**ADVERTISING IN PRINTED NEWSPAPERS AND SOME NOTABLE POINTS**

Advertising is an extremely effective method for businesses to promote their brands, introduce products and services to customers. The current forms of advertising are extremely diverse such as through websites, terminals, media, billboards, sound records, picture records, etc. Among them, advertising in printed newspapers is one of the most common forms used by businesses. To avoid legal risks arising, businesses also need to comply with the conditions when advertising in printed newspapers following relevant laws.

1. **What is advertising?**

According to the provisions of Article 2.1 of Consolidated Document No. 47/VBHN-VPQH, advertising means the use of means to introduce to the public products, goods and services with a profit-making objective; products and services without a profit-making objective; and organizations and individuals conducting business of introduced products, goods or services, except for news on current affairs, social policies, or personal information.

1. **General conditions for advertising**
   1. **Language of spoken and written advertisements**

Advertising products must have a context in Vietnamese, except in the case of:

* Trademarks, slogans, brands or proper nouns in foreign languages or words which have become internationally known and which are unable to be translated into Vietnamese;
* Books, newspapers, websites and publications which have been licensed to be published in the languages of ethnic minorities in Vietnam or in foreign languages; radio and television programs in the languages of ethnic minorities in Vietnam or in foreign languages.

Where a single advertising product uses both the Vietnamese language and a foreign language, the size of the text of the foreign language must not be larger than three-quarters of the size of the Vietnamese text and shall be placed under the Vietnamese text; and on a visual or audio-visual means, the Vietnamese language must be read first, followed by the foreign language.

* 1. **Requirements for contents of advertisements**

Contents of an advertisement must ensure they are truthful, accurate and clear and must not cause loss and damage to producers, business persons and advertising recipients.

The Government shall provide regulations on requirements for contents of advertisements applicable to special products, goods and services.

* 1. **Conditions for advertising**
* With respect to an advertisement of business activities for goods or service, there must be a business registration certificate.
* With respect to an advertisement of [the various] types of products, goods or services, there must be documents evidencing the compliance of the products, goods or services with standards or technical regulations as stipulated by law.
* With respect to an advertisement of property for which a certificate of ownership or right to use is required, there must be a certificate of ownership of or right to use the property.
* With respect to an advertisement of special products, goods or services (including drugs, cosmetics, chemicals, nutritional products, medical equipment, ...) must ensure the conditions for each product or service according to the provisions of Article 20.4 of Consolidated Document No. 47/VBHN-VPQH Law on Advertising.

1. **Specific conditions for advertising in printed papers**

In addition to meeting the general conditions mentioned above, advertising in printed newspapers must also meet the following conditions:

* The area covered by advertisements shall not exceed fifteen (15) per cent of the total area of one issue of a newspaper or twenty (20) per cent of one issue of a magazine except in specialized advertising newspapers and magazines; and there must be signs which distinguish advertisements from other items.
* A press agency shall be permitted to publish an advertising insert and must give written notice to the State administrative body for media at least thirty (30) days before the date of publication of the first issue of the advertising insert.
* The advertising insert of a newspaper must be separately numbered; shall be in the same size and shall be published together with the main pages of the newspaper.
* The following information shall be specified on the first page of the advertising insert:
* Name of the newspaper;
* Name and address of the press agency;
* The following words: "the advertising insert is not included in the sale price".
* Advertisements shall not be exposed on the front cover or on the first page of a newspaper or magazine.

1. **Administrative fines for violations of regulations on advertising in printed newspapers.**

Imposing the fine ranging from 3,000,000 dong to 5,000,000 dong for one of the following violations:

* Issuing advertising insert without issuing a written notification to competent state authorities according to regulations in force;
* An advertising insert is not separately paginated; does not have the same size as the main page; is not issued together with main pages;
* Advertising on news articles.

Imposing the fine ranging from 10,000,000 dong to 15,000,000 dong for the act of placing advertisements on newspaper covers or front pages.

Imposing the fine ranging from 15,000,000 dong to 20,000,000 dong for one of the following violations:

* Advertisements on newspapers or magazines, except those specially intended for advertising, cover larger space than regulated;
* Having none of the signs helping distinguish the advertisement section from others;
* Failing to show newspaper’s names; names and addresses of press agencies; failing to show the line "Advertising insert is not included in the selling price” on the first page of the advertising insert.

**ADK & Co Vietnam Lawyers Law Firm**