

(hereinafter referred to as the Regulation), the Ministry of Trade hereby guides a number of specific points for uniform implementation as follows:

I. INTERPRETATION OF A NUMBER OF GENERAL PROVISIONS

1. Scope of regulation

All goods being circulated in the country as well as export and import goods must have goods labels and their labeling must comply with the Regulation, except for goods temporarily imported for re-export, goods processed for foreign countries, and all kinds of goods specified in Clause 2, Article 1 of this Regulation.

2. Distinction between goods labels and trademarks

a/ According to Clause 1, Article 3 of the Regulation, goods labels are inscriptions, prints, drawings, images or signs imprinted or embossed directly or affixed, stuck or firmly pinned on the goods or their packings to display necessary and principal information about such goods.

b/ According to Article 785 of the Civil Code, trademarks are signs for distinguishing the goods or services of the same kind from different production and business establishments. A trademark may be in the form of letters, words, images or a combination thereof expressed in one or many colors.

The above signs are chosen by merchants to be the symbol for registration of industrial property protection for their products according to specific regulations on industrial property (in Article 6 of Decree No. 63/CP of October 24, 1996 of the Government).

3. Language used in goods labels

a/ According to Point a, Clause 3, Article 5 of the Regulation, for goods imported for circulation and sale on the Vietnamese market, when signing import contracts, merchants should request the goods suppliers to agree on additional inscription of compulsory information in Vietnamese on the original labels in a foreign language(s) in order to create favorable conditions for the easy selection and use of the goods by Vietnamese consumers.

b/ Auxiliary labels prescribed at Point b, Clause 3 of Article 5 are construed as not original labels in a foreign language(s) but labels in Vietnamese with

CIRCULAR No. 34/1999/TT-BTM OF DECEMBER 15, 1999 GUIDING THE IMPLEMENTATION OF THE PRIME MINISTER'S DECISION No. 178/1999/QD-TTg OF AUGUST 30, 1999 ISSUING THE REGULATION ON LABELING GOODS CIRCULATED IN THE COUNTRY AS WELL AS EXPORT AND IMPORT GOODS

Pursuant to the Prime Minister's Decision No. 178/1999/QD-TTg of August 30, 1999 issuing the Regulation on labeling goods circulated in the country as well as export and import goods

8 compulsory contents affixed, stuck, pinned on or accompanied with the goods supplied to purchasers before or after the import procedures are completed at the customs office.

+ An auxiliary label is used where the importing merchant fails to reach an agreement with the foreign goods supplier to inscribe on the original label the compulsory contents' information in Vietnamese.

+ The auxiliary label must not hide the original label in a foreign language(s); for kinds of goods which are complicated in their use and require safety, and accompanied with a foreign-language manual, there must be Vietnamese translations attached to such foreign-language original manual for supply to purchasers.

+ For goods without packings, their auxiliary labels must be affixed, stuck, pinned on or provided with the goods at the place of sale,.

+ The names of the goods constituents, which are chemicals, inscribed on the auxiliary labels, must be in Vietnamese or in Latin or chemical formulae.

II. INSCRIPTION OF THE CONTENTS OF GOODS LABELS

A. COMPULSORY CONTENTS

1. The goods appellation

- The goods appellation selected to be inscribed in the goods label as prescribed in Clauses 1, 2, 3 and 4, Article 6, must be based on the principal utility and typical natural characteristic of the goods for naming or description. The appellation of goods as prescribed in Clause 4, Article 6 of the Regulation should not cause confusion between the appellation of the goods and the name of the manufacturer or the name of the type of goods. For example: Detergent (the appellation of goods) VISO, OMO... (the name of the manufacturer); the flu-relieving medicine (the appellation of goods) Aspirin, Decolgen ... (the name of the type of goods)...

- The selection of the name of goods from the Harmonized Commodity Description and Coding System HS for inscription on the goods label prescribed in Clause 3, Article 6 is construed that only the name of the goods, but not the HS code, is required to be inscribed on the label.

2. Name and address of merchants responsible for goods

- According to Article 7 of the Regulation, the names and addresses of merchants responsible for goods are those used for business registration.

- According to Clause 2, Article 7 of the Regulation, the inscription of the names and addresses of the merchant responsible for goods assembled by the merchants themselves is construed as applicable also to the re-packing of goods for sale. The names and addresses of the packing establishments are inscribed as follows: The packing establishment... or Packed at....

3. Quantity of goods

- The inscription of the goods quantity on the goods label according to the international system of units of measurement SI prescribed in Clause 2, Article 8 of the Regulation shall be made in a number of measuring units, including: The measuring unit, its code and its use in Table 1 below:

Table 1

Ordinal number	A number of measuring units used for inscription of goods quantity on goods labels	Code of the measuring unit	How to use the measuring unit
1	Measuring units of weight to be used: - Kilogram - Gram - Milligram	kg g mg	- For less than a kilogram, the unit g shall be used (i.e. inscribing 500g rather than 0.5 kg); for less than a gram, the unit mg shall be used (i.e. inscribing 500 mg rather than 0.5 g) - For 1 kg or over, the unit kg shall be used and the decimal fraction must not exceed three digits (i.e. inscribing 1.5 kg rather than 1500 g)
2	Measuring units of volume to be used: * For liquid goods - Liter - Milliliter * For goods in cubic shapes	L, l mL, ml	- For less than 1 liter, the unit ml shall be used (i.e. inscribing 500 ml rather than 0.5 liter) - For 1 liter or

	<p>- Cubic meter - Cubic decimeter - Cubic centimeter</p>	<p>m³ dm³ cm³</p>	<p>more, the unit liter shall be used and the decimal fraction must not exceed three digits (i.e. 1.75 liter rather than 1750 ml)</p> <p>- For less than 1 m³, dm³ or cm³ shall be used - For 1 m³ or more, the unit m³ shall be used and the decimal fraction must not exceed three digits</p>
<p>3</p>	<p>The acreage-measuring units to be used: - Square meter - Square decimeter - Square centimeter - square millimeter</p>	<p>m² dm² cm² mm²</p>	<p>For less than 1 m², the unit dm² and the decimal of dm² or cm² and the decimal of cm² or mm² shall be used. For 1 m² or more, the unit m² shall be used and the decimal fraction must not exceed 3 digits</p>
<p>4</p>	<p>The length-measuring units to be used: - Meter - Centimeter - Millimeter</p>	<p>m cm mm</p>	<p>- For less than 1 meter, the unit cm or mm shall be used - For 1 meter or more, the unit m shall be used and the decimal fraction must not exceed 3 digits</p>

- For goods that are made in Vietnam for export, the measuring units of another measurement system may be used as agreed upon in the contract with the importing country.

- According to Clause 1, Article 8 of the Regulation, the inscription of the goods quantity on the goods labels depends on the nature of the packed goods and the condition of their packings. More specifically:

+ "Net weight" shall be inscribed in the following cases:

* Where the packed goods are solid, pasty, gelatinous substances, a mixture of both solid and liquid substances, or compressed gas (oxygen, ammoniac, carbonic, gas...) contained in pressure-proof packings. The measuring units used for net weight are mg, g and kg.

* Where the goods is a mixture of solid and liquid substances, the weight of the solid substance and total weight of both solid and liquid substances must be inscribed.

* Where the goods are gelatinous substances contained in packings being sprayers added with a spraying pressure-forming substance, the total weight of the goods, including the weights of the gelatinous substance and the spraying pressure-forming substance.

* Where the goods is compressed gas contained in packings being pressure-proof cylinders, the quantities inscribed on the label must include both the weight of the compressed gas and the total weight of the compressed gas and its packing.

+ "Real volume" shall be inscribed in the following cases:

* Where the goods are liquid substance contained in packings of different cubic figures. The measuring units used for volume are ml and l at the temperature of 20°C or a specified temperature, depending on the peculiarities of the goods.

* Where the goods are liquid substance contained in the packings being sprayers added with spraying pressure-forming substance, the real volume of the goods inscribed on the goods label is the total volume of the liquid substance and the spraying pressure-forming substance.

* Where the goods is in cubic form (cube, rectangular) the goods quantity shall be denoted with the multiplication of the three sizes (length x width x height) and the measuring units used for volume are cm³, dm³ and m³.

+ "Real size" shall be used in the following cases:

* Where the goods are in forms of coiled sheets or plates, the quantity inscribed on the goods labels is denoted with the length of the sheet or plate; or with the lengths of the two dimensions (length x width) of the sheet or plate and in the measuring units of cm or m; if denoted in acreage, the quantity of the goods shall be the multiplication of two dimensions (length

x width) and the measuring units are cm², m² and m³.

* Where the goods are in form of coiled circular fiber, the quantity inscribed on the goods labels is denoted with the length and diameter of the fiber. The measuring units are mm and m.

+ Where the goods consists of many units of the same name and quantity contained in one packing, the quantity inscribed on the goods label is denoted with the multiplication of the number of units (cardinal number) and the weight of one goods unit (i.e. 20 units x 10g/unit); or the number of goods units (cardinal number) and total weight of the goods in the packing (i.e. 20 units - 200 g).

- In Clause 3, Article 8 of the Regulation, the size of letters and numerals for inscribing the goods quantity shall be designed depending on the size of the principal display panel (PDP) of the labels as indicated in Table 2 below:

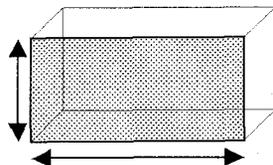
Table 2

The principal display panel (PDP) of a label (in cm ²)	The shortest height of letters and numerals (in mm)
≤ 32	1.6
>32 to ≤ 258	2.3
>258 to ≤ 645	6.4
> 645 to ≤ 2,580	9.5
> 2,580	12.7

Notes: ≤ means smaller than or equal to;
> means bigger than

- In Clause 3, Article 8 of the Regulation, the way of calculating the area of the principal display panel (PDP) of a label with regard to a number of the packing's figures shall comply with the principle of relativity, which is illustrated in the following examples:

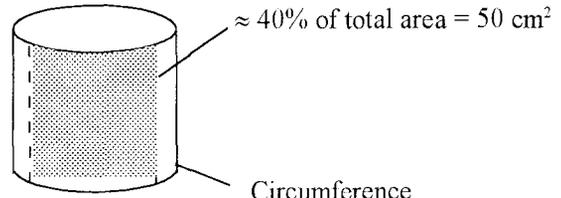
+ Parallelepiped



The height: 10 cm
The width: 20 cm

The PDP area = 10 x 20 = 200 cm²

+ Circular cylinders

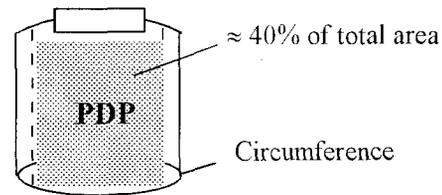


The height: 5 cm

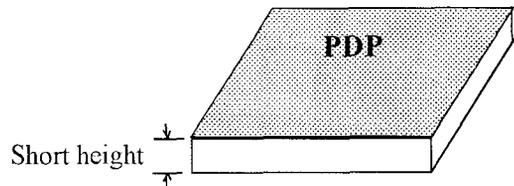
The bottom circumference: 25 cm

The PDP area = 125 cm² x 40% = 50 cm²

+ Quasi-circular cylinder

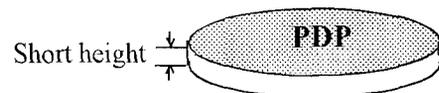


+ Parallelepiped with short height



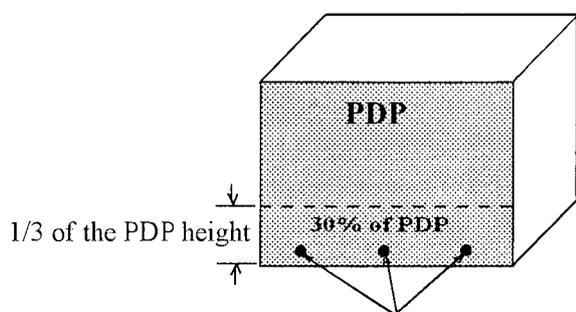
PDP is the surface of the packing

+ Circular cylinder with short height



PDP is the surface of the packing

- Clause 4, Article 8 of the Regulation is construed that the position for inscription of the quantity is below the principal display panel, with an area equal to 30% of that of PDP and a height of one third of that of the PDP. For example:



Positions where the quantity may be inscribed

4. Constituents

- The constituents inscribed on the goods labels as prescribed in Article 9 of the Regulation are those used during the technological process to produce the goods and create their use value.

- For groups and categories of goods which are required to ensure a high degree of safety when being in use, such as foodstuffs, drinks, cosmetics and pharmaceuticals as prescribed in Clause 1, Article 9 of the Regulation, all constituents used for making such goods must be inscribed on the goods labels.

- Clause 2, Article 9 of the Regulation is construed to be applicable only to those kinds of goods, supplies, equipment, machinery or articles other than the groups and categories of goods specified in Clause 1 of Article 9. The constituents of goods being supplies, equipment, machinery and articles shall be inscribed only when it is deemed necessary and only the main constituents decisive to the goods' use value need to be inscribed. For example: The constituents of shuttle-woven fabric consist of the percentage % between natural fiber and chemical fiber; the constituents of coating paint Alkyd in different colors consist of the percentage % between pigment, additive powder, synthetic resin Alkyd, solution and drier; the details and spare parts of equipment or machinery.

5. Principal quality criteria:

- The selection of principal quality criteria of products to be inscribed on the goods labels shall depend on the nature, natural properties and the direct link between the products' quality criteria and their principal utility and necessary degree of safety.

- Where the degree and grade of quality and the scope of application of the goods must be determined, merchants are also required to inscribe on the goods labels the technical parameters and quantitative indicators of the major quality criteria.

- Where it is necessary to ensure a high degree of precision of the principal quality criteria, they shall be inscribed on the goods labels together with the standard code of the testing method.

- Apart from the principal quality criteria which must be inscribed on the goods labels as prescribed, merchants may add other quality criteria on the goods labels if they deem it necessary.

6. The production date, the expiry date and the preservation duration:

- The inscription of the production date, the expiry date and the preservation duration is prescribed in Clauses 1 and 2, Article 11 of the Regulation.

- When inscribing the production date, the expiry date and the preservation duration as stipulated in Clause 3, Article 11 of the Regulation, it should be noted that:

* Before the date, month and year indicators there must be these words:

+ "Production date" or abbreviated to "NSX". For example: NSX 021099 (produced on 02 October 1999)

+ "Expiry date" or abbreviated to "HSD". For example: HSD 310700 (the expiry date is 31st July 2000)

+ "Preservation duration" or abbreviated to "HBQ". For example: HBQ 251201 (the preservation duration lasts until 25 December 2001)

+ The date, month and year indicators may be inscribed in succession or with a dot or slash in between for clear separation of the date, month and year.

* Where due to incapability of the manufacturing equipment and technology, it would be accepted that the production date, the expiry date or the preservation duration can be inscribed on the bottom of the packing.

7. Use and preservation instructions:

- According to Clause 1, Article 12 of the Regulation:

+ For goods which are simple and easy to be used, the use and preservation instructions are not required.

+ The provision on goods-accompanied manual shall be applicable only to goods and articles such as supplies, machinery and equipment which are complicated in their use, requiring a high degree of precision, or to goods which must be used with a

high degree of safety and efficiency like drugs, medical supplies for prevention and cure of diseases in human beings, animals and plants, chemical supplies for industrial use.

- According to Clause 2 of Article 12 of the Regulation, where a goods label is not large enough for inscription of the contents of the use and preservation instructions, these contents can be inscribed in a manual to be provided with the goods to consumers.

8. Goods' origin

On the goods labels of export or import goods, the names of the countries of origin of the goods must be inscribed.

B. OPTIONAL CONTENTS

1. The optional contents that may be inscribed on the goods labels are prescribed in Article 14 of the Regulation.

2. Merchants may inscribe on the goods labels such contents (if any) as: The number and bar codes granted by the national number and bar code organizations; the protected trademarks; awarded medals; certificates of the goods' international quality standards; the serial number of the goods batch; the international markings used for transport, use, preservation...

III. VIOLATION ACTS

Clause 8, Article 17 of the Regulation is construed as: "Using the trademarks protected by law without the consent of their owners."

IV. IMPLEMENTATION PROVISIONS

1. This Circular takes effect from March 1st, 2000.

For those kinds of goods which are labeled after the above-mentioned date in contravention of Decision No. 178/1999/QD-TTg and this Circular, they shall be regarded as administrative violations in the field of trade activities.

For kinds of goods which were labeled before the effective dates of Decision No. 178/1999/QD-TTg and this Circular but have not yet passed their expiry date, they are allowed to be circulated until their expiry date.

2. The detailed guidance for the labeling of goods of a number of peculiar groups shall be given by the branch-managing ministries, depending on the concrete requirements arising in their use and preservation.

Such guidance has the following noteworthy contents:

a/ For groups and categories of goods which require a high degree of safety and efficiency or are complicated in their use, there must be prescriptions for their use. Specifically:

- The Ministry of Health shall guide the labeling of drugs and medical supplies for prevention and cure of human diseases, foodstuffs, cosmetics... related to safety, health and use.

- The Ministry of Agriculture and Rural Development and the Ministry of Aquatic resources shall guide the labeling of drugs and supplies and equipment used for production, prevention and treatment of diseases for animals and plants.

- The Ministries of: Industry; Construction; Communications and Transport; Science, Technology and Environment; Culture and Information; Education; General Department of Post and Telecommunications;... shall guide the labeling of chemicals, supplies, equipment and machinery under their respective management.

b/ The contents related to the detailed guidance for the labeling of peculiar goods of the branch-managing ministries include: The constituents, principal quality criteria, use and preservation instruction.

For the Minister of Trade
Vice Minister
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