

Vietnam

Food Fortification

The Government of Vietnam mandates the fortification of specific foods with specific micronutrients through the *Law on Food Safety*¹⁷⁷ which requires food producers to comply with Government regulations on the fortification of micronutrients to address deficiencies that impact public health at a population level or in a particular target group.

- *Decree 9/2016/ND-CP Regulating Fortification of Micronutrients in Food*¹⁷⁸ specifies that:
 - Edible salts and salts used for food processing must be fortified with iodine;
 - Wheat flour used for food processing must be fortified with iron and zinc;
 - Vegetable oils that contain soy oil, palm oil, rapeseed oil, and peanut oil must be fortified with vitamin A, except for vegetable oils used for food processing.

All such fortified foods must also meet relevant national technical and/or food safety regulations.

Where deficiencies are not deemed a public health problem, the Government of Vietnam allows the voluntary addition of micronutrients to supplemented food ("*ordinary foods added with healthy micro-nutrients and elements, such as vitamins, minerals, amino acids, fatty acids, enzymes, probiotics, prebiotics and substances having other biological activities*") via the *Circular No. 43/2014/TT-BYT Providing for Management of Functional Foods*.¹⁷⁹

A separate Circular provides a list of micronutrients that can be used in food fortification and supplementation, for example, specifying sources of vitamin A.¹⁸⁰

While now dated, Vietnam's *National Plan of Action on Nutrition for 2012-2015*, includes activities to enhance food fortification (such as making regulations on fortifying foods, strengthening production, trading, and control of food quality) and issuing regulations on food nutrition labelling (by reviewing global regulations, issuing standards and building capacity for developing nutrition labelling).¹⁸¹ No subsequent nutrition strategy was identified, aside from the *National Action Plan on Food Systems Transformation toward Transparency, Responsibility and Sustainability in Vietnam by 2030*,¹⁸² which only focuses on country of origin labelling, not nutrition labelling or fortification.

Responsibilities for regulatory governance for nutrition labelling

The Ministry of Health (MoH) has overall responsibility for setting nutrition labelling regulations in Vietnam and for micronutrients¹⁸³ as part of its role in coordinating food safety. Current labelling regulations focus largely on basic labelling (such as ingredients and the product name) and prohibit misleading labelling. Regulatory development is underway on nutrient declarations.

Regulatory governance, in particular the administration and monitoring of food safety and labelling laws across the supply chain, is shared among different ministries largely depending on the type of food. Most processed food products and packaging sit under the jurisdictions of the MoH through the Vietnamese Food Administration (VFA) and the *Ministry of Industry and Trade (MOIT, e.g., for retail marketing)*. Meat and poultry, bulk commodities, dairy products, fresh fruits, and tree nuts are under the *Ministry for Agriculture and Rural Development's (MARD)* jurisdiction.¹⁷⁷ Similarly, the MoH is responsible for fortified foods but has reassigned responsibility to MOIT for wheat flour and vegetable oils fortified with micronutrients and to MARD for iodised salt.¹⁷⁸ Provincial/ Municipal Health Services/ Departments organise local implementation (per the Elaboration of Some Articles of the Law on Food Safety¹⁸³ along with the Ministry of Science and Technology leading the implementation of general goods labelling¹⁸⁴). For example, we heard that the MoH's Institute of Public Health's (IPH) experts in nutrition and labelling are responsible for the local implementation and monitoring of food safety regulations in 19 southern provinces of Vietnam. [VE002-S] The complexity in coordination across this system is expressed well in a World Bank report, "*Although MOH is responsible for overall food safety, it does not have authority to direct the management of other ministries and departments involved in food safety management. This leads to more or less independent activities on food safety control by each ministry and, therefore, no comprehensive food control management system in the country. The role of MOH in this regard becomes one of coordinating and collating different reports*".¹⁸⁵

Regulatory development is multisectoral and involves the WHO and National Institute of Nutrition, and stakeholder and public engagement. *Pre-market surveillance of foods* is conducted through food-specific *self-declarations, certificates of food safety and through registration of advertising (including labelling) contents*. Self-declarations and advertising registrations are both publicly available on regulator websites (e.g., some authorisation requirements can be undertaken on the [National ATTP Public Service Registration System](#), which also allows consumers to search registered food advertisements).

A system of food safety inspections and a range of penalties are in place to enforce laws as part of the *post-market surveillance system*.

Structure of nutrition labelling laws

Legislation in Vietnam cascades down from laws (enacted by Vietnam's National Assembly), then decrees (issued by the Government) and lastly circulars (issued by ministries). In this context, Vietnam's nutrition labelling regulatory regime is structured as follows:

- **Law on Food Safety, 2010**¹⁷⁷ is the umbrella law that guides food safety, food production and trading, food import and export, food advertisements and labelling, and food testing and analysis.
 - **Decree 15/2018/ND-CP Elaboration of Some Articles of the Law of Food Safety**¹⁸³ sets out registration and certification requirements for food manufacturers and sellers in Vietnam and food inspection processes, and limits some advertising (including label) content.
- **Law on Advertising, 2012**¹⁸⁶ sets out requirements for advertising (including printed) products in Vietnam, including requiring foods or food additives to be advertised to hold a certificate of registration of quality, hygiene, and safety or to notify the competent state body that standards are met. The law also bans some advertisements, including advertising products that would have a negative effect on the health or normal development of children.
 - **Decree No. 181/2013/ND-CP on Elaboration of Some Articles of the Law on Advertising**¹⁸⁷ sets out requirements for advertisements for foods and food additives, including that they state "This product is not a medicine and is not a substitute for medicines".

As these regulations are not critical to nutrition labelling, we have not included details of regulatory governance in the table below.

- **Decree No. 43/2017/ND-CP on Goods Labelling**¹⁸⁴ (as amended by **Decree No. 111/2021/ND-CP**¹⁸⁸) sets out general labelling requirements such as the name of goods, ingredients, lettering height, labelling in Vietnamese, with the MoST the implementing department alongside People's Committees that manage and inspect goods labelling in their jurisdictions. Decree No. 111 also requires that nutritional composition and values are labelled according to MOH guidance for processed and pre-packaged foods.
- **Circular No. 43/2014/TT-BYT Providing for Management of Functional Foods**¹⁷⁹ sets out general requirements and requirements to make nutrition and health claims for supplemented foods such as voluntarily fortified foods.
- **Circular No. 34/2014 on detailed guidelines on labelling of packed foods, food additives, and food processing aids**¹⁸⁹ sets out general labelling requirements (including that ingredients are listed in ascending order of weight or weight proportion, the product name, and size of lettering), conditions for nutrient content claims, and proscribes misleading or deceptive labelling.
- **Draft Circular – Guidelines for nutrition labelling of foods G/TBT/N/VNM/219** sets out a mandatory nutrient declaration for food produced and imported into Vietnam. In May 2023, the MoH stated that it has accepted a range of comments on the draft (including those relating to nutrient reference values (NRVs) and mandatory requirements to label foods with percentages of NRVs) and will conduct further technical discussions with the government and industry to progress the draft.¹⁸⁰ It is anticipated that this new law will be passed in 2023 and come into force in 2024 and 2025.

As an ASEAN Member State, a set of non-binding regional guidelines, principles and standards apply to Vietnam's labelling laws and/or fortification as indicated, though we found little by way of specific regional labelling regulation that influences ASEAN Member States' national labelling regulations:

- **ASEAN Guidelines on Promoting Responsible investment in Food, Agriculture and Forestry 2018**⁷² propose considerations including supporting food fortification to improve nutrition security and promote harmonisation of standards and regulations while allowing national flexibility.
- **ASEAN Regional Guidelines on Food Security and Nutrition 2017**⁷³ serve as a reference guide to develop best practice policy that promotes nutrition and food security (including food fortification policies to address malnutrition and micronutrient deficiencies). The guidelines aim to build stronger cooperation and integration on food security and nutrition across the ASEAN region but few specifics on fortification are included.
- **ASEAN Principles and Guidelines for National Food Control Systems 2014**⁷⁴ is aligned with Codex principles and guidelines for National Food Control Systems CAC/GL 82-2013 and guides on developing food legislation that promotes food safety, including that national competent authority/ies should establish, implement, evaluate, and enforce evidence- and risk-based regulatory requirements.
- **ASEAN General Standards for the Labelling of Prepackaged Food 2016**⁷⁵ that adopt the Codex General Standard for the Labelling of Prepackaged Food (CODEX STAN 1-1985).

Policy context and objectives

The Law on Food Safety outlines broad aims, including producing high-quality, safe food, fortifying food, prioritising consumer access to information on food safety, and the need to issue specific regulations on food labelling based on socioeconomic conditions.¹⁷⁷ The draft Circular to introduce mandatory nutrient declarations aims to ensure accuracy and make foods' nutritional value easy to understand for consumers. Regulatory development takes into consideration existing laws and national policies, trade agreements, international reference documents (from Codex and the WHO), data from national nutrition surveys, and the food industry's capacity to implement the policy, demonstrating the desire to create coherent regulations. Regulatory administration by way of self-declarations for most foods and post-market surveillance operates as a single system considering both food safety and labelling.

Separately we heard from respondents that promoting healthier diets is a priority in developing nutrition labelling regulations, such as draft back-of-pack labelling regulations.

Nutrition labels

Nutrient declarations are not required by current legislation in Vietnam. However, in April 2022 the Vietnamese government issued a draft circular on nutrition labelling and notified the WTO. The government has received comments on this draft from stakeholders and is due to progress the law through the parliamentary process in 2023.

Voluntary nutrient content claims are permitted provided conditions are met, and **voluntary health and nutrition claims for supplementary foods** (voluntarily fortified foods as explained above under Food Fortification) provided minimum contents based on RNI are met. Claims that foods cure or treat diseases are prohibited. There are no standardised fortification claims beyond voluntarily fortified food being labelled as 'supplemented food'.

However, one interviewee indicated that the government reviews health claims. This may relate to the requirements to register the advertisements for some foods, including product labels, with the government.

Supplementary nutrition information: No regulation specific to SNI was identified, including any standalone fortification logo or FOPNL system.

Recommendations to reform nutrition labelling regulations to enable LSFF

- Ideally, the proposed Circular that would introduce mandatory **nutrient declarations** should mandate the inclusion of added vitamins and minerals.
- To help consumers more easily identify fortified foods beyond a label including the word 'fortified', voluntary but standardised **fortification claims** and voluntary or mandatory **fortification logos** could be considered for mandatorily fortified foods. We do not extend this recommendation to relevant voluntarily fortified foods at this stage given the lower public health significance of fortification in these products, and the potential to distract from the upcoming regulatory focus on implementing mandatory nutrient declarations.
- If **claims regulations** were updated, stipulations on health claims could be considered to improve regulations beyond the existing regulation for voluntarily fortified or supplemented foods (for example, including additional information on labels where appropriate, such as target groups, how to use the food to obtain the claimed benefit and other lifestyle factors or other dietary sources where appropriate, and the importance of maintaining a healthy diet).
- The process for drafting nutrition labelling regulations is comprehensive, including the use of evidence and public consultation. It appears that authority for administering regulation is complex – which may be necessary in the Vietnamese context – but requires high levels of coordination for effective operation. It is unclear what consumer education takes place, or how well-resourced nutrition labelling monitoring and enforcement is. We also heard that no evaluation of regulations is planned. These elements could be considered to strengthen regulation. Given Vietnam also relies on a self-declaration system for foods, monitoring via inspections and adequate training for inspectors is crucial to enforce compliance.

Information sources and limitations

We undertook qualitative surveys and interviews in addition to a desktop regulatory review in Vietnam. From these, limited information was identified on the evaluation of regulations and resourcing of regulatory governance. Such information may sit outside of the regulatory documents reviewed or may have only been available in information published in Vietnamese.

Table 12 – VIETNAM – Summary of nutrition labelling regulations

Excludes draft regulations unless specified.

Regulatory form and substance	Nutrient declaration	Nutrition and health claims	SNI
<p>Regulatory framework</p>	<p>No current regulation requiring nutrient declarations.</p> <ul style="list-style-type: none"> • However, organisations and individuals labelling nutrition information are encouraged to follow requirements recommended by the CODEX Alimentarius Committee.¹⁸⁹ • In April 2022, Vietnam notified the WTO of an updated draft Circular that stipulates the requirements for mandatory nutrient declarations for foods produced, traded and imported for circulation in Vietnam excluding table salt, unpackaged foods and other foods such as single-ingredient foods. It includes an implementation roadmap (with implementation in 2024 and 2025, depending on the type of food).¹⁹⁰ 	<ul style="list-style-type: none"> • Some voluntary nutrient content claims are permitted, with conditions.¹⁸⁹ • Voluntary claims for supplementary foods (i.e., voluntarily fortified foods) with conditions (e.g., meet a minimum amount).¹⁷⁹ • Some claims are prohibited, such as those stating that functional food cannot be advertised as to cause confusion with medicines¹⁸⁷ nor state that it is a substitute for curative medicine.² Similarly, advertisements (including labels) for foods must state, "This product is not a medicine and is not a substitute for medicines" and be consistent with the effects of the product^{183, 186} and not use images of health facilities and workers etc.¹⁸³ 	None identified.
<p>Regulatory objective(s)</p>	<p>The proposed principles of the draft Circular are: comply with goods and food labelling regulations (including those relating to food safety); ensure accuracy, not cause misunderstanding or confusion about the nutritional value of foods; ensure information on ingredients and nutritional values on food labels is easy to understand, read and identify, attached to product packaging and cannot be erased.¹⁹⁰</p>	None identified.	None identified.
<p>Operative terms and conditions</p>	<p>The proposed nutrient declaration:¹⁹⁰</p> <ul style="list-style-type: none"> • Includes energy (in kcal or kJ), protein (g), carbohydrate (g), total sugars (g), fat (g), saturated fat (g), and sodium (mg); • Is represented per 100g or ml of food and as a % of the nutritional reference values (NRVs); • Does not apply to table salt, unpackaged foods, and other foods such as single-ingredient foods; • Should be presented in numbers and with adequate information per the form in the Circular; • If food is packaged with many servings, each serving must be recorded. <p>General label requirements include that:¹⁸⁹</p> <ul style="list-style-type: none"> • The height of text on pre-packaged and other foods must be ≥ 1.2mm, save for smaller labels of $< 80\text{cm}^2$ where text cannot be < 0.9mm; • Text colour must contrast with the label's background colour; • Labelling is in Vietnamese covering all mandatory contents, noting that contents can also appear in a foreign language provided it is not larger than the Vietnamese text. Additional labelling (attached to the original labelling) can be used on food imported for consumption in Vietnam. 	<p>Nutrient content claims for general foods:¹⁸⁹</p> <ul style="list-style-type: none"> • 'Low' or 'no' claims may be used for calories, fat, saturated fat, cholesterol, sugar, or sodium, and 'source of' or 'high' may be used for claims for protein and fibre, provided conditions of the specific claim are met, e.g., 'Low in fat' must contain $< 3\text{g}$ per 100g (solid) or 1.5g per 100ml (liquid). • 'Source of' and 'high' claims may be made for vitamins and minerals, provided conditions of the specific claim are met, e.g., 'Source of' must contain $\geq 15\%$ RNI per 100g. <p>Nutrient content claims for supplemented foods, e.g., added vitamins:¹⁷⁹</p> <ul style="list-style-type: none"> • [Name and content of the substance] can only be used on a label when the content of the substance is $\geq 10\%$ of RNI for Vietnam – and based on each meal ration or 100g; • The maximum content of vitamins and minerals in foods calculated based on producers' RNI must not exceed the maximum intake limits of vitamins and minerals in the regulations. If Vietnam has no RNI and maximum intake limits, the provisions of Codex or relevant international organisations shall apply. <p>Health claims (for supplemented foods):¹⁷⁹</p> <ul style="list-style-type: none"> • Can only be used on a label when the contents of such substances in foods reach $\geq 10\%$ of RNI accompanied by scientific evidence; • For added ingredients where no RNI is available, health claims can be made only when accompanied by scientific evidence or the contents conform to recommended intakes in existing scientific documents; • Must be written clearly and consistently as suitable to users and intakes already announced. <p>Supplemented food labels must include:¹⁷⁹</p> <ul style="list-style-type: none"> • Recommendations about risks, if any; • The phrase 'Supplemented foods' or the phrase stating the name of the foods per the technical regulation must be written in the main panel of the label; • Specific users suitable to response levels of recommended intakes, where available, or suitable to accompany scientific evidence on recommended intakes for ingredients for which no response levels are available. 	None identified.

Regulatory governance	
<p>Drafting regulatory rules and scheme design</p>	<ul style="list-style-type: none"> The MoH (VFA and Departments of Preventive Medicine and Legislation) has responsibility and authority for setting the nutrition labelling regulatory agenda, developing draft legislation, and co-developing the final legislation via a public consultation on drafts until consensus from most stakeholders is reached, including via industry workshops. A final draft and report on industry and consumer behaviour and the effect of the new regulations on social and economic conditions is submitted to the Vice Minister of Health for approval, ahead of approval by the Minister for Health. [VIE003-I] Regulatory development is also informed by existing laws and policies, trade agreements, regional considerations, normative guidance (Codex and WHO guidelines), other jurisdictions' experiences, data from national nutrition surveys, and food industry implementation capacity. [VIE003-II] Monitoring and evaluation processes are also considered during regulatory development. [VIE001-S, VIE003-S] Under the draft Circular on Guidelines for nutrition labelling of foods a transition period would allow foods produced and labels printed before the date of the draft regulation to continue to be used until they expire.¹⁹⁰ Under ASEAN Regional Guidelines on Food Security and Nutrition and ASEAN Principles and Guidelines for National Food Control Systems Member States should provide clear and effective regulation that promotes food security and nutrition,⁷³ engage stakeholders in regulatory development to ensure transparency and that views are considered,⁷⁴ and consider Codex standards, recommendations and guidelines.⁷⁴ All aspects of a national food control system should be transparent and open to public scrutiny while respecting legal requirements to protect confidential information.⁷⁴ Decision making should be evidence-based, and competent authority/ies and all officials should be free of improper or undue influence or conflict of interest.⁷⁴
<p>Administration</p>	<ul style="list-style-type: none"> Under Decree 15/2018/ND-CP Elaboration of Some Articles of the Law of Food Safety:¹⁸⁵ <ul style="list-style-type: none"> - Food suppliers wishing to sell pre-packaged processed foods in Vietnam (along with food additives and related food materials with exceptions, such as raw materials and dietary supplements, medical foods, foods for special dietary uses, for which separate requirements exist) must submit a food-specific self-declaration to the relevant regulatory authority in the relevant province to receive a certificate of production registration, which must be posted on the authority's website and the producer must post the certificate via mass media, or on its website or premises. - To obtain a certificate of production registration, every food manufacturer and seller (excluding micro-food processors and sellers of pre-packaged foods, which must meet requirements in the Law on Food Safety to obtain a certificate of food safety; or dietary supplement manufacturers that must satisfy separate criteria) must also obtain a certificate of food safety (we assume that this is also termed the regulation conformity declaration for which dossiers with food labels must be submitted per Circular Providing the management of functional foods, 2014). - Some foods require advertisement their contents to be registered before they can be advertised (e.g., dietary supplements and medical foods). - Food inspection processes for imported and exported foods are also specified, with some exceptions including for foods that have a certificate of registered product declaration.⁽⁹⁾ These expand on requirements under the Law on Food Safety for importers to obtain a notice of satisfaction of import requirements for micronutrient-fortified foods, and a certificate of free sale or health certificate as prescribed by the government.¹⁷⁷ Under the Circular Providing the management of functional foods 2014,⁷² the VFA has primary responsibility for implementation and coordinates implementation with functional agencies (MOIT and Ministry of Public Security). Provincial-level Health Departments examine and supervise and direct provincial-level Food Administrations and related units in examining and supervising producers and traders of functional foods in their localities. Before functional foods can be marketed, they need a regulation conformity declaration to be registered with the VFA. Under the draft Circular on Guidelines for nutrition labelling of food¹⁹⁰ the Food Safety Authority assumes primary responsibility for implementation; the Institute of Nutrition has professional responsibility for publishing and updating nutritional reference values; MOIT and MARD organise implementation for foods under their management; and People's Committees organise implementation in their localities. No training for officers engaged in design, administration, monitoring, enforcement of labelling regulations occurs. [VIE001-S] Under the ASEAN Regional Guidelines on Food Security and Nutrition and Principles and Guidelines for National Food Control Systems, Member States' independent statutory bodies should retain authority for policy administration⁷³ and legislation should provide the authority with the power and mechanisms to: establish, monitor and enforce standards; implement regulations; perform activities to verify, investigate, and enforce regulatory compliance; and apply sanctions and/or penalties.⁷⁴
<p>Monitoring</p>	<ul style="list-style-type: none"> Beyond details of approvals under Administration above, under the Law on Food Safety, food safety management agencies must conduct transparent, planned and unplanned food safety examinations, coordinating with relevant agencies and People's Committees, with decisions issued after receipt of inspection reports. Examination teams can request documents, take samples, and suspend food advertisements, and must report accurately and in a timely way to the food safety management agency. Expenses are paid by the agencies that decide on examination and testing, but when violations occur, expenses are refunded by violators, and those organisations that request the testing must pay for it.¹⁷⁷ Some foods are exempt from this process, such as those with a certificate of registered product declaration.¹⁸³ <ul style="list-style-type: none"> - Each department has specific inspectors, for example, the Department of Market Surveillance under the MoIT has the power to audit all products on the market, including food. [VIE003-II] Only food safety criteria are tested, not the fortificants in food, as it is a quality criterion, and some inspection outcomes are publicly available. [VIE003-I] Under the ASEAN Regional Guidelines on Food Security and Nutrition and Principles and Guidelines for National Food Control Systems Member States' national food control systems should be transparent and open to public scrutiny, while respecting the need to protect confidential information as appropriate.⁷⁴ To assess effectiveness and suitability to achieve objectives, the system should be subject to ongoing monitoring and review against documented criteria, and consider scientific evidence, and non-compliance.⁷⁴ Legislation and guidelines should also include provisions to monitor dietary consumption.⁷³
<p>Evaluation</p>	<ul style="list-style-type: none"> Ministries do not discuss measuring the impact of nutrition labelling during relevant regulatory development [VIE001-S, VIE003-S] and no evaluations are planned. [VIE003-II] Under the ASEAN Regional Guidelines on Food Security and Nutrition and ASEAN Principles and Guidelines for National Food Control Systems Member States' national food control systems should possess the capacity and capability to undergo continuous improvement and include mechanisms to evaluate whether the system is achieving its objectives.⁷⁴ Member States should also evaluate new or existing regulation to ensure it is compatible with nutrition and food security policy.⁷³

Enforcement

- Under the Law on Food Safety:
 - Foods that do not meet relevant technical regulations (including incorrect labelling) can be recalled and disposed of as 'unsafe' on request of competent agencies which decide on conditions and time limits for food recall and disposal, or if this should be done voluntarily by the producer/trader.¹⁷⁷
 - Food producers and traders that violate the law on food safety (including labelling provisions) will, depending on the severity of the violation, be subject to administrative or penal liability. They will pay compensation and remedy the consequences if damages are caused. Administrative violations are specified by the government, but fines for violations are based on seven times the value of the violating food with any funds earned from violations confiscated.¹⁷⁷
- Under the Circular Providing the management of functional foods, 2014¹⁷⁹ functional foods can also be recalled in various circumstances, including if they are marketed without regulation conformity certificates, with recall reported to the VFA.
- Under the ASEAN Regional Guidelines on Food Security and Nutrition and Principles and Guidelines for National Food Control Systems Member States' independent statutory bodies should retain enforcement authority,⁷³ be appropriately resourced and employ qualified personnel.⁷⁴ State authorities should establish, implement and enforce science- and risk-based regulatory requirements that encourage and promote positive food safety outcomes and establish and maintain arrangements with relevant organisations such as officially recognised inspection, audit, certification and accreditation bodies.⁷⁴ Compliance and enforcement programmes should be designed to enable a competent authority to take corrective remedial action from education to sanctions, alongside maintaining public transparency.⁷⁴

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