

New circular for advertising food products

By **Dau Thi Quyen**



Since the issuance of the Law on Advertising 2012 there has been some controversy as to whether the advertising of food products now falls under the regulations of the Law on Advertising 2012 or remains under the regulations issued by the Ministry of Health (MOH). With the view that food is a special product for which hygiene and safety play an important role through a direct influence on daily meals and, accordingly, on the health of the people, the MOH has sent official letters to relevant authorities proposing the addition of provisions on registration of advertising contents for food products into the decree guiding implementation of the Law on Advertising (of which the second draft has been published on the Government's portal). Alternately, the MOH issued Circular No. 08/2013/TT-BYT, dated March 13th, 2013, guiding the implementation of the Law on Advertising 2012 in respect of food products under their administrative competence (Circular 08). Under Circular 08, prior registration of advertising contents is required for certain food products, comprising functional foods, micronutrients fortified foods, natural mineral water, bottled water, food additives, food processing enhancers, containers and packaging materials used during the manufacture, processing and selling of food products.

In order to prevent advertisements which may cause misunderstandings by customers, Article 3 of Circular 08 prohibits acts of advertising food products having an effect as medicine, advertising food products in the form of written articles by medicinal staff, doctors, pharmacists, thanking letters of patients, etc. with the contents

that food products have effectiveness for treating diseases. In addition, Article 4.1.e of Circular 08 specifies that for functional food products the content of an advertisement must clearly state that such functional food product is not medicine and does not have effect as a medicine.

Application dossiers for registration of advertising contents for functional foods, micronutrients fortified foods should be made to the Vietnam Food Administration (VFA), and for registration of advertising contents for the remaining food products as required by Circular 08 should be made to the Food Safety And Hygiene Office (FSHO) within the Department of Health. An application dossier for registration of advertising contents requires the confirmation of conformity with food safety regulations (if the relevant technical regulations have not yet been issued) or confirmation of conformity with technical regulations as granted by the competent authority. The time limit for the VFA or FSHO to examine an application dossier for registration of advertising contents is 10 days from the date of receipt of the dossier.

Circular 08 takes effect on April 26th, 2013.

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