

Committees of the provinces and centrally-run cities shall have to 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 IMPORT GOODS

(Issued together with Decision No.178/1999/QĐ-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 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 have a consumption value within 24 hours, shall not be governed by this Regulation.

Article 2.- Application objects

Subject to this 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 3.- Interpretation of terms

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

1. Goods labels are inscriptions, prints, 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:

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 in the country and export as well as import 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 to guide 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 presidents of the People's

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 on transport means 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 basis for purchasers to decide the selection, consumption and use of such goods, and for functional bodies to effect the inspection and supervision.

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 compulsorily 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 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 mistakes for other goods labels.

Article 5.- Languages 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 inscribed 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 Vietnamese 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 supplier to agree on the inscription on the original label of the compulsory contents' information in Vietnamese.

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

Chapter II

INSCRIBING CONTENTS OF GOODS LABELS

Section I. 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 of a height not shorter than 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 publicized 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 publicized for application by Vietnam.

4. In cases where a goods item has no name specified in Clauses 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 name of the 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 the 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 of 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. 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 of 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 the order of 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 publicized 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 used must be inscribed on such goods labels.

Article 11.- Production date, expiry date and preservation duration

1. For 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 preservation 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 specific 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 neither 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 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 to perform the State management over the labeling of goods circulated in the country as well as the export and import 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.

Chapter IV

VIOLATION ACTS

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

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' consents.

9. Using goods labels identical to those of the same kind of other merchants, which are protected by law.

All 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 handling of violations in the field of goods labeling shall comply

with the regulations on the handling of administrative violations in 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 Regulations, then submit them to the Ministry of Trade for sum-up and report to the Prime Minister.

Prime Minister
PHAN VAN KHAI