="list-style-type: none"> • ASA worked with the Office of Fair Trading on the prevention of misleading advertisements of dietary drugs
1990	<ul style="list-style-type: none"> • ASA agreed to operate in database management related to advertising codes or standards in various aspects.
1991	<ul style="list-style-type: none"> • ASA was a co-founder of the European Advertising Standards Alliance (EASA) with the other 11 European countries. • There were more than 10,000 complaints per year for the first time.
1995	<ul style="list-style-type: none"> • Self-regulation of advertising on the internet was contained as a part of the codes.
1999	<ul style="list-style-type: none"> • Advertising of political parties was abolished from the 10th edition of Codes

Year	Critical Incidents
2001	<ul style="list-style-type: none"> • Judgment and verdict were publicized online weekly.
2003	<ul style="list-style-type: none"> • Tobacco Advertising and Promotion Act 2002 was enforced. • The 11th edition of the Code under the name, “British Code of Advertising, Sales Promotion and Direct Marketing” (CAP Code) was declared.
2004	<ul style="list-style-type: none"> • ASA introduced a one-stop service for filing and scrutinizing complaints.
2005	<ul style="list-style-type: none"> • The regulations on the advertising of alcoholic beverages were more serious to respond to the concern of irresponsible drinking.
2007	<ul style="list-style-type: none"> • The declaration of the new edition of food and drink advertising for children protection • The enforcement of the Gambling Act 2005, including new regulations. • The first consideration of advertising codes with the stakeholders. • The complaints of advertising on the internet were enormous and ranked second.
2008	<ul style="list-style-type: none"> • The laws for controlling misleading advertisements were repealed, but the role of ASA in self-regulation continues.
2009	<ul style="list-style-type: none"> • Co-regulation of video-on-demand advertising with Ofcom
2010	<ul style="list-style-type: none"> • New CAP and BCAP codes were enforced.
2011	<ul style="list-style-type: none"> • The levy was collected from the corporate online marketing communication and communication via the corporate websites and on other spaces of corporate media.
2013	<ul style="list-style-type: none"> • ASA was responsible for regulating Online Behavioral Advertising • The law enforcement was changed Trading Standards.
2018	<ul style="list-style-type: none"> • The operational direction of 2019-2024 was determined by the increased online impact.

4.1.3.2 Roles and Responsibilities

The missions of “ASA” (n.d.b) are to enhance every advertisement’s responsibility in the United Kingdom by responding to the worries and complaints of

consumers and the business sector to restraint misleading, harmful, disgusting, and irresponsible advertisements, including regulating advertising under the laws and regulations. Moreover, it plays a role in researching to explore the general public's opinions related to advertising and find gaps of advertising problems that may occur in society for planning proper action plans for consumer protection. Besides, ASA has been also responsible for non-broadcast advertising for more than 50 years and TV and radio broadcasting advertising for more than 10 years. Since 2011, its operation has been expanded to cover advertising on websites and online social media.

To illustrate this, according to the performance of ASA in 2020, ASA responded to 34,717 complaints from 25,000 advertisements. 4,460 of which were complaints audited by ASA. Consequently, 8,881 advertisements were asked to be corrected or withheld. The most found problem was potentially misleading advertisements or 70% of all complaints. (“ASA,” n.d.b)

4.1.3.3 Organizational Structure

From the document of ASA related to the organizational structure of ASA (2015), ASA structure composes of Senior Management Team, Chief Executive's Office, Corporate Services, Communications, Complaints and Investigations, and Advertising Policy and Practice.

1) Senior Management Team comprises the chairman with supreme authorities and chief executives regulating the operations of the other 4 parts: Corporate Services, Communications, Complaints and Investigations, and Advertising Policy and Practice. The directors of Complaints and Investigations, and Advertising Policy and Practice supervise the other two groups: the head of complaints and investigations operations and the head of casework, as illustrated in Figure 4.2.

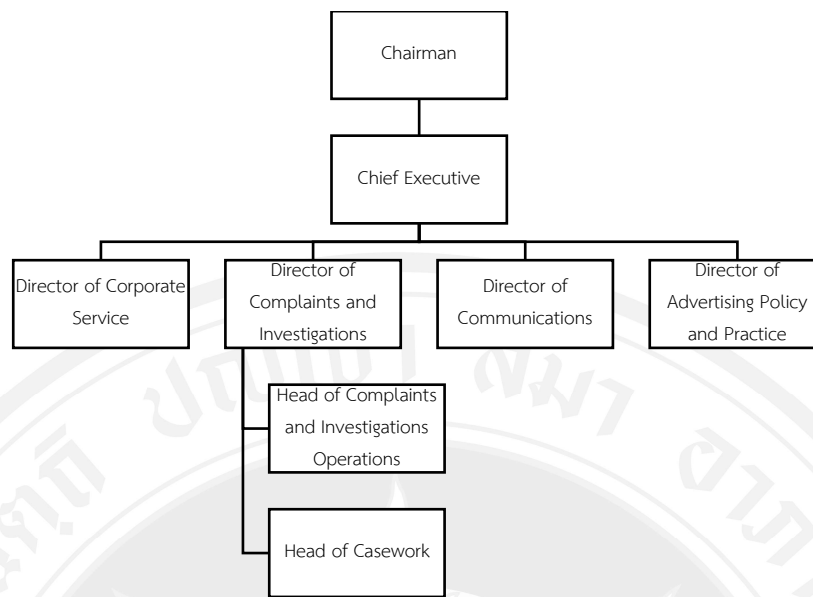


Figure 4.2 The Organizational Structure of Senior Management Team
Source: ASA, 2015.

2) Chief Executive's Office comprises chief executive, PA to Chairman & chief executive, and assistant PA, as illustrated in Figure 4.3.

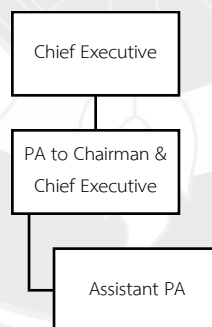


Figure 4.3 The Organizational Structure of the Chief Executive's Office
Source: ASA, 2015.

3) Corporate Services comprise Director of Corporate Service, regulating the working of the other parts: Human Resources Manager in collaboration with Human Resources Advisors; Facilities Manager in collaboration with Facilities Assistant, Housekeeper, and Reception; System Manager in collaboration with

Developer, System Support, Information Security Analyst, and Database Administrator; Finance Manager, and Project Manager, as illustrated in Figure 4.4.

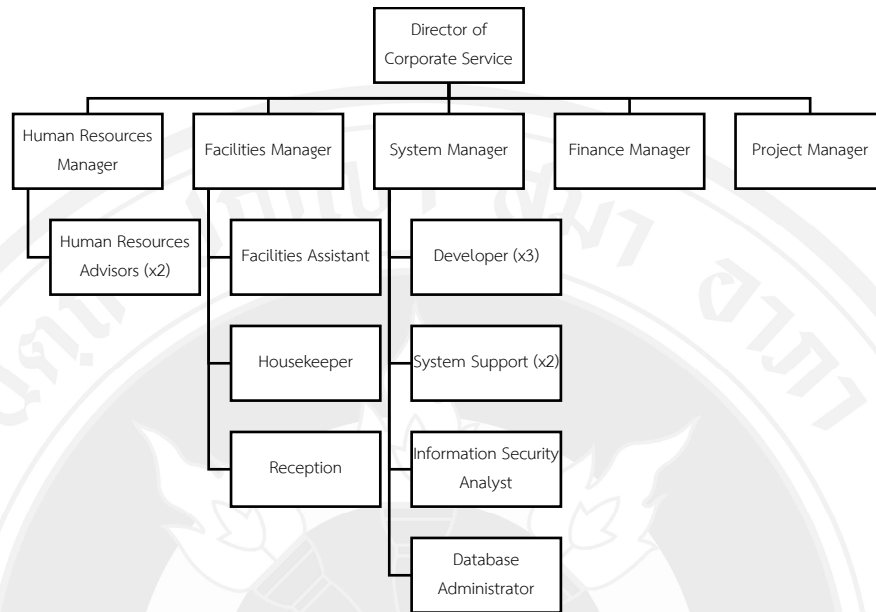


Figure 4.4 The Organizational Structure of Corporate Service

Source: ASA, 2015.

4) Communications comprise the Director of Corporate Service regulating the working of the following parts: Communications and Marketing Manager in collaboration with Press Officer, Training and Event Executive, Marketing Executive, Online Communications and Marketing Executive, and Press and Public Affairs Assistant. Besides, the Communications Director also works with Public Affairs Advisor, as illustrated in Figure 4.5.



Figure 4.5 The Organizational Structure of Communications

Source: ASA, 2015.

5) Complaints and Investigations comprise the Director of Complaints and Investigations, regulating the working of the other two parts: Head of Complaints and Investigations Operations and the Head of Casework. The Head of Complaints and Investigations Operations works in collaboration with the other 5 managers: Operations Support Manager in collaboration with Council Report Administrator and Operations Support; and Complaints Operations Manager in collaboration with the Senior Executives and Complaints Executives; and Investigations Operation Manager, as illustrated in Figure 4.6.

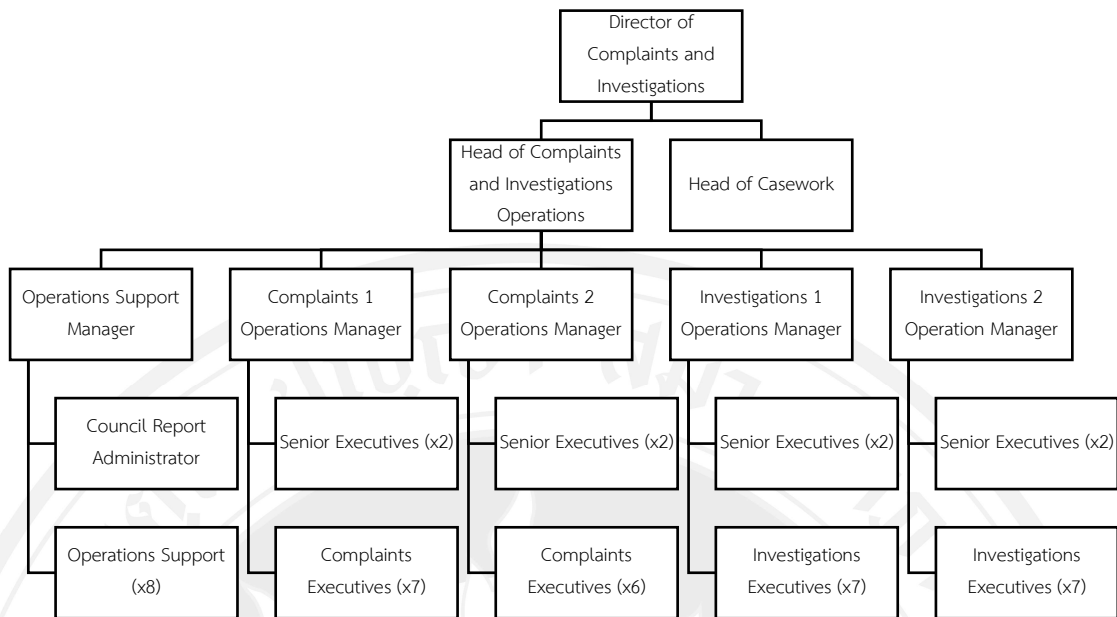


Figure 4.6 The Organizational Structure of Complaints and Investigations

Source: ASA, 2015.

6) Advertising Policy and Practice comprises the Director of Advertising Policy and Practice, regulating the working of three workgroups: Copy Advice Operations Manager, Compliance Operations Manager, and Regulatory Policy Manager. Each workgroup will collaborate with senior executives and officers in its group, as illustrated in Figure 4.7.

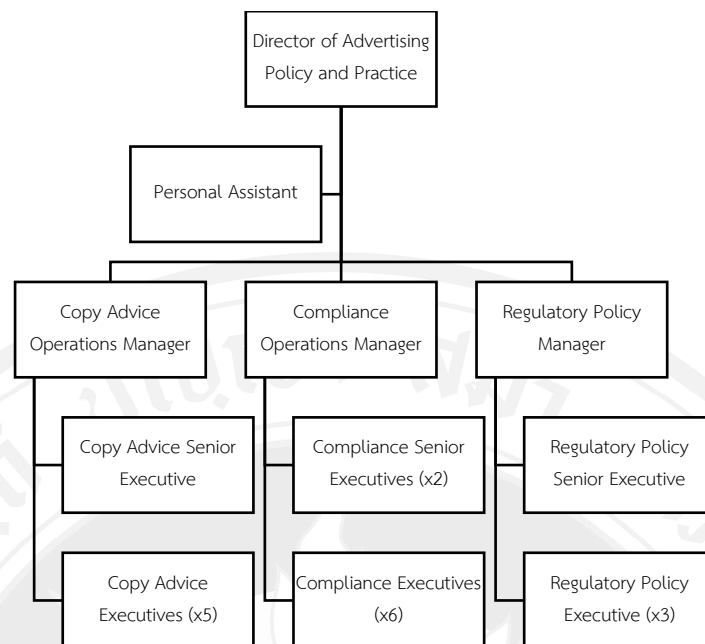


Figure 4.7 The organizational structure of Advertising Policy and Practice

Source: ASA, 2015.

4.1.3.4 Purpose

ASA is an independent advertising regulatory agency of the United Kingdom, aimed to promote every advertisement in the United Kingdom to be responsible for society as responsible advertising is beneficial for consumers, society, and advertisers. (ASA, n.d.c)

4.1.3.5 Strategy

ASA (2018, 2020) regulates every appearing advertising. Especially, ASA highlights online advertising since online advertising is increasing, while consumers use online media increasingly as well. Such changes cause several worries in many perspectives. However, the main mission of ASA is to ensure that advertisements in every media must be responsible. The correction of complaints is still important for the work of ASA, including the operations following regulations actively via 6 strategies.



Figure 4.8 ASA's Strategy 2019-2023

Source: ASA, 2020.

1) People and the planet. ASA gives the priority to consumers, which means all consumers are not only complaining or affected consumers. Besides, from the study, advertising regulations were found to play a role in responding to the occurring events and their impacts on the world, i.e., climate changes, etc. Therefore, ASA will increase more participation and collaborative work in a new form for improving participation in the operations at the national and regional levels further.

2) Online. ASA will improve online advertising rules and focus on misleading advertising and improper goal-setting. Especially, it will emphasize working more closely on mega online platforms with the government and Ofcom in the area of the platforms of advertising rules, video sharing, the correction of gaps in the regulations of online advertising, and the development of co-regulation. Moreover, ASA will create awareness and develop ASA to be an opinion leader in online advertising regulations.

3) Effectiveness ASA aims to present an active regulatory project for advertisements that cause damage or harm to consumers by applying a machine-learning system for improving operation regulations to be more appropriate, reducing the overlapping, and enhancing regulation effectiveness.

4) Buy-in. ASA will work closely with major stakeholders to ensure that the organization's fund will base on sustainability. Besides, it will create more acceptance from online advertising media buyers, retailers, SME business brands, and influencers, by emphasizing the benefits of ASA rules and opening for different regulations depending on the suitability of each type of advertising.

5) Enforcement. ASA will improve diagnosis methods and delete advertising with no social responsibility from online media and punish advertisers who do not comply with ASA regulations.

6) Independence. ASA will continue its advertising regulation without fear or bias and concern about auditable evidence always, which will reflect the effectiveness of regulatory rules and the development that can catch up with changes in TV and online advertising regulations to strengthen the regulatory system of ASA.

4.1.3.6 Funding

ASA (n.d.b) is not affiliated to any governmental agency nor supported by governmental funds. Normally, the capital source of ASA comes from the financial support of advertisers via the agreement that guarantees the independence of the organization. Thus, the operation of ASA is independent of the government and taxpayers. Such financial support comes from the collection of fees of advertising space or the levy advertisers pay for media owners, i.e., billboards, newspapers, online posters, etc. for displaying advertising of product brands.

Typically, the levy is 0.1% of all expenditure of buying advertising space and 0.2% for some direct mails. Consequently, ASA obtains sufficient financial support to maintain the advertising standards of the United Kingdom. For instance, if the cost of advertising media is 1,000 pounds, 1 pound will be collected and used for the fundraising of ASA. However, ASA will not know who are payers or how much they pay to ensure the working and decision-making of ASA are independent and affected by any decisions about fundraising. The levy will be gathered under the name of ASA by the Advertising Standards Board of Finance (Asbof) and Broadcast Advertising Standards Board of Finance (Basbof) (ASA, n.d.d)

4.2 Australia (The Commonwealth of Australia)

4.2.1 Rights, Freedom, and Legal Principles

The Commonwealth of Australia is a country in which the written Constitution is the supreme law in governing the country. The Parliament of the United Kingdom voted to approve the drafted Constitution of Australia with the Royal signature of

Queen Victoria in the Commonwealth of Australia Constitution Act on July 9, 1900. (Parliament of Australia, n.d.) The Constitution was effective officially on January 1, 1901, which was the date on which all former colonies of the United Kingdom gathered to be the commonwealth before the enforcement. The said Constitution passed the referendum voted by Australian people living in 6 colonies, which are now 6 states of Australia. (Australian Electoral Commission, n.d.).

Constitutional laws of Australia have no written provisions or legislative acts to protect freedom of opinion expression. However, Australia still protects the freedom of opinion expression via the interpretation of the Supreme Court that the Constitution of Australia protects the freedom of opinion expression unquestionably under the intention of the Constitution following the “implied freedom” principle. Australia is governed by representative democracy whose core principle is “the government by people that has to be responsible for people.” As a whole, most content of the Constitution of Australia involves systems and structure of the national governance by democracy with three kinds of power of sovereignty: legislation, administration, and jurisdiction. Power of Legislation comes to the direct election of the House of Representatives and Senators by people; thus, there is no written provision in protecting the fundamental right of people, only provisions in Section 116 and 117, which mention freedom of religion and freedom in the region to live only. (Office of Parliamentary Counsel, 2003) Nevertheless, Australia has the protection of freedom of opinion expression via the power of jurisdiction as the Supreme Court of Australia has imposed the norm that although the Constitution of Australia contains no written provisions of the said protection, it can have such protection as Australia is governed by the democratic system so people have implied rights to express their opinions unquestionably by implicit meanings of the Constitution. (Implied right) (Butler & Rodrick, 2015)

At present, Australia is a party to the Human Rights Treaty, which is considered by the United States as one of seven core treaties. (Australian Human Rights Commission, n.d.):

- 1) International Covenant on Civil and Political Rights
- 2) International Covenant on Economic, Social, and Cultural Rights

3) Convention on the Elimination of All Forms of Racial Discrimination

4) Convention on the Elimination of All Forms of Discrimination against Women

5) Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

6) Convention on the Rights of the Child

7) Convention on the Rights of Persons with Disabilities

Besides, Australia has a shared value based on freedom, respect, righteousness, and equal opportunities as the adhering core to make the country secure, prosperous, and peaceful. Thus, Australia is one of the most successful multicultural societies in the world. (Department of Home Affairs, 2020)

Australia also has laws related to communication regulations in many editions, as follows: (Jolly, 2016)

The Broadcasting Services Act 1992 (BSA) determines the environment of regulations for the broadcasting industry in Australia and determines the roles and authorities of the Australian Communications and Media Authority (ACMA) for regulating and investigating the industry.

The Telecommunications Act 1997 determines the framework of regulation for the telecommunications industry of Australia.

The Radiocommunications Act 1992 determines a regulatory system for managing the radio spectrum in Australia

The Australian Communications and Media Authority Act 2005 determines the establishment of ACMA for regulating broadcasting, radio communication, and telecommunications industry following the related legal provisions.

The Australian Broadcasting Corporation Act 1983 determines the establishment and operations of the Australian Broadcasting Corporation (ABC)

The Special Broadcasting Service Act 1991 determines the establishment and operations of Special Broadcasting Service (SBS).

The Interactive Gambling Act 2001 determines the regulation of gambling on the internet.

4.2.2 Australian Communications and Media Authority (ACMA)

4.2.2.1 History

Australian Communications and Media Authority (ACMA) is a governmental agency regulating the enterprises of broadcasting, internet, radio communication, and telecommunications, established in July 2005 by combining two organizations: the Australian Communications Authority (ACA) and the Australian Broadcasting Authority (ABA). The Broadcasting Services Act 1992 authorizes ACMA to consider and establish conditions for licensees to comply with the stipulated standards, including penalties for those who do not comply with them. ACMA is also authorized to set the relevant standards or interpret the standards in the case that ACMA perceives that the ethical codes or standards of the professional organizations cannot protect consumers or people properly through the media regulation of the Commonwealth of Australia operated under so-regulation of the code-oriented approach. By this, the governmental regulatory agency or ACMA will certify ethical standards of the self-regulatory organizations and can enforce every entrepreneur using the service. (Chanansara Oranop Na Ayutthaya and Pimonpan Chainan, 2016) In 2016, the Australian government expected that the budget of ACMA would be sufficient for operating the whole communication system, i.e., infrastructure, transportation, or delivery of equipment, content, and application. (ACMA, 2018)

Table 4.3 Timeline of ACMA

Year	Critical Incidents
2005	<ul style="list-style-type: none"> The entire ACMA was established by merging two organizations: the Australian Communications Authority (ACA) and the Australian Broadcasting Authority (ABA) ACMA was authorized to consider and establish conditions for licensees to comply with the stipulated standards, including penalties in the case of no compliance and the authority for determining and interpreting the standards.

Year	Critical Incidents
2016	<ul style="list-style-type: none"> The Australian government expected that the ACMA budget would be sufficient for operating the whole communication system.

4.2.2.2 Roles and Responsibilities

ACMA (n.d.a) is responsible for regulating communication and media for increasing economic and social benefits for the nation by determining and operating communication regulations, providing media and marketing services, issuing personal license or licenses for any organization needed to have communication enterprises in Australia, considering complaints and problems to handle with entrepreneurs who do not comply with the regulations and managing spectrum, including providing services of new communication, i.e., 5G, etc. Besides, ACMA plays a role in researching to create knowledge and understanding of communication and the media industry, including internet, phone, television, radio, and content, spectrum, including equipment, operating the regulation and enforcement, working with the industry sector to promote entrepreneurs to comply with laws and regulation and protecting consumers from the negative impact via the four main roles and responsibilities (ACMA, n.d.b):

1) Legal aspect. As a regulatory agency, ACMA audits the operation and the dissemination of information under the laws and some legal tools, i.e., Broadcasting Services Act 1992, Radiocommunications Act 1992, Telecommunications Act 1997, Consumer Protection and Service Standards) Act 1999, Spam Act 2003, Do Not Call Register Act 2006, and Interactive Gambling Act 2001. Besides, it includes other regulations and standards in combination with the main or core laws as a frame for regulations.

2) Enforcement aspect. In the possible case that there may be people violating the stipulated laws in the code of laws or ACMA standards, ACMA is authorized to conduct an audit. If any violation is found, ACMA can respond in many ways, starting from providing advice, unofficial warning, official warning, declaration of the violation, application of corrective approaches, and legal action to get civil penalties or order of prohibition of dissemination. The operation or response depends on the degree of severity of the violation.

3) Consumer protection aspect. ACMA provides information and advice to enhance consumers' awareness of their rights and to create an understanding that consumers can submit their complaints through several channels, including protecting themselves from non-compliance of some entrepreneurs.

4) Industrial support and regulation aspect. ACMA facilitates organizations or personnel in the media industry to learn about laws and practices relating to the operations, to have a correct license, and to develop coping methods with consumers, including conducting research. Research projects of ACMA focus on the operational framework of its roles by the laws to support the decision-making on rules and regulations by insightful information and supporting evidence. A research project will be set up depending on strategic plans and situations occurring in society. (ACMA, n.d.c)

4.2.2.3 Organizational Structure

ACMA (n.d.d) divides the working structure into 4 parts for specialized operations, including decision-making, regulation, and management of stakeholders, as follows: communication infrastructure, content and consumers, organization and research, and legal services by appointing a management committee, comprising chairman, vice-chairman, and chief executives, with 4 general managers to operate in decision-making related to laws and regulations and determining strategic directions.

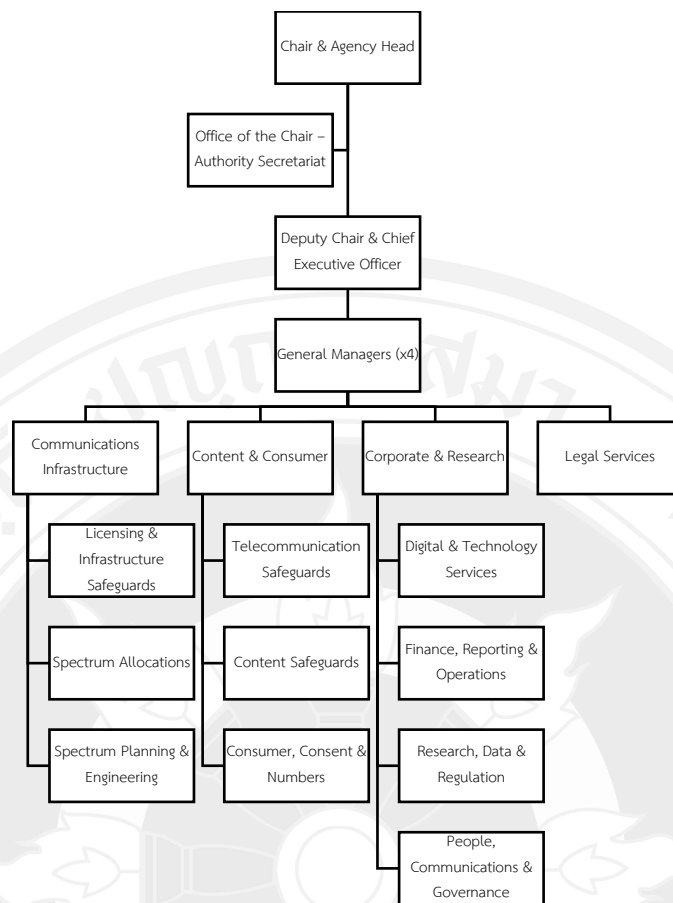


Figure 4.9 The Organizational Structure of the Australian Communications and Media Authority (ACMA)

Source: ACMA, 2019.

4.2.2.4 Purpose

ACMA (2020) aims to regulate communication and media of the country towards economic and social utmost benefits.

4.2.2.5 Strategy

ACMA (2020) analyzes the important missions to be operated in three dimensions: the management of benefits from the spectrum of Australia, the public's confidence and trust in communication and service provision of media, and the framework for regulating communication and media organizations in the stage of changes. The mentioned issues were adopted to determine the strategies of ACMA for the annual action plans 2020-2021 in three dimensions, as follows:

1) Effective and efficient spectrum management by planning towards readiness for managing radio spectrum or frequencies of Australia to create proper value for the country. Besides, licenses are allocated and provided for accessing the radio spectrum through regulatory methods and marketing mechanisms to ensure effective management, public security, and accordance with the goals of the country. Risks are managed from relevant factors via the audit and compliance with the regulations, including the enforcement.

2) Protection preparation. Information and advice are provided for establishing preventive approaches against risks and harms that might occur from communication, following the need of the Australian people. Compliance with communication regulations is promoted, while protecting public benefits, managing complaints through investigations and enforcement. Knowledge and understanding of risks, rights, and responsibilities are provided for consumers.

3) Surveillance and response to regulations. Qualitative and quantitative research is conducted to understand consumers and viewers and to increase the information analysis capabilities for operating regulations and market development. Participation with stakeholders and the government is created to identify a proper frame of regulations and responsibilities that are suitable for changing market conditions. Practices are improved to reduce the burden of issuing laws. Besides, transparent and sustainable regulations are promoted.

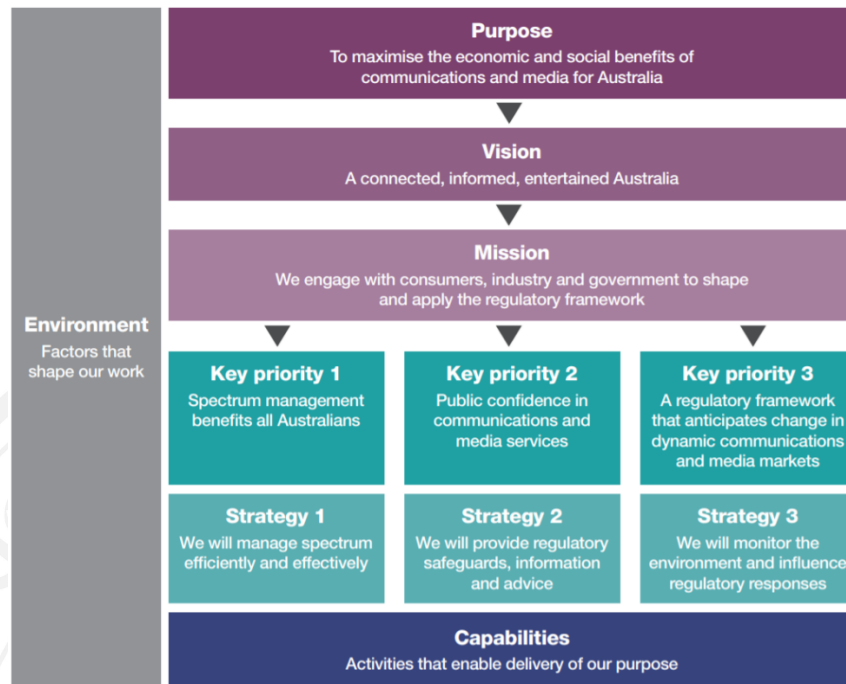


Figure 4.10 ACMA's strategy 2020-21 to 2023-24

Source: ACMA, 2020.

4.2.2.5 Funding

During 2019-2020, ACMA (2020) could gather income of 1,415.2 million dollars under the name of the government from various sources: fees of accessing spectrum or spectrum access charges valued 852.9 million dollars, telecommunications industry levy (TIL) 261.9 million dollars, radio communications taxes 149.6 million dollars, broadcasting apparatus license taxes 37.0 million dollars, telecommunication numbering charges 60.0 million dollars, and Annual Carrier Licence Charge (ACLC) 31.1 million dollars.

4.2.3 Ad Standards

4.2.3.1 History

Advertising Standards Bureau (2015) specifies that self-regulation of the advertising profession in Australia was introduced in 1928, starting from the development of code of ethics or conduct of advertisements on newspaper and later it was expanded to radio and television by the Australian Association of National Advertisers (AANA).

Regulatory systems were further developed by the same organization by opening for consumers' complaints without limiting types of media. In 1974, Cross-Industry Trade Practices Commission and Australian Advertising Standards Advisory Authority were established, known as the "Advertising Standards Council" (ASC). ASC had the first meeting in February 1974 for assuring advertising standards and enhancing the public's confidence in the advertising industry. Advertising regulation in the first period was collaborative and supportive among concerned organizations despite occasional openly conflicts; thus, the tension of advertising self-regulation was witnessed in the initial stage. Consequently, the Advertising Standards Board (ASB) was established in 1997.

Subsequently, ASB moved its office from Sydney to Canberra in 2006 and started to develop a professional code of ethics and components of the board towards more independence and diversity of stakeholders from every group.

In 2008, the Board approved to increase the number of board members from 12 to 20 to increase the effectiveness of diverse and inclusive opinion expressions. The frequency of the meeting increased from 12 times to 20 times yearly. Accordingly, the problem-solving of complaints was quicker. Still, as self-regulation of the advertising profession involved with the government sector and opened for audits through the inquiry of the Parliament, it was necessary to enhance the independence of the Board and to assure the general public that the self-regulatory system of the advertising profession was just the service for the industry benefits. Thus, in 2015, the recruitment focused on the more diversity of the Board members and stakeholders in the advertising industry: actors, writers, journalists, executives of media organizations, or top management of social organizations, etc.

The advertising professional ethics was developed in 1998 by AANA, and modified in 2006 and 2012 to cover the proposal of ASB about the wider interpretation. Notably, the definitions appearing in the ethics include marketing, advertising via local media up to the national media, non-profit advertising, and government advertising, which earlier was considered as public services. Besides, the advertising professional ethics of the 2012 edition added a new Section to cover the use of sexual appeal in advertisements that are perceived to be exploitative and deteriorating.

To make ASB more well-known, ASB organized advertising campaigns on printed media, radio, and television to stimulate the public's awareness of the new system of advertising regulation in 1998. Later, in 2008, ASB created another advertising campaign under the slogan "Tell someone who cares" via printed media, radio, television, and outdoor media. In 2014, the campaign "People like you" was disseminated 2014 via television mainly. Because of these disseminated campaigns to communicate to the target groups, ASB gained continually increasing unprompted recall rates of 63%. The most recent campaign, "Kinder conditions," was created in July 2019 to enhance the perception of advertising codes or standards and arouse people's awareness of diverse social issues on printed media, radio, television, outdoor media, social media, and other digital media.

ASB modified the organizational image in March 2018 by abolishing the abbreviation of ASB to use "Ad Standards," with clear and direct language to create more understanding of the organization as an organization operating on advertising standards and manage complaints caused by advertising. Besides, writing the name of the organization with a quotation mark is a symbol to indicate the space for discussion on advertising standards among all stakeholders and an organization that surveillances and audits content disseminated in advertisements. Despite the new name, roles and responsibilities of Ad Standards are still the same, namely to maintain the standards of self-regulatory systems of the advertising profession universally. Moreover, in the same year, Ad Standards provided an additional service, which was "Ad Standards Education & Advice," for providing advice for advertisers about the creation of advertisements following the ethical frame before production via online systems (Ad Standards, 2018).

In 2019, Ad Standards established a new database system to work with the organization's emails. Accordingly, every communication via emails between the organization, complainants, and advertisers will be recorded in the system, aimed to reduce the time for managing complaints, starting in 2020. (Ad Standards, 2019)

Table 4.4 Timeline of Ad Standards

Year	Critical Incidents
1928	<ul style="list-style-type: none"> Developed professional ethics of advertisements in the newspaper and later expanded the scope of regulation to radio and TV advertising by the Australian Association of National Advertisers (AANA)
1974	<ul style="list-style-type: none"> Developed a regulatory system through a unified organization by filing consumers' complaints without limiting types of media Established the Cross-industry Trade Practices Commission and Australian Advertising Standards Advisory Authority, known as "Advertising Standards Council" (ASC)
1997	<ul style="list-style-type: none"> Appointed the Advertising Standards Board (ASB)
1998	<ul style="list-style-type: none"> Developed professional ethics of the advertising profession Created advertising campaigns on printed media, radio, and TV, to stimulate the public's awareness of a new advertising regulatory system
2006	<ul style="list-style-type: none"> Moved the office from Sydney to Canberra Modified the first professional ethics of the advertising profession
2008	<ul style="list-style-type: none"> Approved to increase the Board members from 12 to 20 Increased the frequency of the Board meeting from 12 to 20 times yearly Created the advertising campaign "Tell someone who cares" via printed media, radio, television, and outdoor media
2012	<ul style="list-style-type: none"> Amended the second professional ethics of the advertising profession.
2014	<ul style="list-style-type: none"> Created the advertising campaign "People like you" on TV.
2015	<ul style="list-style-type: none"> Recruited more diverse committee members of various occupations and stakeholders in the advertising industry
2018	<ul style="list-style-type: none"> Modified an organizational image by a new name "Ad Standards" Initiated Ad Standards Education & Advice

Year	Critical Incidents
2019	<ul style="list-style-type: none"> • Created the campaign “Kinder conditions” for enhancing the perception of advertising standards or codes and stimulating the awareness of diverse social issues via printed media, radio, television, outdoor media, social media, and other digital media • Established a new database system for working with the organization’s emails so every communication via emails among the organization, complainants, and advertisers will be recorded and responded more quickly

4.2.3.2 Roles and Responsibilities

Advertising Standards Bureau modified its image by a new name “Ad Standards,” starting on March 1, 2018. Hence, the Advertising Standards Board was changed to Ad Standards Community Panel, while the Advertising Claims Board was changed to Ad Standards Industry Jury (Ad Standards, 2018)

Ad Standards (2018, 2019) is responsible for scrutinizing complaints of free advertising in Australia. It is an organization that aims to work with communities and the advertising industry to maintain the advertising standards of the communities. Besides, Ad Standards performs like a secretary of Ad Standards Community Panel and Ad Standards Industry Jury, which investigates consumers’ complaints and competitor complaints that violate advertising self-regulation. Notably, the advertising self-regulatory system in Australia relies on consumers’ concern about advertising content based on advertising standards.

Furthermore, Ad Standards (2018) also provides recommendations by experts about the creation of advertisements before broadcasting or dissemination for advertisers, advertising agencies, and business organizations to help advertisements to be disseminated follow the advertising regulations.

In short, despite changes in the organizational image and name to Ad Standards, it is still an organization that works on the advertising self-regulatory system of the global standards and operates on the management of complaints system with high effectiveness. Ad Standards Board of Directors is authorized to make decisions on regulatory strategies and problems, while Ad Standards Community

Panel scrutinizes consumers' complaints and Ad Standards Industry Jury on competitor complaints in the advertising industry. Besides, Ad Standards Education and Advice provides advice on advertising creation before broadcasting or dissemination. (Ad Standards, 2018, 2019)

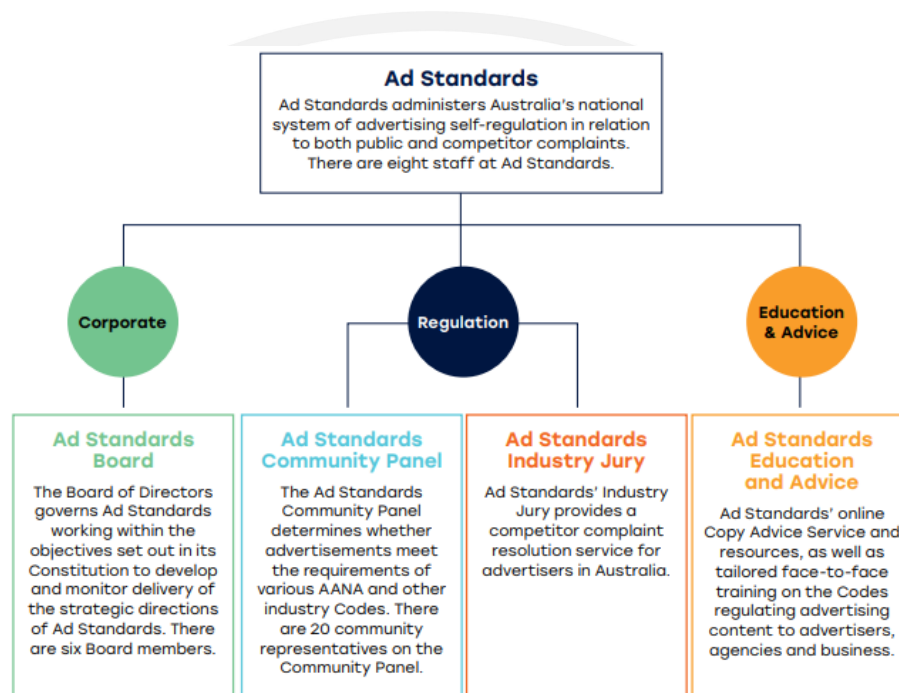


Figure 4.11 Roles and Responsibilities of Ad Standards

Source: Ad Standards, 2019.

4.2.3.3 Organizational Structure

Ad Standards Board of Directors determines the management direction and strategies. The Board of Directors perceives that the maintenance of the standards of advertising self-regulatory systems is the most important. The nature of working of Ad Standards Community Panel and Ad Standards Industry Jury is separate. At present, the Ad Standards Board of Directors comprises 6 experts. ("Ad Standards," n.d.a)

Besides, Ad standards ("Ad Standards," n.d.a) has 8 regular staff: Executive Director, General Manager, Legal and Policy Manager, Communications Manager, Administration Manager, Case Manager, and Communications Officer, as illustrated in Figure 4.12.

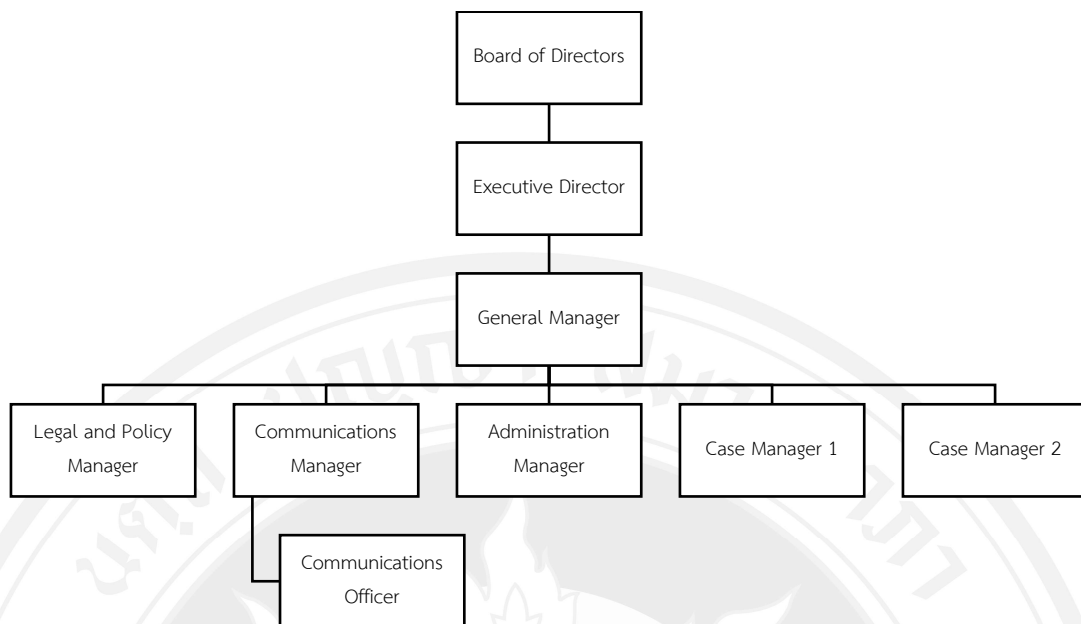


Figure 4.12 The Organizational Structure of Ad Standards

Source: “Ad Standards,” n.d.a.

As mentioned above, Ad Standards Community Panel and Ad Standards Industry Jury work independently from the Ad Standards Board of Directors since the heart of self-regulatory systems is devotion and independence of the working group.

Ad Standards Community Panel comprises people of 21 diverse ages, sexes, and backgrounds to represent the diversity of the Australian society. (“Ad Standards,” n.d.b)

Ad Standards Industry Jury comprises a team of 3 lawyers experienced in advertising laws and/or competition laws and consumers. The said Jury was appointed on a case-by-case basis. From the lawyer register by concerning about the readiness of the lawyers and overlapping benefits. (“Ad Standards,” n.d.d)

4.2.3.4 Purpose

Purposes of Ad Standards are to be a spokesperson of people in the consumption countries and guidelines for maintaining good and honest advertising that accords with the community standards (“Ad Standards,” n.d.a)

4.2.3.5 Strategy

Strategic plans of “Ad Standards” (n.d.a) cover 5 parts: Complaints handling, community awareness, beneficiary, and stakeholder engagement, internal business processes, and financial stability, and business transformation, with details as follows:

1) Complaints handling. Ad Standards Community Panel operates its decision-making on the foundation of ethical codes or standards. The handling of complaints on advertising codes or standards follows the prescribed best practices, while Ad Standards Industry Jury scrutinizes cases and provides advice that is accepted and useful for development and improvement for advertisers.

2) Community awareness. Ad Standards expands the scope of activities for creating people’s awareness, creating strategic collaboration, or establishing a partnership in doing activities so that people can acknowledge advertising codes or standards.

3) Beneficiary and stakeholder engagement. Ad Standards aims to develop collaboration, create participation with beneficiaries and stakeholders of every group.

4) Internal business processes and financial stability. Ad Standards operates to bring about financial stability for the organization by developing self-regulatory systems with proper financial support. Besides, it promotes employees to be flexible towards quality operations, keeps the corporate culture of independence, operates by an ethical framework, and expresses its responsibility through effective regulation.

5) Business transformation. Ad Standards expands the operational scope to be contemporary and finds new opportunities for maintaining its best practices at the global level.

4.2.3.6 Funding

Ad Standards (“Ad Standards,” 2013) is supported by the advertiser-funded system from business enterprises in Australia, both small-sized and large-sized enterprises via the levy to support the operations of Ad Standards and ensure the operation to be independent of the government agencies since the advertising industry still needs to develop advertising standards or codes towards the best practices.

Therefore, advertisers have to be responsible for keeping the self-regulatory system and supporting the management by agreeing to use the levy system from advertising expenditure. Most of the levies will be collected through advertising agencies. Sometimes, income may be collected directly from advertisers and advertising agencies who buy media space without advertising media agencies. Such collection will be used as the fundamental capital for all advertising communication, without concern about types of media. The levy collected Australian Association of National Advertisers (AANA) is used for supporting the operation of Ad Standards. (“Ad Standards,” n.d.e)

“Ad Standards” (n.d.e) sets the rates of the levy from business in Australia by 0.05%, following the universal standards. However, the support of advertising regulation at the universal level can be done in many ways. Such ways will be different depending on the regulatory systems that each country chooses to apply. Some countries may choose membership, levy, or mixed or hybrid methods, depending on the management methods of each country. Thus, Ad Standards determines the rate of the levy for foreign or international partners, as follows:

The United Kingdom: The levy rate is 0.1% of all media purchasing costs, i.e., broadcasting media and non-broadcasting media, except the direct marketing sector, at the rate of 0.2%, but not exceeding 57,000 euros.

New Zealand: The levy rate is 0.06%, besides direct financial support from NZ Advertising Standards Authority.

Sweden: The levy rate is 0.05%.

Moreover, there is the levy in the form of mixed or hybrid models, as follows:

Ireland: The levy rate is 0.2% of the expenses of media purchase and the subscription fees, including membership fees.

The Netherlands: The levy rate is 0.025%, including a range of fees.

Greece: The levy rate is 0.02% and annual fees of 300 euros.

All the collected money will be used for advertising self-regulation only with the following scope of using the collected budgets.

- 1) General management and complaints management
- 2) Employees’ salaries

- 3) Operational costs of overtime, remuneration or compensation, and attendance fees for Ad Standards Community Panel
- 4) Expenses for researching advertising standards or codes.
- 5) Expenses for organizing training on the relevant criteria for personnel in the advertising industry.
- 6) Expenses for organizing activities for stimulating awareness of and supporting advertising self-regulation.
- 7) Operational expenses for coordinating the literature review, publications, and dissemination of related criteria.

4.3 China (The People's Republic of China)

4.3.1 Rights, Freedom, and Legal Principle

China is governed by Socialist Democracy with Chinese Characteristics by the Chinese Communist Party (CCP), which is a political institution with supreme and absolute power. The cabinet or called "State Council" and other related organizations is responsible for determining national development plans, policies, and measures for implementation by strategic approval and recommendations given by the Party. The National People's Congress of the People's Republic of China (2004) specifies that China is one of the countries that have the longest history in the world. Several ethnic groups in China Jointly created and revolved towards glorious civilization as the national legacy.

After 1840, China governed the country by feudalism, and then gradually changed to a semi-colonial, semi-feudal country. Chinese had fought for their country's independence and people's freedom.

In the 20th century, there was a major historical change in China. In 1911, Sun Yat-sen, the leader of Xin Hai Revolution, overthrew the Qing dynasty, ending feudal monarchy, and propelling China into the Republic of China. However, Chinese people's opposition against imperialism, feudalism, and bureaucrat-capitalism could not be fully achieved yet. Until in 1949, Mao Zedong, the leader of the Communist Party of China, led people of several ethnic groups, after being trained by armed combat and other types of fighting for a long time, to overthrow imperialism,

feudalism, and noble capital, and conquered towards a new democratic revolution, leading to the foundation of the country or the People's Republic of China finally. China subsequently moved from a new democratic society to a socialist society step by step, while economic development was very successful. Besides, the socialist industrial system was formed fundamentally, while the production and agriculture were accelerated increasingly. Education, science, culture, and other fields were developed enormously. People's quality of life was also much bettered. China thus becomes a prosperous and strong socialist country with democracy in the Chinese way and modernity.

The achievement of China's revolution and the development and reform accomplishment cannot be possible without the support of the world's people. The future of China and the future of the World are connected tightly. China pursues independent foreign policies that respect the sovereignty and terrestrial integrity, without violating the border of one another nor interference in the internal affairs, while facilitating mutual benefits equally based on peaceful co-existence. China also helps to develop economic and foreign relations with other countries, with cultural exchanges. Besides, China has a consistent standpoint of opposing imperialism, hegemonism, and colonialism. On the other hand, China aims to enhance harmony with people of countries around the world, support oppressed people and other developing countries, help to seize and maintain their sovereignty by fighting with fairness, and buoy up their economics. All of these are for keeping world peace and promoting the cause of human progress.

As the Constitution of China accepts the victory of the struggle of Chinese people of all ethnic groups, the national fundamental systems and missions are stipulated as the fundamental laws of the country with supreme legal force. Accordingly, people of all ethnic groups throughout the country, government organizations, the army, political parties, social organizations, state enterprises, and all enterprises need to comply with the Constitution as a fundamental standard of all conduct. They all are required to protect the sanctity of the Constitution and ensure its compliance.

The Constitution of the People's Republic of China also legislates the protection of citizens' rights and freedom in many aspects, i.e., speech and

expression, religion, body, human dignity, accommodation, communication, criticism, working, leisure, retirement, and ways of living after retirement, research and scientific and artistic development, sex, and marriage, as illustrated in Article 35-51 of the Constitution, as follows:

Article 35 Citizens of the People's Republic of China shall enjoy freedom of speech, the press, assembly, association, procession and demonstration.

Article 36 Citizens of the People's Republic of China shall enjoy freedom of religious belief.

Article 37 The personal freedom of citizens of the People's Republic of China shall not be violated.

Article 38 The personal dignity of citizens of the People's Republic of China shall not be violated. It is prohibited to use any means to insult, libel or falsely accuse citizens.

Article 39 The homes of citizens of the People's Republic of China are inviolable. The unlawful search of or unlawful intrusion into a citizen's home is prohibited.

Article 40 Freedom and confidentiality of correspondence of citizens of the People's Republic of China shall be protected by law.

Article 41 Citizens of the People's Republic of China shall have the right to criticize and make suggestions regarding any state organ or state employee.

Article 42 Citizens of the People's Republic of China shall have the right and the obligation to work.

Article 43 Working people in the People's Republic of China shall have the right to rest.

Article 44 The state shall, in accordance with the provisions of law, implement a retirement system for employees of enterprises, public institutions and state organs. The livelihood of retirees shall be ensured by the state and society.

Article 45 Citizens of the People's Republic of China shall have the right to material assistance from the state and society when they are aged, ill or have lost the capacity to work.

Article 46 Citizens of the People's Republic of China shall have the right and the obligation to receive education.

Article 47 Citizens of the People's Republic of China shall enjoy the freedom to engage in scientific research, literary and artistic creation, and other cultural pursuits. The state shall encourage and assist creative work that is beneficial to the people of citizens engaged in education, science, technology, literature, art and other cultural activities.

Article 48 Women in the People's Republic of China shall enjoy equal rights with men in all spheres of life: political, economic, cultural, social and familial.

Article 49 Marriage, families, mothers and children shall be protected by the state.

Article 50 The People's Republic of China shall protect the legitimate rights and interests of Chinese nationals overseas as well as the lawful rights and interests of Chinese nationals who have returned from overseas and of the family members in China of Chinese nationals overseas.

Article 51 When exercising their freedoms and rights, citizens of the People's Republic of China shall not undermine the interests of the state, society or collectives, or infringe upon the lawful freedoms and rights of other citizens.

Besides, the State Council Information Office of the People's Republic of China (2019) issued a white paper called, "Seeking Happiness for People: 70 Years of Progress on Human Rights in China," which reports about the progress of human rights all through the past 70 years. It states that happy living is a fundamental human right. The Chinese government sees the importance of the right of living and development as introductory and fundamental human rights. People's equal rights have been improved since the foundation of the People's Republic of China in 1949, especially after the eighth CPC meeting in 2012.

All the past 70 years under the leadership of the Communist Party of China, Chinese people are independent and owners of their country. China has been steadfast, prosperous, and strong. People's all fundamental rights have been respected and protected better, while the Chinese government supports human rights at the international level consistently. Moreover, the report also specifies that China has opened a new route for protecting human rights to comply with the national conditions and to increase the diversity of human civilization. In the future, Chinese people will acquire more rights, and the awareness of well-rounded development of human rights is also stimulated. (Xinhua, 2019)

Nevertheless, it appears some contradictory information is against the concept of rights and freedom that the Chinese government tries to disseminate. For instance, according to the Chinese laws related to media's freedom, it states clearly that Chinese people born in China or having Chinese nationality are permitted to work as an assistant in a foreign news agency based in China only and are not allowed to report the news freely. Furthermore, it was criticized that the reason the Chinese government tried to organize media of the new world by disseminating oppression methods, information audit system, and tools for controlling the internet are the need in eliminating the mutiny of people of every group relentlessly. (BBC, 2018)

4.3.2 China Association of National Advertisers (CANA)

4.3.2.1 History

中国广告主协会 (n.d.) The China Association of National Advertisers is the national association approved by the Parliament and registered with the Ministry of Civil Affairs. It is also a member of the World Federation of Advertisers (WFA) officially and is the only legal organization of China in 2006. At present, the China Advertisers Association has become one of the five national advertising associations that are the most important in the world.

The China Association of National Advertisers determines to maintain the principles of right protection, self-discipline, and service, to comply with the regulations of the Market Socialism economic systems. It plays a role as an organization that connects between the government and the private sector, develops

the innovative capacity, creates Chinese enterprises and product brands, is responsible for marketing communication for creating perception and protecting the violation of intellectual property, promotes the development of the Chinese advertising industry, protects legal rights and advertisers' benefits, enhances self-discipline of the industry, and increase competitive capabilities in the advertisers' market continually.

Table 4.5 Timeline of China Association of National Advertisers (CANA)

Year	Critical Incidents
2006	<ul style="list-style-type: none"> Participated as a member of the World Federation of Advertisers (WFA) officially and is the national member which is the only legal organization of China.

4.3.2.2 Roles and Responsibilities

中国广告主协会 (n.d.) identifies 7 roles and responsibilities of the China Association of National Advertisers, as follows:

- 1) Connect and promote the establishment of the environment facilitating advertising investment, marketing communication, brand building, and the establishment of credit systems for the industry.
- 2) Provide consultation for media, advertisers, and advertising agencies that are Association members, protect legal rights and benefits for members, and create mechanisms for regulating advertising and media for promoting market communication based on the principles of equality, fairness, integrity, and high-quality level.
- 3) Coordinate on the issues related to marketing competition among members, promote communication and inter-organizational collaboration, protest unfair competition or violation of the national and others' benefits, support business principles of integrity and credibility by recommending members to comply with the standards and conventions related to marketing and communication, enhance self-discipline for keeping fair competition among members and in the industry, support the respect of consumers' legal rights and benefits, and coordinate disputes

related to business activities among members and non-members and members and general consumers.

4) Examine the national related laws, regulations, and policies; support related academic research, professional experience exchange, training, and the organizations of other activities for creating a perception of operational standards; disseminate advertising standards in various industries; encourage participation in determining related industrial standards, and establish a mechanism for regulating the industry and members.

5) Invent an information service system for members by organizing marketing research, consultation, evaluation of legal assistance, and other marketing and communication activities of members.

6) Develop collaboration with members of the World Federation of Advertisers and multi-national corporations to enhance international exchanges and economic cooperation, organize a field study to member organizations in foreign countries, conduct international marketing research, and support members to enter foreign markets.

7) Operate other tasks as assigned by the concerned government agencies.

4.3.2.3 Organizational Structure

中国广告主协会 (n.d.) describes the organizational structure of the China Association of National Advertisers that it comprises a president, 14 vice-presidents, and a secretary-general. The structure is divided into 6 parts: Office, Member Service Department, Business Development Department, International Affairs Department, Finance Department, and Standard Work Department, with details as follows:

1) Office is the center of organizational operations, responsible mainly for managing the Association, coordinating with external organizations, personnel management, legal affairs, and logistics service.

2) Member Service Department collects members' information, stipulate conditions of membership management, establish a good membership management system, and protect members' legal rights and benefits.

3) Business Development Department conducts research for industrial development, determines and operates by the overall business development plans of the Association, expands and develops businesses of the Association.

4) International Affairs Department is responsible for foreign affairs of the Association and members and promotes exchange and collaboration with external organizations.

5) Finance Department is responsible for the financial and accounting management of the Association.

6) Standard Work Department is responsible for the creation of mutual acceptance and operations of advertising regulation complying with the Association's advertising.

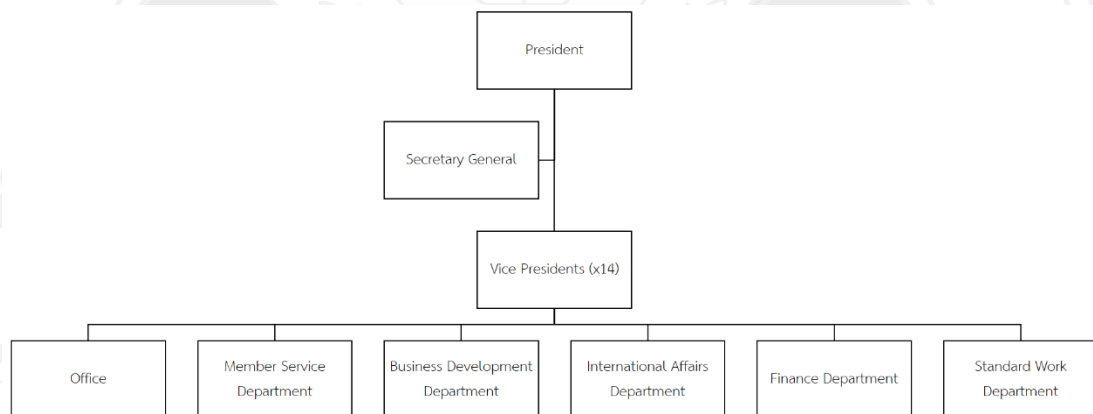


Figure 4.13 The organizational structure of the China Advertisers Association

Source “中国广告主协会”, n.d.

4.3.2.4 Purpose

中国广告主协会 (n.d.) specifies the purposes of The China Association of National Advertisers are to promote advertising by maintaining the balance between ethical standards or codes and business profits of the advertisers, raise the standard and organize the order of the advertising industry of China, protect legal rights and benefits of advertisers, enhance self-discipline of advertising entrepreneurs, and develop competitive capacities in the market of advertisers continually.

4.3.2.5 Strategy

The operational strategy of the China Association of National Advertisers does not appear in the studied documents.

4.3.2.6 Funding

Budgets of the China Association of National Advertisers (中国广告主协会, n.d.) comes from 6 major sources: Membership fees, donation, government funding, income from activities and services provided within the approved business scope, interest, and other legal income.

4.3.3 China Advertising Association (CAA)

4.3.3.1 History

China Advertising Association (CAA) is a national non-profit organization, jointly and voluntarily established by the industry sector in 1983. It comprises advertising business units, advertising entrepreneurs, advertising broadcasters, artist managers, advertising and marketing research business, tools and equipment used in the advertising business, and local advertising industrial organizations, including advertising research institutions. At present, CAA has members in more than 2,000 areas and is the source of collecting resources for enhancing the strength of the advertising and marketing industry in China. Besides, it performs as a major creative service provider organization of the country, which combines the international visions and domestic markets for connecting global economics. (Tag, 2020)

Table 4.6 Timeline of China Advertising Association (CAA)

Year	Critical Incident
1983	• The establishment of the China Advertising Association (CAA)

4.3.3.2 Roles and Responsibilities

The China Advertising Association (“中国广告协会,” n.d.b) comprises several business units, i.e., Advertisers, advertising agencies, advertising publishers,

advertising spokespersons, marketing and advertising research institutions, advertising equipment supply companies, including organizations in the local industry, educational institutions teaching advertising, the national industries, and non-profit organizations, who voluntarily participate to be members of the China Advertising Association. Generally, CAA is responsible for 16 missions, as follows:

1) The study, disseminate, and operate under advertising laws, including other related laws and regulations, and support the government in managing the advertising industry. Besides, it plays a role in reflecting opinions and recommendations of the advertising industry to the related government agencies, including the coordination related to the impacts of the advertising industry with the government.

2) Conduct research related to advertising laws and related regulations for developing the advertising industry, including determining standards of the advertising industry.

3) Conduct research related to the development of the advertising industry to create participation in studying and determining laws, regulations, policies, and plans for developing the advertising industry.

4) Conduct an evaluation and promote the credibility of the advertising industry for upgrading the advertising industry by disseminating information about the advertising industry via media to create the acceptance and credibility of the advertising industry.

5) Develop and promote the professional ethical standards or codes to promote personnel in the advertising industry to seize professional ethical standards, create advertising regulatory mechanisms and mechanisms for handling advertising complaints about solving the problems of illegal and unethical advertisements.

6) Determine, correct, disseminate, organize, and operate following the industrial standards, i.e., advertising services, advertising technologies, the evaluation of employees' performance, and organizational competitive capabilities, including participating in determining the national standards for improving the quality of the industry service continually in parallel to the development of the advertising industry standards.

7) Provide consultation before disseminating advertisements, investigate the correctness of advertising laws, and give opinions and recommendations about the interpretation the use of laws, regulations, and rules related to advertising, to upgrade the quality of advertising and enable entrepreneurs to reduce risks of violating laws.

8) Provide information on the advertising industry by establishing a database of the advertising industry and information dissemination systems of the advertising industry, including information about advertising capabilities, competitive capacity, advertising ethics, and conditions of the operations of the advertising agencies based on the related regulations.

9) Protect the rights of people in the advertising industry effectively, provide legal consultation, mediate internal and external disputes of the industry, assist in complaints management, conduct in-depth research on the important issues related to the industry development, reflect needs of the advertising industry, and protect rights and legal benefits of the industry.

10) Strengthen academic research related to advertising theories, promote the innovative development and theories related to domestic advertising and those that accord with cultural, economic, marketing, and social aspects of the country, including disseminating the research findings related to advertising theories with high quality continually.

11) Conduct academic activities, i.e., academic forums, experiential exchanges, training of advertising entrepreneurs' professional skills on laws and regulations at all levels, and determining to upgrade the quality of the advertising profession in parallel to the laws and professional ethics of the professionals.

12) Organize a meeting and exhibition of the advertising industry to raise the level of production of advertisements, tools, equipment, and enhance advertising agencies for strengthening research on advertising technologies by governmental agencies that are responsible for promoting activity organizations, i.e., China International Advertising Festival, China Advertising Forum and China University Student Advertising Art Festival, etc. to enhance advertising creativity, design, production, and dissemination.

13) Develop the international advertising collaboration among countries and regions and be representatives in organizing the advertising industry to participate in the international advertising activities, support advertising agencies to foreign markets, and play a role in promoting the participation in competitions at the international level.

14) Operate the use of certified marks, “CNA A I,” “CNA A II,” and “CNA A III” of the China Advertising Association to certify the quality of advertising services of each organization for promoting advertising agencies towards service professionalism.

15) Enhance the creation of a system for evaluating the core capability of advertising entrepreneurs, develop innovation and mechanisms for persuading capable persons to work in the advertising industry.

16) Operate other relevant tasks as assigned by the government agencies.

4.3.3.3 Organizational Structure

The organizational structure of the China Advertising Association (“中国广告协会,” n.d.c) consists of a President, Boards of Directors, and a Standing Committee, which is divided into two main parts: Secretariat of CAA and branches.

The Secretariat of CAA comprises General, Membership, Activities, Legal, Training, International, Modern Advertising Magazine, China Broadcasting Association, Advertising Information, Culture Communication, and Service Development Center.

Branches are classified by expertise and the diversity of the committee, i.e. Broadcasting, Newspaper, Railway, Public Transit, In-Flight, Logo, Outdoor, Equipment, Financial Advertising and Branding, Travel Advertising and Branding, Social Marketing, Sports Industry, Intellectual Property Licensing, Branding, Real Estate and Cultural Architecture and Branding, Automotive Industry, Branding, Cinema and Television Advertising, Digital Light Processing Technology, Advertisers Committee, Advertising Publishers Committee, Internet Advertising Committee, Legal Advisory Committee, Academic Committee, Expert Advisory Committee, Public Service Advertising Committee, as illustrated in Figure 4.14

Besides, it is also composed of 2,000 assembly members, i.e., advertisers, advertising agencies, brokers, advertising spokespersons, auditing agencies, advertising equipment supply companies, etc., including local business units and advertising industrial organizations, educational institutions, and advertising research, etc.

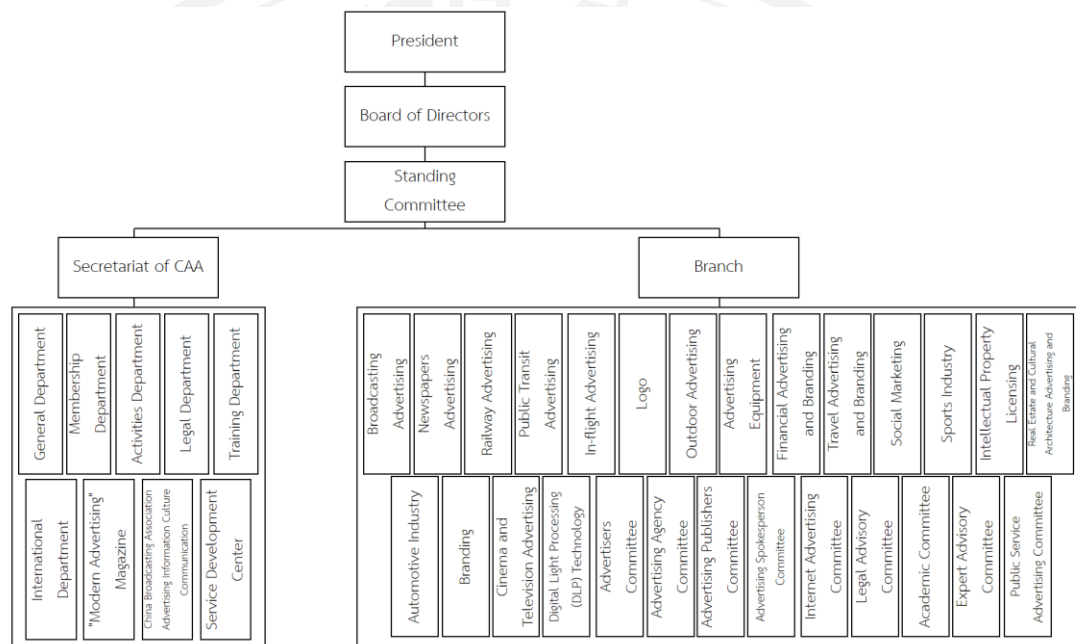


Figure 4.14 The Organizational Structure of the China Advertising Association

Source: “中国广告协会,” n.d.b.

4.3.3.4 Purpose

Purposes of the China Advertising Association (“中国广告协会,” n.d.b) are to provide service and reflect the needs of the advertising industry, including determining ethical standards towards actual practices.

4.3.3.5 Strategy

The operational strategies of the China Advertising Association do not appear in the studied documents.

4.3.3.6 Funding

Budgets of the China Advertising Association (“中国广告协会,” n.d.b) come from 7 major sources: Membership fees, donation, government funding, government purchases services, income from activities carried out within the approved business scope, interest, and other legal income sources as stipulated in the laws.

4.3.4 China Advertising Association of Commerce

4.3.4.1 History

中国商务广告协会 (2016a) specifies that the China Advertising Association of Commerce is the first national advertising industry association of China, established in 1981 under the name, “China Advertising Association of Foreign Economy and Trade” (CAAFET). Later, it changed to “China Advertising Association of Foreign Trade,” (CAAFT), and finally, after the organizational restructuring, it changed to the official name, “China Advertising Association of Commerce” or CAAC in 2005, whose development can be divided into 3 periods:

The period of 1981-1993. Since 1979, the advertising industry of China has grown up rapidly as a result of the revolution and the market opening of China. During these over 10 years, the advertising rate for export products increased 10 times, compared to the past decade. Besides, the number of advertising agencies for foreign commerce also increased from one agency to almost 50 agencies. Under such a circumstance, the idea of establishing the China Advertising Association of Foreign Economy and Trade was initiated for increasing the effectiveness of advertising for export products to make China well-known in the economic, commercial, advertising circles globally and to promote the roles of advertising for economic development.

The period of 1994-2004. During the decade, the advertising industry of China entered the period of firm development with full advertising creativity and growth, in which advertising laws were officially enforced. Foreign investments in the Chinese market increased. In 1994, CAAFT organized an exhibition of new media, new technology, new equipment, and materials of international advertising. Later, in 1995, the Association collaborated with Communication University of China or

Beijing Broadcasting Institute at that time for organizing and introducing the first book “1995 Yearbook on Consumer Behavior and Lifestyle.” After that, CAAFT introduced the fair,

“The Night of The Ad Eaters,” in 1996 and bought the copyright of Advertising Age for operations in China since 1997. In 2004, CAAFT revised and published the book named, “The Accelerated Growth of China Advertising History 1979-2003,” and “The China Marketing in 25 Years” in collaboration with the Communication University of China or (Beijing Broadcasting Institute, at that time) and International Advertising Institute (IAI), in both Chinese and English versions.

The Period of 2005-2015. After the organizational restructuring, CAAFT changed the name to “China Advertising Association of Commerce” under the approval of the Ministry of Commerce and the Ministry of Civil Affairs, comprising agencies in the advertising industry fully. China 4A was established for driving advertising services, innovation, competency, and credibility towards the first class. China 4A is the first sub-branch of CAAC to upgrade and improve the image of the advertising industry in China, develop advertising competencies for each field, and create practical standards of the industry, including enhancing self-discipline in parallel to economic development.

Table 4.7 Timeline of the China Advertising Association of Commerce (CAAN)

Year	Critical Incidents
1981	• The China Advertising Association of Commerce is the first national advertising industry association in China
1994	• Organized new media, new technology, new equipment, and materials for international advertising
1995	• Collaborated with the Communication University of China (or Beijing Broadcasting Institute, at that time) for organizing and introducing the first book, “1995 Yearbook on Consumer Behavior and Lifestyle.”
1996	• Organized the Night of The Ad Eaters for the first time.
1997	• Bought copyright of Advertising Age to be operated in China.

Year	Critical Incidents
2004	<ul style="list-style-type: none"> • Revised and published a book named, • “The Accelerated Growth of China Advertising History 1979-2003” and “The China Marketing in 25 Years,” in collaboration with the Communication University of China (or Beijing Broadcasting Institute, at that time) and International Advertising Institute (IAI), in both Chinese and English versions.
2005	<ul style="list-style-type: none"> • Restructured CAAFT and renamed it “China Advertising Association of Commerce” under the approval of the Ministry of Commerce and the Ministry of Civil Affairs. • Established China 4A for driving advertising services, innovation, competency, and credibility as the first class.

4.3.4.2 Roles and Responsibilities

中国商务广告协会 (2016a) describes the roles and responsibilities of the China Advertising Association of Commerce, as follows: Legal compliance, regulations, policies, and social moralities. CAAC determines and creates practical standards in the industry and enhances self-discipline, adheres to the profession, and leadership in the advertising profession globally. Besides, it is responsible for upgrading and cultivating the expertise in service provision, including creating a positive image of the advertising industry, creating perception, communication, and mutual support. Moreover, it functions to drive the advertising industry of China, develop and upgrade the advertising industry in the national development strategy, protect members' rights and benefits, create values of product brands to increase the consumption, participate in organizing domestic and foreign activities related to brand-building, advertising, and marketing in different forms, i.e., theoretical and practical studies, exchange and training projects, exhibitions and displays, etc. Moreover, it is responsible for enhancing and sharing new concepts, experiences, and techniques, including supporting innovation for increasing the effectiveness of self-regulation of the industry.

4.3.4.3 Organizational Structure

中国商务广告协会 (2016a) specifies that the organizational structure of the China Advertising Association of Commerce comprises the President, 16 Vice Presidents, 2 Vice-Presidents, and Secretary-General, Deputy Secretary-General, and committees, namely The Association of Accredited Advertising Agencies of China (China 4A), Digital Marketing Committee, Business Innovation Committee, Content Marketing Committee, Brand Development Strategy Committee, Creativity Industry Committee, Education & Training Committee, We-Media Committee, Self-Discipline Committee, Legal Working Committee, China Advertising Charity Special Fund, Advertising Engineering Committee, Global Brand Insight or International Advertising as the old name, IAI International Advertising Institute (IAI International Ad Award), Business Brand Institute (BBI), Creativity Industry Institute (CII)

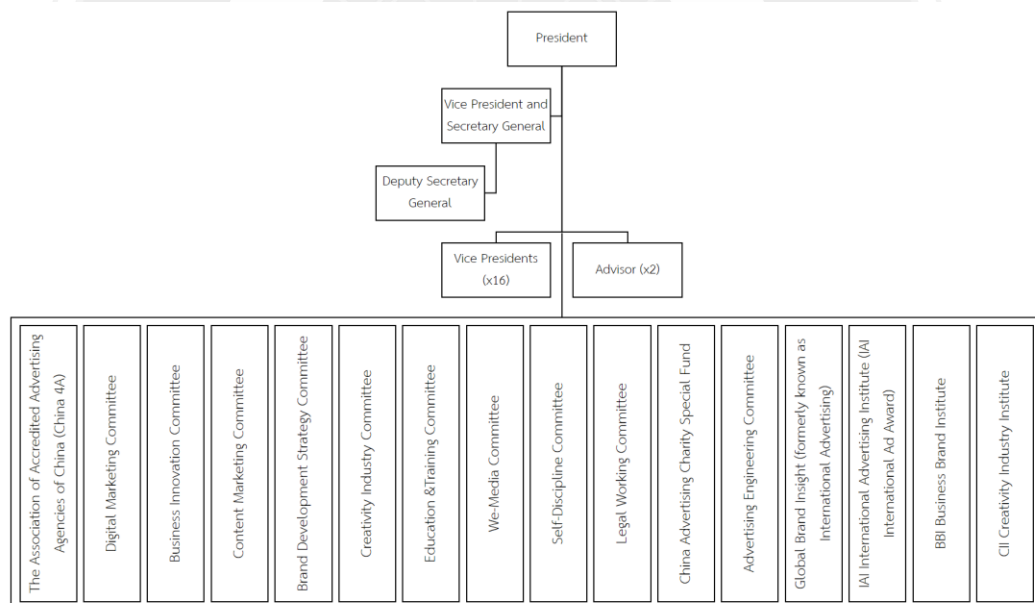


Figure 4.15 The Organizational Structure of the China Advertising Association of Commerce

Source: “中国商务广告协会,” 2016a.

4.3.4.4 Purpose

中国商务广告协会 (2016b) indicates the purposes of the China Advertising Association of Commerce are to determine standards and enhance self-discipline of the advertising entrepreneurs, create a positive social image, develop a learning system of the industry, create an exchange and mutual support for promoting the development of the advertising industry of China, promote and upgrade the advertising industry in the national development strategy, and be the representative of members in protecting legal rights and benefits.

4.3.4.5 Strategy

The operational strategy of the China Advertising Association of Commerce does not appear in the studied documents

4.3.4.6 Funding

Budgets of the China Advertising Association of Commerce (“中国广告协会,” n.d.b) come from 6 major sources: Membership fees, donation, government funding, income from activities carried out within the approved business scope, interest, and other legal income sources as stipulated in the laws.

In short, the three organizations in China, namely the China Association of National Advertisers (CANA), China Advertising Association (CAAA), and China Advertising Association of Commerce (CAAC) are all registered associations with the government sector and are independent. Still, they collaborate in advertising regulation: the maintenance of principles of right protection, self-discipline, and service as stipulated in the regulations of the Market Socialism economic system, the strengthening and upgrading of the standards of the advertising and marketing industry in China, including members' rights and benefits protection. Besides, China also adopted the advertising and marketing communication of the international chamber of commerce to be applied in China by translating it into Chinese for domestic usage.

Table 4.8 The Findings of the Documentary Analysis

Issues	Country		
	United Kingdom	Australia	The People's Republic of China
Legal background related to rights and freedom	<p>Governed by Parliamentary Democracy, emphasizing rights, liberties, and people's political participation. The provisions relating to rights and freedom protection have been in the form of written laws for a long time since 1215. Although the Constitutional laws do not specify to guarantee the right and liberty of mass media, mass media's liberty principles are still major components in the Constitution since the court of the United Kingdom claimed that the Constitutional principles include mass media's liberty.</p>	<p>Governed by Representative Democracy based on the main principle that people's government must be responsible for people and has shared value of liberty, respect, righteousness, and equal opportunities. Australia has no written Constitutional laws in protecting the freedom of opinion expressions, but from the interpretation of the Supreme Court that the Constitution of Australia covers such freedom unquestionably under the intention of the Constitution based on the implied freedom</p>	<p>Governed by Socialist Democracy with Chinese Characteristics, which is a governance form of the Chinese Communist Party. It is a political institution with supreme and absolute power. Besides, the Constitution of China legislates the protection of rights and freedom of people in several aspects. The government tried very hard to develop all basic rights of people to be respected and protected better than before, including the rights and freedom of mass media. Besides, the Chinese government has tried to organize the new world.</p>

Country	United Kingdom	Australia	The People's Republic of China
Issues			
Self-regulatory driving mechanisms of the advertising profession.	<ul style="list-style-type: none"> • Advertising affects consumers and society so laws are used for regulating it. • The Committee of Advertising Practice (CAP) was organized and organized the British Code of Advertising Practice for regulating domestic advertising and rejecting the American-style Federal Trade Commission. • Advertising regulations were initiated with some products. • The acts related to commerce were enacted. • Self-regulatory systems work in parallel to legal systems. • The said regulatory system did 	<ul style="list-style-type: none"> • Ethical codes of newspaper advertising were developed and later were expanded to radio and television. • Regulatory systems via one single organization were developed by determining the filing of consumers' complaints without the classification of media types. • Advertising Standards Board (ASB) was established. • The advertising professional ethics were developed. • Advertising campaigns were created via printed media, radio, and television for stimulating 	<ul style="list-style-type: none"> • The China Advertising Association of Commerce was established for increasing the advertising effectiveness for export products to make China well-known in the economic and commercial circles globally, including promoting the roles of advertising on economic development. • The China Advertising Association (CAA) was established as a source for collecting resources and strengthening the advertising and marketing industry in China.

Country	United Kingdom	Australia	The People's Republic of China
Issues	<p>not cover the management system with misleading advertising, while regulatory systems were not known widely.</p> <ul style="list-style-type: none"> • The Levy was introduced. • Organizational communication was planned to be acknowledged by the general public. • Radio and television advertising regulation was initiated. • The scrutinization of complaints was improved to be quicker. • Self-regulation of advertising on the internet was introduced. • Judgments were disseminated online weekly. 	<p>awareness of a new advertising regulatory system.</p> <ul style="list-style-type: none"> • ACMA was founded by merging two organizations, namely the Australian Communications Authority (ACA) and the Australian Broadcasting Authority (ABA) • Conditions were created to compel licensees to comply with the stipulated standards and to punish those who violate the standards, including the delegation of power in determining standards. 	<ul style="list-style-type: none"> • The China Advertisers Association was established for keeping the principles of right protection, self-discipline, and service, as stipulated by the Market Socialism economic system. • Collaborated with academic organizations for studying and publishing documents on advertising, consumers' behaviors, and lifestyle patterns. • Participated as a member of the World Federation of Advertisers (WFA).

Country	United Kingdom	Australia	The People's Republic of China
Issues	<ul style="list-style-type: none"> • The Act related to communication was improved and expanded to be inclusive and accordant with social conditions. • An organization for regulating new occurring media especially was established, and after the operation in the same direction, it was merged with the main organization. • Advertising regulation was driven to the ASA system for co-regulation. • A one-stop service for filing and scrutinizing complaints was established. 	<ul style="list-style-type: none"> • The advertising professional ethics were amended for the first time. • An advertising campaign, “Tell someone who cares” was disseminated via printed media, radio, television, and outdoor media. • The number of committee members increased from 12 to 20. • The frequency of committee meetings was increased from 12 to 20 times yearly. • The advertising professional ethics were amended for the second time. 	<ul style="list-style-type: none"> • Mobilized advertising services in the aspects of innovation, competency, and credibility as the first class. • Upgraded and improved the image of the advertising industry of China.

Country	United Kingdom	Australia	The People's Republic of China
Issues	<ul style="list-style-type: none"> • The levy of online marketing communication, including communication through corporate websites and other spaces of corporate media, was collected. • Law enforcement was transformed into trading standards. 	<ul style="list-style-type: none"> • A campaign “People like you” was created via television • The organizational image was modified by changing the old name to “Ad Standards.” • Ad Standards Education & Advice was introduced. • A campaign “Kinder conditions” was created to promote the perception of advertising standards and to stimulate the awareness of diverse social issues via printed media, radio, television, outdoor media, social media, and other digital media. 	

Country	United Kingdom	Australia	The People's Republic of China
Issues			
The number of organizations responsible for the self-regulation of the advertising profession.	<p>2 organizations</p> <ul style="list-style-type: none"> • Office of Communication (Ofcom) • Advertising Standards Authority (ASA) 	<ul style="list-style-type: none"> • A new database system was installed for working with the organization's emails so every communication through email between the organization, complainers, and advertisers will be recorded in the system and responded quickly. <p>2 organizations</p> <ul style="list-style-type: none"> • Australian Communications and Media Authority (ACMA) • Ad Standards 	<p>3 organizations</p> <ul style="list-style-type: none"> • China Association of National Advertisers (CANA) • China Advertising Association (CAA) • China Advertising Association of Commerce (CAAC)
Roles and responsibilities)	<p><i>Office of Communication (Ofcom)</i></p>	<p>Australian Communications and Media Authority (ACMA)</p>	<p><i>China Association of National Advertisers (CANA)</i></p>

Country	United Kingdom	Australia	The People's Republic of China
Issues	<ul style="list-style-type: none"> • Enable people to receive the best services in communication technology via high-speed internet, home phones, and mobile phones. • Radio and TV regulation • Postal service supervision • Management of spectrum of wireless equipment. • Consumers protection from deception and negative impact caused by media. 	<ul style="list-style-type: none"> • Legislation • Law enforcement • Consumer protection • Industrial support and regulation <p><i>Ad Standards</i></p> <ul style="list-style-type: none"> • Advertising regulation • Provision of advice on advertising creation before broadcasting or dissemination. 	<ul style="list-style-type: none"> • Connection and promotion of environment facilitating investment. • The protection of members' rights and benefits and the establishment of regulatory mechanisms for advertisers. • The promotion of communication and collaboration among organizations and the opposition against unfair competition. • The study of the national laws, regulations, and policies. • The installation of information service systems for members.

Country	United Kingdom	Australia	The People's Republic of China
Issues			<ul style="list-style-type: none"> • The collaboration development between members of the World Federation Advertisers and multi-national corporations. • Other operations assigned by the concerned government agencies.
			<p><i>China Advertising Association (CAA)</i></p> <ul style="list-style-type: none"> • The study, dissemination, and operation by advertising laws • Research related to advertising laws • Research related to the advertising industry development

Country	United Kingdom	Australia	The People's Republic of China
Issues			<ul style="list-style-type: none"> • The enhancement of the credibility of the advertising industry. • The promotion of professional ethics. • Standards of advertisements • Provision of consultation before broadcasting advertisements. • Provision of information database service of the advertising industry. • Right protection of people working in the advertising industry.

Country	United Kingdom	Australia	The People's Republic of China
Issues			<ul style="list-style-type: none"> • The conduction of academic research related to advertising theories and innovation. • The organization of academic forums and advertising professional experiential exchanges. • The organization of meetings and exhibitions of the advertising industry. • The collaboration development of international advertising. • The use of certified marks, “CNA A I,” “CNA A II,” and “CNA A III.”

Country	United Kingdom	Australia	The People's Republic of China
Issues			<ul style="list-style-type: none"> • The establishment of the professionals' competency evaluation systems. • The operation of other tasks as assigned by the government agencies. <p><i>China Advertising Association of Commerce (CAAC)</i></p> <ul style="list-style-type: none"> • The regulations for promoting compliance with laws, regulations, policies, and social morality. • The determination of regulations, policies, and social morality.

Country	United Kingdom	Australia	The People's Republic of China
Issues			<ul style="list-style-type: none"> • The determination and creation of practical standards in the industry and the enhancement of self-discipline. • The promotion of adherence to the profession and the professional leadership globally. • The upgrading and cultivation of expertise in providing service • The creation of a positive social image of the advertising industry. • The creation of learning, communication, and mutual support systems.

Country	United Kingdom	Australia	The People's Republic of China
Issues			<ul style="list-style-type: none"> • The driving of the national advertising industry as a part of strategic plans for the national development. • The protection of members' rights and benefits. • The creation of product brand values to increase consumption. • The participation in organizing domestic and foreign activities related to brand building, advertising, and marketing in various forms. • The support of innovation for increasing the effectiveness of self-regulation of the industry.

Country	United Kingdom	Australia	The People's Republic of China
Issues			
Organizational structure	<p><i>Office of Communication (Ofcom)</i></p> <ul style="list-style-type: none"> • Ofcom Board • Senior Management Team • Ofcom Content Board • Ofcom committees (Communications Consumer Panel, Advisory Committee for Older and Disabled People, Risk and Audit Committee, People and Election Committee, Advisory Committee for England, Advisory Committee for Northern Ireland, Advisory Committee for Scotland, Advisory Committee for Wales, Community Radio Fund Panel, and Ofcom Spectrum Advisory 	<p><i>Australian Communications and Media Authority (ACMA)</i></p> <ul style="list-style-type: none"> • Chair & Agency Head • Deputy Chair & Chief Executive Officer • General Managers (Communications Infrastructure, Content & Consumer, Corporate & Research, and Legal Services) • Ad Standards Board of Directors • Ad Standards Community Panel • Ad Standards Industry Jury 	<p><i>China Association of National Advertisers (CANA)</i></p> <ul style="list-style-type: none"> • President • Vice-President • Secretary-General • Departments (Office, Member Service Department, Business Development Department, International Affairs Department, Finance Department, and Stand Work Department) <p><i>China Advertising Association (CAA)</i></p> <ul style="list-style-type: none"> • President • Board of Directors

Country	United Kingdom	Australia	The People's Republic of China
Issues	<ul style="list-style-type: none"> • Board (OSAB) • <i>Advertising Standards Authority (ASA)</i> • Senior Management Team • Chief Executive's Office • Corporate Services • Communications • Complaints and Investigations • Advertising Policy and Practice 	<ul style="list-style-type: none"> • Standing Committee • Secretariat • Branches • <i>China Advertising Association of Commerce (CAAC)</i> • Advisor • President • Vice-Presidents • Vice-Presidents and Secretary-General • Deputy Secretary-General • Committees (The Association of Accredited Advertising Agencies of China (China 4A), Digital Marketing Committee, Business Innovation Committee, Content Marketing 	

Country	United Kingdom	Australia	The People's Republic of China
Issues			Committee, Brand Development Strategy Committee, Creativity Industry Committee, Education & Training Committee, We- Media Committee, Self- Discipline Committee, Legal Working Committee, China Advertising Charity Special Fund, Advertising Engineering Committee, Global Brand Insight or International Advertising as the old name, IAI International Advertising Institute (IAI International Ad Award), Business Brand Institute (BBI), and Creativity Industry Institute (CII)

Country	United Kingdom	Australia	The People's Republic of China
Issues			
Purpose	<p><i>Office of Communication (Ofcom)</i></p> <ul style="list-style-type: none"> To maintain standards and prevent risks from communication by making the best decisions on the related issues for consumers and people in the United Kingdom. 	<p><i>Australian Communications and Media Authority (ACMA)</i></p> <ul style="list-style-type: none"> To operate on communication and media of Australia towards economic and social utmost benefits. 	<p><i>China Association of National Advertisers (CANA)</i></p> <ul style="list-style-type: none"> To promote advertising by keeping a balance between ethical standards and advertisers' business profits, to upgrade and organize the advertising industry of China, protect legitimate rights and benefits of advertisers, promote self-discipline of advertising entrepreneurs, and develop the competitive capabilities in the market of advertisers continually.
Regulatory Authority	<p><i>Advertising Standards Authority (ASA)</i></p> <ul style="list-style-type: none"> To enable every piece of advertisements to be responsible for society since responsible advertisements are beneficial for consumers, society, and advertisers. 	<p><i>Ad Standards</i></p> <ul style="list-style-type: none"> To be a spokesperson for people for Australia for complaining about advertising and marketing standards, give importance to consumers' values, and be the guidelines of the industry in keeping good and decent advertising that accords with community standards. 	<p><i>China Advertising Association (CAA)</i></p>

Country	United Kingdom	Australia	The People's Republic of China
Issues			<ul style="list-style-type: none"> • To service and reflect the needs of the advertising industry, including determining ethical standards for actual practice. <i>China Advertising Association of Commerce (CAAC)</i> • To determine standards, enhance self-discipline of advertising professional entrepreneurs, establish a positive image, develop learning systems of the industry, enhance exchanges and mutual support for developing the advertising industry in China, buoy and upgrade the advertising industry in the

Country	United Kingdom	Australia	The People's Republic of China
Issues			national development strategy, and be the representative of members to protect legitimate rights and benefits.
Strategy	<p data-bbox="400 562 638 1010"><i>Office of Communication (Ofcom)</i></p> <ul data-bbox="638 562 1335 1010" style="list-style-type: none"> <li data-bbox="638 562 718 1010">• Better service of communication technology via high-speed internet networks and mobile phones. <li data-bbox="718 562 798 1010">• Righteousness <li data-bbox="798 562 877 1010">• The support of the broadcasting industry of the United Kingdom <li data-bbox="877 562 957 1010">• Regulation of online communication for consumers and the business sector <li data-bbox="957 562 1037 1010">• The activation of secure networks 	<p data-bbox="400 1010 638 1458"><i>Australian Communications and Media Authority (ACMA)</i></p> <ul data-bbox="638 1010 1335 1458" style="list-style-type: none"> <li data-bbox="638 1010 718 1458">• Effective and efficient spectrum management <li data-bbox="718 1010 798 1458">• Protection preparation, and information and advice provision <li data-bbox="798 1010 877 1458">• Surveillance and response to regulations <li data-bbox="877 1010 957 1458">• Complaints handling <li data-bbox="957 1010 1037 1458">• The creation of awareness for society 	<p data-bbox="400 1458 638 1964"><i>China Association of National Advertisers (CANA)</i></p> <ul data-bbox="638 1458 1335 1964" style="list-style-type: none"> <li data-bbox="638 1458 718 1964">• No appearance in the studied documents <p data-bbox="718 1458 957 1964"><i>China Advertising Association (CAA)</i></p> <ul data-bbox="957 1458 1335 1964" style="list-style-type: none"> <li data-bbox="957 1458 1037 1964">• No appearance in the studied documents <p data-bbox="1037 1458 1276 1964"><i>China Advertising Association of Commerce (CAAC)</i></p> <ul data-bbox="1276 1458 1335 1964" style="list-style-type: none"> <li data-bbox="1276 1458 1335 1964">• No appearance in the studied documents

Country	United Kingdom	Australia	The People's Republic of China
Issues	<p><i>Advertising Standards Authority (ASA)</i></p> <ul style="list-style-type: none"> • Consumers and the world • Online • Efficiency • The creation of common acceptance • Enforcement • Independence 	<ul style="list-style-type: none"> • The establishment of stakeholders' participation • A business internal process and financial security. • Business revolution 	
Funding	<p><i>Office of Communication (Ofcom)</i></p> <ul style="list-style-type: none"> • Financial support from the regulatory companies or organizations, which are fees and fines stipulated in Article 400 of the Communication Act 2003. 	<p><i>Australian Communications and Media Authority (ACMA)</i></p> <ul style="list-style-type: none"> • Spectrum access fees • Telecommunications industry taxes • Radio communications Taxes 	<p><i>China Association of National Advertisers (CANA)</i></p> <ul style="list-style-type: none"> • Membership fee • Donation • Government funding

Country	United Kingdom	Australia	The People's Republic of China
Issues	<p data-bbox="405 1285 491 1704"><i>Advertising Standards Authority (ASA)</i></p> <ul data-bbox="520 1285 1002 1704" style="list-style-type: none"> <li data-bbox="520 1585 552 1704">• Levy 	<ul data-bbox="405 734 1002 1205" style="list-style-type: none"> <li data-bbox="405 752 491 1205">• Broadcasting apparatus license tax <li data-bbox="520 734 606 1205">• Telecommunications numbering charges <li data-bbox="635 734 721 1205">• The annual carrier license charge <i>Ad Standards</i> <li data-bbox="750 1084 782 1205">• Levy <li data-bbox="810 752 1002 1205">• Hybrid methods, depending on the trade agreement between Australia and trade-partner countries. 	<ul data-bbox="405 300 1295 703" style="list-style-type: none"> <li data-bbox="405 300 552 703">• Income from activities and services provided within the approved business scope. <li data-bbox="580 555 612 703">• Interest <li data-bbox="635 398 667 703">• Other legal income. <p data-bbox="689 300 775 703"><i>China Advertising Association (CAA)</i></p> <ul data-bbox="804 300 1295 703" style="list-style-type: none"> <li data-bbox="804 443 836 703">• Membership fee <li data-bbox="865 533 896 703">• Donation <li data-bbox="925 385 957 703">• Government funding <li data-bbox="986 331 1018 703">• Government service fees <li data-bbox="1046 300 1193 703">• Income from activities and services provided within the approved business scope. <li data-bbox="1222 555 1254 703">• Interest <li data-bbox="1283 398 1295 703">• Other legal income. <p data-bbox="1318 264 1350 703"><i>China Advertising Association of</i></p>

Country	United Kingdom	Australia	The People's Republic of China
Issues			<p data-bbox="408 450 440 696"><i>Commerce (CAAC)</i></p> <ul data-bbox="464 293 895 696" style="list-style-type: none"> <li data-bbox="464 450 496 696">• Membership fee <li data-bbox="520 528 552 696">• Donation <li data-bbox="576 383 608 696">• Government funding <li data-bbox="632 293 783 696">• Income from activities and services provided within the approved business scope. <li data-bbox="807 551 839 696">• Interest <li data-bbox="863 394 895 696">• Other legal income.

From Table 4.8, it indicates the comparison of countries in each issue, i.e., legal background related to rights and liberty, mechanisms for driving self-regulation in the advertising profession, the number of organizations responsible for the self-regulation of the advertising industry, roles and responsibilities, the organizational structure, purposes, strategies, and budgets.

In the issue of legal background related to rights and freedom, it is found that the governance patterns of the United Kingdom and Australia are similar, namely democracy, with shared values on freedom, respect, fairness, and equality. Despite no written provisions on the protection of media's rights and freedom, freedom of opinion expression is protected implicitly under the intention of the Constitution based on implied freedom principles; thus, it includes freedom of mass media as well. The People's Republic of China is governed by Socialist Democracy with Chinese Characteristics by the Chinese Communist Party, which is a political institution with supreme and absolute power. The Constitution of China legislates the protection of citizens' rights and freedom in many aspects, and the government has tried hard to develop all basic rights of citizens to be more respected and protected. Still, in terms of mass media's rights and freedom, the Chinese government tries to organize the order of the new world media by disseminating oppression methods, information auditing systems, and tools for controlling the internet, which is criticized by western countries.

In terms of mechanisms for driving self-regulation of the advertising profession, the United Kingdom and Australia possess such mechanisms. Namely, there has been the development of ethical standards or codes per advertising media in each period. Advertising regulatory committees were established in combination with the determination of ethical codes, a complete filing and scrutinization of the complaints process, the time shortening of complaints scrutiny, and the conduct of organizational communication to make the organization more well-known, including being a channel for receiving complaints. In China, besides the establishment of self-regulatory associations, these associations also work with academic organizations to study and publicize articles related to advertising, consumers' behaviors, and lifestyle patterns for developing knowledge of advertising in the country. China also participates as a member of the World Federation of Advertisers (WFA) to mobilize

Chinese advertising in service, innovation, capacities, and credibility as the first class, including upgrading and improving the image of the advertising industry of China.

Regarding the number of organizations responsible for the self-regulation of the advertising profession, it is found that the United Kingdom and Australia have two organizations equally. Namely, the organizations of the United Kingdom are “the Office of Communication” (Ofcom) and “the Advertising Standards Authority” (ASA), while those of Australia is “the Australian Communications and Media Authority” (ACMA) and “Ad Standards.” In China, there are 3 organizations, namely “the China Association of National Advertisers” (CANA), “the China Advertising Association” (CAA), and “the China Advertising Association of Commerce” (CAAC), which are all registered with the government sector.

For roles and responsibilities, it is found that the United Kingdom and Australia determine the roles and responsibilities of the concerned organizations broadly, i.e., communications infrastructure, laws, enforcement, consumers’ protection, support, and regulation of the industry, but the United Kingdom also adds the roles and responsibilities in research, which is similar to the roles and responsibilities stipulated in China in which the concerned organizations are determined to research theories, laws, and the development of the advertising industry with thorough details, which also cover the roles and responsibilities similar to those of the United Kingdom and Australia. Other details are covered, i.e., the promotion of the credibility of the advertising industry, the collaboration development in international advertising, the establishment of a system for evaluating the competency of the advertising professional entrepreneurs, etc.

Regarding the organizational structure, it is found that every organization of all three countries possesses a similar organizational structure, namely a president or chief executive officer, vice-president, secretariat or secretary, and other management positions, including committees or working groups of different parts, depending on the operational scope of each organization, i.e., communications infrastructure, content and consumers, organization and research, legal service provision, self-regulation of the profession, business development, foreign relations, etc.

In terms of purposes, it is found that the purposes of Australia and China are similar in the self-regulation of the advertising profession, which tries to balance between ethics and business competition since the goal of both countries is to operate towards the utmost economic and social benefits. On the other hand, the United Kingdom focuses on the social responsibility of each advertisement and gives importance to consumers and people's benefits. Remarkably, the purposes of China are distinctive from the other two countries in the way that it highlights the creation of a positive social image and the elevation of the national advertising industry.

For strategies used by each country, it is found that each organization applies different operational strategies, as follows:

Office of Communication (Ofcom) in the United Kingdom focuses on 5 principal strategies: A better service of communication technology via high-speed internet networks and mobile phones, fairness, the support of the broadcasting industry, online communication regulation for consumers and the business sector, and the activation of secure networks.

Advertising Standards Authority (ASA) in the United Kingdom has 6 major strategies: consumers and the world, online, efficiency, the creation of common acceptance, enforcement, and independence.

Australian Communications and Media Authority (ACMA) in Australia highlights three main strategies: effective and efficient spectrum management, protection preparation, the information and advice provision, surveillance, and response to regulations.

Ad Standards in Australia has five principal strategies: complaints management, the creation of perception to society, the establishment of stakeholders' participation, a business internal process and financial security, and business revolution.

Notably, the organizations in the government sector of the United Kingdom and Australia determine the strategies related to communications infrastructure, and people's convenience, and security, while those of self-regulation of the advertising profession emphasizes the strategies of creating the acceptance and participation of stakeholders, complaints management, and effective and efficient organizational communication and management.

However, for the organizations in China, information on the strategies does not appear in the studied documents.

Lastly, regarding budgets, the sources of budgets of the organizations in the United Kingdom and Australia are similar, namely from the levy, fees, and fines as stipulated in the laws. For China, budgets come from several sources: membership fees, donation, government funding, government service fees, income from activities and services provided within the approved business scope, interest, and other funds as stipulated in the laws.

From the comparison of both commonalities and differences in various issues: legal background related to rights and freedom, mechanisms for driving self-regulation in the advertising profession, the number of organizations responsible for the self-regulation of the advertising profession, roles and responsibilities, the organizational structure, purposes, strategies, and funding, a synthetical check-list is drawn for studying the structure, roles, and operation of the self-regulatory mechanism of the advertising profession in Thailand, as follows:

Table 4.9 The Synthesis of the Findings from the Documentary Analysis on the Legal Background Related to Rights and Freedom

Details	Country	The United Kingdom	Australia	China
Democracy		✓	✓	
Socialist Democracy with Chinese characteristics				✓
Shared values are based on freedom, respect, fairness, and equal opportunities.		✓	✓	
Chinese Communist Party as a political institution with supreme and absolute power				✓
Protection of citizens' rights and freedom		✓	✓	✓
The Constitution does not specify mass media's rights and freedom, but it is the protection under the intention of the Constitution implicitly.		✓	✓	

From Table 4.9, the legal background related to the rights and freedom of the citizens appears in the Constitution of every country. The governance of the United Kingdom and Australia is a democracy, having shared values based on freedom, respect, fairness, and equal opportunities despite no specification of mass media's rights and freedom in the Constitution, but it is the implied freedom under the intention of the Constitution. China is governed by Socialist Democracy with Chinese characteristics by the Chinese Communist Party, which is a political institution with supreme and absolute authority.



Table 4.10 The Synthesis of the Findings from the Documentary Analysis on Mechanisms for Driving Self-regulation of the Advertising Profession

Details	Country	The United Kingdom	Australia	China
The establishment of self-regulatory organizations of the advertising profession supported by laws.		✓	✓	✓
The authority by the laws for self-regulation of the advertising profession and the expansion of authority following the occurring media and social situations.		✓	✓	✓
The development of advertising or advertising professional ethics practices that accords with the occurring media and social situations.		✓	✓	✓
The development of self-regulation of the advertising profession via a single or unified organization by filing consumers' complaints without classifying types of media.		✓	✓	✓
Organizational communication via campaigns to make the organizations known by the general public.		✓	✓	
The development of self-regulation of the advertising profession towards more independence.		✓	✓	
The shortening of time for scrutinizing complaints about accelerating the		✓	✓	

Details	Country	The United Kingdom	Australia	China
process to be quicker.			✓	
The levy from advertising media purchase towards independence of self-regulation of the advertising profession		✓	✓	
The weekly dissemination of judgment online		✓		
The improvement of an organizational image by changing the name for people to access more easily.			✓	✓

From Table 4.10, every country operates a mechanism for driving self-regulation in the advertising profession supported by laws. Besides, they are authorized by the laws to conduct self-regulation of the advertising profession, while the authority scope is expanded to be accordant with the media and social occurrence. Besides, the development of the practice of advertising or advertising professional ethics that accords with the media and social occurring situations. However, some mechanisms are found in the United Kingdom and Australia, namely the development of self-regulation of the advertising profession via a single or unified organization by filing consumers' complaints without classifying types of media, organizational communication via campaigns to make the organizations known by the general public, the development of self-regulation of the advertising profession towards more independence, the shortening of time for scrutinizing complaints about accelerating the process to be quicker, and the levy from advertising media purchase towards independence of self-regulation of the advertising profession. On the other hand, the weekly dissemination of judgment online is found in the United Kingdom only, while "the improvement of an organizational image by changing the name for people to access more easily" is found in Australia and China.

Table 4.11 The Synthesis of the Findings from the Documentary Analysis on the Number of Organizations Responsible for the Self-Regulation of the Advertising Profession

Details	Country	The United Kingdom	Australia	China
<p>2 organizations of an organization of the government sector responsible for regulating the national overall communications operations and another independent organization responsible for the self-regulation of the advertising profession. Both organizations collaborate in operations.</p>		✓	✓	
<p>3 organizations, comprising all independent organizations responsible for strengthening and upgrading the advertising industry, and conducting self-regulation of the advertising profession. All three organizations operate independently.</p>				✓

From Table 4.11, the number of organizations responsible for the self-regulation of the advertising profession of the United Kingdom and Australia is equal, namely two organizations. One of them is an organization of the government sector responsible for regulating the national overall communications operations and the other is an independent organization responsible for the self-regulation of the advertising profession. Both organizations collaborate in operations. China has three organizations, comprising all independent organizations responsible for strengthening and upgrading the advertising industry, and conducting self-regulation of the advertising profession. All three organizations operate independently.

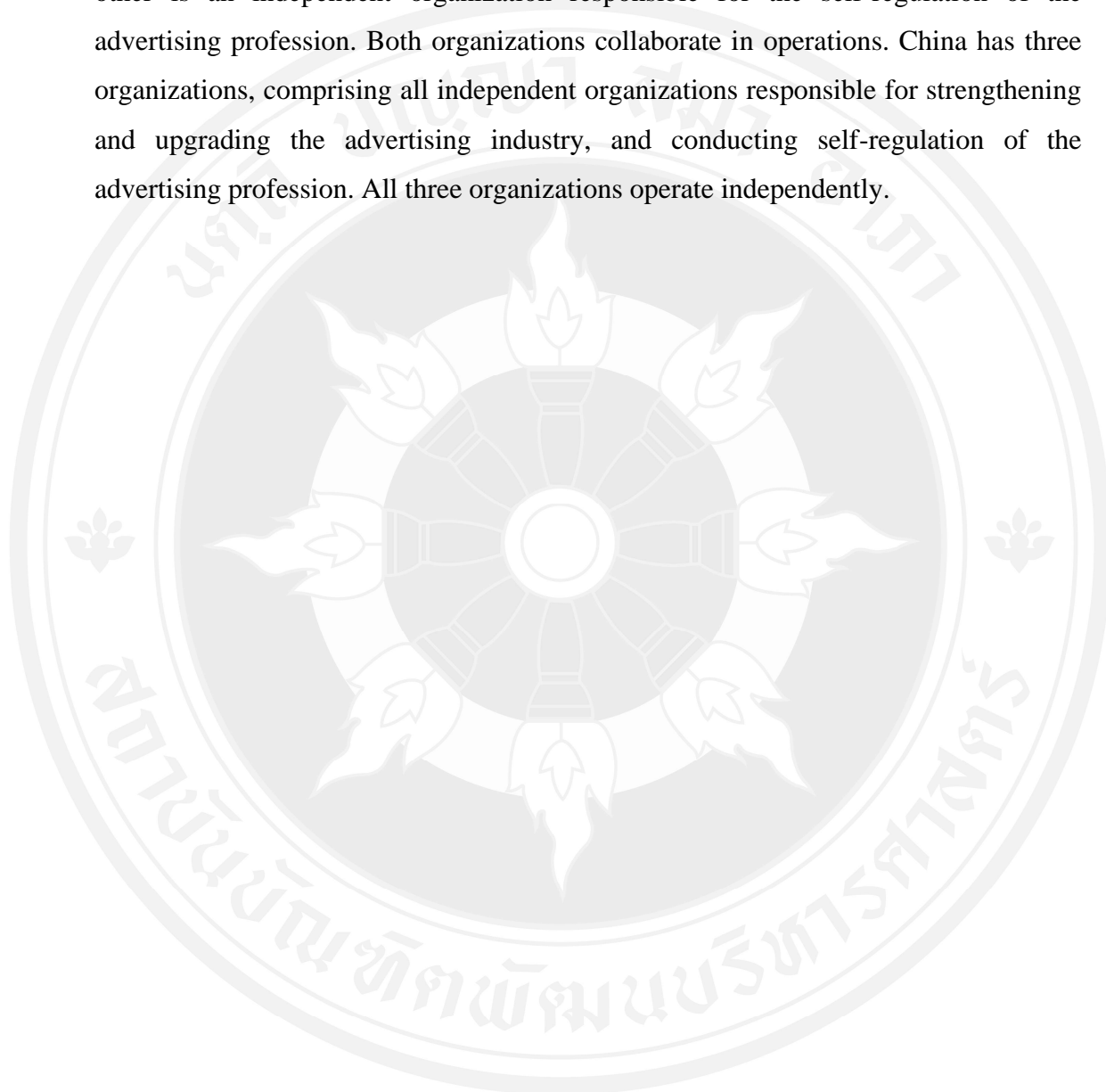


Table 4.12 The Synthesis of the Findings from the Documentary Analysis on Roles and Responsibilities

Details	Country	The United Kingdom	Australia	China
Legislation		✓	✓	✓
Enforcement		✓	✓	✓
Support of self-regulation of the advertising profession		✓	✓	✓
Research		✓	✓	✓
Consumers' protection		✓	✓	
Advice provision on advertising creation before dissemination			✓	✓
Promotion and elevation of the advertising industry				✓
Collaboration development among organizations				✓
Protection of rights and benefits of the personnel in the advertising profession				✓
The service provision of information database of the advertising industry				✓
Organization of meetings, exhibitions, and forums for exchanging professional experiences.				✓
Establishment of a system of evaluating the competency of personnel in the advertising profession.				✓

From Table 4.12, every country plays roles in legislation, enforcement, supporting self-regulation of the advertising profession, and conducting research. Consumers' protection is found only in the United Kingdom, while advice provision for advertising creation before broadcasting is found in Australia and China, the promotion and elevation of the advertising industry, the collaboration development among organizations, the protection of rights and benefits of personnel in the advertising profession, the provision of information database of the advertising industry, the organization of meetings, exhibitions, and forums for exchanging professional experiences, and the establishment of a system for evaluating the competency of personnel in the advertising profession are found in China only.

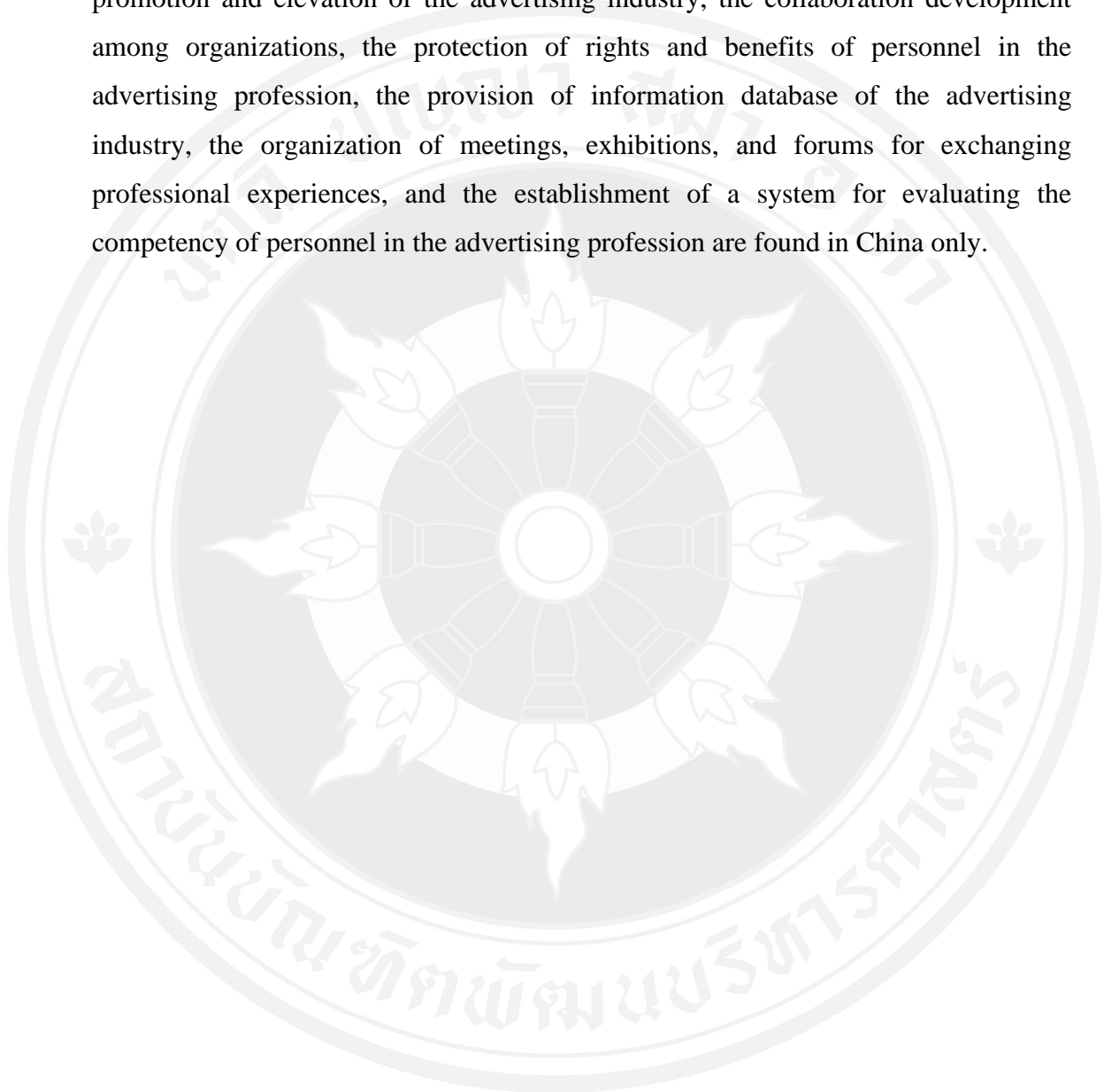


Table 4.13 The Synthesis of the Findings from the Documentary Analysis on the Organizational Structure

Details	Country		
	The United Kingdom	Australia	China
Top management team/committee	✓	✓	✓
Content	✓	✓	✓
Advertising regulatory policies and practices	✓	✓	✓
Communication	✓	✓	
People/consumers	✓	✓	
The receipt/filing of complaints and investigation	✓	✓	
Research	✓	✓	✓
Laws		✓	✓
Risks and auditing	✓		
Funds for community radio	✓		
Area consultation	✓		
Spectrum consultation	✓		
The elderly and persons with disabilities consultation	✓		
Member service			✓
Business development			✓
Foreign relations			✓

Details	Country	The United Kingdom	Australia	China
Agencies/committees of branches (classified by types of media or nature of advertising tasks)				✓
Academic affairs and training				✓
Finance				✓



From Table 4.13, the organizational structure related to top management team or committee, content, and advertising regulatory policies and practices are similar in all three countries. In both the United Kingdom and Australia, communication, people/consumers, and the receipt/filing of complaints and investigation are found, while research and legislation are found in Australia and China. The organizational structures found in the United Kingdom only are risks and auditing, funding for community radio, area consultation, spectrum consultation, and the consultation for the elderly and persons of disabilities, while member service, business development, foreign relations, agencies or committees of branches (classified by types of media or the nature of advertising tasks), academic affairs and training, and finance are found in China only.



Table 4.14 The Synthesis of the Findings from the Documentary Analysis on Purposes

Details	Country	The United Kingdom	Australia	China
To operate communication and media towards the social utmost benefits.		✓	✓	✓
To promote advertising to have social responsibilities and enhance self-discipline of advertising professionals		✓	✓	✓
To operate communication and media towards the social and economic utmost benefits			✓	✓
To be a spokesperson for people's complaints on advertising and marketing standards.			✓	
To protect advertisers' legitimate rights and benefits.				✓
To promote and upgrade the advertising industry				✓

From Table 4.14, every country has purposes of operating communication and media towards social utmost benefits, promoting advertising with social responsibilities, and enhancing self-discipline of advertising professionals. Both Australia and China have common purposes in operating communication and media towards social and economic utmost benefits, while Australia has the additional purpose of being a spokesperson for people in Australia to complain about advertising and marketing standards. On the other hand, the purposes of protecting advertisers' legitimate rights and benefits and the promotion and elevation of the advertising industry are found in China only.

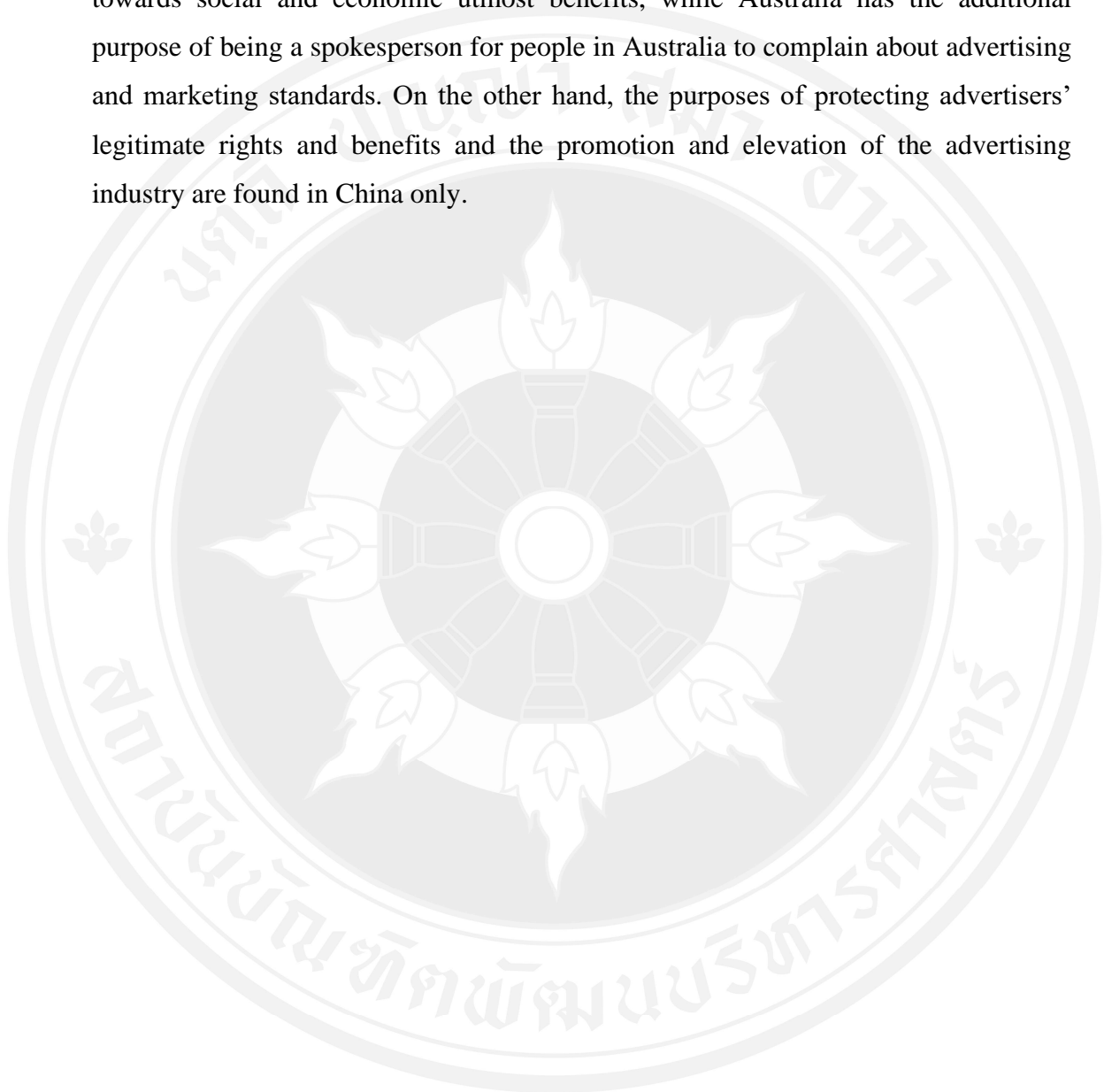


Table 4.15 The Synthesis of the Findings from the Documentary Analysis on Strategies

Details	Country	The United Kingdom	Australia	China
Services for people and protection of consumers and society		✓	✓	
Communication regulation, surveillance of and response to regulations		✓	✓	
Effective and efficient operations		✓	✓	
Fairness		✓		
Support of the communication industry or enterprises.		✓		
Online media		✓		
The creation of common acceptance		✓		
Enforcement		✓		
Independence		✓		
Stimulation of awareness to society			✓	
A business internal process and financial security			✓	
Business revolution			✓	
The protection preparation, information, and advice provision			✓	

From Table 4.15, both the United Kingdom and Australia have common strategies of operating self-regulation of the advertising profession by providing service to people and protecting consumers and society, regulating communication, surveillance of and responding to regulations, and effective and efficient operations. The strategies found in the United Kingdom are fairness, the support of communication industry or enterprises, online media, the creation of common acceptance, enforcement, and independence, while the use of strategies in creating awareness of the society, using a business internal process and financial security, business revolution, and the prevention, and information and advice provision are found in Australia only. However, the strategies of China are not found in the information publicized via the organizational media.

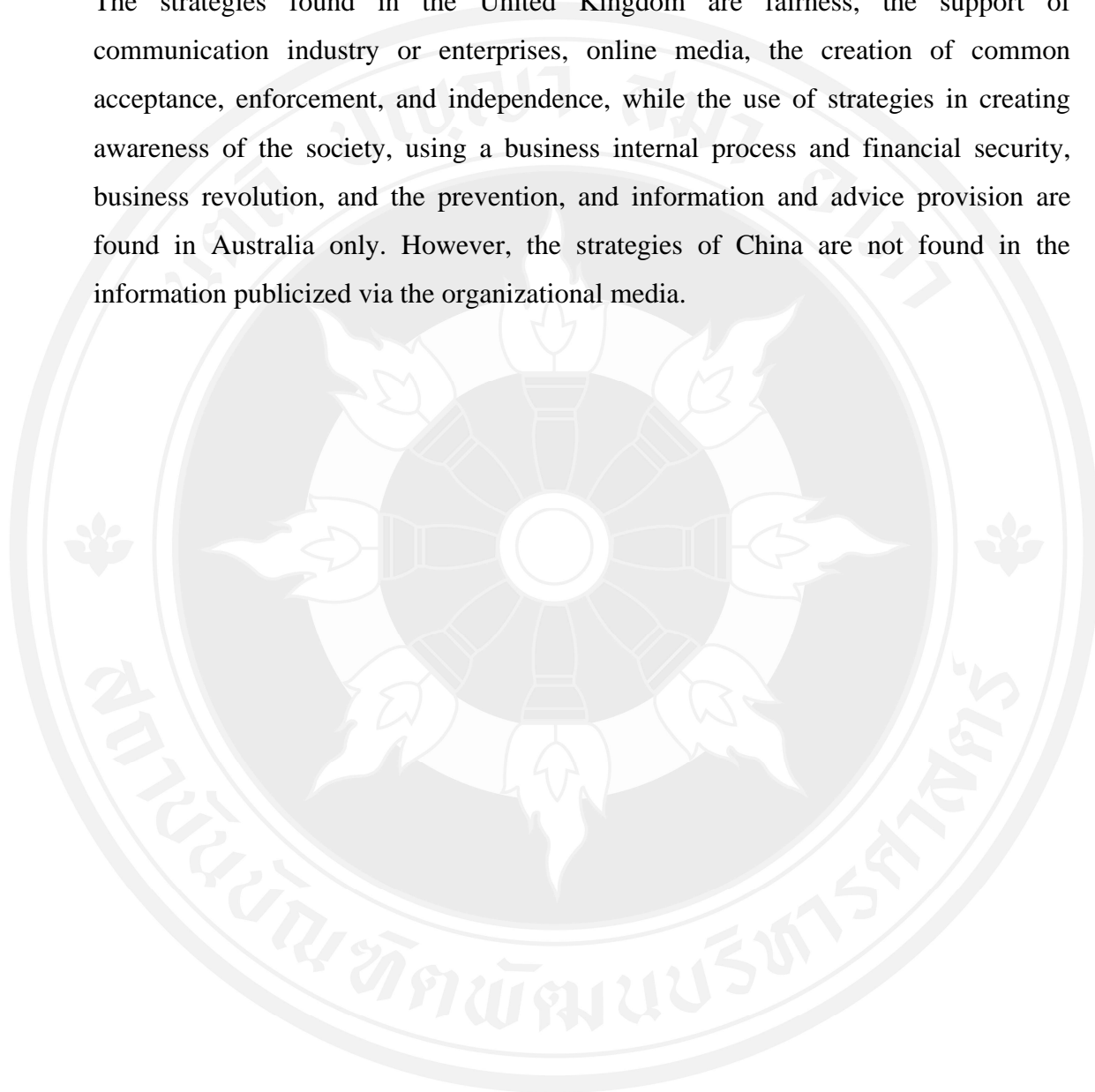


Table 4.16 The Synthesis of the Findings from the Documentary Analysis on Funding

Details	Country	The United Kingdom	Australia	China
Fees and fines as stipulated in the laws		✓	✓	
Levy		✓		
Membership fees				✓
Donation				✓
Government funding				✓
Income from activities and services provided within the approved business scope				✓
Government service fees				✓
Interest				✓
Other legal income				✓

From Table 4.16, the budgets of both the United Kingdom and Australia come from two sources: fees and fines as stipulated by laws and the levy or tax collection. In China, sources of income are membership fees, donation, government funding, income from activities and services provided within the approved business scope, government service fees, interest, and other legal sources.

After the study of self-regulation of the advertising profession in the successful countries, namely the United Kingdom, Australia, and China (The People's Republic of China), the eminent success of each country was gathered for proposing the structure, roles and responsibilities, and mechanisms for driving self-regulation of the advertising profession in Thailand as the first draft. Besides, such drafted proposal was further studied in the context of Thailand by the in-depth interviews in the next chapter.

4.4 The Proposal of the Structure, Roles, and Operational Mechanisms in Driving Self-Regulation of the Advertising Profession in Thailand (The First Draft)

Advertising Association of Thailand was established and has operated its missions since 1965 for over 55 years, with the following six main roles and responsibilities:

- 1) Uphold the honor and create good understanding among members.
- 2) Facilitate knowledge exchange among members, coordinate with advertising and advertising media institutions, i.e., radio, TV, newspaper, magazines, and other media, including other relevant institutions, both domestic and foreign.
- 3) Disseminate the value of advertising, contact and organize for consultation and coordination for advertising effectiveness, provide advertising advice as needed by concerned institutions, including providing information of the advertising profession for public benefits.
- 4) Upgrade advertising professional standards and ethics.
- 5) Protect consumers' rights and freedom from the advertising profession

6) Conduct any other operations that are beneficial for the advertising profession without involving with politics.

Mainly, the operational scope of the Advertising Association of Thailand focuses on the elevation of the professional standards and advertising ethics, which is one of the major operations in driving a self-regulatory mechanism of the advertising profession in Thailand. Formerly, in Thailand, advertising was controlled by the government agencies via the Consumer Protection Act, B.E. 2522 (1979) and other laws, including the regulation and censorship of TV advertising under the operation of the Office of the Radio and Television Broadcasting Administration Committee. Besides, the attempt at self-regulation of the advertising profession was introduced in 1992, and the Office of the Radio and Television Broadcasting Administration Committee was annulled and replaced by the Office of the National Radio and Television Broadcasting Enterprise Committee. After the cancellation of the radio and TV censorship by the government sector, each TV station was allowed to conduct its censorship. Accordingly, the representatives of Channel 3, 5, 7, and 9, in collaboration with the representatives of the Advertising Association of Thailand, performed in collaborative scrutiny and censorship, which was the starting point of self-regulation of TV advertising in Thailand.

In 2001-2002, policies were announced to give importance to self-regulation by professional ethics. Advertising professional ethics was revised and the new advertising professional codes were enforced in 2003. Later, in 2006, The regulations on a self-regulatory process of the advertising professionals of Thailand were declared. In 2014-2015, guidelines were developed and a feasibility study on the censorship of analog television systems in parallel to that of the digital system was conducted. In 2019, the Advertising Association of Thailand joined with the Radio and Television Advertising Film Censorship Club (Thailand) to operate a prototype project of a media-production program for producing secure and creative advertising media to develop manpower in advertising media and mobilize society towards the production of secure and creative advertisements.

In 2020, the Advertising Association of Thailand signed an MOU with the Ministry of Culture, Safe and Creative Media Development Fund, the Office of the National Broadcasting and Telecommunications Commission, The Office of Food and

Drug Administration, The Office of the Consumer Protection Board, Moral Center (Public Organization), The Radio and Television Advertising Film Censorship Club (Thailand), Digital Advertising Association (Thailand), Online News Producers Association, Marketing Association of Thailand, Media Agency Association and Media Business of Thailand, The National Institute of Development Administration, and Chulalongkorn University for conducting research, collecting case studies, developing seminar topics, and organizing training on the guidelines of advertising media production under the advertising professional ethics and advertisers' ethics in Bangkok and regions. Besides, the study on the adoption of the ICC Advertising and Marketing Communication Code in Thailand for advertising was also conducted for the advertising industry.

To drive self-regulation of the advertising profession in Thailand successfully, the self-regulatory mechanisms of the advertising profession in the successful countries were studied and applied as a guideline for determining the direction of self-regulation of the advertising profession in Thailand. From the findings, the following 5 aspects: roles and responsibilities, the organizational structure, purpose, strategy, and funding were proposed for the Advertising Association of Thailand to operate its self-regulation, as follows:

4.4.1 Roles and Responsibilities

As mentioned above, the Advertising Association of Thailand has operated to increase the professional standards and advertising ethics as its main missions. However, the mobilization of self-regulatory mechanisms of the advertising profession in Thailand needs to determine additional roles and responsibilities to enhance its accomplishment. Therefore, the following roles and responsibilities for advertising self-regulation are proposed:

- 1) Advertising regulation. The professional standards and advertising ethics have to be improved and developed to be accordant with advertising technology and innovation, including other marketing environments to make professional standards and advertising ethics accord with the context of the advertising industry and credible at the international level. Besides, it must be responsible for scrutinizing

advertising complaints from consumers and competitors in the industry, including punishing those violating standards of self-regulation in the advertising profession.

2) Research. Research on advertising self-regulation has to be conducted with all groups of stakeholders inclusively for improving and developing professional standards and advertising ethics, including planning strategies for consumer protection.

3) Collaboration development. The collaboration in advertising with the government and private organizations domestically and internationally in the regions has to be developed for establishing alliances in regulating advertising domestically and internationally.

4.4.2 Organizational Structure

The organizational structure of “the Advertising Association of Thailand” (2016, 2020) should organize the structure by having the President of the Advertising Association of Thailand as the leader in managing the activities of the Association and as the Association representative for contacting outsiders. Moreover, the President will perform as the chairman of the committee and of the general meetings, and an authorized signatory in official documents of the Association, and having Honorary President, Honorary Chairman, and Honorary Vice-President in the management team, including a secretary-general and deputy secretary-general responsible for all the administration work of the Association. The secretary-general will also perform as chief of the Association staff in operating the Association, complying with the authority of the President, and a secretary for the meetings of the Association. Besides, the structure also consists of a treasurer, performing as an accountant, making income-expenditure accounts and balance-sheet accounts for the Association, including filing works. Moreover, the structure includes Vice-Presidents and Committees responsible for operating each main mission of the Association, i.e., public relations, professional standards, legal affairs, international affairs, government coordination, innovation and networks, activities and creativity, and academic affairs, as illustrated in Figure 4.16.

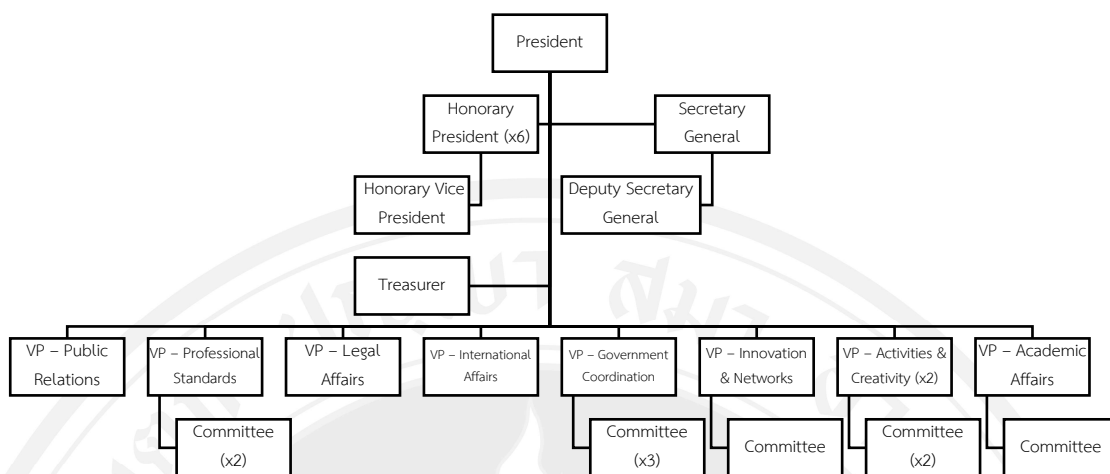


Figure 4.16 The Proposed Organizational Structure of the Advertising Association of Thailand

Figure 4.16 displays the proposed organizational structure of the Advertising Association of Thailand in which there will be 2 executives responsible for professional standards, namely the Vice President and Committees. Besides, if the advertising regulation is expanded to cover three areas: advertising regulation, research, and collaboration development, it should assign a committee or sub-committees for self-regulation of the advertising profession in Thailand for mobilizing the said mechanism collaboratively. Thus, the structure will be as follows:

- 1) President of the Advertising Association of Thailand as a consultant
- 2) Vice-President of Professional Standards as the Chairman
- 3) The Committee of Professional Standards as Vice-Chairman
- 4) Vice-President and Committee of the Government Coordination as Committee members
- 5) Vice-President of Foreign Affairs as a Committee member
- 6) Vice-President and Committee of Academic Affairs as Committee members
- 7) Secretary-General and Deputy Secretary-General as Secretary and Secretary Assistant.

Moreover, it is recommended that the committee of the receipt and scrutiny of consumers' complaints should be recruited and appointed from the experts and stakeholders in the advertising industry. The number of the committee members should be 21 to cover all groups of stakeholders, i.e., representatives of Associations related to the advertising industry, companies in the advertising industry, organizations for consumers, legal authority, and advertising academicians. The recruitment should concern about the diversity of the members, i.e., age, sex, interest, etc.

For the Committee for scrutinizing competitors' complaints, the survey should be conducted to gather the names of legal authorities with expertise in advertising laws so a name list can be created for inviting 3 of them to be parts of the committee for considering complaints case by case.

4.4.3 Purpose

The purposes of the Advertising Association of Thailand need to ensure that advertisements appearing on every communication channel in Thailand must have social responsibilities and enable fair competition in the marketing mechanisms following the fundamental principles and practices of the advertising professional code of ethics, including advertising and marketing communication practices of the International Chamber of Commerce (ICC).

4.4.4 Strategy

5Cs Strategies are proposed for mobilizing a self-regulatory mechanism of the advertising profession in Thailand towards the imposed goals as follows:

- 1) Consumer and Community. The focus should be on consumers and communities mainly since consumers are those affected directly by advertisements, which may affect communities as well, i.e., race, religion, or belief, or something being worshiped, by creating awareness to consumers and communities, through organizing activities, to know about advertising ethical codes or standards.

- 2) Complaint Handling. Complaints received from both consumers and competitors in the industry should be managed based on ethical standards to become accepted norms of the advertising industry and be beneficial for the general public.

3) Cyber Security. Mechanisms for regulating online advertising should be updated and developed so that proper content and advertisements can be disseminated. Besides, regulatory technology and innovation for active regulation should be adopted to reduce overlapping and increase the effectiveness of regulation.

4) Consensus. The operation and the creation of major stakeholders' participation should be promoted towards consensus or common agreements, including common acceptance of self-regulation of the advertising profession by emphasizing the benefits of basic principles and practices of regulating each type of advertising and via different kinds of media properly.

5) Connection. Importantly, the Association needs to create strategic collaboration with the government and private sector, including academic institutions at the national and international level to have alliances and networks for advertising self-regulation in terms of academic and practical operations, including other relevant activities.

4.4.5 Funding

At present, the budget of the Advertising Association of Thailand comes from membership fees, activities organization, and supporting budgets from the collaboration of organizations. From the study, it was found that fines should be determined in the case of any violation of basic principles and practical details of the advertising professional ethics, including advertising and marketing communication of the International Chamber of Commerce (ICC). The levy will be another source of income to help increase the funding for managing advertising regulation. Besides, it is proposed that the Association should reduce financial support from organizations to increase the independence of the regulatory operations.

From the documentary analysis, the United Kingdom sets the rate of the levy at 0.1%, while Australia 0.05%. Both countries are successful in regulating advertising in their countries. Thus, it is proposed the Association collect at 0.05%, equally to Australia in the first period, and an additional rate could be considered in the future.

Furthermore, it is proposed that during the early period, the Association may need to be supported by the government sector so that a self-regulatory system of the

advertising profession could be established and strengthened towards universality and sustainability. After goal accomplishment, the Association could consider reducing support from the government sector until it can terminate such support from the government sector and can proceed with its operation by the levy to make self-regulatory systems of the advertising profession in Thailand more independent.



CHAPTER 5

THE FINDINGS OF IN-DEPTH INTERVIEWS

After the study on the driving of self-regulatory mechanisms of the advertising profession in the successful countries by documentary analysis, the first drafted proposal on the structure, roles, and operations for driving self-regulatory mechanisms of the advertising profession in Thailand was drawn in Chapter 4, which led to the further studies to respond to the research objective No. 2 and 3, namely to study the driving of self-regulatory mechanisms of the advertising profession in Thailand and to explore the guidelines for solving problems and obstacles of the driving of self-regulatory mechanisms of the advertising profession in Thailand by in-depth interviews. After the data collection, the findings were analyzed and presented to respond to the research questions. In the presentation of the findings, some direct quotation of the interviews was illustrated to support the findings. Besides, after the study of the in-depth interviews, the proposed structure, roles, and operations of driving self-regulatory mechanisms of the advertising profession in Thailand in the first draft would be summarized as the second draft. The findings of the in-depth interviews are presented in three parts, as follows:

5.1 Recommendations on the self-regulatory mechanisms of the advertising profession in Thailand

5.2 Problems/obstacles and guidelines for solving problems/obstacles of the driving of self-regulatory mechanisms of the advertising profession in Thailand.

5.3 The proposal of the structure, roles, and operations for driving self-regulatory mechanisms of the advertising profession in Thailand as the second draft.

5.1 Recommendations on the Self-Regulatory Mechanisms of the Advertising Profession in Thailand

5.1.1 Recommendations on the Universality of the Self-regulatory System

In the study on the universality of the self-regulatory system, all groups of interviewees, namely people experienced in driving laws or legal issues, representatives of the government agencies, advertising association executives, media regulation scholars, advertising agency and advertising professionals, and consumer protection organization representatives, all agreed with the initiation of self-regulatory system management of the Advertising Association of Thailand. The scholars in media regulation emphasized that it is important to add roles and responsibilities related to the self-regulation of the advertising profession in Thailand, especially the creation of common acceptance and the establishment of stakeholders' participation. Besides, the designed process needs to be transparent, open, and stimulate members' motivation to actively collaborate in self-regulation. A system of scrutinization of the complaints needs to be established. Moreover, scholars in media regulation and professionals of advertising agencies and advertising companies perceived that the roles on research should be added for producing a body of knowledge related to self-regulation of the advertising profession and for planning self-regulatory operations continually, including for working with other alliance organizations from the government, private, and civil sector.

What we have imposed is the establishment of Ethics Committee, which may be the professional or industry protection by displaying to the government sector that we are a strong association and unified. We accept the same rules since the Ethics Committee occurred because of the concept that whenever our members or affiliated organizations in the advertising networks do something wrong or are complained, we will solve our own problem as we have experts in the Committee. If a case happens, we may talk to one another. Suspension may be ordered, but prosecution or fines may not be necessary. In other words, we have our preliminary process for withholding. This point is rather clear. Don't forget that in the Association committee, we have some

representatives as committees and sub-committees in other agencies of the government sector. (Rati Pantawee, personal communication, June 14, 2021)

The Advertising Association is a good option, but maybe the name should add something or some missions should be added. (Pana Thongmekom, personal communication, June 18, 2021)

I agree that the Advertising Association should elevate its roles by including the scrutiny on complaints. However, the acceptance and participation of the civil society, including a transparent and open process, should make it more effective. Especially if members are active to collaborate in regulation. (Chanansara Oranop Na Ayutthaya, personal communication, June 7, 2021)

I agree with the principle of expanding the role and scope of the Association since it reflects the possibility of self-regulation of the entrepreneurs. I don't agree that we have to wait for the government sector to determine the rules and then we follow. (Dhanakorn Srisooksai, personal communication, June 21, 2021)

If it starts with the Advertising Association, it will be easier, as we can regulate the advertising content directly, including the ethics of advertisers too. (Siwat Chawareewong, personal communication, June 19, 2021)

I think the same. We believe that self-regulation is the best to let people in the industry regulate one another by ourselves. The only question is how we set a benchmark for this ruler to let everyone have similar benchmark. Mostly, we rely on AAT as they have more expertise than we who involve in media. (Tharaputh Charuvatana, personal communication, June 20, 2021)

The self-regulation of the Advertising Association is very strong, compared to other media, or we can say the strongest. Partly, it's because advertising circle also connects to foreign countries and advertising companies; thus, the issues of professional ethics, advertising, or even self-regulation have been executed for a long time and substantially. Therefore, another part can transmit to subsidiaries. Besides, people in the advertising circle have more chances to discuss or group together. (Wasan Paileeklee, personal communication, July 19, 2021)

The Association is willing to be a regulator. If there will be any working group here, it depends on whether and to what extent there will be any laws supporting our work. Secondly, how much funding can be supported. (Rati Pantawee, personal communication, June 14, 2021)

I want to add research as additional roles. Besides generating knowledge, it can help to improve the production and creation to be beneficial. People can use to do campaigns to make people perceive or understand about professional standards. The importance is to have people participate. (Juthamas Chaimung, personal communication, July 25, 2021)

The development of partnership requires the collaboration of the government and private sector, including consumers' representatives. It should focus on consumer groups to have them surveillance and know their rights and self-defense. (Ramida Kulratanamane, personal communication, July 21, 2021)

Briefly, in the issue of purposes of self-regulation of the advertising profession in Thailand, interviewees of all groups: people experienced in driving laws or legal issues, representatives of the government agencies, advertising association executives, media regulation scholars, advertising agency and advertising professionals, and consumer protection organization representatives, agree to determine the purposes by balancing advertising's social responsibility and consumers' benefits. On the other hand, it should enhance creativity in the advertising industry, including free and fair competition without the intervention of the government and other organizations that may influence the operations of self-regulation of the advertising profession in Thailand.

Self-regulation means how creativity will be presented under the responsibility and free of the financial owners' intervention or interference, including that of the government sector. How can we provide knowledge or how can we turn media to be a school of the society? (On-Usa Lamliengpol, personal communication, July 30, 2021)

Purposes should go parallel to the competition. Without this keyword, we may overlook some problems. For instance, we may admire some large

companies that produce very good movie, but we forget that such advertising commercial spends a hundred million. Thus, it is hard to have competition occur. In other words, it is not free and fair competition, I agree to have this role, but it must come with other conditions, which are main principles. Each aspect is important, so all aspects should be executed simultaneously. (Dhanakorn Srisooksai, personal communication, June 21, 2021)

It should focus on consumers' benefits as it obstructs what the industry considers improper. The other advantage is an effort to prevent advantages over others from making advertising that violates the frame it should be. Some people may choose to do a dark grey area and be successful, while others who choose to do a white area may lose their benefits. (Siwat Chawareewong, personal communication, June 19, 2021)

What can make this thing happen is to encourage us to have a fair game in producing advertising, media, and public relations, no matter of large or small companies, in the aspects of disseminated content and the dealing with all supply chains. (Gunpong Panthongprasert, personal communication, June 15, 2021)

Regarding the strategies for driving self-regulatory mechanisms of the advertising profession in Thailand, interviewees agreed that the proposed 5Cs strategies: Consumer and community, complaint handling, cyber security, consensus, and connection, are appropriate for driving towards the imposed goals. Interviewees with experience in driving laws advised uniting consensus and connection as both are connected in terms of operations. Besides, representatives of the government sector proposed to have a strategy of being an information center, especially a center of excellence, and knowledge management to enhance the effectiveness of long-term operations.

I think all 5Cs strategies are fine and proper. They should yield effective organizational operations. (Chawanphat Sirkanyarat, personal communication, July 2, 2021)

5Cs strategies should be operational guidelines that make self-regulation successful, especially connection because this kind of work requires

collaboration of many parties. (Ramida Kulratanamane, personal communication, July 21, 2021)

The most important strategy is consumer and community because the ultimate goal of advertising regulation aims towards consumers so it must be customer-centric. (Gunpong Panthongprasert, personal communication, June 15, 2021)

Consensus and connection seem to be identical. Stakeholders must collaborate. The word can be cooperation instead. 4Cs may be more focused. (On-Usa Lamliengpol, personal communication, July 30, 2021)

Another strategy I want to add is to be a data or knowledge center. In the long term, if we want to promote self-regulation, we can't miss this strategy. It will be an internal affair and it should be stipulated as strategic plans. Even for measuring the level of preference or popularity or rating, the Association may have its method to fulfil measurement systems in the market. (Dhanakorn Srisooksai, personal communication, June 21, 2021)

5.1.2 Recommendations on Sustained and Effective Funding

From the study of sustained and effective funding, it was found that the budgets come from several sources, i.e., membership fees, fundraising from activity organizations, government funding, and the levy from advertising media.

For the use of membership fees and fees of advertising censorship for advertising self-regulatory operations in Thailand, interviewees from the government sector and professionals of advertising agencies and advertising media companies viewed that the funding of self-regulation should come from the support among members in the industry to prevent the intervention and interference from the government sector and other organizations who provide financial support. However, such a budget may be insufficient for a long-term operation

Fundraising from activity organizations was proposed by representatives who have experience in driving laws. Activities can be training by experts in the advertising industry or activities can be organized for donation, which can be another channel of fundraising for self-regulation of the advertising profession in Thailand.

Regarding government funding, interviewees of all groups proposed that the ultimate goal of self-regulation of the advertising profession is consumer protection. Since it is for people's benefit, it should be the responsibility of the government to provide support. Furthermore, the laws specify to support self-regulation in each profession; thus, it should obtain support from the related government agencies, especially the organizations responsible for regulating media, such as the Office of the National Broadcasting and Telecommunications Commission (NBTC) by asking budgets through Broadcasting and Telecommunications Research and Development Fund for Public Interest (BTRDFP). However, there will be some restrictions in asking for the annual budgets under urgent policies of the country; therefore, such funds may be inapplicable. Another possible fund is the Thai Media Fund. Therefore, interviewees proposed to drive laws similar to the case of Thai PBS TV Station, whose budget is determined definitely, so there will be a budget for operations automatically without relying on financial support annually. Besides, it can reduce the problem of intervention or interference as well.

The levy from advertising media is another source of funds. Scholars in media regulation proposed that knowledge and understanding should be provided for those who pay taxes for their advertising media in advance. Besides, value and benefits should be created for the organizations that pay for such levy to stimulate the conscience that the levy is worth and proper, especially beneficial for consumers. Interviewees from the group of advertising association management perceived that if the rate does not exceed 0.1%, it should be possible. The levy may start with the comparison with the rate collected in foreign countries and may create an understanding that leads to payers' willingness to pay for such levy increasingly. However, some interviewees were worried about the current economic-contraction situation and tend not to be expanded. Accordingly, it may not be good timing for the levy.

Principally, it should be members' contribution. If supported by the government, some groups of people may be afraid that the responsible organization may be intervened from the government sector and lack its independence. Thus, it must consider what can guarantee that the government

sector will not intervene the organization. (Juthamas Chaimung, personal communication, July 25, 2021)

Firstly, I think the Association must collect membership fees, and secondly besides membership fees, each advertisement should be censored and stamped by the Association like what we do with advertising TV spots, so advertisers need to pay for censorship fees. Thus, it will vary by economic situation. In the year of good economics, there will be lots of fees collected from increased advertisements, which should not be too high. Thus, each advertisement pays for the levy by the existing rate; however, the levy may not be sufficient. Thus, the third source should be funding from the government agencies performing as regulators and the funds may be from NBTC or SCF, which can be discussed. (Dhanakorn Srisooksai, personal communication, June 21, 2021)

We can organize training. Actually, we can do it from the knowledge we have, which can be a huge knowledge inventory of the advertising industry. We have a lot of knowledge to access funding. (On-Usa Lamliengpol, personal communication, July 30, 2021)

For NBTC, we have financial support as well. It is the support from BTFP. However, BTFP will be granted periodically. Normally, it is classified into Type 1, 2, 3, etc. Type 1 means budgets by urgent policies of the nation. Mostly, the funding will be Type 2 based on Section 53 (2), which is a project proposed by the Fund to support self-regulation of the professional organizations. This type of funding can be submitted. Another criterion that counts is the fund for developing mass media professionalism. I think the Advertising Association used to apply for this fund. However, for financial support of administrative expenditure, i.e., management, rent, salaries, etc., it is not available right now. For BTFP, it can be in a form of projects to ensure that the management in each period is based on the allocated budget. Thus, the appropriateness of a project will be considered from the objectives specified in the TOR. (Chawanphat Srikanyarat, personal communication, July 2, 2021)

It is the same way as the NBTC is paid for its censorship of digital channels. It comes from the private sector. It is thus very government-oriented.

If we can be an independent organization without being under the shade of the government clearly, it should be better. (Rati Pantawee, personal communication, June 14, 2021)

I think the government should support the Association as the main benefits will fall on people. If there will be another organization that provides creative media, it deserves to be supported. I think the second and the third type of funding are possible. It involves the benefits of the whole industry. Therefore, the Advertising Association should do this funding by 1) contribution from agencies, or 2) doing some activities to establish funds. (Gunpong Panthongprasert, personal communication, June 15, 2021)

To drive this law can be compared with the way that Thai Health Promotion Foundation Fund or Thaihealth gets money from sinful taxes. If we could use funds from misleading or illegal advertising for creative media, it would be good. Otherwise, the money will be piled at BTFP and companies will ask for funds without using them for protecting media or consumers. This kind of funding is interesting and should be tried. Let take the Broadcasting and Telecommunications Research and Development Fund for Public Interest or BTFP for use. (Sathaporn Arakwatana, personal communication, June 28, 2021)

NBTC is responsible for provide funds. It says that you can use it for self-regulation or to develop your professionalism. Let's look at Section 54 of the NBTC laws. You can ask from the government sector. However, don't mess it up. It is under the category of supporting budgets and granted in a lump-sum. (Pana Thongmeearkom, personal communication, June 18, 2021)

Suppose we subtract from advertising taxes and use this money for self-regulation, it can be one source of funding and enables 1) the operation of self-regulation with budget support, and 2) the determination of this budget as automatic income without a problem of intervention. We used to discuss about this, or about having the tax model like Thaihealth and Thai PBS, which I call 'benchmark from sinful taxes. (Wasan Paileeklee, personal communication, July 19, 2021)

If the levy is less than 0.1%, key advertisers should buy-in as they want to lift the standards. I think it will be the quickest way because if we wait for the government funding, from our experiences, it may take a year. Therefore, we should approach these key advertisers, and listen to their voices. If it is a normal or common practice, we can show them that it is used in other markets. Finally, if it is explicit and tangible, it will not be difficult, but I'm not sure about timing as now it's the period in which every company tries to cut its budgets. (Thraputh Charuvatana, personal communication, July 20, 2021)

If we collect their money or collect taxes and take this money for use with no value returning to them, I think it's difficult. We may establish the system, but they may not pay and will we have an authority to ask them to pay? Thus, it's important to redesign the system to return to consumers, which will return to the society as a whole, but they can also gain something. The gaining may not necessarily be in the monetary form, but may be in the form of brand value. (Chanansara Oranop Na Ayutthaya, personal communication, June 7, 2012).

Expectedly, money comes from customers, but then customers will say I don't know it's an agency's responsibility. Thus, it becomes the money of the agency, not customers. To have any additional costs on customers, it requires an answer what customers will get from doing so. Without an answer, it will go back to the question who can get benefits. If it's people's benefits, the government sector must pay it without doubt as the government gets taxes from people. Otherwise, it must be the donation of decent organizations for society. (Siwat Chawareewong, personal communication, June 19, 2021).

5.1.3 Recommendations on Efficient and Resource Administration

Regarding the study on the efficiency and resource administration, it was found that interviewees of all groups: people experienced in driving laws or legal issues, representatives of the government agencies, advertising association executives, media regulation scholars, advertising agency and advertising professionals, and consumer protection organization representatives, viewed that if there are only

voluntary working groups or volunteers, the operation will not be so effective since the mobilization of self-regulation mechanisms is a continual mission in the long term. If those volunteers have their regular jobs, the driving can be pushed periodically, especially at the first phase. After that, they will gradually leave the operation. Consequently, it is essential to have regular full-time personnel to perform their roles and responsibilities. Besides, interviewees in media regulation proposed to hire someone responsible for advertising regulation, research, and collaboration development or connection based on the obtained budgets. In the case of limited budgets, they should have staff responsible for advertising regulation as the priority to regulate advertisements, including filing the occurring complaints.

The regulatory organization can be the Advertising Association or in any other forms. I agree that the structure must be clear and accordant with changing situations. (Dhanakorn Srisooksai, personal communication, June 21, 2021)

If we approach volunteers as practitioners, it will be limited. People who work here are limited to only the Association members. Typically, if we work on something, it will be some incentives. If we work as a committee member, what will we get extra? What will be incentives for people who want to devote themselves working for the Association? Otherwise, in the long-term, there will be no guarantee if we can run our missions continually. (Ramida Kulratanamane, personal communication, July 21, 2021)

I think it's important to have additional staff for regulation since we will have additional function of getting complaints. For other parts, we may consider its necessities, depending on the available budget. (Chanansara Oranop Na Ayutthaya, personal communication, June 7, 2021)

If there is none working regularly, I will call this as the loss of momentum. Thus, if we will achieve this plan concretely, this will be the problem of the Association. If we have regular body or entity for daily work, what should the goal be? How about another 3 months, 5 months? The missions will be only a part-time job so it cannot survive as we lose our momentum. Tracing back to the funding, we also must have sufficient funds for driving this thing. People work for it must also have passion and trust that

this kind of thing can happen. (Siwat Chawareewong, personal communication, June 19, 2021)

The gathering is voluntary; thus, the stimulant will be periodical. Most people work with spirit and want to mobilize the organization. Sometimes, they can just disappear. Thus, there must be people working regularly. (Chawanphat Srikanyarat, personal communication, July 2, 2021)

5.1.4 Recommendations on Universal and Effective Codes

From the study on the effective and universal codes, it was found that interviewees of all groups: people experienced in driving laws or legal issues, representatives of the government agencies, advertising association executives, media regulation scholars, advertising agency and advertising professionals, and consumer protection organization representatives, agreed that the law enforcement is not a correct method for self-regulation of the advertising profession. However, laws or authority may be functional because of the enforcement, but morality can be ignored and there is no regulator. Besides, the law enforcement for consumer protection is not so strict either. Accordingly, effective and universal practices should come from the collaboration of professional experts in determining the codes that accord with the reality of the industry. Moreover, because of rapid changes in advertising and marketing communication strategies and tactics, the codes must be determined more thoroughly so that people in the industry and small-sized entrepreneurs can apply them properly based on universal standards. Furthermore, all interviewees agreed to adopt the ICC Advertising and Marketing Communication Code to be used in Thailand to induce effective and universal advertising codes.

I don't agree with the idea of waiting for the government to be an initiator; thus, what the Association is mobilizing I agree highly. What, I think, is essential for the creation of good codes of conduct, is the prompt advertising professional codes. (Dhanakorn Srisooksai, personal communication, June 21, 2021)

The government sector keeps saying about laws; thus, what is not illegal, but violates morality or good practices of the industry, none can manage it. (Siwat Chawareewong, personal communication, June 19, 2021)

Thailand has faced problems since the regulation by the state, and the regulatory agencies do not enforce the laws strictly, so there are many wrongdoers. If we ask them if they are afraid of laws, they will not be afraid of them at all. For example, any misleading health-product advertisement, which here means food, drug, cosmetics, medical products, etc., will be punished legally with very light penalty. (Sathaporn Arakwatana, personal communication, June 28, 2021)

Nowadays, digital work seems not to have clear guidelines, but is determined only by some regulations of each platform. Mostly, for big agencies, there should not be any problem, but for SME, they have to regulate themselves. If any guideline is provided, it may help to reduce problems, especially their ignorance should be decreased too. (Ramida Kulratanamane, personal communication, July 21, 2021)

The enacted advertising codes are broad standards, so it is necessary to specify principles of advertising operations for each specific type to increase the accuracy and enable the application based on the same standards. (Juthamas Chaimung, personal communication, July 25, 2021)

ICC Codes are so many and cover everything. Last time, we were granted by SCF based on the adopted foreign codes. Several countries also adopt ICC Codes to make the regulation more universal. (Chawanphat Srikanyarat, personal communication, July 2, 2021).

The code of conduct that is the most standardized and causes the least problem should be the code based on the International Chamber of Commerce, whose all regulations are universal. Up to today, after our 10-20 years of mobilization, we should reach the point of having our code of conduct that is truly international. (Rati Pantawee, personal communication, June 14, 2021)

5.1.5 Recommendations on Advice and Information Provision

From the study of the issue of information and advice provision, interviewees of all groups: people experienced in driving laws or legal issues, representatives of the government agencies, advertising association executives, media regulation scholars, advertising agency and advertising professionals, and consumer protection

organization representatives viewed that the provision of information and advice is important for promoting advertising work to be creative based on social responsibility. Besides, it may become an advantage of motivation for drawing entrepreneurs to be willing to pay for the levy of advertising media. If so, such provision service should be limited to only the organizations that are willing to pay for the levy. The service should cover the provision of information and advice with and without cases for alignment.

The provision of information and advice with cases for alignment. The interviewees in the group of advertising professionals perceived that it can be done in two ways: by advertising-related laws or may ethics or professional standards. For using advertising-related laws, it can be done because there are a number of these related laws, including specific laws of each type of product and service. Thus, the collection of legal advice can help working people access information more easily and completely. Without laws, ethics or professional standards can be used by illustrating cases prone to or risky for violating ethics and standards, especially in sensitive cases, as case studies so that working people can have knowledge and understanding about the issues they can do or cannot do.

The information and advice without cases for alignment. The interviewees in the group of media-regulation scholars, advertising professionals, and people with experience in law mobilization perceived that the Association should open a channel for getting advice easily, conveniently, and rapidly, i.e., online channels with regular advisors by determining the response time, i.e., within 24 hours, etc.

To provide information and advice will promote working people in our type, namely working by creativity under responsibility, not to copy other works, etc., and advise them to ask for advice like in foreign countries (On-Usa Lamliengpol, personal communication, July 30, 2021)

This is the strength we find out or; otherwise, what kind of value they will get from participation. (Chanansara Oranop Na Ayutthaya, personal communication, June 7, 2021)

I think it's possible to gather laws and related information, including having FAQ. I agree and perceive that it's good to collect relevant information that is scattering. For instance, if anyone works on children's products, they

will know only children's products without knowing laws related to caffeine or what is prohibited about caffeine. Thus, every information will be gathered here, which can be advantageous to know what kinds of laws we have. (Ramida Kulratanamane, personal communication, July 21, 2021)

To be able to provide advice, it is necessary to have cases collected, i.e., do and don't, etc., as basic guidelines for working people. Without aligned cases, personnel who can provide consultants are still needed to answer the question within 24 hours or quicker than that so that people can use as information for working to meet the standards. (Juthamas Chaimung, personal communication, July 25, 2021)

I think if we want to do this, we should focus on frequently-found mistakes or ambiguous cases. For general information, despite no written statements, people may know that if it is ok or not. To illustrate this, if I want to people to spell Thai words correctly, I will publicize only the words that other people always spell wrongly but I will not publicize those ordinary words. Like today, when I talk about the Advertising Association, I will raise only the frequently found problems. (Siwat Chawareewong, personal communication, June 19, 2021)

5.1.6 Recommendations on Prompt and Efficient Complaint Handling

From the study on the prompt and efficient complaint handling, it was found that the interviewees of all groups: people experienced in driving laws or legal issues, representatives of the government agencies, advertising association executives, media regulation scholars, advertising agency and advertising professionals, and consumer protection organization representatives, perceived that complaints handling is a very important process in self-regulation of the advertising profession. The interviewee from the government sector agreed with the idea of separating consumers' complaints from business competitors' complaints, while the interviewees who are advertising professionals and representatives of organizations for consumers proposed to open a grievance channel that can be accessible and easy to use, covering touchpoints for users, i.e., websites, Facebook, Line, email, Call Center, including direct contact with the officer or staff without an appointment. Besides, a process of complaints dealing

must be transparent and auditable by having a process of investigation for searching for facts in considering further details. If complaints relate to legal issues, the Association must coordinate with responsible agencies for facilitating complainants too. Furthermore, the interviewees who are scholars in media regulation proposed that training should be organized before a formal function of the complaints committee to ensure common understanding and judgment based on the same standards.

Regarding the length for considering complaints, advertising professionals proposed to categorize complaints by the level of their complexity. In the aligned cases, complaints can be delivered directly to the committee via online systems or emails without a committee's meeting and the committee can vote and express their opinions via such channels to make the process more rapid. For cases without any alignment, a meeting should be organized for voting and opinion expression. Especially, interviewees with experiences in mobilizing laws, representatives of the government sector, scholars in media regulation, and representatives of organizations for consumers viewed that the result should be reported back to the complainants within 15-45 days by notifying the judgment of the committee to complainants and the general public within 15 days and disseminating a full report within 45 days.

Don't forget to open a channel for complaining. It is very crucial and there must be someone responsible for these missions clearly. The grievance channels must be easy to access, convenient, and easy to use. If an automatic system will be used, be aware that sometimes it takes very long time for waiting in a call center service, so it will be very difficult to access. (Juthamas Chaimung, personal communication, July 25, 2021)

Channels of complaints must be all available, i.e., Facebook, Line, email, walk-in, website, etc. (Sathaporn Arakwatana, personal communication, June 28, 2021)

When we receive complaints, there will be a process of investigation, which is a very important process. Complaints will be accepted, investigated, and negotiated, which depends on at which point a consumer needs to get. If a consumer is determined that there will be no negotiation, or the case will be sued definitely, or ask the Foundation to sue for the consumer, our Foundation will have our voluntary attorneys who are willing to help without any returns.

The complaints to the Foundation for Consumers will get complaints free of charge. We just facilitated for consumers. We have never left any case without doing anything, but we will operate at our best, but one thing of which we have to be aware is personal information. (Sathaporn Arakwatana, personal communication, June 28, 2021).

If anyone wants to give complaints, he/she can do, but the condition is that once complaints are received, a committee must have a meeting to summarize primarily if the cases are wrong or not. However, since it is self-regulation, the maximum penalty is expulsion from being a member. That's all we can do as there is no laws, nor authority. Laws are parts of laws. Thus, we have to make agreement that for cases with laws involved, complaints must be delivered to here, but to the legal division, not here. Still, if they submit their complaints to us, we will not reject it, but will coordinate to the other responsible agencies, i.e., to concerned offices, to the police, etc., as we can accept only ethical problems. Therefore, during the first period most of complaints were not within our scope or responsibility, i.e., illegal issues or some issues that we could not identify the responsible agencies, such as user password or something like that. Thus, it is something that only people who work in that area will understand. Consumers assume that we are a complaint center so whatever the complaints were, they would appeal to us all, even virus matters. Can you imagine it's all messy? Eventually, the complaints within our responsibility were only a few. (Siwat Chawareewong, personal communication, June 19, 2021)

Complaints may be categorized. For example, this is an easy case without discussion in details, so its statements were checked and transmitted for consideration, while the other case may be in another category, with no previous evidence, so it requires some communication, so a meeting must be organized with different timing. (Ramida Kulratanamane, personal communication, July 21, 2021)

I agree with the separation between consumers' complaints and competitors' complaints due to different details, which affect the consideration and the assignment of committees. For the length of consideration time, can it

be as follows: the notification of judgment within 14 days and the dissemination of a full report within 30 days. If we write in too specific details, i.e. sending to the committee, to the secretary, or to certify the correctness by each committee member, etc., it will take quite a time. Therefore, if you ask me, I will reply from my experience that within 15 days, I will notify the resolution or report the judgment to inform the public within 45 days, which includes dissemination. It should not be over 45 days to disseminate a full report. You may notify the resolution and disseminate it at the same time, but for unready cases, 45 days should be given (Dhanakorn Srisooksai, personal communication, June 21, 2021)

We will complete our work within 30 days. The quicker it is, the better it is, but a process of investigation consumes a certain time. We also wish to finish it as fast as possible. The longest time we took was 30 days. (On-Usa Lamliengpol, personal communication, July 30, 2021)

Both short and long cases take about 2-4 weeks, but mostly around one month, then we will inform the complainants to contact us back. (Sathaporn Arakwatana, personal communication, June 28, 2021)

Typically, the fastest time after we received and considered a case is about 15 days based on the length of the Administration Court. If we react as a committee or a sort of, it will be rather difficult. However, if we can employ others, we will train them about how to talk or advise complainants. Especially, if they are university instructors, after training, we can decentralize our work to them for considering cases. Then, the preliminary result will be very fast. However, the Association must have experts in certain areas. Thus, it is possible for training people or developing them, then they can do it. (Pana Thongmeearkom, personal communication, June 18, 2021)

5.1.7 Recommendations on the Independent and Impartial Adjudication

From the study on the issue of independent and impartial adjudication, it was found that the interviewees of all groups: people experienced in driving laws or legal issues, representatives of the government agencies, advertising association executives, media regulation scholars, advertising agency and advertising professionals, and

consumer protection organization representatives, perceived that the complaint committee must be the representatives of all stakeholder groups, namely the Advertising Association of Thailand, Digital Advertising Association (Thailand), Media Agency Association of Thailand, Marketing Association of Thailand, academicians, legal authorities, and Consumer Organization Council. The number of the committee members must be odd numbers, from 5-15. The adjudication must concern about the granted budgets too since too high several members will affect the spending of a higher budget. The complaint committee can be divided into two groups: consumers' and business competitors' complaints.

The committee of consumers' complaints will be assigned from each representative of the Advertising Association of Thailand, Digital Advertising Association (Thailand), Media Agency Association of Thailand, Marketing Association of Thailand, academicians, legal authorities, and Consumer Organization Council; thus, the total number will be 7 members.

The committee of business competitors' complaints will be appointed from 5 legal authorities specializing in business laws by the approval of professionals of advertising agencies and advertising media companies, who are not stakeholders involved in the complaints.

The committee will be 5 representatives from 5 organizations: the Advertising Association of Thailand, Marketing Association of Thailand, National Press Council, academicians or university instructors, and Organizations for Consumers. Each party will have 3 members. (On-Usa Lamliengpol, personal communication, July 30, 2021)

As mentioned earlier, there must be regular operators including some independent experts or academicians. For consumers, I'm not sure. There might be some legal authorities or other related fields to be a part of the committee. At least, the Advertising Association must be one of them. However, it may have to consider if new media and other media will be included or not. (Wasan Paileeklee, personal communication, July 19, 2021)

The committee considering about ethics should have a proportion of people from relevant parties, besides the Advertising Association of Thailand, such as Digital Advertising Association, Media Agency Association, legal

authorities, consumers, etc. to express the impartiality and transparency of the committee to gain trust from the society. (Ramida Kulratanamane, personal communication, July 21, 2021)

21 members may be appropriate for Australia, but not in our context as a beginner. For instance, we do not have so many media associations like them so we have to look at our model for comparison with what other countries and we have. The more members we have, the longer process of scrutinization will be. Thus, the disadvantage is it takes time, of which we have to be aware as it will affect the budgets too. Besides, the more people we have, the more disagreement we will get. Thus, how to make it the most balanced is the question. Regarding another committee of competitors' complaints, consisting of legal authorities, I think it's interesting and it can ensure the transparency and fairness. (Chanansara Oranop Na Ayutthaya, personal communication, June 7, 2021)

5 members. I think it's ok, but the committee must be diverse, at least a legal authority, for example, and some outsiders. (Chawanphat Srikanarat, personal communication, July 2, 2021)

The number of committee members should be 7-15 people. (Siwat Chawareewong, personal communication, June 19, 2021)

I agree to have legal authorities, not the Advertising Association representatives, in the committee of business competitors' complaints so that the judgment will be legitimate. (Gunpong Panthongprasert, personal communication, June 15, 2021)

5.1.8 Recommendations on Effective Sanctions

From the study on the issue of effective sanctions, most of the interviewees viewed that for effective sanctions, some authorities have to be transferred to the self-regulatory organizations to comply with regulations and rules as agreed. If any action is found to be wrong or violating the regulations, the sanctions will be from light to severe penalties or sanctions or start from warnings, disseminating the verdict to complainants and the general public, including publicizing the explanation to complainants and general public after the correction, fines, or expulsion from

membership. At the same time, some proper remedial actions should be given to the damaged party, i.e., announcing an apology, delivering products, or monetary compensation, etc.

Notably, the sanctions in the process of self-regulation of the profession are conducted to the private by the private sector; thus, no legal sanctions or penalties can be done. For fines, they must be official and explicit agreements by both regulating and being regulated parties. However, most interviewees were concerned about the current economic situation that might be improper. Besides, fines may obstruct members from participating. Besides, most interviewees agreed that the sanction by expulsion from membership tends not to be effective in Thailand since when any organization or party commits serious misconduct, such an organization or party will resign from the membership before being punished.

However, the representative of the organization for consumers proposed that before a sanction process, the other party should be allowed to have an appeal to clarify its facts to the committee of complaints about consideration first.

In the case that the self-regulatory organizations want to ensure more effective sanctions, the academicians in media regulation expressed their opinions that laws should be revised to enable the self-regulatory organizations to be co-complainants with the affected consumers so that the organization can prosecute or sue the other party.

Moreover, the interviewees in the group of people experienced in mobilizing laws and the advertising association executive advised that there should be a process for admiring or showing appreciation for people in the advertising and marketing communication who comply properly with the professional standards or codes in parallel. For example, the grant of a symbolic stamp for the advertising and marketing communication organizations that pass the professional ethical codes, the determination of conditions for the Thailand Advertising Award, the foundation of awards for advertising and marketing communication as good exemplars of the advertising industry, etc.

To have self-sanction, members have to sacrifice their power to the Association, but the Association also needs members, they cannot resign. Thus, while members have to follow the rules and regulations of the

Association, the Association will punish them by the regulations as well, but they are regulations stipulated by the private sector. Although members agree to let the private sector punish them, the Association cannot punish them by criminal penalties. They will be fined. If they agree to be fined, they have to write that they are willing to accept such a penalty. (Pana Thongmeekom, personal communication, June 18, 2021)

After the completion of scrutiny of complaints, it then is proceeded to the process of dissemination of the verdict or adjudication to the general public. However, before the dissemination, the committee has to consider if members violate ethics, i.e., ethics on the violation of human dignity, the remedy for the affected members has to be considered as well. Healing or treatment can be done in several ways i.e., an apology and explanation of the fact, product or financial compensation, etc., depending on cases, but we will not execute an expulsion from membership yet. Mostly, the violating members will resign before we will expel them. Besides, even after the judgment, members can also insist that they are not wrong or violate the ethics, and provide their information. Some cases and complaints have plenty of patterns too. Thus, to have ethical codes is like a shield to protect from violating our stipulated regulations, but members still can prove, and then the results will be disseminated to let society know. A channel for appeals should be open too. (Chawanphat Srikanyarat, personal communication, July 2, 2021).

Sanction measures have many levels by the scope of SRO, from warning, disseminating to the public, dissemination after the correction to the public, etc. They are regular measures of self-preparation. On the other, fines or cutting special privileges can be alternatives, especially those who violate the regulations often. These kinds of measures may be arranged, including negative incentive. Contrarily, if some members never violate the regulations, or always comply with the regulations, i.e., correcting some actions if requested, etc., will they get anything from their compliance? For instance, can they get decreased taxed? Thus, the Association has to think and design about this. However, I think a sanction by fines may not be appropriate for

current economic situation and may affect members' participation. (Chanansara Oranop Na Ayutthaya, personal communication, June 7, 2021)

For the rejection of advertisements to be disseminated, I think we should ask for cooperation as a long-term partner when something happens. We do not intend to enforce laws, but we want to control our industry by ourselves without legal intervention. Another problem is the shift of advertisements to digital platforms; thus, we have to talk to and ask cooperation from each platform to achieve our intention. (Tharaputh Charuvatana, personal communication, June 20, 2021)

For self-regulation, there should not be only negative sanctions or blames or expulsion, but also positive reinforcements, i.e., admiration, etc. (On-Usa Lamliengpol, personal communication, July 30, 2021)

Besides, penalties, the promotion of good examples will be a good idea. Any company does something admirable, it should receive some kinds of rewards or symbolic signs to display that it passes the ethical codes. (Siwat Chawareewong, personal communication, June 19, 2021)

The issue is by being a professional association, we cannot punish by criminal codes. Can we make a campaign? Yes, by telling that professional ethics are another branch of codes. On the other hand, criteria for judging awards should be considered as well, like Adman Awards. Previously, we found some ads that were truly creative-winning. (Rati Pantawee, personal communication, June 14, 2021)

If the Association wants to have more authorities, it may mobilize to have it written as a part of laws or to put the Association as a complainant. Thus, if the Association can be a complainant and affected, it can claim for consumers, and can sue or make a case. You can claim that this company deceives people, if it violates the laws, it will become criminal laws. If it violates criminal laws, the affected person or company can also be healed by civil laws. However, if it violates only civil laws in the case of any damage, we cannot be a full complainant. If we can be co-complainants, we can help the affected. (Pana Thongmeearkom, personal communication, June 18, 2021)

5.1.9 Recommendations on Efficient Compliance and Monitoring

From the study on efficient compliance and monitoring, it was found that the interviewees in the group of experienced people in law-driving, representatives of the government sector, advertising association executives, media-regulation scholars, advertising professionals, and representatives of the organization for consumers perceived that compliance and monitoring is a very important process in self-regulation of the advertising profession. A process of monitoring or follow-up the cases after the adjudication is to see if the punished organizations or companies comply or correct their mistakes as recommended or not. If no correction is found, there should be some measures, i.e., to proceed to the responsible government agencies for legal prosecution.

For effective monitoring, media-regulation academicians, experienced people in law mobilization, and advertising professionals viewed that the monitoring process must have the civil sector involved since consumers are the directly affected groups and understand the concerns of their groups the best.

Furthermore, media-regulation academicians, representatives of the government sector, and advertising association executives perceived that social listening technology should be used for facilitating the monitoring by crawling information of social media together to analyze the topics or keywords related to the mentioned self-regulation of the advertising profession and who are speakers. Besides, it can analyze the tone or direction of the sentiment of the mentioned statements, either positive or negative. The usage of a monitoring technological system can enhance the monitoring to be transparent, inclusive, and rapid, including reducing personnel shortage in self-regulation. Besides, the advertising association executive proposed that if such a technological system will be applied, the Association should collaborate with a technology company to get a more reasonable price than normal commercial prices.

Monitoring is the best approach from the recommendation of the European Advertising Standard Association. I think it's essential for self-regulation organizations as a good advertising regulatory organization must include advertising of all types, with sufficient capital, and have standards that

are inclusive and effective, and they have to listen to opinions diversely. (Chawanphat Srikanyarat, personal communication, July 2, 2021)

Once the judgment is declared, regulators must have a follow-up to see if such a company has corrected or complied with the verdict. If not, what they will do next. (Gunpong Panthongprasert, personal communication, June 15, 2021)

We need to follow up and investigate. If the claimed company does not comply; although, we have warned it repeatedly and the committee has judged it already, we have to notify to the responsible agencies. If it relates to radio and TV, then we have to notify NBTC, or if it's online, then, we will notify DE. (Pana Thongmeearkom, personal communication, June 18, 2021)

Consumers are very important. They should jointly monitor and surveillance, i.e., the marginal groups, ethnic groups. These people are often affected. Sometimes, when we work in our position, we do not realize about some fragile or sensitive groups. (Juthamas Chaimung, personal communication, July 25, 2021)

Practically, a technological system should be adopted to study the comments. Sometimes, we have not investigated this or that because of a plenty of channels broadcasting all day. Thus, we cannot monitor every channel or every program so we can look at these comments through some kinds of technology. Which ones are social currents or mentioned frequently by people, we should look at them. (Chawanphat Srikanyarat, personal communication, July 2, 2021)

Having technology to facilitate monitoring may help to make the system more transparent and auditable. (Chanansara Oranop Na Ayutthaya, personal communication, June 7, 2021)

From our experience of running the Association, if social listening system is required, and everything can get analytic service, I think we should get such technology or service with special prices naturally as a non-profit organization. (Thraputh Charuvatana, personal communication, July 20, 2021)

5.1.10 Recommendations on Effective Industry Development and Consumer Awareness and Literacy

From the study on effective industry development and consumer awareness and literacy, it was found that the interviewees of all groups perceived that to develop the advertising industry and enhance consumers' media literacy, some activities should be designed and communication is used as a tool. The design should cover stakeholders of all sectors and determine the objectives of each target group properly.

In terms of purposes or goals, the interviewees of the experienced people in law mobilization, the government sector representatives, advertising association executives, media-regulation scholars, and advertising professionals, including representatives of organizations for consumers, proposed that the Association should determine communication for each target group. Especially, for developing the advertising industry and enhancing consumers' media literacy, there should be 7 target groups:

- 1) Consumers
- 2) Advertising professionals
- 3) Marketers
- 4) Media and platform owners
- 5) The government organizations responsible for the self-regulation of the advertising profession, namely the Food and Drug Administration Office, the Office of National Broadcasting and Telecommunications Commission, the Ministry of Digital Economy and Society, and the Office of the Consumer Protection Board.
- 6) Advertising and marketing communication academicians
- 7) Advertising and marketing communication students

Besides consumers and professionals, I think another group that we should communicate to, which may not apply the same strategy as consumers. It is the platform owners, which include TV, OTT or online, and social media. These three approaches need to be accessed. Especially, OTT because of a lot of advertisements. (Chanansara Oranop Na Ayutthaya, personal communication, June 7, 2021)

Stakeholders are 1) product manufacturers. They are main stakeholders to whom we have to communicate. 2) regulatory agencies. I think the

Advertising Association has to collaborate with them more closely. For regulatory agencies, I think of two main agencies: 1) Food and Drug Administration, 2) the Office of National Broadcasting and Telecommunications Commission (NBTC), and 3) the Office of Consumer Protection Board (OCPB), including supporting agencies, media funds, and educational institutions or universities. I think these stakeholders are the first priority groups to whom we have to communicate clearly in another way, differently from consumers or general people. Professionals and media owners are also stakeholders. (Dhanakorn Srisooksai, personal communication, June 21, 2021)

I think it's necessary to have agreements from customers too. Suppose we draw a circle of people or professionals, it will not be limited to only advertising agencies, but also marketers. Eventually, it must cover the owners since marketing communication must follow the owners. When owners ask why they have to do so, it will involve the business sector that has to agree with them too. Once agreed, it means that they do not only comply with their needs, but also surveillance for them. In reality, I'm not sure if competitors may be monitored more frequently than agencies or not. While public relations in a wide range can bring about a lot of consumers as a guard who love the brand and do not want competitors' brand to cause any harm to their beloved brand, or they might be ethical consumers to perform such functions. Furthermore, to make it easier, it should deal with media or platform owners. Mostly, these platforms have their own regulations, i.e., Pantip, Facebook, Google, etc. Thus, they can collaborate easily. If any advertisement violates regulations, they will not allow it to be publicized, while an agency as a mediator may do this with more difficulties. For agencies as advertisement producers, they have to deal with the companies or organizations that hire them, so it will cover the hirers too. Thus, for agencies, the regulations may help creators not to produce certain kinds of advertisements. However, on the other hand, customers need to be communicated that they should not order to do those violating advertisements. (Siwat Chawareewong, personal communication, June 19, 2021)

We have to look at the whole process, starting from upstream, midstream, and downstream. In other words, we have to prepare people and personnel, starting from university students in the field of communication or journalism, including innovative communication related to content or content generators. Marketers who pay for an agency to generate content are also the second stakeholder group. After the completion of content, it is the platform work, or media, both traditional media, and digital media. We are in the middle among these people, and finally receivers or consumer, including general public. Then, another group is the government sector that helps to mobilize the process. (On-Usa Lamliengpol, personal communication, July 30, 2021)

Our Department can also be another part that can help the overall process and in the future we try to support the issue of knowledge sharing. We hope that our Department can produce personnel with good understanding on decent advertising in the future. (Rati Pantawee, personal communication, June 14, 2021).

The determination of communication objectives for developing an effective advertising industry and enhancing consumers' media literacy for the 7 specified target groups can contain the following message design:

- 1) Consumers: The message should be designed for creating knowledge and understanding media literacy and information about problems that may occur from advertising, consumers' rights, and complaints channels if any advertisement is found to violate ethical or legal codes.

- 2) Advertising professionals: The message should be designed for creating acceptance and participation in the self-regulation of the advertising profession, including implanting professional morality, ethics, and standards. Misconduct cases may be used as case studies to yield awareness of advertising creation and production and marketing communication. Besides, the content should induce inspiration towards the national creative macroeconomics and free business competition.

3) Marketers: The message should be designed with similar objectives as those of advertising professionals since they determine the goal and approve plans and works. Similarly, misconduct cases may be used as case studies to yield awareness of advertising creation and production and marketing communication.

4) Media and platform owners: The message should be designed for persuading media and platform owners to be cautious of sensitive advertising and marketing issues that often cause problems and may create inappropriate value for consumers and society so that they can reject publicizing those troubled advertisements and marketing communication in their channel.

5) The government agencies responsible for the self-regulation of the advertising profession: The message should be designed for creating acceptance and participation in self-regulation of the advertising profession in various perspectives, i.e., requests for financial or budget support, the revision of related laws, the submission of legal appeals to concerned government agencies, etc., to help to drive self-regulation of the advertising profession successfully.

6) Advertising and marketing communication academicians: The message should be designed for stimulating the awareness and importance of self-regulation of the advertising profession, driving advertising professional standards, and mobilizing self-regulatory mechanism as a part of the curriculum at the higher education or graduate level.

7) Advertising and marketing communication students: The message should be designed for stimulating the awareness and importance of self-regulation of the advertising profession and fair competition to prepare them and equip them with essential knowledge and skills, including professional ethics and standards, for working in advertising industry.

The content should make them know standards, products, each kind of media, including knowing themselves. Sometimes, they know that media is not appropriate, but they don't know which rights they possess. Thus, they should know media, their rights, measures, problems, etc. The target should be consumers to be communicated in parallel to the regulatory agencies. Then it will be powerful. (Dhanakorn Srisooksai, personal communication, June 21, 2021)

A learning community of the profession is to share their learning of each case and how to improve or adapt themselves. Media or advertising professionals must catch up with changing society. Sometimes, they produce their work to follow trends in society, which may cause some violation. They may get money and lose faith from society. (Chawanphat Sirkanyarat, personal communication, July 2, 2021)

To cultivate morality and develop society that is essential for human beings through case study or campaigns. (On-Usa Lamliengpol, personal communication, July 30, 2021)

Advertising companies have to PR about this in their organization including their customers to bring about awareness. This is ok, but this is not. In my opinion, it's better to raise some frequently-occurring mistakes or ambiguous cases. For general information, despite no written statements, people may know that if it is ok or not. To illustrate this, if I want to people to spell Thai words correctly, I will publicize only the words that other people always spell wrongly but I will not publicize those ordinary words. Like today, when I talk about the Advertising Association, I will raise only the frequently found problems. From the advertising companies, it can extend to sub-advertising, which is self-service, or the operation among entrepreneurs or YouTubers. I think it should extend to the public and let the public condemn such misconducts. (Siwat Chawareewong, personal communication, June 19, 2021).

If great impact on society is really needed, it must deal with large social media platforms to ensure success. However, it's not easy since they have their own regulations, and they do not accept even some laws. Suppose we propose about the angle of an advertisement with Facebook. We must sell our idea that if Facebook doesn't follow our angle, most Thai people will not accept it because it violates some Thai norms. Of course, if we want to sell this angle to Facebook, we have to consider if the angle is true. If Facebook conducts research, and finds that it's true. It may collaborate with us since if it violates Thai norms with commercial focus, Thai Facebook users will be decreased. (Siwat Chawareewong, personal communication, June 19, 2021)

We must have a roadshow with Digital Advertising Association, Media Association, and also Marketing Association, which has already been in our plans. We must present the topic we walked with Thai Media Fund to them. This can be another issue that we can drive into the curriculum of the university departments. (Rati Pantawee, interview, June 14, 2021)

For the issue if different stakeholders need different messages, I think we can unify them. How can we make it a bigger picture of the country to be Creative Thailand with Creative Economy that is strong? Tracing back to the former period in which we could witness a fair game, it's not messy like this. To be a hub like the regional advertising hub, as both an agency and a production house, can export products to be creative. (Gunpong Panthongprasert, personal communication, June 15, 2021)

5.2 Problems, Obstacles, and Approaches for Solving Problems and Obstacles of the Driving of Self-Regulatory Mechanisms of the Advertising Profession in Thailand

From the study on the problems and obstacles that are expected to possibly occur during the driving of self-regulatory mechanisms of the advertising profession in Thailand, 5 issues were found: The coverage of self-regulation, self-regulating professionals, the conscience of self-regulating professionals, budget, and stakeholders.

The coverage of self-regulation. The media-regulation scholars, advertising association executives, and advertising professionals perceived that self-regulation is a voluntary mission of people who are determined or intend to be under the surveillance or regulation among or of themselves. Thus, it can cover only those voluntary members. Besides, these voluntary individuals, groups of individuals, or organizations can participate or express their intent to participate in self-regulation, and resign from being self-regulated any time without any law enforcement.

Self-regulating professionals. The media-regulation scholars and advertising association executives viewed that at present self-regulation has been conducted voluntarily, while member organizations often send their personnel to be volunteers in

the self-regulatory work of the profession. Thus, these people will be stimulated to work periodically, not consistently, so there will be no regular staff or workers to perform full-time functions.

The conscience of self-regulating professionals. People experienced in law mobilization expressed their opinions that the conscience of workers in self-regulation is a major factor that enables professional self-regulation to be successful. In the past, people who worked in the advertising industry often graduated from the Faculty of Communication Arts, Journalism, or Mass Communication, and were cultivated to have professional ethics and standards in the advertising profession at the graduate level or the higher education. However, at present, workers in the advertising industry are diverse increasingly, and many of them did not pass such cultivation. Accordingly, they lack knowledge and understanding in advertising professional ethics and standards, which affects their conscience for working in this area.

Budget. The interviewees from the group of experienced people in law mobilization, representatives of the government sector, advertising association executives, media-regulation scholars, advertising professionals, and representatives of organizations for consumers perceived that budgets for the operation of self-regulation of the advertising profession are insufficient; thus, it becomes one of the important obstacles in driving self-regulatory mechanisms of the advertising profession. The budgets are for hiring regulator workers, operational expenditure, information technology systems development, remuneration from complaints committee, expenses of activities developed for dissemination to consumers and stakeholders. Therefore, budgets obstruct self-regulatory operations.

Stakeholders. The representative of organizations for consumers perceived that stakeholders are very critical obstacles from the state of being independent, without domination from any capital owner or supporter as stakeholders can intervene or interfere in any self-regulatory process.

There are two main restrictions in self-regulation. Firstly, self-regulation is a matter of volunteering. Thus, only voluntary people or those with intent to participate in a self-regulation mechanism. Those who do not participate are not regulated, except some specific laws, i.e., food and drugs laws, etc. Therefore, it cannot cover all in the advertising industry. From my

understanding, large advertising companies tend to have wide range of members, but the overall problem is still the limited coverage as it covers only voluntary members. Secondly, there is no law enforcement, but only sanctions, which will be announced to the public as social sanctions. However, this kind of penalty may not be effective enough to make them revise or change as recommended. In some circles, when there is any comments or criticism against those who have misconducts or violate the ethics, those people will resign from membership so no regulation can be workable. Besides, as self-regulation is voluntary, with no budget nor remuneration. Thus, it has some limitations in driving the mechanisms. No budgets for publicity or operation are then substantial obstacle. (Wasan Paileeklee, personal communication, July 19, 2021)

The weak point of self-regulation is that the status of the Advertising Association is only an association, so the weakest point is I can stay or not stay, I will apply or not apply. (Gunpong Panthongprasert, personal communication, June 15, 2021).

At present, we have almost no power to control global platforms, while a lot of media budgets are shifted to global platforms. Therefore, the problem is how we can make these global platforms buy-in. Eventually, all professional associations are like gate-keepers who want to lift up the standards of this. It is our big point. (Tharaputh Charuvatana, personal communication, June 20, 2021).

The problem is working people's conscience as they create content and content is the most important part that obstructs the success of self-regulation. (On-Usa Lamliengpol, personal communication, July 30, 2021)

Stakeholders are the most scaring problem as they can cause no independence and unfairness. The Advertising Association involves members. If we look at its structure, we can see who comes from which organization. This can be a painful point. (Sathaporn Arakwatana interview, June 28, 2021)

Approaches for solving problems and obstacles that may occur during the driving of self-regulatory mechanisms of the advertising profession in Thailand.

From the study on the approaches for improving and correcting problems and obstacles that may occur in the driving of self-regulatory mechanism of the advertising profession in Thailand, the following can be summarized:

Coverage of self-regulation. The interviewees who are advertising association executives and advertising professionals proposed to drive law amendment to have companies of all types, especially in marketing communication, registered and signed consent documents to comply with advertising professional ethics and standards or codes as every established company must have a business purpose, and use advertising and marketing communication as a tool in business operations. From doing so, it can ensure that entrepreneurs will be acknowledged of the regulations and comply as stipulated correctly and properly, including approving to have self-regulatory execution.

Self-regulating professionals. The interviewees who are advertising association executives advised to hire full-time employees or working people for this function especially. They must be trained and develop themselves to have expertise in business laws and professional ethics and codes to be able to perform their function professionally with impartiality, accuracy, fairness, correctness, transparency, and auditability.

The conscience of self-regulating professionals. The advertising association executives proposed to promote advertising and marketing communication entrepreneurs to have a conscience of professional ethics and codes by designing a curriculum of advertising and marketing communication based on effective and universal practices to induce advertising and marketing communication professionals to be cautious of what should and should not do to ensure social responsibility of every piece of advertisements.

Budgets. People experienced in law mobilization and media- regulation scholars proposed to recruit persons with knowledge in the related laws, possibly a woman with a good personality, who has source credibility and is extrovert to be able to conduct government relations and to negotiate for supporting budgets. The mission of each organization asking for support should be considered for proper activity design that can be compatible with its missions and create a performance. One single indicator sometimes can make the chance of asking budgets to be more successful.

Stakeholders. The representative from the organization for consumers viewed that stakeholders may be problems to be corrected. Specifically, the stakeholders of whom the Association should be cautious are those who support budgets for driving self-regulatory mechanisms of the advertising profession. Law mobilization similar to that of Thai PBS TV Station was recommended with clear budgets for operation automatically without waiting for the annual financial support to reduce the intervention problems.

It depends on who will run as ordered or which organization that has such an experience. Typically, there should be a self-funded organization as a supervising unit with regular employees. I think this should be a resolution towards the most sustainable operation. However, before achieving that point, it is necessary that every stakeholder must buy-in, so it will be lifted up from the current situation. (Tharaputh Charuvatana, personal communication, June 20, 2021).

1) Regulations are controlled by the government sector. 2) Entrepreneurs must have a conscience, which can be enhanced through training. 3) The civil sector must have media literacy. As long as whoever thinks that people are still stupid, it then will be difficult to operate. We cannot ever think that people are stupid. In fact, they have information sources and have rights to know. We have to help the civil sector to catch up with any viciousness or misconduct. (Rati Pantawee, personal communication, June 14, 2021)

The most important thing is to have a literacy and to know which professional ethics an advertisement violates. Media users must have observer literacy to know what should or should not. At the same time, the society must have literacy as well, and not believe in fake news or not support irresponsible advertisements. (Wasan Paileeklee, personal communication, July 19, 2021)

If you just ignore, or your ethics do not work. Then, it is the same loop like people get used to advertisements, and they ignore to pay attention to them. Especially, professional organizations do not investigate thoroughly. On the other hand, media people also think that it's ok as people get used to it. Then, how can the regulation increase its degree? Laws may have to be

stronger respectively (Chawanputh Srikanyarat, personal communication, July 2, 2021)

It may be compulsory that all Thai entrepreneurs must be in the member list or sign to acknowledge the standards or code of conduct upon the registration of their business operations. To sign the acknowledgment means they agree and accept business codes of the Kingdom of Thailand. They have to comply with code of conduct. Otherwise, these entrepreneurs will be free as it may be conflicts of interest. Thus, the problem is whatever is written, these people can choose to do, or not to do. (Gunpong Panthongprasert, personal communication, June 15, 2021)

Besides campaigns, advertisements we are trying to do are to stimulate the amendment of laws. Laws must be revised to certify financial supports. (Ramida Kulratanamane, personal communication, July 19, 2021)

Besides, it must be impartial, with a distinctive standpoint. Impartial correctness means we must stand by consumers. When a case was appealed into a justice process, we should believe first that consumers are correct, and advertisements cannot take advantage over them. After entering an investigative process, and finding that consumers cheat them. We must also be impartial in this case and clarify consumers. Then, if any cheating or deception is still found, it will be the step of investigating the fact. Benefits and fairness may be something that needs to be cautious. It must be transparent and everything must be auditable. In the case that information is asked, such information must be ready to show it. (Sathaporn Arakwatana, personal communication, June 28, 2021)

We must find someone knowledgeable in laws, nice, but able to lobby aggressive cases. Actually, the word lobby should not be used, but government relations sounds better. Lobby has a neutral connotation, but the meaning has been misled, so new words should be replaced to convey a better meaning. Women may be better because in Thailand, women tend to get honor, especially from the senior, but it does not mean that they have to flirt. However, they must be rather tough and dare to speak out or be extrovert. The regular amount of financial support should be known. If you do it for

management, you will find that it's worth to be prepared. Suppose you have to approach the Deputy Minister of Culture and managers of these two funds, the chances are huge already. Committees or boards also have money, they may help to support the operations. The Association can also ask support from NBTC, and help its work, who to give some reports to it. Then, it can put in its profile to become its KPI. At the same time, we can also have our KPI. How much or how many million we have to be granted to achieve certain goals. Thus, we start from small amount to bigger amount. (Pana Thongmeekom, personal communication, June 18, 2021)

To drive this law can be compared with the way that Thai Health Promotion Foundation Fund or Thaihealth gets money from sinful taxes. If we could use funds from misleading or illegal advertising for creative media, it would be good. Otherwise, the money will be piled at BTFP and companies will ask for funds without using them for protecting media or consumers. This kind of funding is interesting and should be tried. Let take the Broadcasting and Telecommunications Research and Development Fund for Public Interest or BTFP for use. (Sathaporn Arakwatana, personal communication, June 28, 2021)

The received budget is like being determined to put the advertising taxes in this column. Therefore, the automatic flowing of money like this will not lead to intervention problems. It is the same model like Thaihealth and Thai PBS, which we call a benchmark from sinful taxes. (Wasan Paileeklee, personal communication, July 19, 2021).

5.3 The Second Draft of the Structure, Roles, and Operations in Driving Self-Regulatory Mechanisms of the Advertising Profession in Thailand

After the study of the driving of self-regulatory mechanisms of the advertising profession in Thailand and corrective approaches for solving problems and obstacles of the advertising professional self-regulatory mechanisms by in-depth interviews, the researcher proposed the structure, roles, and operations for driving self-regulatory mechanisms of the advertising profession in Thailand as the second draft, consisting 6

domains: Roles and responsibilities, the organizational structure, purpose, strategy, services, and funding for the Advertising Association in operating self-regulation.

5.3.1 Roles and Responsibilities

As mentioned earlier, the Advertising Association of Thailand has operated in elevating advertising professional standards and ethics as its main mission. However, in driving such mechanisms, the Association needs to determine additional roles and responsibilities to achieve such a mission. The additional roles and responsibilities related to self-regulation of the advertising profession are as follows:

1) Advertising regulation. The Association should be responsible for improving and developing advertising professional standards and ethics to accord with advertising technology and innovation, including other marketing environments. On the other hand, advertising professional standards and ethics have to be congruent with the context of the advertising industry and accountable at the international level. Participation and shared agreement should be established to ensure that the advertising standards and ethics can be applied. Service and advice on advertising and marketing communication should be provided by disseminating cases of misleading and violating advertisements, including recommendations for improving the mistakes. Furthermore, online channels should be opened for cases without any alignment to be disseminated. Remarkably, the complaints handling must be effective, rapid, and impartial with follow-ups, investigation, and actual effective penalties.

2) Research. Research related to advertising regulation should cover every group of stakeholders to be able to generate a new body of knowledge and direction for improving and developing advertising professional standards and ethics, including operational planning for consumer protection, the development of communication campaigns and activities to reach every group of stakeholders, especially consumers, to create their perception, knowledge, and understanding of social responsibility, consumers' rights, complaints channels, etc.

3) Connection or collaboration development. The advertising collaboration with government and private organizations in Thailand and with other countries in the regions to create alliances in advertising regulatory operations in the

country and internationally towards the effective advertising industry and the development of consumers' literacy should be operated.

5.3.2 Organizational Structure

After the expansion of operational scope in advertising regulation of three domains: advertising regulation, research, and connection or collaboration development, the Association was proposed to appoint a committee or sub-committee for self-regulation of the advertising profession in Thailand for driving self-regulatory mechanisms, consisting of the following:

- 1) President of the Advertising Association of Thailand as a consultant
- 2) Vice-President of Professional Standards as the Chairman
- 3) The Committee of Professional Standards as Vice-Chairman
- 4) Vice-President and Committee of the Government Coordination as Committee members
- 5) Vice-President of Foreign Affairs as a Committee member
- 6) Vice-President of Legal Affairs as a Committee member
- 7) Vice-President and Committee of Academic Affairs as Committee members
- 8) Secretary-General and Deputy Secretary-General as Secretary and Secretary Assistant

Since there are only voluntary working groups or volunteers, the operation will not be so effective because the mobilization of self-regulation mechanisms is a continual mission in the long term. If those volunteers have their regular jobs, the driving can be pushed periodically, especially at the first phase. After that, they will gradually leave the operation. Consequently, it is essential to have regular full-time personnel to perform their roles and responsibilities. Besides, interviewees in media regulation proposed to hire someone responsible for advertising regulation, research, and collaboration development or connection based on the obtained budgets. In the case of limited budgets, they should have staff responsible for advertising regulation as the priority to regulate advertisements, including filing the occurring complaints.

Besides, the Association should recruit and appoint a committee for receiving and scrutinizing complaints, consisting of the representatives of all stakeholder

groups, namely the Advertising Association of Thailand, Digital Advertising Association (Thailand), Media Agency Association of Thailand, Marketing Association of Thailand, academicians, legal authorities, and Consumer Organization Council. The number of the committee members must be odd numbers, from 5-7. The adjudication must concern about the granted budgets too since too high many members will affect the spending of a higher budget. The complaint committee can be divided into two groups: consumers' and business competitors' complaints.

The committee of consumers' complaints will be assigned from each representative of the Advertising Association of Thailand, Digital Advertising Association (Thailand), Media Agency Association of Thailand, Marketing Association of Thailand, academicians, legal authorities, and Consumer Organization Council; thus, the total number will be 7 members.

The committee of business competitors' complaints will be appointed from 5 legal authorities specializing in business laws by the approval of professionals of advertising agencies and advertising media companies, who are not stakeholders involved in the complaints.

5.3.3 Purpose

To ensure that advertisements via every communication channel in Thailand will be those with social responsibility and can compete in the marketing mechanism systems fairly, which accord with fundamental principles and detailed practices of advertising professional ethics, including advertising and marketing communication codes of the International Chamber of Commerce (ICC).

5.3.4 Strategy

For driving self-regulatory mechanisms of the advertising profession in Thailand, the driving can be operated with the proposed 5Cs strategies towards the imposed goals as follows:

- 1) Consumer and Community. Consumers and communities are highlighted since consumers are the directly affected group from advertisements, which may affect communities in various ways, i.e., race, religion, belief, or anything

that is respected, by creating awareness for consumers and communities through activities about the advertising ethical standards or codes.

2) Complaint Handling. The handling covers both consumers' complaints and business competitors' complaints based on ethical codes as the foundation for the advertising industry, while being accepted and beneficial for general public.

3) Cyber Security. The online advertising regulatory mechanisms are improved and developed by disseminating proper content, including the adoption of technology and innovation for active regulation to reduce overlapping and increase the effectiveness of regulation.

4) Consensus. The strategic collaboration is created with the government and private sector, including national and international education institutions to establish alliances and networks of self-regulatory operations in terms of academic, practical, and other related activities. Besides, the creation of participation of major stakeholders are for inducing agreements and common acceptance of self-regulation of the advertising profession by focusing on the benefits of the principles and practices of proper regulation for each type of advertising, including advertising via different media.

5) Center of Excellence. Information related to self-regulation of the advertising is gathered for facilitating or persuading advertising entrepreneurs to follow the best practices and for knowledge management for establishing an academic service and information reference center.

5.3.5 Services

In driving self-regulatory mechanisms of the advertising profession in Thailand, at least six services must be provided as follows:

1) Dissemination of effective and universal practices. Effective and universal practices should come from the collaboration of professional experts in determining the codes that accord with the reality of the industry. Moreover, because of rapid changes in advertising and marketing communication strategies and tactics, the codes must be determined more thoroughly so that people in the industry and small-sized entrepreneurs can apply them properly based on universal standards.

Furthermore, all interviewees agreed to adopt the ICC Advertising and Marketing Communication Code to be used in Thailand to induce effective and universal advertising codes.

2) Information and Advice Provision. Information and advice should be provided in two ways: the provision of information and advice with and without cases for alignment.

The provision of information and advice with cases for alignment. The interviewees in the group of advertising professionals perceived that it can be done in two ways: by advertising-related laws or may ethics or professional standards. For using advertising-related laws, it can be done because there are a number of these related laws, including specific laws of each type of product and service. Thus, the collection of legal advice can help working people access information more easily and completely. Without laws, ethics or professional standards can be used by illustrating cases prone to or risky for violating ethics and standards, especially in sensitive cases, as case studies so that working people can have knowledge and understanding about the issues they can do or cannot do.

The information and advice without cases for alignment. The interviewees in the group of media-regulation scholars, advertising professionals, and people with experience in law mobilization perceived that the Association should open a channel for getting advice easily, conveniently, and rapidly, i.e., online channels with regular advisors by determining the response time, i.e., within 24 hours, etc.

3) Complaints Handling is a very important process in the self-regulation of the advertising profession. The interviewee from the government sector agreed with the idea of separating consumers' complaints from business competitors' complaints, while the interviewees who are advertising professionals and representatives of organizations for consumers proposed to open a grievance channel that can be accessible and easy to use, covering touchpoints for users, i.e., websites, Facebook, Line, email, Call Center, including direct contact with the officer or staff without an appointment. Besides, a process of complaints dealing must be transparent and auditable by having a process of investigation for searching for facts in considering further details. If complaints relate to legal issues, the Association must

coordinate with responsible agencies for facilitating complainants too. Furthermore, the interviewees who are scholars in media regulation proposed that training should be organized before a formal function of the complaints committee to ensure common understanding and judgment based on the same standards.

Regarding the length for considering complaints, advertising professionals proposed to categorize complaints by the level of their complexity. In the aligned cases, complaints can be delivered directly to the committee via online systems or emails without a committee's meeting and the committee can vote and express their opinions via such channels to make the process more rapid. For cases without any alignment, a meeting should be organized for voting and opinion expression. Especially, interviewees with experiences in mobilizing laws, representatives of the government sector, scholars in media regulation, and representatives of organizations for consumers viewed that the result should be reported back to the complainants within 15-45 days by notifying the judgment of the committee to complainants and the general public within 15 days and disseminating a full report within 45 days.

4) Effective sanctions. After the scrutiny of complaints, sanctions must be determined and operated for genuine and effective self-regulation of the advertising profession. The following sanctions can be considered:

The dissemination of resolution and full details of the scrutiny of the Complaints Committee to complainants, the affected party, and the general public.

The collaboration for suspension of the dissemination of troubled or misleading communication channels and the approval of advertising dissemination in the case in which the adjudication of or verdict of the complaint committee is modified or amended.

The submission of resolution and full details of the scrutiny of the Complaints Committee to responsible agencies for legal prosecution if any law is violated.

The amendment of the laws so that the Advertising Association of Thailand can be co-complainants and sue the wrongdoers with the consumers and the affected party.

5) Effective Compliance and Monitoring. Follow-up and monitoring are a very important process in the self-regulation of the advertising profession. A process of monitoring or follow-up the cases after the adjudication to see if the punished organizations or companies comply or correct their mistakes as recommended or not. If no correction is found, there should be some measures, i.e., to proceed to the responsible government agencies for legal prosecution.

For effective monitoring, media-regulation academicians, experienced people in law mobilization and advertising professionals viewed that the monitoring process must have the civil sector involved since consumers are the directly affected groups and understand the concerns of their groups the best.

Furthermore, media-regulation academicians, representatives of the government sector and advertising association executives perceived that social listening technology should be used for facilitating the monitoring by crawling information of social media together to analyze the topics or keywords related to the mentioned self-regulation of the advertising profession and who are speakers. Besides, it can analyze the tone or direction of the sentiment of the mentioned statements, either positive or negative. The usage of a monitoring technological system can enhance the monitoring to be transparent, inclusive, and rapid, including reducing personnel shortage in self-regulation. Besides, the advertising association executive proposed that if such a technological system will be applied, the Association should collaborate with a technology company to get a more reasonable price than normal commercial prices.

6) The Development of Effective Industry and Consumers' awareness or literacy. The determination of communication objectives for developing effective advertising industry and enhancing consumers' media literacy for the 7 specified target groups can contain the following message design:

(1) Consumers: The message should be designed for creating knowledge and understanding media literacy and information about problems that may occur from advertising, consumers' rights, and complaints channel if any advertisement is found to violate ethical or legal codes.

(2) Advertising professionals: The message should be designed for creating acceptance and participation in the self-regulation of the advertising

profession, including implanting professional morality, ethics, and standards. Misconduct cases may be used as case studies to yield awareness of advertising creation and production and marketing communication. Besides, the content should induce inspiration towards the national creative macroeconomics and free business competition.

(3) Marketers: The message should be designed with similar objectives as those of advertising professionals since they determine the goal and approve plans and works. Similarly, misconduct cases may be used as case studies to yield awareness of advertising creation and production and marketing communication.

(4) Media and platform owners: The message should be designed for persuading media and platform owners to be cautious of sensitive advertising and marketing issues that often cause problems and may create inappropriate value for consumers and society so that they can reject publicizing those troubled advertisements and marketing communication in their channel.

(5) The government agencies responsible for the self-regulation of the advertising profession: The message should be designed for creating acceptance and participation in self-regulation of the advertising profession in various perspectives, i.e., requests for financial or budget support, the revision of related laws, the submission of legal appeals to concerned government agencies, etc., to help to drive self-regulation of the advertising profession successfully.

(6) Advertising and marketing communication academicians: The a message should be designed for stimulating the awareness and importance of self-regulation of the advertising profession, driving advertising professional standards, and mobilizing self-regulatory mechanisms as a part of the curriculum at the higher education or graduate level.

(7) Advertising and marketing communication students: The message should be designed for stimulating the awareness and importance of self-regulation of the advertising profession and fair competition to prepare them and equip them with essential knowledge and skills, including professional ethics and standards, for working in the advertising industry.

5.3.6 Funding

Budgets come from several sources, i.e., membership fees, fundraising from activity organizations, government funding, and the levy from advertising media.

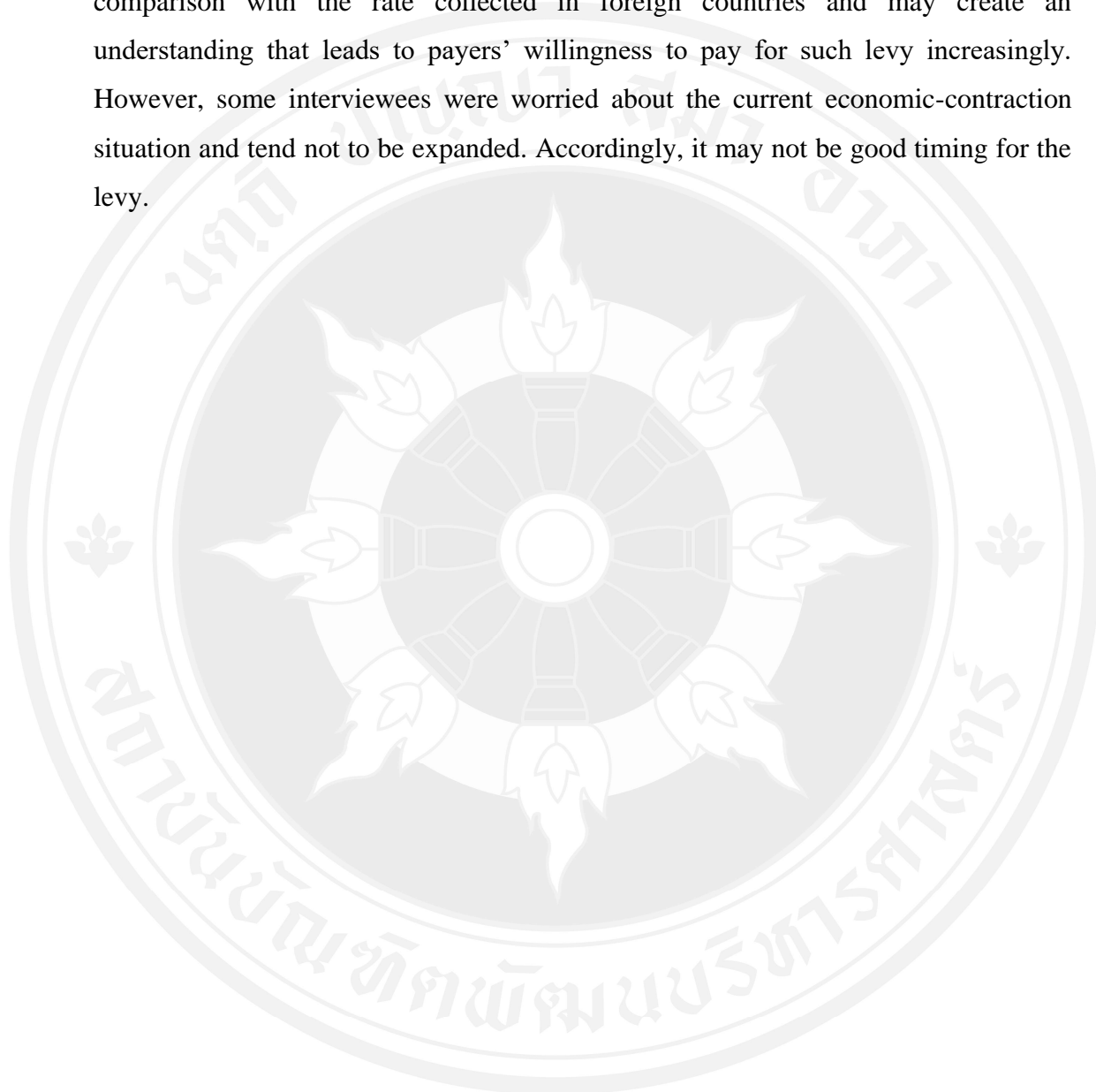
For the use of membership fees and fees of advertising censorship for advertising self-regulatory operations in Thailand, interviewees from the government sector and professionals of advertising agencies and advertising media companies viewed that the funding of self-regulation should come from the support among members in the industry to prevent the intervention and interference from the government sector and other organizations who provide financial support. However, such a budget may be insufficient for a long-term operation

Fundraising from activity organizations was proposed by representatives who have experience in driving laws. Activities can be training by experts in the advertising industry or activities can be organized for donation, which can be another channel of fundraising for self-regulation of the advertising profession in Thailand.

Regarding government funding, interviewees of all groups proposed that the ultimate goal of self-regulation of the advertising profession is consumer protection. Since it is for people's benefit, it should be the responsibility of the government to provide support. Furthermore, the laws specify to support self-regulation in each profession; thus, it should obtain support from the related government agencies, especially the organizations responsible for regulating media, such as the Office of the National Broadcasting and Telecommunications Commission (NBTC) by asking budgets through Broadcasting and Telecommunications Research and Development Fund for Public Interest (BTFP). However, there will be some restrictions in asking for the annual budgets under urgent policies of the country; therefore, such funds may be inapplicable. Another possible fund is the Thai Media Fund. Therefore, interviewees proposed to drive laws similar to the case of Thai PBS TV Station, whose budget is determined definitely, so there will be a budget for operations automatically without relying on financial support annually. Besides, it can reduce the problem of intervention or interference as well.

The levy from advertising media is another source of funds. Scholars in media regulation proposed that knowledge and understanding should be provided for those who pay taxes for their advertising media in advance. Besides, value and benefits

should be created for the organizations that pay for such levy to stimulate the conscience that the levy is worth and proper, especially beneficial for consumers. Interviewees from the group of advertising association management perceived that if the rate does not exceed 0.1%, it should be possible. The levy may start with the comparison with the rate collected in foreign countries and may create an understanding that leads to payers' willingness to pay for such levy increasingly. However, some interviewees were worried about the current economic-contraction situation and tend not to be expanded. Accordingly, it may not be good timing for the levy.



CHAPTER 6

SUMMARY, DISCUSSION, AND RECOMMENDATION

The study “The Driving of Self-Regulatory Mechanisms of the Advertising Profession in Thailand,” is qualitative research, aimed 1) to study the mobilization of the self-regulatory mechanisms of the advertising profession in successful countries, 2) to study the mobilization of the self-regulatory mechanisms of the advertising profession in Thailand, and 3) to examine guidelines for solving problems and obstacles of the driving mechanism of self-regulation of the advertising profession in Thailand. The findings from documentary analysis and in-depth interviews were summarized and discussed to respond to the determined research objectives, including giving recommendations from the findings and for future studies, as follows:

6.1 Research Summary

The findings from documentary analysis and in-depth interviews were summarized and presented in three parts, responding to each research objective, as follows:

Part 1: The summary of the study of the driving of self-regulatory mechanisms of the advertising profession in successful countries.

Part 2: The summary of the study of the driving of self-regulatory mechanisms of the advertising profession in Thailand.

Part 3: The summary of approaches for solving problems and obstacles in driving the self-regulatory mechanisms of the advertising profession in Thailand

6.1.1 Part 1: The Summary of the Study of the Driving of Self-Regulatory Mechanisms of the Advertising Profession in Successful Countries

From the analysis of the information from public records, i.e., laws related to rights and freedom protection, annual reports, and information publicized on the websites of self-regulatory organizations (SRO) of the advertising profession in three successful countries as follows: Office of Communication (OFCOM) and the Advertising Standards Authority (ASA) of the United Kingdom; Australian Communications and Media Authority (ACMA) and Ad Standards of Australia; and China Association of National Advertisers (CANAA), China Advertising Association (CAA), and China Advertising Association of Commerce (CAAC) by comparing the information of these three countries in 8 topics: Background of the laws related to rights and freedom, self-regulatory mechanisms of the advertising profession, the number of organizations responsible for the self-regulation of the advertising profession, roles and responsibilities, the organizational structure, purposes, strategies, and funding.

6.1.1.1 Background of Laws Related to Rights and Freedom

In the issue of legal background related to rights and freedom, it is found that the governance patterns of the United Kingdom and Australia are similar, namely democracy, with shared values on freedom, respect, fairness, and equality. Despite no written provisions on the protection of media's rights and freedom, freedom of opinion expression is protected implicitly under the intention of the Constitution based on implied freedom principles; thus, it includes freedom of mass media as well. The People's Republic of China is governed by Socialist Democracy with Chinese Characteristics by the Chinese Communist Party, which is a political institution with supreme and absolute power. The Constitution of China legislates the protection of citizens' rights and freedom in many aspects, and the government has tried hard to develop all basic rights of citizens to be more respected and protected. Still, in terms of mass media's rights and freedom, the Chinese government tries to organize the order of the new world media by disseminating oppression methods, information auditing systems, and tools for controlling the internet, which is criticized by western countries.

6.1.1.2 Driving Mechanisms of Self-Regulation of the Advertising Profession

In terms of mechanisms for driving self-regulation of the advertising profession, the United Kingdom and Australia possess such mechanisms. Namely, there has been the development of ethical standards or codes following advertising media in each period. Advertising regulatory committees were established in combination with the determination of ethical codes, a complete filing and scrutinization of the complaints process, the time shortening of complaints scrutiny, and the conduct of organizational communication to make the organization more well-known, including being a channel for receiving complaints. In China, besides the establishment of self-regulatory associations, these associations also work with academic organizations to study and publicize articles related to advertising, consumers' behaviors, and lifestyle patterns for developing knowledge of advertising in the country. China also participates as a member of the World Federation of Advertisers (WFA) to mobilize Chinese advertising in service, innovation, capacities, and credibility as the first class, including upgrading and improving the image of the advertising industry of China.

6.1.1.3 The Number of Organizations Responsible for Self-Regulation of the Advertising Profession

Regarding the number of organizations responsible for the self-regulation of the advertising profession, it is found that the United Kingdom and Australia have two organizations equally. Namely, the organizations of the United Kingdom are “the Office of Communication” (Ofcom) and “the Advertising Standards Authority” (ASA), while those of Australia is “the Australian Communications and Media Authority” (ACMA) and “Ad Standards.” In China, there are 3 organizations, namely “the China Association of National Advertisers” (CANA), “the China Advertising Association” (CAA), and “the China Advertising Association of Commerce” (CAAC), which are all registered with the government sector.

6.1.1.4 Roles and Responsibilities

In the issue of roles and responsibilities, it is found that every country plays a role and responsibility in legal affairs, law enforcement, support of self-

regulation of the advertising profession, and research. Consumer protection is found in the United Kingdom and Australia, while advice on advertising creation before dissemination is found in Australia and the People's Republic of China. The promotion or elevation of the advertising industry, the development of inter-organizational collaboration, personnel's rights and benefits protection in the advertising profession, the advertising industry database service, the organization of meetings, exhibitions, and exchanges of professional experiences, and the establishment of the system for evaluating the performance or capabilities of personnel in the advertising profession are found in the People's Republic of China only.

6.1.1.5 Organizational Structure

In the issue of the organizational structure, it is found that the organizational structure of every country comprises top executives, content, and advertising regulation policy and practice committees. Communication structure, people, or consumers; and the receipt of complaints and investigation functions are found in the United Kingdom and Australia, while research and laws authorities are found in Australia and China. The structure of risk and investigation, capital for community radios, area consultants, spectrum consultants, and the consultants for the elderly and persons of disabilities are found in the United Kingdom only, while membership service, business development, foreign relations, administration or committees of different branches (classified by types of media or nature of advertising work), academic affairs and training, and finance are found in the People's Republic of China only.

6.1.1.6 Purpose

In the issue of purposes, it is found that every country aims to operate communication and media towards the utmost social benefits and to promote advertisements with social responsibility, including enhancing self-discipline of the advertising professionals. In Australia, the goals are to be a spokesperson for the people of Australia in appealing to advertising and marketing communication standards. China also has a goal to protect legitimate benefits of advertisers, including promoting and upgrading the advertising industry standards in many areas additionally from other countries.

6.1.1.7 Strategy

For strategies used by each country, it is found that each organization applies different operational strategies, as follows:

Office of Communication (Ofcom) in the United Kingdom focuses on 5 principal strategies: A better service of communication technology via high-speed internet networks and mobile phones, fairness, the support of the broadcasting industry, online communication regulation for consumers and the business sector, and the activation of secure networks. It is found that fairness and communication regulation via online media for consumers and the business sector are connected with regulations and advertisements by managing towards fairness for consumers, especially for the fragile to get fair treatment and operating with the government in determining policies for protecting consumers from harmful online content. Besides, communication services through online communication are also assured for consumers.

Advertising Standards Authority (ASA) in the United Kingdom has 6 major strategies: consumers and the world, online, efficiency, the creation of common acceptance, enforcement, and independence. All six strategies emphasize self-regulation of the advertising especially.

Australian Communications and Media Authority (ACMA) in Australia highlights three main strategies: effective and efficient spectrum management, protection preparation, the information and advice provision, surveillance, and response to regulations. The protection preparation, the information and advice provision, and surveillance are related to regulations and advertising by promoting compliance in communication, protecting public benefits, complaint dealing, and the promotion of knowledge and understanding about rights and responsibilities for consumers. The strategies are found also in the establishment of participation of stakeholders and the government to help determine the regulatory frame that is appropriate for the market situations. Besides, practical guidelines are proposed to reduce the burden of legislation, while promoting transparent and sustained regulation.

Ad Standards in Australia has five principal strategies: complaints management, the creation of perception to society, the establishment of stakeholders'

participation, a business internal process and financial security, and business revolution. Remarkably, all five strategies focus on advertising regulations especially.

Notably, the organizations in the government sector of the United Kingdom and Australia determine the strategies related to communications infrastructure, and people's convenience, and security, while those of self-regulation of the advertising profession emphasizes the strategies of creating the acceptance and participation of stakeholders, complaints management, and effective and efficient organizational communication and management.

However, for the organizations in China, information on the strategies does not appear in the studied documents: the annual reports, declaration, public relations news, and information on the main websites of all three organizations.

6.1.1.8 Funding

Regarding budgets, the sources of budgets of the organizations in the United Kingdom and Australia are similar, namely from the levy, fees, and fines as stipulated in the laws. For China, budgets come from several sources: membership fees, donation, government funding, government service fees, income from activities and services provided within the approved business scope, interest, and other funds as stipulated in the laws.

After analyzing information from documents of the successful countries, the proposal of structure, roles, and operating mechanisms of self-regulation of the advertising profession will be illustrated further.

The Proposal of the Structure, Roles, and Operations of the Driving of Self-Regulatory Mechanisms of the Advertising Profession in Thailand (The First Draft)

1) Roles and Responsibilities. Three additional roles and responsibilities of the Advertising Association of Thailand: Advertising regulation, research, and collaboration development, are proposed.

2) Organizational Structure. A committee or sub-committee of self-regulation of the Advertising Association of Thailand for mobilizing the said mechanisms jointly should be appointed, as follows:

(1) President of the Advertising Association of Thailand as a consultant

(2) Vice-President of Professional Standards as the Chairman

- (3) The Committee of Professional Standards as Vice-Chairman
- (4) Vice-President and Committee of the Government Coordination as Committee members
- (5) Vice-President of Foreign Affairs as a Committee member
- (6) Vice-President and Committee of Academic Affairs as Committee members
- (7) Secretary-General and Deputy Secretary-General as Secretary and Secretary Assistant.

Moreover, it is recommended that the committee of the receipt and scrutiny of consumers' complaints should be recruited and appointed from the experts and stakeholders in the advertising industry. The number of the committee members should be 21 to cover all groups of stakeholders. For the Committee for scrutinizing competitors' complaints, the survey should be conducted to gather the names of legal authorities with expertise in advertising laws so a name list can be created for inviting 3 of them to be parts of the committee for considering complaints case by case.

Purpose. The purposes of the Advertising Association of Thailand need to ensure that advertisements appearing on every communication channel in Thailand must have social responsibilities and enable fair competition in the marketing mechanisms following the fundamental principles and practices of the advertising professional code of ethics, including advertising and marketing communication practices of the International Chamber of Commerce (ICC).

Strategy. 5Cs Strategies are proposed for mobilizing a self-regulatory mechanism of the advertising profession in Thailand towards the imposed goals: Consumer and Community, Complaint Handling, Cyber Security, Consensus, and Connection.

Funding. Fines and the levy from advertising media purchase at the rate of 0.05% should be determined in the case of any violation of fundamental principles and detailed practices of the advertising professional ethics. Furthermore, it is proposed that during the early period, the Association may need to be supported by the government sector so that a self-regulatory system of the advertising profession could be established and strengthened towards universality and sustainability. After goal accomplishment, the Association could consider reducing support from the

government sector until it can terminate such support from the government sector and can proceed with its operation by the levy to make self-regulatory systems of the advertising profession in Thailand more independent.

6.1.2 Part 2: The Summary of the Study of the Driving of Self-Regulatory Mechanisms of the Advertising Profession in Successful Countries

From the analysis of the findings from in-depth interviews conducted with 6 major groups of interviewees: Group 1: People experienced in driving laws or legal issues, Group 2: Representatives of the government agencies, Group 3: Advertising association executives, Group 4: Media-regulation scholars, Group 5: Advertising agency and advertising professionals, and Group 6: Consumer protection organization representatives, the major issues can be summarized as follows:

- 1) **Universality of the Self-Regulatory System.** It was recommended that self-regulatory system management be initiated by the Advertising Association of Thailand. The scholars in media regulation emphasized that it is important to add roles and responsibilities related to the self-regulation of the advertising profession in Thailand, especially the creation of common acceptance and the establishment of stakeholders' participation. Besides, the designed process needs to be transparent, open, and stimulate members' motivation to actively collaborate in self-regulation. A system of scrutinization of the complaints needs to be established. Moreover, scholars in media regulation and professionals of advertising agencies and advertising companies perceived that the roles on research should be added for producing a body of knowledge related to self-regulation of the advertising profession and for planning self-regulatory operations continually, including for working with other alliance organizations from the government, private, and civil sector.

In the issue of the purposes of self-regulation of the advertising profession in Thailand, it was agreed to determine the purposes by balancing advertising's social responsibility and consumers' benefits. On the other hand, it should enhance creativity in the advertising industry, including free and fair competition.

Regarding the strategies for driving self-regulatory mechanisms of the advertising profession in Thailand, although interviewees agreed that the proposed 5Cs strategies proposed by the researcher are appropriate, “consensus” and “connection” are recommended to be unified as the same strategy as both strategies are connected for operation. Besides, it was proposed to have a strategy of an information center, especially center of excellence, and knowledge management to enhance more effectiveness of long-term operations.

2) Sustained and Effective Funding. It was found that the budgets come from several sources, i.e., membership fees, fundraising from activity organizations, government funding, and the levy from advertising media.

For the use of membership fees and fees of advertising censorship for advertising self-regulatory operations in Thailand, the funding of self-regulation should come from the support among members in the industry to prevent the intervention and interference from the government sector and other organizations who provide financial support. However, such a budget may be insufficient for a long-term operation

Fundraising from activity organizations can be done through training by experts in the advertising industry or activities for donation.

Regarding government funding, it was proposed that the ultimate goal of self-regulation of the advertising profession is consumer protection. Since it is for people’s benefit, it should be the responsibility of the government to provide support. Therefore, it was further proposed to drive laws similar to the case of Thai PBS TV Station, whose budget is determined definitely, so there will be a budget for operations automatically without relying on financial support annually. Besides, it can reduce the problem of intervention or interference as well.

The levy from advertising media is another source of funds, but knowledge and understanding should be provided for those who pay taxes for their advertising media in advance. Besides, value and benefits should be created for the organizations that pay for such levy to stimulate the conscience that the levy is worth and proper. However, due to the current economic-contraction situation, it may not be good timing for the levy.

3) Efficient and Resourced Administration. It was found that if there are only voluntary working groups or volunteers, the operation will not be so effective since the mobilization of self-regulation mechanisms is a continual mission in the long term. However, to hire someone responsible for advertising regulation, research, and collaboration development or connection must concern about the obtained budgets.

4) Universal and Effective Codes. It was proposed that the law enforcement is not a correct method for self-regulation of the advertising profession. However, laws or authority may be functional because of the enforcement, but morality can be ignored and there is no regulator. Accordingly, effective and universal practices should come from the collaboration of professional experts in determining the codes that accord with the reality of the industry. Moreover, because of rapid changes in advertising and marketing communication strategies and tactics, the codes must be determined more thoroughly so that people in the industry and small-sized entrepreneurs can apply them properly based on universal standards. Furthermore, all interviewees agreed to adopt the ICC Advertising and Marketing Communication Code to be used in Thailand to induce effective and universal advertising codes.

5) Advice and Information Provision. It was found that that the provision of information and advice is important for promoting advertising work to be creative based on social responsibility. Besides, it may become an advantage of motivation for drawing entrepreneurs to be willing to pay for the levy of advertising media. If so, such provision service should be limited to only the organizations that are willing to pay for the levy. The service should cover the provision of information and advice with and without cases for alignment.

The information and advice provided with cases for alignment can be done in two ways: by the collection of legal advice that can help working people to access information more easily and completely and the use of ethics or professional standards by illustrating cases prone to or risky for violating ethics and standards, especially in sensitive cases, as case studies so that working people can have knowledge and understanding about the issues they can do or cannot do.

For the information and advice provision without cases for alignment, the Association should open a channel for getting advice easily, conveniently, and

rapidly, i.e., online channels with regular advisors by determining the response time within 24 hours.

6) Prompt and Efficient Complaint Handling. It was proposed to separate consumers' complaints from business competitors' complaints, and to open a grievance channel that can be accessible and easy to use, covering touchpoints for users, i.e., websites, Facebook, Line, email, Call Center, including direct contact with the officer or staff without an appointment. Besides, a process of complaints dealing must be transparent and auditable by having a process of investigation for searching for facts in considering further details. If complaints relate to legal issues, the Association must coordinate with responsible agencies for facilitating complainants too. training should be organized before a formal function of the complaints committee to ensure common understanding and judgment based on the same standards.

Regarding the length for considering complaints, advertising professionals proposed to categorize complaints by the level of their complexity. In the aligned cases, complaints can be delivered directly to the committee via online systems or emails without a committee's meeting and the committee can vote and express their opinions via such channels to make the process more rapid. For cases without any alignment, a meeting should be organized for voting and opinion expression. Besides, the result should be reported back to the complainants within 15-45 days by notifying the judgment of the committee to complainants and the general public within 15 days and disseminating a full report within 45 days.

7) Independent and Impartial Adjudication. It was proposed that the complaint committee must be the representatives of all stakeholder groups, and the number of the committee members must be odd numbers. Besides, the complaint committee can be divided into two groups: consumers' and business competitors' complaints. The committee of consumers' complaints will be assigned from each representative of the Advertising Association of Thailand, Digital Advertising Association (Thailand), Media Agency Association of Thailand, Marketing Association of Thailand, academicians, legal authorities, and Consumer Organization Council; thus, the total number will be 7 members. The committee of business competitors' complaints will be appointed from legal authorities specializing in

business laws who are not stakeholders involved in the complaints, totally 5 committee members.

8) Effective Sanctions. It was proposed that for effective sanctions, some authorities have to be transferred to the self-regulatory organizations to comply with regulations and rules as agreed. The sanctions will be from light to severe penalties or sanctions or start from warnings, disseminating the verdict to complainants and the general public, including publicizing the explanation to complainants and general public after the correction, fines, or expulsion from membership. At the same time, some proper remedial or healing actions should be given to the damaged party, i.e., announcing an apology, delivering products, or monetary compensation, etc. Besides, the other party should be allowed to have an appeal to clarify its facts to the committee of complaints about consideration as well. Moreover, there should be a process for admiring or showing appreciation for people in the advertising and marketing communication who comply properly with the professional standards or codes in parallel. In the case that the self-regulatory organizations want to ensure more effective sanctions, laws should be revised to enable the self-regulatory organizations to be co-complainants with the affected consumers so that the organization can prosecute or sue the other party.

9) Efficient Compliance and Monitoring. It was proposed that a process of monitoring or following the cases after the adjudication is needed to see if the punished organizations or companies comply or correct their mistakes as recommended or not. If no correction is found, there should be some measures for operations in the next step. Besides, the participation of the civil society and the adoption of social listening technology should be used for facilitating the monitoring to make it transparent, inclusive, and rapid, including reducing personnel shortage in self-regulation.

10) Effective Industry and Consumer Awareness and Literacy. It was found that to develop the advertising industry and enhance consumers' media literacy, some activities should be designed and communication is used as a tool. The design should cover stakeholders of all sectors and determine the objectives of each target group properly, as follows:

Consumers: The message should be designed for creating knowledge and understanding media literacy and information about problems that may occur from advertising, consumers' rights, and complaints channel if any advertisement is found to violate ethical or legal codes.

Advertising professionals: The message should be designed for creating acceptance and participation in self-regulation of the advertising profession, including implanting professional morality, ethics, and standards. Misconduct cases may be used as case studies to yield awareness of advertising creation and production and marketing communication. Besides, the content should induce inspiration towards the national creative macroeconomics and free business competition.

Marketers: The message should be designed with similar objectives as those of advertising professionals since they determine the goal and approve plans and works. Similarly, misconduct cases may be used as case studies to yield awareness of advertising creation and production and marketing communication.

Media and platform owners: The message should be designed for persuading media and platform owners to be cautious of sensitive advertising and marketing issues that often cause problems and may create inappropriate value for consumers and society so that they can reject publicizing those troubled advertisements and marketing communication in their channel.

The government agencies responsible for the self-regulation of the advertising profession: The message should be designed for creating acceptance and participation in self-regulation of the advertising profession in various perspectives, i.e., requests for financial or budget support, the revision of related laws, the submission of legal appeals to concerned government agencies, etc., to help to drive self-regulation of the advertising profession successfully.

Advertising and marketing communication academicians: The message should be designed for stimulating the awareness and importance of self-regulation of the advertising profession, driving advertising professional standards, and mobilizing self-regulatory mechanisms as a part of the curriculum at the higher education or graduate level.

Advertising and marketing communication students: The message should be designed for stimulating the awareness and importance of self-regulation of

the advertising profession and fair competition to prepare them and equip them with essential knowledge and skills, including professional ethics and standards, for working in the advertising industry.

After the analysis of the findings of the in-depth interviews, the structure, roles, and operations for driving self-regulatory mechanisms of the advertising profession in Thailand are proposed as the second draft.

The Proposed Structure, Roles, and Operations for Driving Self-Regulatory Mechanisms of the Advertising Profession in Thailand (The Second Draft)

1) Roles and Responsibilities

Expand three additional roles and responsibilities related to self-regulation of the advertising profession, as follows:

(1) Advertising regulation. The Association should be responsible for improving and developing advertising professional standards and ethics to accord with the situation and universality; creating participation and shared agreement to ensure that the advertising standards and ethics can be applicable; providing service and advice on the advertising and marketing communication, dealing with complaints effectively and rapidly with independence, impartiality, including actual follow-up, monitoring, and efficient sanctions.

(2) Research. Research related to advertising regulation should generate a new body of knowledge and direction for improving and developing advertising professional standards and ethics, including operational planning for consumer protection, and the development of communication campaigns and activities.

(3) Collaboration development. The advertising collaboration with government and private organizations in Thailand and with other countries in the regions to create alliances in advertising regulatory operations in the country and internationally should be operated.

6.1.2.1 Organizational Structure

Appoint a committee or sub-committee for self-regulation of the advertising profession in Thailand for driving self-regulatory mechanisms, consisting of the following:

- 1) President of the Advertising Association of Thailand as a consultant
- 2) Vice-President of Professional Standards as the Chairman
- 3) The Committee of Professional Standards as Vice-Chairman
- 4) Vice-President and Committee of the Government Coordination as Committee members
- 5) Vice-President of Foreign Affairs as a Committee member
- 6) Vice-President of Legal Affairs as a Committee member
- 7) Vice-President and Committee of Academic Affairs as Committee members
- 8) Secretary-General and Deputy Secretary-General as Secretary and Secretary Assistant

Besides, some workers responsible for advertising regulation, research, and collaboration development or connection are hired based on the obtained budgets. In the case of limited budgets, they should have staff responsible for advertising regulation as the priority to regulate advertisements, including filing the occurring complaints.

Besides, a committee for receiving and scrutinizing complaints must be representatives of all stakeholder groups, and the number of the committee members must be odd numbers, from 5-7, divided into two groups: on consumers' and business competitor's complaints.

The committee of consumers' complaints will be assigned from each representative of the Advertising Association of Thailand, Digital Advertising Association (Thailand), Media Agency Association of Thailand, Marketing Association of Thailand, academicians, legal authorities, and Consumer Organization Council; thus, the total number will be 7 members.

The committee of business competitors' complaints will be appointed from 5 legal authorities specializing in business laws by the approval of professionals of advertising agencies and advertising media companies, who are not stakeholders involved in the complaints.

6.1.2.2 Purpose

Ensure that advertisements via every communication channel in Thailand will have a social responsibility and can compete in the marketing mechanism systems fairly, which accord with fundamental principles and detailed practices of advertising professional ethics, including advertising and marketing communication codes of the International Chamber of Commerce (ICC).

6.1.2.3 Strategy

For driving self-regulatory mechanisms of the advertising profession in Thailand, the driving can be operated with the proposed 5Cs strategies towards the imposed goals as follows:

- 1) Consumer and Community. Consumers and communities are highlighted.
- 2) Complaint Handling. The handling covers both consumers' complaints and business competitors' complaints based on ethical codes.
- 3) Cyber Security. The online advertising regulatory mechanisms are improved and developed, including the adoption of technology and innovation for active regulation to reduce overlapping and increase the effectiveness of regulation.
- 4) Consensus. The strategic collaboration is created with concerned national and international agencies, including operating to create participation with major stakeholders to establish shared acceptance of self-regulation in the advertising profession.
- 5) Center of Excellence. Information related to self-regulation of the advertising is gathered for facilitating or persuading advertising entrepreneurs to follow the best practices and for knowledge management for establishing an academic service and information reference center.

6.1.2.4 Services

In driving self-regulatory mechanisms of the advertising profession in Thailand, at least six services must be provided as follows:

- 1) Dissemination of effective and universal practices.

2) Information and Advice Provision. Information and advice should be provided in two ways: the information and advice provided with and without cases for alignment.

3) Complaints Handling by separating consumers' complaints from business competitors' complaints and opening a grievance channel that can be accessible and easy to use, covering touchpoints for users.

Regarding the length for considering complaints, advertising professionals proposed to categorize complaints by the level of their complexity. In the aligned cases, complaints can be delivered directly to the committee via online systems or emails without a committee's meeting and the committee can vote and express their opinions via such channels to make the process more rapid. For cases without any alignment, a meeting should be organized for voting and opinion expression, and the judgment of the committee should be notified to complainants and the general public within 15 days and disseminating a full report within 45 days.

4) Effective sanctions. After the scrutiny of complaints, sanctions must be determined and operated for genuine and effective self-regulation of the advertising profession. The following sanctions can be considered:

The dissemination of resolution and full details of the scrutiny of the Complaints Committee to complainants, the affected party, and the general public.

The suspension of the dissemination of troubled or misleading communication channels and the approval of advertising dissemination in the case in which the adjudication of or verdict of the complaint committee is modified or amended.

The submission of resolution and full details of the scrutiny of the Complaints Committee to responsible agencies for legal prosecution if any law is violated.

The amendment of the laws so that the Advertising Association of Thailand can be co-complainants and sue the wrongdoers with the consumers and the affected party.

5) Effective Compliance and Monitoring. Follow-up and monitoring are a very important process in the self-regulation of the advertising

profession. A process of monitoring or follow-up the cases after the adjudication to see if the punished organizations or companies comply or correct their mistakes as recommended or not. If no correction is found, there should be some measures, i.e., to proceed to the responsible government agencies for legal prosecution.

For effective monitoring, the monitoring process must have the civil sector involve and social listening technology should be used for facilitating the monitoring to make the monitoring system transparent, inclusive, and rapid, including reducing personnel shortage in self-regulation. Besides, the advertising association executive proposed that if such a technological system will be applied, the Association should collaborate with a technology company to get a more reasonable price than normal commercial prices.

6) The Development of Effective Industry and Consumers' awareness or literacy. The determination of communication objectives for developing effective advertising industry and enhancing consumers' media literacy for the 7 specified target groups can contain the following message design:

Consumers: The message should be designed for creating knowledge and understanding media literacy and information about problems that may occur from advertising, consumers' rights, and complaints channel if any advertisement is found to violate ethical or legal codes.

Advertising professionals: The message should be designed for creating acceptance and participation in the self-regulation of the advertising profession, including implanting professional morality, ethics, and standards. Misconduct cases may be used as case studies to yield awareness of advertising creation and production and marketing communication. Besides, the content should induce inspiration towards the national creative macroeconomics and free business competition.

Marketers: The message should be designed with similar objectives as those of advertising professionals since they determine the goal and approve plans and works. Similarly, misconduct cases may be used as case studies to yield awareness of advertising creation and production and marketing communication.

Media and platform owners: The message should be designed for persuading media and platform owners to be cautious of sensitive advertising and

marketing issues that often cause problems and may create inappropriate value for consumers and society so that they can reject publicizing those troubled advertisements and marketing communication in their channel.

The government agencies responsible for the self-regulation of the advertising profession: The message should be designed for creating acceptance and participation in self-regulation of the advertising profession in various perspectives, i.e., requests for financial or budget support, the revision of related laws, the submission of legal appeals to concerned government agencies, etc., to help to drive self-regulation of the advertising profession successfully.

Advertising and marketing communication academicians: The message should be designed for stimulating the awareness and importance of self-regulation of the advertising profession, driving advertising professional standards, and mobilizing self-regulatory mechanism as a part of the curriculum at the higher education or graduate level.

Advertising and marketing communication students: The message should be designed for stimulating the awareness and importance of self-regulation of the advertising profession and fair competition to prepare them and equip them with essential knowledge and skills, including professional ethics and standards, for working in the advertising industry.

6.1.2.5 Funding

Budgets come from several sources, i.e., membership fees, fundraising from activity organizations, government funding, and the levy from advertising media.

The use of membership fees and fees of advertising censorship for advertising self-regulatory operations in Thailand may be insufficient for a long-term operation

Fundraising can be done from activity organization, i.e., training by experts in the advertising industry or activities can be organized for donation, which can be another channel of fundraising for self-regulation of the advertising profession in Thailand.

The government funding. Since the ultimate goal of self-regulation of the advertising profession is consumer protection. Since it is for people's benefit, it

should be the responsibility of the government to provide support. Furthermore, the laws specify to support self-regulation in each profession; thus, it should obtain support from the organizations responsible for regulating media, such as the Office of the National Broadcasting and Telecommunications Commission (NBTC) by asking budgets through Broadcasting and Telecommunications Research and Development Fund for Public Interest (BTFP). Moreover, laws must be mobilized similarly to the case of Thai PBS TV Station, whose budget is determined definitely, so there will be a budget for operations automatically without relying on financial support annually. Besides, it can reduce the problem of intervention or interference as well.

The levy from advertising media. Knowledge and understanding should be provided for those who pay taxes for their advertising media in advance. Besides, value and benefits should be created for the organizations that pay for such levy to stimulate the conscience that the levy is worth and proper. It can start with the comparison with the rate collected in foreign countries and may create an understanding that leads to payers' willingness to pay for such levy increasingly. However, because of the current economic-contraction situation and low probability for economic expansion, it may not be good timing for the levy.

From the comparison of the proposed structure, roles, and the mobilization of self-regulatory mechanisms of the advertising profession in Thailand of the First and Second Draft, there are some different issues as illustrated in Table 6.1.

Table 6.1 The Comparison of the Proposed Roles and Responsibilities in Mobilizing Self-regulatory Mechanisms of the Advertising Profession in Thailand

The First Draft	The Second Draft
<p><i>Advertising Regulation</i></p> <ul style="list-style-type: none"> - Improve and develop advertising professional standards and ethics to accord with advertising technology and innovation, including other marketing environments to make the professional standards suitable for the advertising industry context and credible internationally. - Scrutinize both consumers' and business competitors' complaints and punish those violating self-regulation of the advertising profession. 	<p><i>Advertising Regulation</i></p> <ul style="list-style-type: none"> - Improve and develop advertising professional standards and ethics to accord with advertising technology and innovation, including other marketing environments to make the professional standards suitable for the advertising industry context and credible internationally. - Create participation and common agreement enabling advertising professional standards and ethics for actual use. - Deal with complaints effectively and rapidly - Monitor, investigate, and sanction efficiently.
<p><i>Research</i></p> <ul style="list-style-type: none"> - Conduct research related to self-regulation of advertising, covering every group of stakeholders, used for improving and developing advertising professional standards and ethics - Execute strategic planning for consumer protection. 	<p><i>Research</i></p> <ul style="list-style-type: none"> - Conduct research related to self-regulation of advertising, covering every group of stakeholders, used for generating new knowledge and direction for improving and developing advertising professional standards and ethics - Execute strategic planning for consumer protection

The First Draft	The Second Draft
<p><i>Collaboration development</i></p> <p>- Develop advertising collaboration with the government and private organizations to establish alliances for regulating advertising nationally and internationally.</p>	<p>- Develop communication campaign plans and activities.</p> <p><i>Collaboration development</i></p> <p>- Develop advertising collaboration with the government and private organizations to establish alliances for regulating advertising nationally and internationally to increase the effectiveness of the advertising industry and develop consumers' literacy.</p>

Table 6.1 illustrates the comparison between the proposed roles and responsibilities in driving the self-regulatory mechanisms of the advertising profession in Thailand and it is found that three main roles and responsibilities, namely advertising regulation, research, and collaboration development are found in both the First and Second Draft, but both drafts have slightly different details of the main three roles and responsibilities to cover the missions of self-regulation of the advertising profession in Thailand increasingly.

Table 6.2 The Comparison of the Proposed Organizational Structure in Mobilizing Self-regulatory Mechanisms of the Advertising Profession in Thailand

The First Draft	The Second Draft
<p>A committee or sub-committee of self-regulation of the Advertising Association of Thailand</p> <p>1) President of the Advertising Association of Thailand as a consultant</p> <p>2) Vice-President of Professional</p>	<p>A committee or sub-committee of self-regulation of the Advertising Association of Thailand</p> <p>1) President of the Advertising Association of Thailand as a consultant</p> <p>2) Vice-President of Professional</p>

The First Draft	The Second Draft
Standards as the Chairman	Standards as the Chairman
3) The Committee of Professional Standards as Vice-Chairman	3) The Committee of Professional Standards as Vice-Chairman
4) Vice-President and Committee of the Government Coordination as Committee members	4) Vice-President and Committee of the Government Coordination as Committee members
5) Vice-President of Foreign Affairs as a Committee member	5) Vice-President of Foreign Affairs as a Committee member
6) Vice-President and Committee of Academic Affairs as Committee members	6) Vice-President of Legal Affairs as a Committee member
7) Secretary-General and Deputy Secretary-General as Secretary and Secretary Assistant.	7) Vice-President and Committee of Academic Affairs as Committee members
	8) Secretary-General and Deputy Secretary-General as Secretary and Secretary Assistant.
<p>The committee of receiving and scrutinizing consumers' complaints will be selected from experts and stakeholders in the advertising industry, by considering expertise and representatives of all groups of stakeholders, based on a variety of ages, sex, interest, etc., of totally of 21 members.</p>	<p>The committee of scrutinizing consumers' complaints will be appointed from a representative of each organization: The Advertising Association of Thailand, Digital Advertising Association of Thailand, Media Agency Association of Thailand, Marketing Association of Thailand, advertising academicians, business legal people, and Consumer Organization Council, of totally 7 members.</p>

The First Draft	The Second Draft
<p>The committee of scrutinizing business competitors' complaints will be selected and invited members from a created survey list of lawyers with expertise in advertising laws, consisting of 3 members, for considering complaints case by case.</p>	<p>The committee of scrutinizing business competitors' complaints will be appointed from the lawyers specializing in business laws and not being stakeholders of the advertising industry, consisting of 5 members.</p> <p>Advertising regulation, research, and collaboration development staff will be hired by considering the obtained budgets.</p>

Table 6.2 illustrates the comparison between the proposed organizational structure in driving the self-regulatory mechanisms of the advertising profession in Thailand and it is found that the organizational structure proposed in the First and Second Draft consists of three committees: the committee or sub-committee of self-regulation of the advertising profession in Thailand, the committee receiving and scrutinizing consumers' complaints, and the committee receiving and scrutinizing business competitors' complaints similarly, but each committee has some differences as follows:

The committee or sub-committee of self-regulation of the advertising profession in Thailand of the Second Draft has a Vice-President of Legal Affairs as a Committee member additionally.

The committee receiving and scrutinizing consumers' complaints in the Second Draft changes from the selection or recruitment from stakeholder representatives based on expertise and representation of all groups with a variety of age, sex, interest, etc., to the appointment from a representative of the Advertising Association of Thailand, Digital Advertising Association of Thailand, Media Agency Association of Thailand, Marketing Association of Thailand, advertising and marketing communication scholars, business lawyers, and Consumer Organization Council, of totally 7 committee members.

The committee receiving and scrutinizing business competitors' complaints in the Second Draft changes from the selection of 3 members from the created list of lawyers specializing in advertising laws for considering complaints case by case to the appointment of 5 lawyers with expertise in business laws.

Moreover, in the Second Draft, advertising regulation, research, and collaboration development staff will be hired based on the granted budgets.

Table 6.3 The Comparison of the Proposed Purposes in Mobilizing Self-regulatory Mechanisms of the Advertising Profession in Thailand

The First Draft	The Second Draft
To promote advertisements disseminated through every communication channel in Thailand to have a social responsibility and be able to compete in the market mechanism fairly, which accords with fundamental principles and detailed practices of advertising professional ethics, including ICC advertising and marketing communication codes.	To promote advertisements disseminated through every communication channel in Thailand to have a social responsibility and be able to compete in the market mechanism fairly, which accords with fundamental principles and detailed practices of advertising professional ethics, including ICC advertising and marketing communication codes

Table 6.3 compares the proposed purposes for driving self-regulatory mechanisms of the advertising profession in Thailand and finds no difference between the First and Second Draft.

Table 6.4 The Comparison of the Proposed Strategy in Mobilizing Self-regulatory Mechanisms of the Advertising Profession in Thailand

The First Draft	The Second Draft
1. Consumer and Community	1. Consumer and Community
2. Complaint Handling	2. Complaint Handling
3. Cyber Security	3. Cyber Security
4. Consensus	4. Consensus (combined with connection)
5. Connection	5. Center of Excellence

From the comparison of the proposed strategy for driving self-regulatory mechanisms of the advertising profession in the First and Second Draft, both drafts have similar strategies: Consumer and Community, Complaint Handling, and Cyber Handling. The “Consensus” strategy in the Second Draft is the combination of Consensus and Connection, while the Center of Excellence is added in the Second Draft.

Table 6.5 The Comparison of the Proposed Services in Mobilizing Self-regulatory Mechanisms of the Advertising Profession in Thailand

The First Draft	The Second Draft
No proposal on Services	<p>Effective and universal dissemination of codes.</p> <p>Information and advice provided should cover two kinds of services:</p> <ul style="list-style-type: none"> ▪ Information and advice provided with cases for alignment ▪ Information and advice provision without cases for alignment, including advice on writing advertisements.

The First Draft	The Second Draft
	<p data-bbox="847 351 1126 383">Complaints Handling</p> <p data-bbox="847 405 1094 436">Effective sanctions</p> <ul style="list-style-type: none"> <li data-bbox="847 459 1358 602">▪ The dissemination of resolution and full details of the scrutiny on complaints. <li data-bbox="847 624 1378 712">▪ The suspension of the misleading and violating advertisements <li data-bbox="847 734 1374 934">▪ The submission of resolution and full details of the scrutiny of complaints to agencies related to legal prosecution. <li data-bbox="847 956 1362 1099">▪ The revision of laws to have the Advertising Association of Thailand as co-complainants. <p data-bbox="847 1122 1350 1209">Effective follow-up of compliance and monitoring</p> <p data-bbox="847 1232 1370 1319">Effective industry development and consumer development towards literacy.</p>

From Table 6.5, it is found that in the First Draft, there is no proposal on services, while the Second Draft adds several services: Effective and universal dissemination of codes, information and service provision, complaints dealing, efficient sanctions, effective follow-up of compliance and monitoring, and effective industry development and consumer development towards literacy.

Table 6.6 The Comparison of the Proposed Funding in Mobilizing Self-regulatory Mechanisms of the Advertising Profession in Thailand

The First Draft	The Second Draft
1. The levy from advertising media purchase at the rate of 0.05% and may be considered to be increased in the future.	1. The levy from advertising media purchase at the rate of 0.10% , but in the current economic situation, it may not be proper for the levy.
2. Government funding	2. Government funding through the budgets from BTFP and SCF. Laws should be driven like the case of Thai PBS with clearly determined budgets automatically without asking for annual financial support, which helps to reduce the problems of intervention. 3. Membership fees and advertising censorship fees. 4. Activity organization for fundraising.

From Table 6.6, the proposed funding for driving self-regulatory mechanisms of the advertising profession in Thailand, it is found that the similar funding sources in the First and Second Draft are the levy and the government funding. However, both drafts are different in detail. In the First Draft, the levy is at the rate of 0.05% and may be considered to be increased in the future, but in the Second Draft, the rate is 0.10% with a remark that under the current economic situation, it may not be appropriate for the levy. For the government funding, the budgets from Broadcasting and Telecommunications Research and Development Fund for Public Interest (BTFP) and Thai Media Fund. Besides, in the Second Draft, it is offered to drive laws like the case of Thai PBS TV Station with a determined and clear budget without asking for

annual financial support, which helps to reduce the problem of intervention. Moreover, in the Second Draft, there are two additional sources of funding: membership fees and advertising censorship fees, including activity organization for fundraising for managing self-regulation of the advertising profession in Thailand too.

6.1.3 Part 3 The Summary of the Approaches for Solving Problems and Obstacles of the Driving of Self-Regulatory Mechanisms of the Advertising Profession in Thailand

From the analysis of the findings from in-depth interviews conducted with 6 major groups of interviewees: Group 1: People experienced in driving laws or legal issues, Group 2: Representatives of the government agencies, Group 3: Advertising association executives, Group 4: Media-regulation scholars, Group 5: Advertising agency and advertising professionals, and Group 6: Consumer protection organization representatives, the major issues can be summarized as follows:

6.1.3.1 Problems and Obstacles are Expected to Occur During the Driving of Self-regulation of the Advertising Profession in Thailand

From the study on the problems and obstacles that are expected to possibly occur during the driving of self-regulatory mechanisms of the advertising profession in Thailand, 5 issues were found: The coverage of self-regulation, self-regulating professionals, the conscience of self-regulating professionals, budget, and stakeholders.

The coverage of self-regulation. Since self-regulation is a voluntary mission of people, it can cover only voluntary individuals, groups of individuals, or organizations that agree to participate in self-regulation without any law enforcement.

Self-regulating professionals. Since self-regulation has been conducted voluntarily, these people will be stimulated to work periodically, not consistently, so there will be no regular staff or workers to perform full-time functions.

The conscience of self-regulating professionals. As workers in the advertising industry are diverse increasingly, and many of them have not been cultivated to give importance to advertising professional ethics and standards, it affects their conscience for working in this area.

Budget. Budgets for the operation of self-regulation of the advertising profession are insufficient; thus, budgets obstruct the self-regulatory operations.

Stakeholders. Stakeholders can intervene or interfere in any self-regulatory process.

6.1.3.2 Approaches for Solving Problems and Obstacles that may Occur during the Driving of Self-regulatory Mechanisms of the Advertising Profession in Thailand

The approaches for improving and correcting problems and obstacles that may occur in the driving of self-regulatory mechanism of the advertising profession in Thailand are proposed as follows:

1) Laws must be driven to be revised by having companies of all types registered, especially marketing communication companies, and sign a letter of consent and agreement to comply with advertising professional ethics and standards to solve the problem of the coverage of self-regulation.

2) Full-time employees or people working in this specific area must be hired, trained, and developed to have expertise in business laws and professional ethics and standards to perform their function professionally with impartiality, accuracy, fairness, transparency, and auditability.

3) Advertising and marketing communication entrepreneurs must be promoted and stimulated to have a conscience in professional ethics and standards. Curriculum may be designed based on effective codes and universality to make advertising and marketing communication entrepreneurs cautious of social responsibility in parallel to righteous business competition.

4) Persons knowledgeable in the related laws should be recruited to help operate the government relations and negotiate for driving the revision of the related laws, including granting financial support for self-regulation of the advertising profession. The missions of each organization that asks for a grant will be considered for designing activities that are compatible with such an organization's missions. Moreover, they should create performance and use the same indicator for ensuring the request for budgets to be more successful.

5) Laws should be mobilized similarly to the case of Thai PBS TV station with clear budgets for automatic operational budgets without asking for

annual support which will also help to reduce problems of intervention from stakeholders.

6.2 Discussion

From the research findings, the discussion is divided into two parts based on the research objectives, namely Part 1: the discussion on the driving of self-regulatory mechanisms of the advertising profession in Thailand, and Part 2: the discussion on approaches for solving problems and obstacles of driving self-regulatory mechanisms of the advertising profession in Thailand.

6.2.1 Part 1: The Discussion on the Driving of Self-Regulatory Mechanisms of the Advertising Profession in Thailand

Although the Advertising Association of Thailand has declared professional codes and regulations continuously; however, considering from the statistics of the Complaints Center, Office of the Consumer Protection Board, the Office of the Prime Minister, during 2012-2018, the complaints tend not to decrease clearly, which accords with the study of Pirongrong Ramasoota that media could not execute self-regulation genuinely and the reasons that caused media's self-regulation unsuccessful were that (1) they had insufficient motivation, (2) the gathering of media was based on their benefits rather than public benefits, (3) the use of regulation overtook the roles of professional organizations, and (4) the society had no understanding of regulation. ("A Discussion Report," 2015). Accordingly, the researcher proposes the structure, roles, and operations for driving self-regulation of the advertising profession in Thailand (the Second Draft) as guidelines for driving self-regulatory mechanisms of the advertising profession in Thailand. The following issues are discussed:

6.2.1.1 Roles and Responsibilities

From synthesizing the research findings on the issue of roles and responsibilities, it is found that

1) Roles and responsibilities in advertising regulation. The Advertising Association is proposed to perform the following roles and responsibilities:

(1) Improve and develop advertising professional standards and ethics to accord with advertising technology and innovation, including other marketing environments to make the professional standards suitable for the advertising industry context and credible internationally

(2) Create participation and common agreement enabling advertising professional standards and ethics for actual use.

(3) Providing information and advice on the creation of advertising and marketing communication through the dissemination of misleading or violating cases with recommendations for improving them

(4) Open an online channel for consultation without publicizing cases for alignment.

(5) Deal with complaints effectively and rapidly with independence, impartial judgment, follow-ups and monitoring, and efficient sanctions

Such roles and responsibilities accord with the concept that advertising should have self-regulation since industrial sectors have more specialized experts than government sectors to enhance more flexibility and adaptability that accords with changing circumstances of mass media. Furthermore, self-regulation is more accepted than regulation by the government. (Campbell, 1999; Livingstone, 2012). Besides, it accords with the concept of Wiggs (2013), who states that the best practice for self-regulation in the advertising industry must contain Code, Complaints, and Results of Activities, Enforcement, and Audit. The provision of information and advice on the creation of advertising and marketing communication is the different parts extended from the aforementioned concept. Such issues still accord with the concept of Gray (2013) who adds that the advice and information provision is a part of effective self-regulation in the advertising standards. Moreover, it accords with the findings of the study of Bu-Nga Chaisuwan (2015), "The Mechanism of Advertising Self-regulation in Thailand from the past to present" which found that advertising self-regulation in Thailand should accelerate the establishment of a single or unified self-regulatory mechanism that covers advertisers, advertising agencies, and advertising media of all types, including extending authority in the effective sanctions covering both members and non-members and the establishment of a complete regulatory management agency to follow the self-regulatory mechanism.

When considering in combination with the successful countries in self-regulating the advertising profession, such roles accord with self-regulatory roles of Ad Standards (2018, 2019) as the organization that is responsible for scrutinizing complaints of Australian advertising, aimed to work with communities and the advertising industry for keeping the standards of the communities in advertising and supporting the industrial regulations. The organization supports entrepreneurs and personnel working in the media industry so the concerned people understand laws and codes of conduct and also develops methods for dealing with consumers (ACMA, n.d.c). Moreover, the proposed roles and responsibilities are congruent with those of the China Advertising Association of Commerce (CAAC) (“中国广告协会.” n.d.b), which develops and promotes personnel in the advertising industry to adhere to professional ethical codes, establish advertising regulatory mechanisms and advertising complaints dealing mechanisms to solve illegal and violating advertisements, and conducts advertising standards operations, i.e., determining, correcting, disseminating, organizing, and operating by the industrial standard, such as advertising service, advertising technology, the assessment of employees’ capabilities, and the assessment of organizational competitiveness or benchmarking. Moreover, CAAC also participates in determining the national standards for improving service quality in the industry continually and promotes the standards of the advertising industry. When considering the regulations of the Self-Regulatory Mechanism of Advertising Professionals in Thailand, B.E. 2549, the proposed roles and responsibilities of the Advertising Association of Thailand are in line with them, including the scrutiny and adjudication of problems related to the advertising professional ethical codes. The mentioned conformity is the consequence of the extended proposal of the principle of universality after the public hearing on the adoption of the advertising and marketing communication regulations of International Chamber of Commerce (ICC) in Thailand, organized by the Advertising Association of Thailand. Furthermore, the Advertising Association of Thailand plans to disseminate the ICC advertising and marketing communication regulations in Thai version, including creating participation and common agreement to enable the actual application of such regulations in parallel to the information and advice provision on

the creation of advertising and marketing communication. Accordingly, the proposed roles and responsibilities cover the related missions of self-regulation of the advertising profession from the beginning to the end. Especially, the creation of stakeholders' participation will make the self-regulation mechanisms effective as it will make stakeholders accept and be a part of self-regulation.

2) Roles and responsibilities in research. The Advertising Association of Thailand is proposed to

(1) Conduct research on advertising self-regulation to cover every stakeholder group for generating new knowledge and determining the direction for improving and developing professional ethics and standards

(2) Determine action plans in consumer protection, and communication campaigns and activities to create perception and understanding of all stakeholder groups, especially consumers, on advertising with social responsibilities, consumers' rights, complaints channels, etc.

The proposed roles and responsibilities are in line with the concept of Wiggs (2012) on the "best practice" for self-regulation in the advertising industry. The best practice covers "education," and "awareness." They are also in line with the principles of Gray (2012), who describes effective advertising self-regulation standards, by focusing on the promotion of effective media industry and consumers' awareness and literacy. To achieve such principles, it must start with researching to find approaches for developing and elevating the industry, including promoting the awareness and literacy of consumers.

Compared with the research program of ACMA, aimed to support decision-making on regulations and requirements with insightful information and evidence, the proposed roles and responsibilities in research harmonize with the said program. Typically, research projects of ACMA are determined based on strategies and the occurrences in society (ACMA, n.d.c), conducted by both qualitative and quantitative research methodology to arouse an understanding of consumers or viewers, increase capabilities in data analysis for regulatory operations and market development, create participation of stakeholders and government in determining regulatory framework and responsibilities that are suitable for the changing market conditions. Besides, the findings can be used for improving practices

to reduce legislation, including promoting transparency and sustainability of regulation. (ACMA, 2020). The proposed roles and responsibilities also accord with those of the China Advertising Association of Commerce (CAAC) (“中国广告协会.” n.d.b) in researching advertising laws and related regulations for advertising industry development and the advertising standards. Participation in the study and determination of law, regulations, policies, and the advertising industry development plans is also included in its roles and responsibilities.

Furthermore, besides generating and extending knowledge for the advertising industry, research is also the starting point of planning, development, and improvement in several dimensions of self-regulation in the advertising profession.

3) Roles and responsibilities in collaboration development. The Advertising Association of Thailand is proposed to have the following roles and responsibilities related to collaboration development:

Develop the collaboration in advertising regulation with the government and private organizations in Thailand and foreign countries in the regions, i.e., the Office of Broadcasting and Telecommunications Commission, the Office of the Consumer Protection Board, the Office of Food and Drug Administration, Safe and Creative Media Development Fund, Digital Advertising Association (Thailand), Media Agency Association of Thailand, Marketing Association of Thailand, advertising and advertising media organizations, media and platform owners organizations, education institutions, Consumer Organization Council, or advertising regulatory agencies in foreign countries, etc. to create alliances for operating advertising regulations at the national and international level, to increase the effectiveness of advertising industry and develop consumers' awareness and literacy.

The proposed roles and responsibilities are congruent with the concept of self-regulatory organizations (SRO). SRO is the gathering of groups of advertising associations functioning to coordinate the collaboration with many specialized advertising regulation organizations in jointly setting policies and guidelines for self-regulation of the advertising industry (Advertising Self-Regulatory

Council, 2018; Federal Trade Commission, 2018; The Federal Communications Commission, 2018; U.S. Food and Drug Administration, 2018; Bu-nga Chaisuwan, 2018). The roles also harmonize with those of the China Advertisers Association (CAA) (“中国广告主协会”, n.d.), which develops collaboration with the members of the World Federation of Advertisers (WFA) and multi-national companies to strengthen the international exchange and economic cooperation., including organizing field trips to other member organizations in foreign countries. The proposed roles and responsibilities are also in line with the China Advertising Association of Commerce (CAAC) (“中国广告协会.” n.d.b), which develops collaboration in international advertising with other countries and regions, represents the country in organizing the order of the advertising industry to participate in international advertising activities, supports advertising agencies into foreign markets, and plays a role in promoting international advertising competition. These kinds of collaboration may be needed because self-regulation of the advertising profession cannot be achieved by a single organization, but requires collaboration from all concerned alliances in advertising, digital advertising, advertising media, marketing, laws, academicians, and professionals. Thus, it can be achieved by creating acceptance among stakeholders and jointly mobilizing towards the occurrence of self-regulatory mechanisms of the advertising profession in Thailand.

6.2.1.2 Organizational Structure

After the synthesis of research findings on roles and responsibilities, four parts of the organizational structure are found, namely the committee or sub-committee of self-regulation of the advertising profession in Thailand, regular staff, the committee for scrutinizing consumers complaints, and the committee for scrutinizing business competitors' complaints.

The committee or sub-committee of self-regulation of the advertising profession in Thailand comprises:

- 1) President of the Advertising Association of Thailand as a consultant
- 2) Vice-President of Professional Standards as the Chairman

- 3) The Committee of Professional Standards as Vice-Chairman
- 4) Vice-President and Committee of the Government Coordination as Committee members
- 5) Vice-President of Foreign Affairs as a Committee member
- 6) Vice-President of Legal Affairs as a Committee member
- 7) Vice-President and Committee of Academic Affairs as Committee members
- 8) Secretary-General and Deputy Secretary-General as Secretary and Secretary Assistant

The appointment of the committee or sub-committee of self-regulation of the advertising profession in Thailand will be like the appointment of a management team for determining the direction and mobilizing self-regulatory mechanisms of the advertising profession in Thailand. The proposed committee is the Ad Standards Board of Directors, which stipulates the management direction and strategies of Ad Standards towards the effective operation. Ad Standards Board of Directors perceives that the maintenance of the standard of advertising self-regulatory systems is the most important. Their work must be separated from the working of the Ad Standards Community Panel and Ad Standards Industry Jury. The present Board of Directors of Ad Standards consists of 6 experts. (“Ad Standards,” n.d.a) The mentioned stipulation accords with the regulations of self-regulation mechanisms of advertising professionals in Thailand, B.E. 2006, which gives an authority to appoint a sub-committee or working group to conduct any mission or scrutiny on the issues related to advertising professional ethics, except in some specific missions or enterprise that cannot delegate any authority to others. Thus, the committee or sub-committee of self-regulation of the advertising profession in Thailand is the first group of individuals that have to be appointed to jointly manage, determine the direction and strategies, and provide services. Without the appointment of such a committee or sub-committee, the self-regulation of the advertising profession in Thailand cannot be operated.

The hiring of regular staff or officers in advertising regulation, research, and collaboration development must concern about the obtained budgets. With limited

budgets, it should start with hiring advertising regulation staff first to operate advertising regulation, including filing the complaints received. The hiring of these regular staff or employees is found in the structure of the advertising self-regulatory organizations of the successful countries to have personnel operate the assigned missions effectively. For instance, Ad Standards hired 8 regular staff: Executive Director, General Manager, Legal and Policy Manager, Communications Manager, Administration Manager, Case Managers (2), and Communications Officer. The proposal of this study to hire three regular officers thus accords with the approach of AD Standards. Still, the hiring of regular officers must be based on the acquired budgets. It can start with 1-3 officers at the initial stage. After operating for a while, with increased budgets, it can extend to hiring more officers to respond to the volume of work in the future.

The committee for scrutinizing consumers' complaints is proposed to be appointed from each representative of the Advertising Association of Thailand, Digital Advertising Association (Thailand), Media Agency Association of Thailand, Marketing Association of Thailand, advertising and marketing communication scholars, business laws officers, and Consumer Organization Council, totally 7 committee members. or advertising regulatory agencies. The structure of the proposed committee is partially similar to that of the Advertising Code of Conduct Committee, consisting of 3 representatives of consumers/consumer protection organizations, 3 of the Advertising Association of Thailand, 3 of mass media, 3 of advertising scholars, and 3 of Marketing Association of Thailand. It is required that for a quorum, there must be at least one representative of each group. The differences between the present committee and the proposed committee are that mass media representatives are changed to a representative of the Media Agency Association of Thailand, while a representative of the Digital Marketing Association of Thailand and a legal officer is added to the proposed committee.

Besides, the difference in the number of organizational representatives in each group, the proposed committee does not have the following of ASA (2015): Complaints and Investigations Department, comprising the director of complaints and investigations, authorized to regulate the working of the heads of two working groups: the head of complaints and investigations and the head of cases. The head of

complaints and investigations works with 5 managers: the operational support manager who works with a report preparation officer and supporting officer; two groups of the complaints operations managers (each group works with a senior officer and a complaints officer); and two groups of the investigations managers (each group works with a senior officer and an investigations officer). Moreover, the proposed committee also differs from the Advertising Standards Bureau (2015), which tries to enhance the independence of the committee and ensure the general public that a self-regulatory system of the advertising profession is for providing the benefits of the industry. Accordingly, the recruitment of the committee has emphasized the increased diversity of the occupations, i.e., actors, writers, journalists, media organizational executives, or top management of organizations for society, etc., and stakeholders in the advertising industry since 2015. Therefore, Ad Standards Community Panel comprises 21 committee members representing diverse groups, i.e., age, background, sexuality, etc., or representing the diversity of the Australian society. (“Ad Standards,” n.d.b)

Considering the representation of people, the researcher views that the committee of scrutinizing consumers’ complaints should be changed from the appointment of an organizational group’s representative to the recruitment based on the members’ expertise and actual representatives of stakeholder groups, such as advertising, digital advertising, advertising media, marketing, scholars in advertising and marketing communication, business laws officers, and consumers, by recruiting three of each group; thus, the total members will be 21, and the quorum of the committee of scrutinizing consumers’ complaints comprises a representative of each group, totally seven members.

The committee of scrutinizing business competitors’ complaints is proposed to appoint from 5 experts in business laws, without having any benefits related to the advertising industry. The proposed committee differs from the Advertising Code of Conduct Committee, which comprises 3 representatives of consumers/consumer protection organizations, 3 of the Advertising Association of Thailand, and 3 of mass media, 3 advertising scholars, and 3 of the Marketing Association of Thailand. This committee accords with Ad Standards Industry Jury, which consists of 3 lawyers specializing in advertising laws and/or competition and

consumer laws. The said committee is appointed case by case from the lawyer registration based on the readiness of the lawyers and overlapping benefits. (“Ad Standards,” n.d.d) From considering the number of the committee scrutinizing business competitors’ complaints, it is proposed to make a list of lawyers specializing or with expertise in business laws, and invite 3 lawyers to be a committee for each case. However, such lawyers must not have any benefits or interference with the complaint issues. By doing so, it can reduce payment for lawyers scrutinizing complaints. Besides, inviting a lawyer case by base will help to prevent the interference with the case better than the 5 appointed lawyers who are paid by agenda.

6.2.1.3 Purpose

The purpose of self-regulation of the advertising profession in Thailand is to ensure that advertisements appearing via every communication channel in Thailand are advertisements with social responsibilities and can compete in the market mechanism fairly. The said purpose corresponds to the fundamental principles and detailed practices of advertising professional ethics of the International Chamber of Commerce (ICC). McQuail (1944) states that mass media must perform their duties based on ethics and standards of the profession by presenting correct and righteous information and avoiding any content that may lead to violence, calamity, or discrimination against ethnic groups. (Htuchins, 1947, as cited in Somkuan Kaweeeya, 2002) The focus on social responsibility of advertising accords with the purpose of ASA, whose purpose is to make every piece of advertisement responsible for society as responsible advertisements are beneficial for consumers, society, and advertisers. (“ASA,” n.d.c). Similarly, the purpose of Ad Standards is to be a spokesperson for Australian people on the advertising and marketing standards and ethics, including giving importance to the value of keeping decent and honest advertising that is harmonious with the community standards. (“Ad Standards,” n.d.a). In terms of the promotion of fair competition of the market mechanism, the proposed purpose is similar to that of ACMA (2020) whose goal is to regulate communication and media in Australia towards the utmost social and economic benefits by balancing between responsible advertisements and fair competition. It is also accordant with the purpose of Ofcom (Ofcom, n.d.a), which aims towards the utmost benefits of the general public and promotes organizations in the industry to have business competitiveness.

From the researcher's point of view, the purpose of self-regulation of the advertising profession should concern about social responsibility and fair business competition since advertising is a tool of marketing communication in the liberal economic system with free competition. Therefore, the balance between advertising's responsibility and fair business competition must be maintained.

6.2.1.4 Strategy

Self-regulatory mechanisms of the advertising profession in Thailand are proposed to be driven by 5Cs strategies to accomplish the imposed goals. Such strategies accord with the concept of Yubol Benjarongkij (2011), which describes the importance of a strategy as the plans or planning towards the determined goals. Strategies are tactics that enable people to collaborate for exchanging something from a person. (Surapongse Sotanasathien, 2016). The 5Cs strategies are as follows:

- 1) Consumer and Community. Consumers and communities are highlighted because consumers are affected directly by advertisements, which can cause an impact on a community, i.e., race, religion, belief, or some sacred things. Consumers' awareness will be created through the organization of activities on advertising ethical codes. This strategy conforms with the strategy of ASA related to the concept of people and the planet. ASA gives importance to consumers as the top priority. Consumers here mean all consumers, not only consumers who submit their complaints or who are affected by advertisements. From the previous studies, it was found that advertising could respond to what happened in the world and yielded some effect, i.e., climate change, etc. Therefore, ASA increases consumers' participation and co-working in many new forms for improving participation in further domestic and regional operations. (ASA, 2020). By prioritizing consumers, it is believed to enable consumers and communities to gain utmost benefits from the self-regulation of the advertising profession in Thailand as well. Thus, every piece of advertisement will use images and statements fairly for consumers without causing any damage to society as a whole.

- 2) Complaint Handling. The proposal of dividing the complaints into consumers' complaints and business competitors' complaints based on ethical standards as norms of the advertising industry so that advertising will be accepted and beneficial for the general public. This strategy accords with the strategy

of Ad Standards and Ad Standards Community Panel, whose complaints dealing is based on the prescribed “best practice” approach. Ad Standards Industry Jury considers and provides that are accepted and useful for advertisers’ development and correction. “Ad Standards, “n.d.a) Typically, complaint dealing is a method of solving problems of violating advertising and marketing communication. After the receipt of complaints, responsible agencies must consider under which criterion such complaints can be classified. Complaints will be investigated, and the affected person or party will be allowed to explain and express the responsibilities first. After that, complaints will be scrutinized based on the foundation of accuracy, transparency, and justice. Still, the strategy of complaints dealing must concern the acceptance of the judgment or verdict of the committee. Generally, complaints involve two-part: 1) complaints related to member organizations of the Advertising Association of Thailand, so mostly they will accept the committee’s judgment, and 2) complaints related to non-member individuals or organizations. The second part exceeds the first part so non-members tend not to accept the judgment or adjudication of the committee. This is the reason why laws are mobilized to include non-members of the Advertising Association of Thailand, i.e., the mobilization towards the registration of companies of all types by signing a consent document and agreeing to comply with advertising professional ethics and standards so that self-regulation can cover all organizations, the driving of laws amendment related to direct sales and marketing by having online vendors on websites, social media, and other E-marketplace, register as direct vendors with the Office of Consumer Protection Committee before selling their products. Thus, they are required to sign a consent document and comply with advertising professional ethics like the registration of general companies so self-regulation covers online vendors too. Typically, online vendors tend to create a kind of advertising content. The details of the second part of the complaints will be presented later.

3) Cyber Security. It is proposed that online advertising regulatory mechanisms be improved and developed to disseminate proper content or advertisements. Technology and innovation are also recommended to be adopted for active regulation and for reducing the complexity and increasing the effectiveness of regulation. Such a strategy is in line with the strategy of Ofcom (Ofcom, 2020b) to regulate online communication for consumers and the business sector by determining

policies for protecting consumers from harmful online content and by establishing consumers' trust in using service of online communication. ASA also has an online strategy by planning to improve regulations of online advertising and focusing on misleading advertising and improper targeting. ASA works more closely with large online platforms on the regulations of advertising on platforms, video-sharing, including fixing all gaps in the online advertising regulations. Especially, ASA tries to develop itself to be an opinion leader in online advertising regulation. (ASA, 2020) Measures and operations in protection, dealing with, and reduction of cyber risks including advertising information and communication can help to protect consumers from being victims of misleading advertising, especially products, services, etc., which are exaggerating.

Moreover, it is proposed to apply “social listening” technology to be used on social media for monitoring despite its inability to solve all problems because the internet gateway in Thailand is connected in two ways: connected with the internet users in foreign countries or so-called “International Internet Gateway (IIG)” to access information on the internet around the world, and “National Internet Gateway (NIX). Thus, it is difficult to surveillance all happening on the internet. Therefore, the Association is recommended to work with platform owners, i.e., Google, Facebook, Twitter, Line, etc. It is then another major alternative that self-regulatory organizations in the advertising profession should pay attention to it and accelerate to develop their collaboration with them for monitoring advertising information and content that violates the advertising and marketing communication professional ethics and practices.

However, although advertising information and communication may help to prevent consumers from being victims or having risks of cyber threats or advertising whose essence may mislead or exaggerate about the quality of products, services, performances, etc., and enable consumers or viewers to misunderstand the message, most people often interpret “cyber security” as the prevention of any improper action or operation through the use of a computer or computerized systems or undesirable programs, aimed to cause harm on computerized systems, information on a computer, or any related information, or it is coming danger that will cause damage or negative effect on the computer operations, systems, or information.

Accordingly, it is recommended to rename this strategy from “cyber security” to “content security” to convey the direct meaning that is easy to understand and is congruent with the scope of the operation increasingly.

4) Consensus. The Association is proposed to create alliances, networks, and strategic collaboration in self-advertising regulation with the government and private agencies, including national and international educational institutions in academic, practical, and other related operations. Besides, it is proposed to create participation with major stakeholders for common agreement and acceptance of self-regulation of the advertising profession, by emphasizing benefits of principles and proper practices for each type of advertising via different media. Such strategies are harmonious with the creating of common acceptance of buy-in of ASA, which works closely with major stakeholders to guarantee sustainable organizational budgets. More acceptance from the advertising online media buyers, retailers, SME brands, and influencers is created by emphasizing the benefits of the ASA’s regulations and by opening widely for different regulations based on the appropriateness of each type of advertising. (ASA, 2020). On the other hand, Ad Standards focuses on the creation of beneficiary and stakeholder engagement, aimed to develop the collaboration and participation of beneficiaries and stakeholders of all groups (“Ad Standards”, n.d.a). Distinctively, self-regulation of the advertising profession is not a mechanism that can be operated by a single group but requires the collaboration of all groups of stakeholders. Accordingly, high importance should be given to all stakeholder groups and the focus on the strength of self-regulation can induce common agreement or buy-in, and the acceptance of advertising and marketing communication professional ethics, including regulations and penalties or sanctions. Without the collaboration of affiliate networks or organizations, self-regulation of the advertising profession in Thailand cannot occur concretely.

5) Center of Excellence. The Association is proposed to collect information related to self-regulation of the advertising profession for facilitating advertising entrepreneurs or professionals, persuading them to follow the best practices, and conducting related knowledge management to be a center of development, training, and reference center. Such a proposal accords with the operation of ASA. (“ASA.” n.d.a), which is agreed to manage database on advertising

standards in various dimensions. Therefore, the development of the Advertising Association of Thailand as the Center of Excellence enables the Association to be the center of all information related to self-regulation of the advertising profession in Thailand and be a prototype for other self-regulatory organizations.

6.2.1.4 Service Provision

The proposed service provision for the Advertising Association is as follows:

- 1) The dissemination of an effective and universal code of conduct. An effective and universal code of conduct should come from a joint determination of professional experts that accords with the real situation of the industry, including strategies and tactics of rapidly changing advertising and marketing communication. Thus, more detailed practices should be stipulated so that people in the industry and small-sized entrepreneurs can apply them properly based on universal standards, especially those of the International Chamber of Commerce (ICC), in Thailand. Thus, it is clear that the advertising industry should have self-regulation since there are more specialized experts in the industry than in the government sector. Besides, it will yield better flexibility and adaptability to the media's changing conditions. Moreover, self-regulation (Campbell, 1999; Livingstone, 2012). From the comparison, this strategy accords with the provision of service of the China Advertisers Association (中国广告主协会, n.d.), which disseminates advertising standards in various industries, including participating in setting related industry standards and creating regulatory mechanisms of the industry and members. Besides, it is in line with the Regulations of a Self-Regulatory Process of Advertising Professionals of Thailand, B.E., 2006, which prescribes the committee to be able to issue regulations of the Advertising Association of Thailand on the advertising professional code of conduct. Besides, the services are supported by the study "Towards Effective Advertising Self-Regulation in Australia: The Seven Components" of Harker (2003), who proposed 7 normative guidelines for the industry and regulatory agencies, and the creation of a written code is one of the guidelines. However, disseminating effective and universal codes requires the strategy of message design for managing knowledge, idea, and content into categories.

Remarkably, advertising and marketing communication is a set of abstract information that needs to be transformed for presenting to the target. Moreover, public communication campaigns must be planned to point out the importance of a code of conduct and persuade the target to apply such code of conduct as the foundation of advertising work for consumers' and public benefits in parallel to the benefits of fair business competition.

2) Information and advice provision. The Association is proposed to provide the service in two ways: information and advice provided with and without cases for alignment or comparison. Such services are similar to the service provision of Ad Standards (2018), which provides experts' recommendations for advertising creation before broadcasting or disseminating to advertisers, advertising agencies, and business organizations to monitor their broadcasted advertising content to follow the codes. Moreover, Ad Standards also increases educational advisory services for advertisers before disseminating via the online system. (Ad Standards, 2018). The China Advertiser Association (中国广告主协会, n.d.) also provides consultation for media, advertisers, and advertising agencies who are the Association members, protects their legitimate rights and benefits, and creating regulatory mechanisms for advertisers and other media to promote marketing communication based on the principle of equality, fairness, and honesty, including the awareness of the quality level of the service. Similarly, the China Advertising Association of Commerce (“中国广告协会,” n.d.b) provides consultation service before disseminating advertisements, inspects the correctness based on advertising laws, and gives opinions and recommendations for interpretation and the application of laws, regulations, and criteria to upgrade the quality of advertising and help entrepreneurs to reduce their risks from violating laws. It also provides information on the advertising industry by establishing a database of the advertising industry and the information dissemination systems, including information about the advertising capabilities, competitiveness, advertising ethics, and operational conditions of advertising agencies based on the related regulations. The provision of information and advice can be prepared in two parts based on types of information and advice. Firstly, it is the service of information and advice. with cases for alignment or

comparison, which can prepare information in advance through the collection of laws, advertising, and marketing communication regulations, advertising professional ethics, and advertising and marketing communication practices, including examples of cases that can do and cannot do. The collection of information will be useful for advertisers and marketers, including interested people, to study the cases. The other part is the service of information and advice without cases for alignment or comparison, which can be managed by three groups of people: 1) regular officers, 2) asking collaboration from universities that are networks of the Advertising Association of Thailand to send their affiliated scholars to be information provider alternatively, and 3) the invitation of retired professionals to be a working group in providing information and advice alternatively like the second group. However, persons who will represent the Advertising Association of Thailand to provide such information and advice must be trained in the laws and regulations related to advertising and marketing communication, advertising professional code of conduct, and practices first.

3) Complaints Dealing. The Advertising Association of Thailand should manage complaints by separating between consumers' and business competitors' complaints, including opening channels that are easy to access and use for getting complaints. Especially, the channels should cover users' touchpoints. However, if it relates to laws, the Association should coordinate with the related agencies for facilitating complainants too. Furthermore, the appointed committee should be trained before scrutinizing complaints.

Regarding the length for considering complaints, advertising professionals proposed to categorize complaints by the level of their complexity. In the aligned cases, complaints can be delivered directly to the committee via online systems or emails without a committee's meeting and the committee can vote and express their opinions via such channels to make the process more rapid. For cases without any alignment, a meeting should be organized for voting and opinion expression, and the judgment of the committee should be notified to complainants and the general public within 15 days and disseminating a full report within 45 days.

The service in complaints dealing also accords with that of self-regulatory organizations in successful countries. For instance, ASA ("ASA," n.d.a)

collaborates in regulation and the agreement of co-regulation was developed firstly in the United Kingdom, which is the only regulatory agency of advertising and operates one-stop service in filing and scrutinizing complaints. At present, ASA receives complaints of more than 30,000 cases yearly due to its reputation and its accessible systems for consumers. Similarly, in Australia, Advertising Standards Bureau (2015) developed a regulatory system through one unified organization by filing consumers' complaints without considering types of media in 1974, in which the Cross-industry Trade Practices Commission was established. In 2019, Ad Standards established a new database system to be used with the organization's emails so every communication through emails between the organization and complainants or advertisers will be recorded in the system, aimed to reduce complaints dealing time in 2020. (Ad Standards, 2019).

Besides, the congruence of complaints dealing service with foreign countries, the proposed service accords with the Regulation of the Self-Regulatory Process of Advertising Professionals of Thailand, B.E. 2006, which states that in the case that any person gets damaged by advertisements that violate the regulations of the Advertising Association of Thailand regarding the advertising professional code of conduct, or any person perceives such violating advertisements, the damaged person or complainant can appeal. Besides, the committee of the advertising professional code of conduct has the authority to appoint an officer for scrutinizing complaints related to the said regulations of the Advertising Association of Thailand. After the resolution, the committee needs to report results to both sides.

Moreover, the service of complaints dealing is also supported by the study, "Towards Effectiveness Advertising Self-Regulation in Australia: The Seven Components," of Harker (2003), which found that systematic and accepted complaints dealing is one of the seven normative guidelines for the industry and regulatory agencies.

Thus, it can see that complaint dealing is a very important process for self-regulation of the advertising profession. However, the complaints on advertising may involve some overlapping issues between advertising and marketing communication professional code of conduct and practices and legal issues. However, the committee can scrutinize only cases that violate professional codes of ethics and

practices only, not legal issues. Thus, in the case of legal issues, the committee has to send the complaints to the related agencies, i.e., the Office of the National Broadcasting and Telecommunications Commission, the Office of Food and Drug Administration, The Office of Consumer Protection Board, or the Ministry of Digital Economy and Society, etc. Moreover, for online complaints, a system should be established for the committee by giving the degree of violence of complaints with additional opinions, and the committee can scrutinize the case and respond within 7 days after the receipt of complaints. Then, the chairman will collect opinions and declare the resolution with a full report. By doing so, it can reduce the time for the scrutiny meeting. In urgent cases, a meeting must be organized within 7 days after the receipt of complaints and declare the resolution within 15 days.

4) Effective sanctions. After the scrutiny of complaints, sanctions must be determined and operated for genuine and effective self-regulation of the advertising profession. The following sanctions can be considered:

The dissemination of resolution and full details of the scrutiny of the Complaints Committee to complainants, the affected party, and the general public.

The suspension of the dissemination of troubled or misleading communication channels and the approval of advertising dissemination in the case in which the adjudication of or verdict of the complaint committee is modified or amended.

The submission of resolution and full details of the scrutiny of the Complaints Committee to responsible agencies for legal prosecution if any law is violated.

The amendment of the laws so that the Advertising Association of Thailand can be co-complainants and sue the wrongdoers with the consumers and the affected party.

The effective sanctions are accordant with the regulations of ASA (“ASA,” n.d.a). In 1988, the Control of Misleading Advertisements Regulations was enforced and declared as being measures for self-regulatory sanctions. Moreover, ASA (ASA, 2018, 2020) proceeds the enforcement by improving the diagnosis

methods and deleting irresponsible advertisements actively, especially on online media, and punishing advertisers who violate the regulations of ASA.

ACMA also creates conditions that entrepreneurs must comply with the regulations as stipulated and sanctions those violating the regulations. Besides, it is authorized to determine standards (ACMA, 2018) when any person violates the rules prescribed in the codes of laws or standards. Besides, ACMA is also responsible for the investigation. If any entrepreneur violates the laws or regulations, ACMA can sanction be several ways, starting from providing advice, unofficial warning, official warning, declaration of the violation, application of corrective approaches, and legal action to get civil penalties or order of prohibition of dissemination. The operation or response depends on the degree of severity of the violation. (ACMA, n.d.b).

In Thailand, the Regulations of the Self-Regulatory Process of the Advertising Professionals of Thailand, B.E., 2006, state that in the case that the committee of the advertising professional ethics executes the final judgment that members or entrepreneurs violate the professional codes, the committee has an authority to do the following:

- (1) Send the committee's decision or verdict to members or entrepreneurs by a registered letter within 7 days after the verdict.
- (2) Send a collaboration letter to mass media not to publicize such an advertisement.
- (3) If considered as proper, the Association can publicize the verdict to the public.
- (4) Cancel or revoke members' privileges
- (5) Cancel or revoke membership
- (6) Legal prosecution, if necessary.
- (7) No. 4, and 5 can be executed under the condition that the resolution or votes must be no less than half of the committee.

However, the researcher views that to cancel or revoke members' privileges or membership of self-regulation is not applicable in Thailand, as it used to happen in the case where a member of the National Press Council handed in his resignation without asking for a right to appeal to the Council nor accepting the

results of the investigation of the sub-committee. Therefore, the researcher proposes that the sanctions of No 4 and 5 should be cut, while the resolution and a detailed report of the scrutiny should be publicized. Moreover, the collaboration from mass media to withhold the violating advertisements from being disseminated, the sending of the resolution and a full report of the committee to the related agencies for legal prosecution, and the amendment of the laws can be used. Especially, laws should be amended to let the Advertising Association of Thailand be co-complainants so that the Association can sue the wrongdoers with consumers or the victims. However, it should be cautious to publicize the resolution and a full report of the scrutiny to general public as it may be charged as defamation. According to Section 326 of the Criminal Code states that “anyone who insults another person against a third person in any manner likely to cause the other person to be dishonorable, insulted, or hated; that person commits a crime Defamation shall be liable to imprisonment for a term not exceeding one year. or a fine not exceeding twenty thousand baht or both.” Therefore, the complaints committee should send its resolution and a full report to the Consumer Organization Council to publicize instead since according to the Establishment of the Consumer Organization Council Act, B.E. 2562, the Consumer Organization Council is authorized to support, operate, investigate, monitor, surveillance of product and service problems, report or advertise or warn about such a product or service that may affect consumers’ rights or may cause any damage or deterioration to consumers by specifying the name of product or service or the business entrepreneur based on Section 14 of the said Act.

5) Effective follow-up and monitoring is a very important process of self-regulation of the profession. It is essential to specify a follow-up process after the declaration of the judgment or verdict to see if the violating organizations have complied or corrected as recommended. If not, there must be some measures to execute further.

For effective monitoring, the monitoring process must have the civil sector involve and social listening technology should be used for facilitating the monitoring to make the monitoring system transparent, inclusive, and rapid, including reducing personnel shortage in self-regulation. Besides, the advertising association executive proposed that if such a technological system will be applied, the

Association should collaborate with a technology company to get a more reasonable price than normal commercial prices.

Effective follow-up and monitoring correspond to one of the normative guidelines in the concept of Harker (2003) in his study entitled, “Towards Effectiveness Advertising Self-Regulation in Australia: The Seven Components,” which is an “Audit of an Advertising Self-Regulation Program.” Besides, it also accords with the operation of ACMA (ACMA, n.d.b). In the case that a person or an organization is believed to violate the rules as stipulated in the code of laws or standards, ACMA is responsible for auditing and if any violation is found, ACMA can respond or order a penalty in several ways from providing advice and informal warning, formal notification, an announcement of the violation, provision of corrective guidelines, and legal prosecution, which may be judged and punished by civil laws or order of prohibition of dissemination. The penalty depends on the degree of severity of the violation.

Although it is proposed to apply “social listening” technology to be used on social media for monitoring, such a technology may not be able to solve all problems. However, it can also be useful partly because the internet gateway in Thailand is connected in two ways: connected with the internet users in foreign countries or so-called “International Internet Gateway (IIG)” to access information on the internet around the world, and “National Internet Gateway (NIX). Thus, it is difficult to surveillance all happening on the internet. Therefore, the Association is recommended to work with platform owners, i.e., Google, Facebook, Twitter, Line, etc. It is then another major alternative that self-regulatory organizations in the advertising profession should pay attention to it and accelerate to develop their collaboration with them for monitoring advertising information and content that violates the advertising and marketing communication professional ethics and practices.

6) Effective industry development and consumers’ awareness creation. It is proposed to organize activities for different stakeholders with different purposes. Such proposal corresponds to one of the seven normative guidelines in the study of Harker, “Towards Effectiveness Advertising Self-Regulation in Australia:

The Seven Components,” (2003), which focuses on education and the creation of public awareness.

From the study, it is proposed that to accomplish the industry development and consumers’ awareness and literacy, a message must be designed properly for each stakeholder group as follows:

Consumers: The message should be designed for creating knowledge and understanding media literacy and information about problems that may occur from advertising, consumers’ rights, and complaints channel if any advertisement is found to violate ethical or legal codes. The content creation of this group is similar to that of Advertising Standards Bureau (2015). Advertising Standards Bureau created advertising campaigns via printed media, radio, and television to create consumers’ awareness of the new advertising regulatory system in 1998. Later, in 2008, it created another advertising campaign under the slogan “Tell someone who cares” via printed media, radio, television, and outdoor media. In 2014, the campaign “People like you” was disseminated 2014 via television mainly. Because of these disseminated campaigns to communicate to the target groups, ASB gained continually increasing unprompted recall rates of 63%. The most recent campaign, “Kinder conditions,” was created in July 2019 to enhance the perception of advertising codes or standards and arouse people’s awareness of diverse social issues on printed media, radio, television, outdoor media, social media, and other digital media. Besides, ASA (“ASA,” n.d.a) also publicizes advertising campaigns to the public, the industry sector, and the government to let them be informed of the roles and responsibilities of ASA, including inviting them to deliver their complaints about advertisements to ASA.

However, it is proposed that public campaign planning should be conducted based on the concept of Rice and Atkin (2001) for reflecting the objectives of information provision and creating awareness of media and information literacy, problems caused by advertising, consumers’ rights, and persuasion. Besides, information provision is aimed to induce behavioral changes in monitoring and auditing the violation of advertising professional ethics and practices, including persuading people to send their complaints to the complaints committee for the benefit of consumers and society as a whole. Nevertheless, message design should

concern about receivers' characteristics in terms of general demographic factors, i.e., sex, age, social classes, region, psychological attributes, etc., and senders' factors that affect the process of selection of message production of how to create and present message. (Wirachai Tangsakoon et al., 2014)

Advertising professionals: The message should be designed for creating acceptance and participation in the self-regulation of the advertising profession, including implanting professional morality, ethics, and standards. Misconduct cases may be used as case studies to yield awareness of advertising creation and production and marketing communication. Besides, the content should induce inspiration towards the national creative macroeconomics and free business competition through the use of participatory communication aimed to create common awareness. (Kanjana Kaewthep, 2013). Besides, participatory communication is also a process in which advertising professionals can have a common perception, opinion expression, consideration, operation, monitoring, auditing, and evaluation, including acknowledging results from raising the standards of advertising professional standards. (Orathai Kokpol, 2009).

Marketers: The message should be designed with similar objectives as those of advertising professionals since they determine the goal and approve plans and works. Similarly, misconduct cases may be used as case studies to yield awareness of advertising creation and production, and marketing communication through the use of participatory communication aimed to create common awareness. (Kanjana Kaewthep, 2013). Besides, participatory communication is also a process in which advertising professionals can have a common perception, opinion expression, consideration, operation, monitoring, auditing, and evaluation, including acknowledging results from raising the standards of advertising professional standards. (Orathai Kokpol, 2009).

Media and platform owners: The message should be designed for persuading media and platform owners to be cautious of sensitive advertising and marketing issues that often cause problems and may create inappropriate value for consumers and society so that they can reject publicizing those troubled advertisements and marketing communication in their channel. Both direct and indirect negotiation strategies should be applied in a formal or informal form to search

for common benefits and the possibility to make them a common agreement (Kopma Asawakidakarn, 2010), including the use of participatory communication strategy aimed to create some commonalities. (Kanjana Kaewthep, 2013)

The government agencies responsible for the self-regulation of the advertising profession: The message should be designed for creating acceptance and participation in self-regulation of the advertising profession in various perspectives to help to drive self-regulation of the advertising profession successfully through the use of participatory communication aimed to create common awareness. (Kanjana Kaewthep, 2013). Mediated public advocacy strategy is another method used for mobilizing policies and laws through mass media to politicians or executives. What needed to be done is to create a climate facilitating a persuasive message to the general public to agree with what is presented through the media. (Pattanapong Chatiket, 2004). Lobbying should also be used as it is one of the techniques for successful issue management, especially for influencing the legislation and decision authority of the government, by presenting the cases of organizations to the government and stakeholders. (Theaker, 2008)

Advertising and marketing communication academicians: The message should be designed for stimulating the awareness and importance of self-regulation of the advertising profession, driving advertising professional standards, and mobilizing self-regulatory mechanisms as a part of the curriculum at the higher education or graduate level. To drive such content to be contained in the education curriculum, both direct and indirect negotiation strategies should be applied in a formal or informal form to search for common benefits and the possibility to make them as common agreement, (Kopma Asawakidakarn, 2010, including the use of participatory communication strategy aimed to create some commonalities. (Kanjana Kaewthep, 2013). Consequently, a collaboration in developing advertising professional standards or codes will occur, including self-regulatory mechanisms of the advertising profession with advertising and marketing communication scholars.

Advertising and marketing communication students: The a message should be designed for stimulating the awareness and importance of self-regulation of the advertising profession and fair competition to prepare them and equip them with essential knowledge and skills, including professional ethics and

standards, for working in the advertising industry. Thus, the message design strategies must be used to bring about students' knowledge and understanding through instructional design that is suitable for the target groups. (Rune, 2012)

6.2.1.6 Funding

Budgets can come from several sources, i.e., membership fees, fundraising from activity organizations, government funding, and the levy from advertising media.

For the use of membership fees and fees of advertising censorship for advertising self-regulatory operations in Thailand, the funding of self-regulation should come from the support among members in the industry to prevent the intervention and interference from the government sector and other organizations who provide financial support. However, such a budget may be insufficient for a long-term operation

Besides the concept of Souter (2013), which mentions EASA funds or the European Advertising Standards Alliance, Wiggs (2018) presented financial information of self-regulatory organizations (SRO). Besides, International Council for Advertising Self-Regulation (ICAS) also proposed a financial model of SRO to illustrate the budget sources of SRO and found that membership fees and other services fees were a part of budgets of advertising SRO. Such information accords with the budget sources of Ofcom, which has independent operations since the financial support comes from fees and fines as stipulated in the laws, i.e., Section 400 in the Communication Act 2003. (Ofcom, 2020a) Moreover, sources of budgets of the China Advertisers Association (“中国广告主协会.” n.d.), the China Association of National Advertising, (“中国广告协会.” n.d.b), and the China Advertising Association of Commerce also come from membership fees.

As for the Advertising Association of Thailand, it collects membership fees and other fees as stipulated. As a non-profit organization with regular expenditure, including expenditure for organizing activities, while some lifetime members will pay their membership fees in the first year only, the income will be insufficient for running self-regulation of the advertising profession.

Fundraising from activity organizations can be done through training by experts in the advertising industry or activities for donation as sources of income for advertising self-regulation in Thailand, which accords with the concept of Souter (2013), which mentions the practices of EASA Funds or the European Advertising Standards Alliance. Wiggs (2018) Wiggs (2018) presented financial information of self-regulatory organizations (SRO). Besides, International Council for Advertising Self-Regulation (ICAS) also proposed a financial model of SRO to illustrate the budget sources of SRO and found that membership fees and other services fees were a part of budgets of advertising SRO. Such information accords with the budget sources of the China Advertisers Association (“中国广告主协会,” n.d.), and the China Advertising Association of Commerce, (“中国商务广告协会,” 2016b) which specify donation and income from activities and services provided within the approved business scope as sources of their budgets. Besides, the China Association of the National Advertising (“中国广告协会,” n.d.b) also determines donation, the government service fees, and income from activities and services carried out within the approved business scope, as sources of self-regulatory organizations. However, the sources of the organization of fund-raising or donation are not stable but depend on the economic situation in each period. Thus, it can cause a lack of budgets or crisis for operating self-regulation of the advertising profession, especially during the economic contraction.

The government funding. Since the utmost benefit of self-regulation of the advertising profession is consumer protection, it is the government’s responsibility to support it. Moreover, the laws also specify that self-regulation of each profession can ask for support from the government agencies or organizations responsible for media regulation, i.e., the Office of the National Broadcasting and Telecommunications Commission (NBTC) by asking budgets through Broadcasting and Telecommunications Research and Development Fund for Public Interest (BTFFP). Moreover, laws must be mobilized similarly to the case of Thai PBS TV Station, whose budget is determined definitely, so there will be a budget for

operations automatically without relying on financial support annually. Besides, it can reduce the problem of intervention or interference as well.

However, such funding in Thailand differs from the funding of ASA (ASA, n.d.b) since the responsible organization is not governmental agencies and is not supported by the government's funds, while it is the same as the funding of the three regulatory organizations in China, namely, the China Advertisers Association, The China Association of the National Advertising, and the China Advertising Association of Commerce, which specify the government funding as a part of budgets. Remarkably, the government funding may open a gap for a self-regulatory process of the advertising profession to be intervened or interfered with, either directly or indirectly. Therefore, the government funding should not be given annually, but laws related to the use of budgets the government collects from the media in the flat rate should be driven, similar to those of the Thailand Health Promotion Foundation, which the government collects from the manufacturers and importers of liquor and tobacco at the rate of 2% of the required taxes. Such funding can help to reduce the intervention's problem from budget owners.

The levy from advertising media. Knowledge and understanding should be provided for those who pay taxes for their advertising media in advance. Besides, value and benefits should be created for the organizations that pay for such levy to stimulate the conscience that the levy is worth and proper. It can start with the comparison with the rate collected in foreign countries, namely no more than 0.1%, and may create an understanding that leads to payers' willingness to pay for such levy increasingly. This source of budgets accords with the concept of Souter (2013), which mentions the practices of EASA Funds or the European Advertising Standards Alliance. Wiggs (2018) presented financial information of self-regulatory organizations (SRO). Besides, International Council for Advertising Self-Regulation (ICAS) also proposed a financial model of SRO to illustrate the budget sources of SRO and found that the levy from advertising media was a part of budgets of advertising SRO. Besides, this kind of funding is accordant with the source of budgets of ASA (ASA, n.d.d), which are supported by advertisers through the agreement of guaranteeing the organization's independence. Thus, the operations of ASA are independent of the government and those who pay the levy. Typically, the levy is

collected from the expenditure of advertising space purchases that advertisers pay to media owners, i.e., billboards, newspapers, online posters, etc. for displaying the advertisements of product brands. Similarly, Ad Standards (Ad Standards, 2013) is supported by the Advertiser-Funded System from businesses in Australia, from small-sized to large-sized companies via the levy at the rate of 0.1% of all advertising space purchases and 0.2% for some direct mails. Ad Standards (Ad Standards, n.d.e) sets the rate of the levy from businesses in Australia at 0.05% to comply with the universal standards. Still, besides, the creation of knowledge and understanding of values and benefits an organization will gain from the levy it pays, the determination of the levy of advertising media cannot occur until it is legitimized with the stipulated proper rate and with a sufficient amount for operating self-regulation of the advertising profession. However, the legal mobilization requires a variety of communication strategies, i.e., participatory communication strategy for creating knowledge, understanding, and participation of stakeholders; negotiation strategy for creating cooperation between negotiators; and solution findings that every party will gain benefits and collaboration, including lobbying strategy for persuading authorized people in complying with the strategy, supporting the issue of self-regulation of the advertising profession, especially the passing of laws and regulations of the levy.

From the synthesis of the research findings, a diagram of self-regulatory mechanisms of the advertising profession in Thailand is illustrated, as follows:

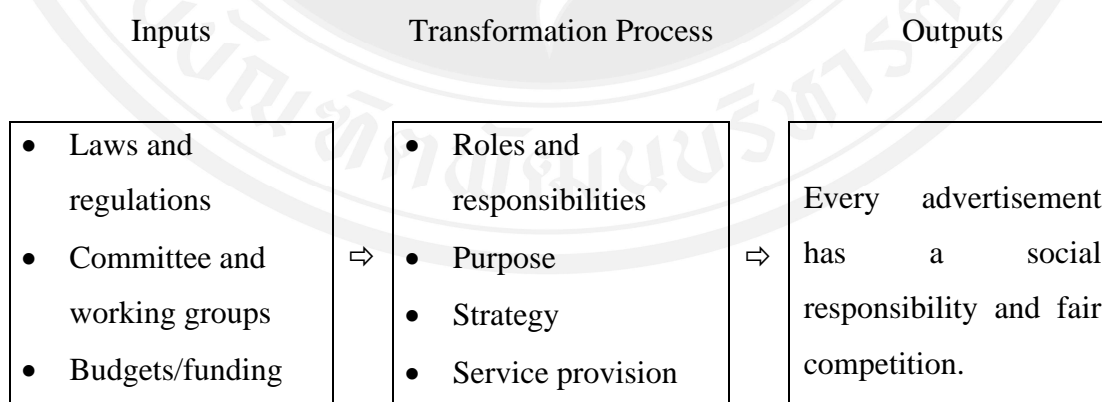


Figure 6.1 Self-regulatory Mechanisms of the Advertising Profession in Thailand

The above diagram illustrates the input factors of self-regulatory mechanisms of the advertising profession in Thailand, i.e., laws and regulations, committees and working groups, and budgets/funding; a transformation process, i.e., roles and responsibilities, purpose, strategy, and information provision; and the output, namely, every advertisement has a social responsibility and fair competition. At present, input factors have not been driven for facilitating the transformation process in the next step. Accordingly, the transformation process of self-regulatory organizations in Thailand has not happened nor yielded the output, which is the ultimate goal of self-regulation of the advertising profession in Thailand.

Still, during the absence of these input factors, the Advertising Association of Thailand should mobilize self-regulation of the advertising profession through the dissemination and provision of knowledge on the regulation of the advertising profession to the member organizations and affiliated networks of the Advertising Association of Thailand, leading to their acceptance and collaboration among member organizations and affiliated networks of the Association.

6.2.2 Part 2: Discussion on the Approaches for Solving and Correcting Problems and Obstacles of Self-Regulatory Mechanisms of the Advertising Profession in Thailand

From the findings on the approaches and guidelines for solving and correcting problems and obstacles of self-regulatory mechanisms of the advertising profession in Thailand, 5 approaches are found:

- 1) The coverage of self-regulation. Since self-regulation is a voluntary mission of people, it can cover only voluntary individuals, groups of individuals, or organizations that agree to participate in self-regulation without any law enforcement. This approach accords with the research findings of Thailand Development Research Institute (2016), "Regulation on the Radio and Television Content," which found that the Committee of Television Advertising commercials Censorship is an agency responsible for supervising self-regulation of the advertising industry, responsible for censoring advertising media before broadcasting on television without payment as it is considered to be common voluntary activities to express their social

responsibilities. The said committee will have a meeting for scrutinizing advertising content that is submitted by TV stations daily.

To solve the problem of the coverage of self-regulation of the profession, advertisers and the organizations with social responsibilities, including the government, should participate in enacting, amending, and enforcing laws (Asawin Nadepogaeo, 2018). Laws must be driven to be revised by having companies of all types registered, especially marketing communication companies, and sign a letter of consent and agreement to comply with advertising professional ethics and standards to solve the problem of the coverage of self-regulation.

Besides, such approach can help to solve the problem of the coverage of self-regulation, the additional amendment of laws must be conducted in terms of the registration of “Ordinary Partnership,” “Limited Partnership,” and “Company Limited,” under the Civil and Commercial Laws of Book 3, Title 22, as follows:

Chapter 2 “Ordinary Partnership,” Part 5 “The Registration of Ordinary Partnership,” Section 1064: Clause 8, “the consent and agreement on compliance on the advertising and marketing communication professional codes and practices of the International Chamber of Commerce” should be added.

Chapter 3 “Limited Partnership,” Section 1078: Clause 8, “the consent and agreement on compliance on the advertising and marketing communication professional codes and practices of the International Chamber of Commerce” should be added.

Chapter 4 “Limited Company” Part 1: Condition and Establishment of a Limited Company, Clause 9 in Section 1111, “the consent and agreement on compliance on the advertising and marketing communication professional codes and practices of the International Chamber of Commerce” should be added.

Besides the registration of Ordinary Partnership, Limited Partnership, and Company Limited, the notification of the Ministry of Commerce, RE: Requiring Business Operators to Register Businesses (No. 11), B.E. 2553 (2010), Clause 5: “An operator of any of the following businesses, whether a natural person, an ordinary partnership, registered partnership, limited partnership or limited company under the Civil and Commercial Code or a public limited company under the law on public limited companies, in all areas throughout the Kingdom, must register the business

strictly.” Clause 3: “selling goods or services by an electronic means via the Internet” and the registration must submit the documents of consent and agreement for complying with the advertising and marketing communication professional codes of ethics and practices of the International Chamber of Commerce as additional registration evidence.”

Besides, the Office of Consumer Protection Board should be required to revise the conditions of the registration as “direct marketing traders.” Namely, from Direct Sales and Direct Marketing Act, B.E. 2560 (2017), “entrepreneurs with income of no less than 1.8 million baht annually must register as direct sales traders” will be revised to “every ordinary people or juristic persons who sell products or service by the electronic means via the internet have to register as direct sales traders in compliance with the Direct Sales and Direct Marketing Act, B.E. 2560 (2017) at the Office of Consumer Protection Board.” Thus, it will not require only entrepreneurs with high sales volume who are prone to violate advertising and marketing communication professional codes and practices, but all entrepreneurs. This can help entrepreneurs to perceive and be aware of advertising and marketing communication professional ethics and practices, including improving the problem of the coverage of self-regulation of the advertising profession. Moreover, due to the requirement of the business registration and registration as direct sales traders by the Direct Sales and Direct Marketing, B.E. 2560 (2017) with the Office of Consumer Protection Board, the Ministry of Commerce and the Office of Consumer Protection Board can develop a standard badge for direct sales traders or online merchants, for those who pass the criteria or standard evaluation of the Ministry of Commerce and the Office of Consumer Protection Board, by considering some stipulated conditions, i.e., products or services, pricing, marketing communication, data security, payment channels security, rapid goods and service delivery, after-sales service, etc.

2) Self-regulating professionals. Since self-regulation has been conducted voluntarily, these people will be stimulated to work periodically, not consistently, so there will be no regular staff or workers to perform full-time functions. This approach accords with the research findings of Thailand Development Research Institute (2016), “Self-Regulatory Mechanisms,” which found that the National Press Council comprises a group of independent people, mostly from the

press circle. Although there are some external experts, they are also appointed from the first group. The sub-committees of each division are all volunteers who have their regular work; thus, the operation is not so fluid as it should be.

Therefore, it is proposed that full-time employees or workers should be hired to be responsible for this mission. Besides they should be trained and develop themselves towards expertise in business laws and professional standards and ethics so that they can perform their functions professionally with independence, precision, fairness, correctness, transparency, and auditability. Job descriptions and qualifications of these regular workers suitable for each position are proposed, as follows:

Advertising Regulation Officer

Responsibilities:

- (1) Collect laws, regulations, orders, and notifications issued by the government agencies and summarize their major essence for dissemination and regulating organizations under the self-regulatory mechanisms of the advertising profession.
- (2) Provide information and advice for members who submit their request for consultation and advice on advertising and marketing communication
- (3) Deal with complaints efficiently and rapidly, monitor, and coordinate with the Complaints Committee for the scrutiny of complaints, including coordinating with complainants, the Committee, and the opponent.
- (4) Investigate and coordinate for correcting complaints efficiently
- (5) Coordinate on the subject of penalties or sanctions based on the resolution of the Complaints Committee.
- (6) Perform other duties as assigned.

Qualifications

- (1) Graduated with a bachelor's degree in the field of advertising, marketing communication, or other related fields.
- (2) Have knowledge in laws related to advertising and marketing communication, advertising and marketing communication professional ethics and practices of the International Chamber of Commerce.

(3) Have knowledge and skills in computer and can use Microsoft Office Program.

Researcher

Responsibilities

(1) Study and follow-up with the laws related to advertising and marketing communication, advertising and marketing communication professional ethics and practices of the International Chamber of Commerce.

(2) Design and conduct research for generating new knowledge and determining the direction for improving and developing advertising professional standards and ethics.

(3) Design and conduct research for consumer protection planning, developing campaigns, and communication activities.

(4) Perform other duties as assigned.

Qualification

(1) Graduated with a bachelor's degree in advertising, marketing communication, and other related fields.

(2) Have research experience for no less than one year.

(3) Know laws related to advertising and marketing communication, advertising and marketing communication professional ethics and practices of the International Chamber of Commerce.

(4) Have knowledge and skills in computer and can use Microsoft Office Program.

Collaboration Development Officer

Responsibilities

(1) Develop advertising collaboration with the government and private organizations in Thailand and foreign countries in the regions.

(2) Develop academic collaboration with universities opening programs in advertising, marketing communication, computer science, digital transformative innovation, and the related areas.

(3) Coordinate with the government sector and organizations related to advertising and marketing communication for mobilizing and improving laws related to advertising and marketing communication.

- (4) Perform other duties as assigned.

Qualifications

- (1) Graduated with a bachelor's degree in the field of advertising, marketing communication, or other related fields.

- (2) Know laws related to advertising and marketing communication, advertising professional ethics, and practices of the International Chamber of Commerce.

- (3) Have knowledge and skills in computer and can use Microsoft Office Program.

- (4) Have English proficiency.

3) The conscience of self-regulating professionals. As workers in the advertising industry are diverse increasingly, and many of them have not been cultivated to give importance to advertising professional ethics and standards, which affects their conscience for working in this area. However, it is found to be incongruent with the findings of Anak Urwannachotima. (2000). "Knowledge, Attitude, and Behaviors of Advertising Creators towards the Regulative Methods and the Laws of Television Commercials," which found that most advertising professionals had knowledge about the regulatory methods, ethics and laws of TV regulation at a moderate level, especially the issues of regular practices only, and did not have much knowledge on details of the laws and ethics. However, the findings do not indicate if these advertising professionals used to be trained or implanted about advertising professional ethics and standards or not. Therefore, advertising and marketing communication professionals should be promoted to have a conscience of professional ethics and standards. The educational curriculum should be designed based on the effective and universal code of conduct so that advertising and marketing communication professionals will be aware of their social responsibilities in parallel to fair business competition.

For the development of curriculum for self-regulation of the advertising profession, the following content can be included: The meaning and significance of self-regulation of the advertising profession, advertising professional code of conduct, general provisions of advertising and marketing communication, sponsorship, direct marketing, and digital marketing communication, environmental references of

marketing communication, and related case studies. The program should be online lessons without expenses and should get collaboration from member organizations to deliver learning kits for the orientation of new employees. Every new employee has to pass the lessons and submit their certificate to human resource management within two weeks after they start working. After the lessons, they can use their certificate for waiving the training. For the registered Ordinary Partnership, Limited Partnership, Company Limited, direct sales traders or online merchants must submit a copy of the certificate of passing the learning program as evidence for registration. The main purpose of this strategy is to enable entrepreneurs to perceive and be aware of advertising and marketing communication ethics and practices.

Besides the stimulation of workers' conscience, the researcher views that knowledge about the advertising of different types of products and consumer protection laws should be developed for advertising professionals, especially small-scale entrepreneurs. The reason is that most entrepreneurs often violate the laws or regulations of consumer protection because of no knowledge about the laws related to their products or services, including advertising criteria and no literacy. Thus, it is essential to promote knowledge and understanding about those issues to entrepreneurs. It is important to realize that the main principle of self-regulation of the advertising and marketing communication profession is to make it legitimate, comply with the rule, regulations, ethics, and practices.

4) Budget. Budgets for the operation of self-regulation of the advertising profession are insufficient; thus, budgets obstruct the self-regulatory operations. Such notion is supported by the database of the professional organizations and self-regulatory lessons related to broadcasting and television enterprises in Thailand, which reported that professional organizations have not had enough budgets for operating self-regulation, i.e., expenses for the publicity of complaint channels, a meeting for scrutiny of complaints, corrective and remedial measures to solve complaints, etc. (The Office of the National Broadcasting and Telecommunications Commission, 2013).

The solution is to recruit personnel with knowledge in the related laws to operate the government relations and to negotiate for driving the revision of related laws and for asking budgets in driving self-regulatory mechanisms of the advertising

profession by considering the mission of each organization that asks for support for designing activities suitable for the missions of the organizations. By Section 27 (18) of the Act on Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services B.E. 2553 (2010), the Office of the National Broadcasting and Telecommunications Commission (NBTC) is authorized “To promote a formation of licensees, broadcasters, and mass media professionals in the radio and television businesses into diverse forms of organizations which will have the mandate to set forth ethical standards and self-regulation of the occupation or profession under the ethical standards.” Therefore, NBTC should consider budgets for professional organizations for promoting effective self-regulation as such an operation requires financial support, i.e., organizing complaints channels that are easy to access, convenient, and timely, complaints dealing by the Complaints Committee, media production for creating consumers’ awareness, etc.

5) Stakeholders. Stakeholders can intervene or interfere in any self-regulatory process. Thus, laws similar to those of Thai PBS TV Station, which stipulate to provide definite and automatic budgets for operations without submission for financial support annually, should be mobilized. It will help to reduce the intervention from stakeholders. The proposal is supported by the findings of the study, “Self-Regulatory Mechanisms,” of Thailand Development Research Institute (2016), which found the approach for responsible and independent media that should avoid the intervention from the power of the government and capital, both government and private organizations, by creating legal mechanisms as a shield. Besides, it is recommended to promote the establishment of a media business entrepreneurs association and the proper protection of media practitioners’ security and welfare for empowering them and creating their self-reliance. Besides the intervention, the researcher proposes that donation and sponsorship from any stakeholders should be avoided to prevent being intervened because of the capital power.

6.3 Recommendations

6.3.1 Policy Recommendations

1) The Ministry of Commerce should revise laws of the registration of Ordinary Partnership, Limited Partnership, and all types of companies. Every company should sign consent and agreement to comply with the professional ethics and standards with an attached certificate of advertising professional self-regulatory program. Besides, it should add some conditions in such registration requirement in the Civil and Commercial Laws, in Book 3, Title 22, as follows:

In Chapter 2: Ordinary Partnership, Part 5 “The Registration of Ordinary Partnership,” Section 1064: Clause 8, the following statement should be added, “the consent and agreement on compliance on the advertising and marketing communication professional codes and practices of the International Chamber of Commerce.”

In Chapter 3 “Limited Partnership,” Section 1078: Clause 8, the following statement should be added, “the consent and agreement on compliance on the advertising and marketing communication professional codes and practices of the International Chamber of Commerce.”

In Chapter 4 “Limited Company” Part 1: Condition and Establishment of a Limited Company, Clause 9 in Section 1111, the following statement should be added, “the consent and agreement on compliance on the advertising and marketing communication professional codes and practices of the International Chamber of Commerce.”

Such additional statements will give authority to the Advertising Association of Thailand for self-regulation that covers the entrepreneur industry to commit consent and agreement to comply with advertising professional ethics and standards.

2) The Office of the Consumer Protection Board should mobilize the Advertising Association of Thailand to be co-complainants who can submit for legal prosecution with wrongdoers as one of the main purposes of the Association is to protect the rights and freedom of consumers. Accordingly, the Association can submit a request to the Office of the Consumer Protection Board for proceeding legal actions,

according to the Consumer Protection Act, B.E. 2522 (1979), “Any association and foundation which has the object of protecting consumers or combating unfair trade competition and of which the regulations with respect to the Executive Committee, members and methods of operation satisfy the conditions prescribed in the Ministerial Regulation may submit an application to the Board for its accreditation by the Board to the effect that such association and foundation have the right and power to pursue legal actions under section 41.”

According to Section 41, “In pursuing legal actions in connection with violation of rights of consumers, associations or foundations accredited by the Board under section 40 have the right to institute civil and criminal actions and pursue any proceedings in the litigation in the interest of consumer protection beneficial to consumers at large in accordance with such descriptions and types of actions as prescribed by the Notification of the Board and shall have the power to claim property or damages on behalf of consumers if powers of attorney authorising the same are obtained from the consumers.”

3) The Office of the National Broadcasting and Telecommunications Commission should revise laws related to financial support from the government to promote and support the group formation of mass media professionals for preparing mass media professional ethical standards and self-regulation of the profession under such ethical standards. The funding should be in a similar form to that of Thai PBS TV Station, whose main income is from the subsidy of the Thailand Health Promotion Funds, which the government grants from taxes collected from manufacturers and importers of Liquor and Tobacco at the rate of 1.5% of the total taxes. The other similar case is the subsidy of Thailand Health Promotion Funds collected from the manufacturers and importers of liquor and tobacco at the rate of 2.0% of the total taxes. By doing so, the Association can have an automatic budget for operations without asking for annual budgets to reduce to problem of being intervened by the financial supporters. Thus, the Association is proposed to get financial supports from the Broadcasting and Telecommunications Research and Development Fund for Public Interest (BTFP). Besides, the Act on Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services B.E. 2560 (2017), Chapter IV: Broadcasting and Telecommunications Research and

Development Fund for Public Interest, Section 52 should add No. 7 (from 6 items) “NBTC has to promote and support the formation of mass media professionals responsible for preparing ethical standards and self-regulation of the profession under such ethical standards”. Besides, the laws related to the payment of funds in the notification of Broadcasting and Telecommunications Research and Development Fund for Public Interest should add No. 5 (from 4 items) “To allocate funds for mass media professional organizations responsible for preparing the professional ethical standards and self-regulation of the profession under such ethical standards to achieve the goal of the funds as prescribed in Section 52 (7).”

4) The Ministry of Education and the Ministry of Higher Education, Science, Research, and Innovation should mobilize the content on advertising literacy and consumers’ rights in the curriculum of secondary and higher education. The curriculum development must emphasize the learning proficiency in critical thinking, skills development, and behaviors for coping with advertising prone to violate advertising and marketing communication ethics and practices securely and creatively.

6.3.1.1 Recommendations for Specialized Organizations

1) The Advertising Association of Thailand

(1) The Advertising Association of Thailand should establish an advertising self-regulatory division especially and appoint The Committee of Self-Regulatory Management of the Advertising Profession in Thailand to determine the direction and drive self-regulatory mechanisms of the advertising profession in Thailand.

(2) The Committee of Self-Regulatory Management of the Advertising Profession in Thailand should coordinate with the government sector to drive the law amendment on the registration of Ordinary Partnership, Limited Partnership, and all types of companies by being co-complainants with consumers and for budget support.

(3) The Committee of Self-Regulatory Management of the Advertising Profession in Thailand should ask for financial support from the Broadcasting and Telecommunications Research and Development Fund for Public

Interest. After the law amendment, such a budget can be used for the self-regulatory activities of the advertising professionals in Thailand.

(4) The Committee of Self-Regulatory Management of the Advertising Profession in Thailand should hire regular workers in regulating advertising, research, and collaboration development by considering the qualifications of the applicants, namely graduated with a bachelor's degree in the field of advertising, marketing communication, and other related fields, with knowledge in laws related to advertising and marketing communication, advertising and marketing communication professional codes and practices of the International Chamber of Commerce, including knowledge and skills in using Microsoft Office at least.

(5) The Committee of Self-Regulatory Management of the Advertising Profession in Thailand should recruit two Complaints Committees. The first committee is the Committee of Consumers' Complaints, consisting of 3 committee members from each stakeholder group, namely, advertising, digital advertising, advertising media, marketing, including advertising and marketing communication scholars, totally of 21 members, based on their expertise and good representation. The other committee is the Committee of Business Competitors' Complaints, set up from the list of experienced lawyers in business laws, consisting of 3 lawyers who will scrutinize competitors' complaints by each case. Importantly, the committee members must not have any gain from the received complaints or must be impartial.

(6) The Committee of Self-Regulatory Management of the Advertising Profession in Thailand should create websites and other channels, i.e., Facebook, Line, emails, call center, etc. and connect them with the information processing technology systems for disseminating information on self-regulation of the advertising profession, including for managing and scrutinizing complaints, disseminating adjudication or verdict, providing information and advice, and preparing the online curriculum or program of self-regulation of the advertising profession.

2) The Advertising Industry

(1) Advertising professionals must accept and participate in advertising and marketing communication practices and self-regulatory

mechanisms of the advertising profession. Besides, they must develop their knowledge, understanding, and awareness of the creation of common benefits for creating negotiation power and preventing the intervention from the government sector.

(2) New professionals entering the advertising industry must pass the program or training of self-regulation of the advertising profession. Firstly, member organizations must contain such a program in their orientation for new workers. Every new worker must pass the training and submit the certificate to human resource management within 2 weeks after their first day of working or to use their certificate to human resource management before starting their work. Besides, the working personnel should also be encouraged to learn the program or curriculum.

(3) Registered Ordinary Partnership, Limited Partnership, Limited Company, and direct sales traders or online merchants must submit their certificate of passing the self-regulation program of the advertising profession as evidence upon their registration to make them aware of advertising and marketing communication ethics and practices.

6.3.1.2 Recommendations for Future Studies

1) Conduct public hearing on the driving of self-regulatory mechanisms of the advertising profession in Thailand as such issues affect stakeholders widely, i.e., advertisers, entrepreneurs, the government and civil sector, etc. to adopt opinions reflecting from all groups of stakeholders to make decisions on driving self-regulatory mechanisms of the advertising profession in Thailand.

2) Conduct research on the establishment of information processing systems, i.e., website and application design, database design, infrastructure, and artificial intelligence technologies related to self-regulation of the advertising profession in Thailand, i.e. laws, regulations, advertising professional ethics, advertising and marketing communication practices, etc., to collect and design the needed information to be interesting and suitable for providing information and advice. Moreover, a curriculum or program of self-regulation of the advertising profession should be examined and developed in the online form.

3) Research the development of communication strategies and tactics for creating acceptance and participation in self-regulation of the advertising

profession in Thailand among stakeholders, i.e., consumers, advertising professionals, marketers, media and platform owners, the government organizations responsible for the self-regulation of the advertising profession, advertising, and marketing communication scholars and students.



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**(Draft) Regulations on the Self-Regulatory Mechanisms of the
Advertising Profession in Thailand, B.E....**

Chapter 1 General

Section 1 The regulation is called “Regulations on the Self-Regulatory Mechanisms of the Advertising Profession in Thailand, B.E....”

Section 2 These regulations aim to promote advertising disseminated through every communication channel in Thailand has a social responsibility and enables to compete in the market systems fairly based on the fundamental principles and detailed practices of the advertising professional ethics and practices of the International Chamber of Commerce.

Section 3 Members of the Advertising Association of Thailand, both ordinary and juristic persons signing the letter of consent and agreement to comply with the advertising professional ethics and standards, and practical guidelines of the International Chamber of Commerce are obliged to commit and comply with these regulations.

Section 4 Unless otherwise indicated by the context of these regulations

“Advertising” means any form of marketing communication communicated through media, often aimed to acquire payment or any other value.

“Association” means the Advertising Association of Thailand

“The Complaints Committee” means a committee scrutinizing consumers’ complaints and business competitors’ complaints.

“Member” means members of the Advertising Association of Thailand

“Entrepreneur” means any person who conducts an act, by all means, to make people perceive or acknowledge the informed statements for commercial benefits.

Chapter 2: Advertising Professional Codes

Section 5 Advertising professional codes consist of

Fundamental principles:

- 1) Every advertisement must be legal, honorable, upright, and present facts.
- 2) Advertising shall not contradict good morals and social order. Advertising shall be created with an awareness of social responsibility and under fair competition accepted generally in the business circle.
- 3) Advertising shall not cause the general public's distrust in advertising.

Detailed practices:

- 1) Conduct the profession with integrity based on codes of conduct, academic principles, and legal provisions.
- 2) Conduct no act causing ignominy to the profession.
- 3) Have a social responsibility and cause no harm to decent ethics and culture.
- 4) Shall not advertise any insult of races, religions, beliefs, or what is respected by general people.
- 5) Shall not advertise any misunderstanding of the essence of a product, service, etc., or exaggerate to cause misunderstanding.
- 6) Shall not advertise through the use of a superstitious belief or belief for no good or logical reason
- 7) Shall not advertise by imitating trademarks, slogans, or significant statements, etc., from others' advertisements, which cause misunderstanding of a product, service, or performance of others.
- 8) Shall not advertise by the use of improper or incorrect statistics, research findings, or scientific references that might cause misunderstanding, as the said product or service possesses no property as claimed.

- 9) Shall not advertise by referring to a person or an institution who or that does not exist or does not use a product or service, or perform as claimed.
- 10) Shall not advertise what may be harmful to children or the youth, physically and mentally, or lead to cause them to have no conscience, or exploit their lack of knowledge as an appealing tool inappropriately.

Section 6 Advertising and marketing communication practices of the International Chamber of Commerce consist of:

- 1) General provision and definitions of advertising and marketing communication
- 2) Sales promotion
- 3) Sponsorship
- 4) Direct sales and digital marketing communication
- 5) Environmental claims in marketing communication, concerning publicized documents on the Advertising Association of Thailand website in Thai version.

<http://www.adasso thai.com/include/js/ckfinder/userfiles/files/AAT%20ICC%20CODE.pdf>

Chapter 3 Roles and Responsibilities

Section 7 Advertising regulation. Advertising professionals and standards shall be improved and developed to correspond to advertising technology and innovation, including other environmental marketing, and be suitable for the advertising industry with reliability at the universal level. Participation and common agreement shall be established towards practicality. Information and advice on the creation of advertisements and marketing communication shall be provided by disseminating violating cases with advice for correction, while online channels shall be open for complaints without cases for alignment. Effective and duly complaints shall be

managed with independence, impartiality, monitoring, auditing, and efficient sanctions.

Section 8 Research. Research on advertising self-regulation covering all groups of stakeholders shall be conducted to generate a new body of knowledge and determine the direction for improving and developing professional standards and codes, including practical planning for consumer protection. Communication campaigns and activities shall be developed to access all stakeholder groups, especially consumers, to increase awareness and understanding of advertising with social responsibility, consumers' rights, and complaints channels, etc.

Section 9 Collaboration development. Advertising collaboration shall be developed with the government and private organizations in Thailand and with other countries in the regions to establish alliances for operating self-regulation of the advertising profession at the domestic and international level to enhance the effectiveness of the advertising industry and consumers' literacy.

Chapter 4 Organizational Structure

Section 10 The Committee of Self-Regulatory Management of the Advertising Profession in Thailand comprises:

A committee or sub-committee of self-regulation of the Advertising Association of Thailand

- 1) President of the Advertising Association of Thailand as a consultant
- 2) Vice-President of Professional Standards as the Chairman
- 3) The Committee of Professional Standards as Vice-Chairman
- 4) Vice-President and Committee of the Government Coordination as Committee members
- 5) Vice-President of Foreign Affairs as a Committee member
- 6) Vice-President of Legal Affairs as a Committee member
- 7) Vice-President and Committee of Academic Affairs as Committee members

- 8) Secretary-General and Deputy Secretary-General as secretary and secretary assistant

Section 11 The Committee of Self-Regulatory Management of the Advertising Profession in Thailand shall be authorized to:

- 1) Determine the direction of self-regulatory management and strategy of the advertising profession in Thailand towards the effective operation.
- 2) Issue regulations of the Advertising Association of Thailand related to advertising codes of conduct and advertising and marketing communication practices.
- 3) Appoint a sub-committee or working group for operating self-regulatory operations and scrutiny of the advertising profession of Thailand, except for any specific enterprises in which delegation to others cannot be allowed.
- 4) Specify the labor force and hire regular workers for operating self-regulatory operations of the advertising profession in Thailand per stipulated roles and responsibilities.
- 5) Set up remuneration for a sub-committee, working group, regular workers, and the Complaints Committee of Consumers' Complaints and of Business Competitors' Complaints.

Remark: The Committee of Self-Regulatory Management of the Advertising Profession in Thailand shall serve two-year terms by the rotation of the Committee.

Section 12 The Scrutiny Committee of Consumers' Complaints shall comprise:

- 1) 3 representatives of advertising professionals or executives.
- 2) 3 representatives of digital advertising professionals or executives
- 3) 3 representatives of advertising media professionals or executives
- 4) 3 representatives of marketing professionals or executives
- 5) 3 representatives of advertising and marketing communication scholars

- 6) 3 representatives of advertising and marketing communication students
- 7) 3 representatives of consumers or organizations of consumer protection

Remark: The Committees of both groups shall determine persons to be appointed as the President, Vice-President, and Secretary-General. The Committees shall pass training of self-regulatory of the advertising profession and the complaints dealing before performing their scrutiny to ensure common understanding and criteria for consideration.

Section 13 The Scrutiny Committee of Consumers' Complaints shall be authorized:

- 1) To scrutinize and judge cases of consumers' problems caused by advertising professional ethics or advertising and marketing communication practices.
- 2) To appoint a sub-committee or working group to help operate or scrutinize cases related to advertising professional ethics and advertising and marketing communication practices, except for any specific enterprises in which delegation to others cannot be allowed.

Remark: The Scrutiny Committee of Consumers' Complaints shall serve two-year terms by the rotation of the Committee.

Section 14 The quorum of the Scrutiny Committee of Consumers' Complaints comprises a committee member of all groups stipulated in Section 12.

Section 15 The Scrutiny Committee of Business Competitors' Complaints consists of 3 lawyers in business laws for scrutinizing complaints of business competitors without having any gain in the scrutinized case.

Remark: The Committee of Self-Regulatory Management of the Advertising Profession in Thailand shall be authorized to organize a list

of lawyers with expertise in business laws and invite three of them to be the Committee for scrutinizing business competitors' complaints by individual cases. The Committee shall pass training of self-regulatory of the advertising profession and the complaints dealing before performing their scrutiny to ensure common understanding and criteria for consideration.

Section 16 The Scrutiny Committee of Business Competitors' Complaints shall be authorized to scrutinize and judge cases of consumers' problems caused by advertising professional ethics or advertising and marketing communication practices.

Section 17 The Committee shall retire due to any of the following reasons:

- 1) Retirement by rotation
- 2) Death
- 3) Resignation
- 4) Being charged with bankruptcy, incompetency, or insanity or having an unsound mind.
- 5) Finally sentenced to imprisonment, except for offenses of negligence or petty offenses.
- 6) Derogatory conduct affects the Association severely.
- 7) The resolution of no less than half of the Committee of the Advertising Association of Thailand on membership termination.

Chapter 5

Self-Regulatory Operational Strategies of the Advertising Profession in Thailand

Section 18 Consumers and communities shall be highlighted because consumers are affected directly by advertisements, which can cause an impact on a community, i.e., race, religion, belief, or some respected things. Consumers' awareness shall be created through the organization of activities on advertising ethical codes.

Section 19 Complaint handling shall cover both consumers' complaints and business competitors' complaints based on ethical codes to yield normative standards for the advertising industry that shall be accepted and beneficial for the general public.

Section 20 Content. The online content and advertising regulatory mechanisms shall be improved and developed, including the adoption of technology and innovation for active regulation to reduce overlapping and increase the effectiveness of regulation.

Section 21 Consensus. The strategic collaborations shall be created with concerned national and international agencies, including operating to create participation with major stakeholders to establish shared acceptance of self-regulation in the advertising profession, emphasizing the benefits of fundamental principles and regulatory practices appropriate for each type of advertising through different kinds of media.

Section 22 Center of Excellence. Information related to self-regulation of the Advertising shall be gathered for facilitating or persuading advertising entrepreneurs to follow the best practices and for knowledge management for establishing an academic service and information reference center.

Chapter 6

The Scope of Self-Regulatory Operations of the Advertising Profession in Thailand

Section 23 The dissemination of codes of conduct shall be effective and universal.

Section 24 The provision of information and advice for cases with and without Alignment:

- 1) The provision of information and advice for cases with alignment shall be done by the collection of legal advice that can help working

people to access information more easily and completely and the use of ethics or professional standards by illustrating cases prone to or risky for violating ethics and standards, especially in sensitive cases, as case studies so that working people can have knowledge and understanding about the issues they can do or cannot do.

- 2) The provision of information and advice for cases without alignment shall be done by opening a channel for getting advice easily, conveniently, and rapidly, and by determining the response time within 24 hours.

Section 25 Complaints Handling

Section 26 Efficient sanctions

Section 27 Effective monitoring of compliance and auditing.

Section 28 Effective industry development and enhanced consumers' literacy

Chapter 7

Criteria for Complaints Handling of the Complaints Scrutiny Committee

Section 29 A grievance channel that can be accessible and easy to use shall be opened, covering touchpoints for users, i.e., websites, Facebook, Line, email, Call Center, including direct contact with the officer or staff without an appointment.

Section 30 In the case that the affected person caused by violating the regulations of the Advertising Association of Thailand on the advertising professional ethics and advertising and marketing communication practices or the person perceives it as violating the regulations, the affected person or complainant can appeal by submitting his or her grievance with sufficient details of the advertisement, including the name and contactable address

of the complainant. For the case of complaints between business competitors, the complainant shall pay the fees for a request of scrutiny as stipulated by the Association.

Section 31 The Complaints Scrutiny Committee shall be authorized to accept or reject the received complaints. In the accepted cases, the responsible officer shall proceed to the Committee for scrutiny and notify the complainants without delay. In the rejected cases, the Committee shall notify the reasons in writing to the complainants without delay.

Section 32 The Complaints Scrutiny Committee shall investigate the facts and call the opposite party to be notified or deliver evidence essential for the scrutiny.

Section 33 The Complaints Scrutiny Committee shall scrutinize only the cases related to regulations of the Advertising Association of Thailand on advertising professional ethics and advertising and marketing communication practices with transparency and auditability.

Section 34 The resolution of the Complaints Scrutiny Committee shall require no less than half of all voters to be complete. The voting shall be either confidential or open by the consideration of the meeting chairman as an ultimate arbiter.

Section 35 After the resolution of the Complaints Scrutiny Committee, it shall be notified to litigants of both parties within 15 days after the receipt of complaints and deliver a full report of the scrutiny within 45 days after the receipt of complaints through an email with the attached file of the scrutiny of the Committee.

Chapter 8
Criteria for Appealing against the Resolution of the Complaints Scrutiny Committee

Section 36 In the case that any litigant is dissatisfied with the resolution of the Complaints Scrutiny Committee, the litigant shall submit an appeal to the Association within 10 days after the receipt of the resolution and pay for appealing fees as stipulated by the Association.

Section 37 The Appeals Committee means the Complaints Scrutiny Committee, but shall be a different committee from the previous Complaints Scrutiny Committee.

Section 38 If an appellant has more evidence, the appellant shall submit the evidence with the appeal.

Section 39 The resolution of the Complaints Scrutiny Committee shall require no less than half of all voters to be complete. The voting shall be either confidential or open by the consideration of the meeting chairman as an ultimate arbiter.

Section 40 The resolution of the Appeals Committee shall be stipulated to be final.

Chapter 9
Penalties or Sanctions

Section 41 In the case of the final resolution of the Complaints Scrutiny Committee on the members or entrepreneurs violating advertising professional ethics and advertising and marketing communication practices, the Committee shall be authorized to do the following:

- 1) Deliver the resolution of the Committee to the charged members or entrepreneurs within 15 days after the receipt of the complaints and a

full report within 45 days after the receipt of the complaints through an email with the attached file of the scrutiny or through a registered letter.

- 2) If considered to be proper, the Association shall publicize the diagnosis and resolution to the public.
- 3) Ask for collaboration in suspending the dissemination of violating advertisements from communication channels, while they shall be allowed to be publicized upon their correction by the resolution and advice of the Committee.
- 4) The resolution and a full report of the scrutiny of the Complaints Scrutiny Committee shall proceed for legal prosecution only when it is a legal case

Chapter 10

Regulation Amendments

Section 42 The amendment of any regulation shall be approved in the meeting by the Committee of Self-Regulatory Management of the Advertising Profession with the resolution of no less than two-thirds of the total meeting members.

BIOGRAPHY

Name-Surname	Nichakhun Tuwaphalangkun
Academic Background	Bachelor of Arts-(Journalism) Faculty Journalism and Mass Communication Thammasat University, Bangkok, 2012 Master of Arts-(Mass Communications Administration) Faculty Journalism and Mass Communication Thammasat University, Bangkok, 2016
Experience	March 2012-December 2012 Junior Communications Executive OgilvyOne Worldwide Limited January 2013-December 2013 Communications Executive OgilvyOne Worldwide Limited January 2014-July 2015 Senior Communications Executive OgilvyOne Worldwide Limited August 2015-April 2017 Communications Manager OgilvyOne Worldwide Limited May 2017-May 2019 Full-time lecturer of Department of Advertising Faculty Journalism and Mass Communication, Thammasat University January 2018-May 2019 Assistant to Dean for Academic Services Faculty Journalism and Mass Communication, Thammasat University 2019-Present Associate Director, Knowledge Management Ogilvy Thailand 2020-Present Vice President, Academic Affairs Advertising Association of Thailand