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Vietnam

Food & Agricultural Import Regulations and Standards

(FAIRS)

New Food Product Labeling Regulations

1999

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Report Highlights: This report provides details of the GVN's new Labeling Regulations scheduled to go into effect March 1, 2000.

Includes PSD changes: No
Includes Trade Matrix: No
Unscheduled Report
Hanoi [VM1], VM

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EXECUTIVE SUMMARY

Vietnam's new Labeling Regulation goes into effect March 1, 2000. One of the main features of Decision No. 178/1999/QD-TTg is the requirement that all imported food products must also have Vietnamese language labels in addition to labels in the language of the country of origin. Government officials interviewed indicate the new labeling regulation stems from the GVN's interest in: 1) protecting consumers; 2) preventing fake and/or mislabeled goods from entering the market; and, 3) cracking down on tax dodges and the smuggling of consumer products. Although not a part of the new Labeling Regulations, a certificate is now required from the country of origin of the food product. In order to comply with this requirement, companies may provide a letter attesting to the "quality" of the product(s) exported.

Chapter I, Article 5, point 3, notes that Vietnamese language labels may be either provided by manufacturers in the country of origin or provided locally by importers and applied to the product in Vietnam. Our discussions with food product importers suggest they will shoulder this burden and provide Vietnamese labels for imported goods.

Chapter II outlines the mandatory contents, descriptions and specifications of information to be provided on labels. Chapter II, Article 9, discusses ingredient composition of food products. Paragraph 4) of Article 9, notes that goods which "have been treated by radiation or genetic engineering" must be identified. Chapter II, Articles 11 and 12, detail requirements for production date and expiry dates for food products. Labels of goods requiring special storage or preservation must contain guidance.

Chapter III tasks the Ministry of Trade with implementing the regulation.

Chapter IV details violations of the regulation. The GVN is very concerned about consumer protection, as evidenced by the keen interest in monitoring labels on imported product in retail outlets throughout the country. Importers and retailers are well advised to assure that all provisions of the this new regulation are included on the labels.

The Prime Minister

DECISION No. 178/1999/QĐ-TTg OF AUGUST 30, 1999, PROMULGATING THE REGULATION ON THE LABELING OF GOODS TO BE CIRCULATED IN THE COUNTRY, AND EXPORT AS WELL AS IMPORT GOODS.

THE PRIME MINISTER

*Pursuant to the Law on Organization of the Government of September 30, 1992;
Pursuant to the Commercial Law of May 10, 1997;
At the proposal of the Minister of Trade*

DECIDES:

Article 1: To promulgate together with this Decision the Regulation on the labeling of goods to be circulated within the country, and export as well as imported goods.

Article 2: This decision takes effect 6 (six) months after its signing. The previous stipulations which are contrary to this Decision are now annulled.

Article 3: The Minister of Trade shall have authority in the implementation of this Decision.

The ministers, the heads of the ministerial- level agencies, the heads of the agencies attached to the Government and the chairmen of the People's Committees of the provinces and centrally-administered cities shall implement this Decision.

Prime Minister
PHAN VAN KHAI

**THE REGULATION ON THE LABELING OF GOODS TO BE CIRCULATED IN THE COUNTRY,
AND EXPORT AS WELL AS IMPORTED GOODS**

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(Issued together with Decision No178/1999/QD-TTg
of August 30, 1999, of the Prime Minister)

Chapter I
GENERAL PROVISIONS

Article 1: *Governing scope*

1. This Regulation prescribes the labeling of goods made in Vietnam for circulation in the country and for export, as well as foreign-made goods imported for sale on the Vietnamese market.
2. Goods are defined as being processed foodstuffs, raw and fresh foodstuffs, essential commodities and necessities which are not ready-packed and sold directly to consumers; foods and drinks which are ready-packed and are consumed within 24 hours, shall not be governed by this Regulation.

Article: *Objectives of Application*

Subject to this implementing Regulation are organizations, individuals and merchants that produce and /or trade in goods made in Vietnam for domestic circulation, and/or for export; as well as organizations, individuals and merchants that import goods for sale in Vietnam.

Article: *Interpretation of terms*

In this Regulation, the following terms shall be construed as follow:

1. **Goods labels** are inscriptions, printings, drawings, images or signs, which are imprinted or embossed directly or affixed, stuck or pinned firmly on goods or their packings to display necessary and principal information about such goods.
2. **Merchandise packings** are those directly attached to goods and sold together with such goods to consumers, including holding packings and exterior packings:
 - a) **holding packings** are those directly holding goods, forming shapes and figures of goods or tightly covering goods to their shapes and figures;
 - b) **exterior packings** are those used to contain one or several goods holding packings.

3. **Non-merchandise packings** are those not retailed together with goods, including various kinds used in the transportation and preservation of goods for means of transportation or in warehouses.
4. **Goods labeling** is the inscription of necessary and principal information about goods on their labels in order to provide consumers with basic information to identify goods and serve as the basis for purchasers to decide on the selection, consumption and use of such goods, and for functional bodies to effect the inspection and supervision of such goods.
5. **Compulsory content of goods labels** is the part containing the most important information about goods that must be inscribed on the goods labels.
6. **Non-compulsory content of goods labels** is the part containing other information other than the content compulsory inscribed on the goods labels.
7. **Principal display panel (PDP)** is a part on which the compulsory contents of goods labels are inscribed, which can be easily and clearly spotted by the consumers in normal goods display conditions, and designed according to the actual size of the packing directly holding goods, and must not be laid out on the packing's bottom part.
8. **Information part** is the part laying to the right of the principal display panel, on which the non-compulsory contents of the goods label, or some compulsory contents in cases where the principal display panel is not large enough to contain such compulsory contents, are inscribed.

Article 4: Basic requirements of goods labels

All letters, numerals, drawings, images, signs and /or marks put on goods labels must be clear, and true to the real properties of goods. They must not be ambiguously inscribed, thus causing misunderstanding or mistakes with other goods labels.

Article 5: Language used to display goods labels

1. **Labels of goods to be circulated in the country must be inscribed in Vietnamese**, but depending on the requirements of each kind of goods, they may be inscribe in foreign language(s), but in smaller sizes.
2. Labels of export goods may be inscribed in the language(s) of the country(ies) or territory(ies) importing such goods, if it is so agreed upon in the goods sale/purchase contracts.
3. For goods imported for circulation and sale on the Vietnam market, the language(s) on such goods' labels shall be displayed by one of the following methods: :
 - a) **When signing the import contract, the merchant shall request the goods suppliers to agree on the inscription on original label of compulsory content's information in Vietnamese.**

b) **In cases where the agreement defined at Point a) Cause 3 of this Article cannot be reached, the merchant importing the goods shall have an auxiliary label inscribing the compulsory contents' information in Vietnamese and apply it together with the foreign language original label of such goods, before such goods are put on sale or circulation on the market.**

Chapter II
INSCRIBING CONTENT OF GOODS LABELS

Section 1: COMPULSORY CONTENTS

Article 6: *Goods appellations*

1. **Goods appellations** are particular names of goods or names already used in the Vietnamese Standards of such goods. The names of goods shall be inscribed in letters or a height not shorter the half (1/2) of the highest letter on the goods label.
2. In cases where a goods item has not had its name specified in the Vietnamese standards (the VS), its name shall be the one specified in the International Standards, published for application by Vietnam.
3. In cases where a goods item has no name specified in Clauses 1 and 2 of this Article, such goods shall use the name followed by coding title specified in the International Harmonized Commodity Description and Coding System already published for application by Vietnam.
4. In cases where a goods item has no name specified in Clause 1,2 and 3 of this Article, such goods item shall be entitled to use a name concretely describing or clearly stating its utility.

Article 7: *Names and Addresses of merchants responsible for goods.*

1. In cases where a goods item is completely produced at a production establishment, the of merchant responsible for such goods shall be the name of such production establishment, with the following inscription on the goods label:
Manufactured at _____, or Produce of _____
2. In cases where a goods item is assembled from components and spare parts produced by different production establishments, the name of the merchant responsible for such goods shall be the name of the establishment that assembles finished products, with following inscription on the goods label:
Assembly establishment _____, or assembled at _____
3. **In cases of imported goods or goods sold by sale agents for foreign merchants**, the name of the

merchant responsible for such goods shall be the name of the importing merchant or the merchant acting as the sale agent, with the following inscription on the goods label:

Importing merchant _____, or Agency merchant _____

4. Each address shall comprise: house number, street (village, hamlet), ward (commune), urban district (rural district, provincial town), city (province).

Article 8: *Quantity of goods*

1. Quantity of goods is the actual number (counting number) or net weight, volume or measures of goods, contained in merchandise packing.
2. Measuring units used to denote the quantity of goods are the lawful measuring units of Vietnam, under the international system of measuring units (S.I).

If another system of measuring units is applied, the coefficients for converting such system into the S.I system of measuring units must be inscribed., except for such special goods as picture tubes of television set (T.V), crude mineral oils, etc.

3. The size and numerals for inscribing goods quantity on goods labels shall be designed depending on the size of the principal display panel (PDP).
4. The quantity shall be inscribed on the position below the PDP with an area equal to 30% of that of the PDP and a height equal to about 1/3 (one third) of that of the PDP.
5. The letters and numerals used to inscribe the quantity shall be lined up in parallel with the packing's bottom.

Article 9: *Composition*

1. **Goods being ready-packed foodstuffs, drinks or cosmetics, which are composed of two or more constituents must have their constituents inscribed on the labels.**
2. Other goods composed of two or more constituents must have the constituent(s) decisive to the goods' use value inscribed on their labels .
3. Goods constituents shall be inscribed in order from high to low volume or content (volume percentage), with the following inscription: Composition _____, or constituents _____
4. For goods which are required to ensure safety for human beings and environment, when being used and having a complex composition of two or more constituents, the names of such complex composition as well as its

constituents must be inscribed in order from high to low volume or content (volume percentage).

5. **Those constituents or substances in a complex composition of a special type, which have been treated by radiation, genetic engineering or preservatives..., of which the use doses have been prescribed or which have been put on the list of substances that cause reactions or hazards... must be inscribed on the goods labels under the international regulations already published for application by Vietnam.**

Article 10: *The principal quality criteria*

The principal quality criteria decisive to the use value and the human and environmental safety criteria set for goods when they are consumed must be inscribed on such goods labels.

Article 11: *Production date, expiry date and preservation duration*

1. **For the goods of which the production date, under detailed guidance of the branch managing ministries defined in clause 2, Article 19 of this Regulation, is required to be inscribed, such production date must be inscribed on the goods' labels. A goods item's production date is the index of the day, month and year, when the production of such goods item is completed.**
2. **Depending on the characteristics and requirements of the instructions on the use and management of each specific group and category of goods, one of the following dates must be inscribed on the goods labels:**
 - a) **For goods groups and categories being food, cosmetics and pharmaceuticals, the expiry date must be inscribed. The expiry date is the number indicating the day, month and year, beyond which the goods must not be circulated and used;**
 - b) **For goods groups and categories requiring quality safety in their preservation and storing, the preservation duration must be inscribed on their labels. The preservation duration is the number indicating the day, month and year, during which the goods can be kept in preservation storage and beyond which the goods quality may deteriorate before they are put on sale or consumed.**
3. **The way the production date, expiry date and preservation duration are inscribed:**
 - a) **They are inscribed according to calendar day, month and year;**
 - b) **Day indicator comprises two numerals; Month indicator comprises two numerals or in letters; Year indicator comprises two last numerals of the indicated year.**

Article 12: *Preservation instruction and use instruction*

1. There must be on goods labels the reservation instruction, the use instruction and cautions of possible harms if the goods are used improperly, as well as the way of dealing with possible harmful occurrences.
2. In cases where a goods label is not large enough for inscribing the above-said instructions, such instructions must be inscribed on a manual to be provided together with the goods to the goods purchasers.

Article 13: *Goods' origin*

For export goods and import goods, the names of the countries of origin must be inscribed on the goods labels.

Section 2: NON-COMPULSORY CONTENTS

Article 14: Besides the compulsory contents that must be displayed on the goods labels, depending on the special requirements and peculiarities of each goods item, other necessary information may be inscribed, which, however, must not contravene the provisions of law and this Regulation, and at the same time must hide nor lead to misunderstanding of the compulsory contents on the goods labels.

Chapter III

STATE MANAGEMENT OVER THE GOODS LABELING

Article 15: *Contents of the State Management (by State management agencies) over the goods labeling*

1. Compiling and submitting to the competent State agencies for promulgation or to promulgate according to assigned competence the legal documents on goods labeling.
2. Supervising and inspecting the observance of the legal documents on goods labeling.
3. Detecting, preventing and handling according to assigned competence or proposing the competent agencies to handle violations of the legislation on goods labeling.

Article 16: *The agencies in charge of the State Management over goods Labeling*

1. The Ministry of Trade shall have responsibility of State management over the labeling of goods circulated in the country, as well as that for the exported and imported goods.

2. The specialized State management agencies shall have to coordinate with the agency in charge of the State management over trade in performing the State management over the goods labeling according to the provisions of law.

3.

Chapter IV **VIOLATING ACTS**

Article 17: *Acts of violating the legislation on goods labeling include:*

Following is the violating acts of commodity labeling law:

1. Circulating goods without goods labels as prescribed.
2. Inscribing on goods labels information in images, drawings or letters which are not true to the real properties of such goods.
3. Using goods labels which are so unclear and dim that the *Contents* inscribed thereon cannot be read by bare eyes.
4. Failing to fully inscribe on goods labels the compulsory Contents as prescribed.
5. Displaying Contents on goods labels not in the prescribed sizes, positions or languages or by improper inscribing method.
6. Erasing, crossing out or modifying contents inscribed on goods labels.
7. Changing goods labels for the purpose of deceiving consumers.
8. Using goods labels already protected by law without their owners' consent.
9. Using goods labels identical to those of the same kind of other merchants, which are protected by law.

All of organizations and individuals that commit any of the above-said violation acts shall be handled according to the provisions of law.

Article 18: *The forms of and competence for handling of violations.*

The forms of and competence for the handling of violations in the field of goods labeling shall comply with the regulations on the handling of administrative violations in the field of commerce.

Chapter V
IMPLEMENTATION PROVISIONS

Article 19: Effect

1. This Regulation takes effect 6 (six) months after its promulgation.
2. The branch-managing ministries shall have to base themselves on their respective management functions and the requirements regarding the use and preservation of particular goods items under their charge, to provide detailed guidance for the labeling of such particular goods items, which must not contravene the provisions of this Regulation, then submit them to the Ministry of Trade for summation and report to the Prime Minister.

Prime Minister
PHAN VAN KHAI

IMPLEMENTING OF VN NEW LABELING REGULATION WITH IMPORT GOODS

November 29: Diskasing with Mr. Nguyen Dang Minh, Director CODEX Vietnam, Directorate for Standards and Quality.

November 30: Meeting with Mr. Le Minh Tam, Director, Who has prepared this Regulation
Ms. Hue, Head of Technical Service
Mr. Khue, Technical Service
Ms. Phuong, Head of Inspection Service
Ms. Loan, Head of Admin. Service

Department of Good quality and Measure Management, Ministry of Trade

Purpose:

- Consumers Protection.
- Resist the false goods in Vietnam Market
- Resist the smuggling and dodge taxes

Ministry of Trade will issue an Direction of Implementing this Regulation in the end of December,1999.

This regulation takes effect from March1,2000. Before this time, all import commodities will be applied the old Regulation, in case the goods is not over used date, it will be continued to circulate in the country until it's used duration is expired.

For goods imported for circulation and sale on the Vietnamese market:

In cases, Importer can not request the good supplier to agree on the inscription on the original label of the compulsory content's information in Vietnamese, the importer shall have to make an auxiliary label in Vietnamese and stick it together with the original label before put on sale or circulated on the market. The auxiliary label shouldn't be cover the original label, and the size of auxiliary label depends on the size of goods and original label.

For example: Importer can stick an auxiliary label in Vietnamese in the wine bottle-neck

Customer could'n stop to control the import goods (for example wines, canned foods and foodstuff) without auxiliary label or no information in Vietnamese on the original label, because the auxiliary label is be required to stick only before such goods are put on sale or circulated on the market. The importer or Foreign agency in Vietnam is responsible to make auxiliary label.

In the auxiliary label should be inscribed the compulsory content's information in Vietnamese:

1. Good appellation
2. Name and address of merchants responsible for goods (producer, Importer, Agency...)
- 3.Quantity of goods
4. Composition
5. Principal Quantity criteria
6. Production date, expiry date and preservation duration
7. Preservation instruction and used instruction
8. Good's origin

These information should be in accordance with the information on origin label.

For the alcoholic drinks import could be in according the toxin require of Ministry of Health

For some special foods, cosmetics... Health certificate is required, and it is issued by origin country(please see attached)

Every year, Ministry of Science, Technology and Environment has issued the list of Import, Export goods are required National quality control. For example, in 1999 approximate 100 goods have been required to do National Quality Control.