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Online Pharmacies in Thailand: Potential Risks

“Save 30% if you buy today!” This is just one of many familiar e-commerce advertisements that regularly bombard consumers online. By employing many of the same techniques that have proven to be successful in selling other goods, many online pharmacies advertise drugs in an aggressive fashion to increase their sales.

Of course, online pharmacies offer certain advantages. They help consumers find the specific drug products they need, and they often offer special discounts. Online pharmacies are also easy to access—a simple web search reveals a seemingly endless list of online pharmacies. Furthermore, if a customer feels embarrassed about purchasing certain types of products, such as erectile dysfunction medication, from an actual pharmacy, a virtual pharmacy can help prevent an uncomfortable experience.

But despite these conveniences, there are some important risks associated with online pharmacies and the products they sell. Large quantities of drugs can be dispensed, which may raise the possibility of drug abuse.

A further important risk is posed by counterfeit medication; drug products purchased online may be counterfeit, illegal, or unapproved by Thailand’s Food and Drug Administration (FDA).

Web Pharmacy Hosted in Thailand: Illegal Products and Consequences

The *Pittsburgh Post-Gazette* published a story about a 33-year-old Thai woman who was the head of a company running a website, www.eDrugnet.com, plus at least 30 other affiliated websites. These sites sold drugs without prescriptions, despite the fact that they were required. These e-pharmacy websites were hosted in Thailand and shipped drugs to the United States. The company received e-mails with drug orders from customers and would send drugs overseas in boxes labeled as samples and gifts via express mail.

After a lengthy investigation by the U.S. FDA, FBI, and Department of Homeland Security, which involved meeting the woman in Bangkok and ultimately causing her to fly to the United States to meet undercover agents, the woman confessed to the scheme. She pleaded guilty in federal court to wire fraud, money laundering, and introducing misbranded drugs to the United States. The Thai businesswoman is suspected of having made over USD 2.1 million. Her website has been taken offline, and her income and the assets from the business could be seized following the court sentencing, which is set for February 22, 2013.

Legislation in Thailand Governing Online Pharmacies

There is no separate legislation governing the online sale of pharmaceutical products through web pharmacies hosted in Thailand. The Drug Act B.E. 2510 (1967), which is applicable to the physical sale of medicinal and pharmaceutical products, also regulates the online sale of such products.

According to Section 14 of the Drug Act, the licensing authority (the Thai FDA) will approve a “license to sell drugs” for business operators if they comply with certain requirements. One of the requirements is that the business operator, a resident in Thailand, has the premises to sell or store drugs, equipment for use in the sale or storage of drugs, and control over the maintenance of drug quality and quantity, as prescribed in the ministerial regulations. In addition, Section 21 of the Drug Act states that a business operator that has been permitted to sell modern drugs must have a pharmacist on duty during business hours. These two sections of the Drug Act restrict the distribution of drugs “virtually,” since both the requirements of appropriate premises and a pharmacist on duty are unmet.

Using the Internet and Social Media for Drug Advertising

Despite the fact that it is not legal under Thai law to market drug products online, more and more pharmacies are now turning to social media marketing as a promotional channel. Many pharmacies are creating fan pages via social media as part of a “direct-to-consumer advertising” strategy.

However, business operators need to understand that

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information distributed on the internet, intended for customers in Thailand, must meet the same requirements as other media distribution. While there are no specific rules on the use of the internet or social media for drug advertisements, the Thai FDA enforces and

regulates the promotion of drugs via Sections 88 to 90 of the Drug Act. Under Section 88 bis, advertisements to sell drugs via radio, television, movies, or through printed matter must receive permission from the Thai FDA for the text, sound, or picture used in the advertisement.

Nevertheless, most advertisements (more than 85 percent) on the internet are being presented without permission, according to the Thai FDA. Currently, the FDA has made it a priority to deal with this problem. Business operators must ensure that their social media marketing strategy meets FDA requirements, as well as the requirements of the Drug Act. Any violation of the Drug Act’s marketing provision is subject to a fine of up to THB 100,000 (USD 3,330).

Increasing Enforcement

Thailand’s current drug laws are more than forty years old, and therefore are not well suited to deal with e-commerce. Although it is not legally permissible to market drug products online in Thailand, the illegal online pharmacies that do still exist pose threats to consumers in regard to the method of distribution, which may increase the likelihood of drug abuse, and further run the risk of medication being counterfeit. Thai pharmaceutical businesses should assess whether their e-commerce and marketing activities violate drug laws, especially as national and international authorities are stepping up their efforts to prevent the further proliferation of illegal online pharmacies. ⚖️