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Vietnam Drug Advertisment and Promotion Rules

Michael K. Lee and Tien Tran

January 2026 https://dilinh.com/

I. Legal Framework

Under Vietnamese law, *advertising* is the use of individuals and media to introduce products, goods, or services, as well as the organizations or individuals that produce or provide such products, goods, or services, to a target audience. Meanwhile, *sales promotion* is a commercial activity that encourages the purchase and sale of goods or services by offering customers certain benefits. The Commercial Law[1], the Law on Advertising[2], and Decree 81[3] are the main laws that govern advertising and sales promotion activities.

For pharmaceutical products, in addition to the general requirements, advertising activities must also comply with the Law on Pharmacy[4] and Decree No. 163[5], and are subject to the management of the Ministry of Health ("**MOH**").

II. Pharmaceutical Products Advertising

1. Conditions of pharmaceutical products advertising

Pharmaceutical products are permitted to be used for advertising if they meet the following requirements:[6]

- Belongs to the list of over-the-counter ("**OTC**") medicines;
- Does not fall under cases of restricted use or use under medical supervision (e.g., prescription drugs) as recommended by the competent state authorities.
- A valid Marketing Authorization ("**MA**") in Vietnam.

Before conducting advertising activities for pharmaceutical products, one of the following entities must obtain a certificate confirming the content of the drug advertisement from the MOH (the "**Certificate**"):[7]

- the MA holder;
- the authorised representative office in Vietnam of a foreign MA holder;
- pharmaceutical business entities authorised by MA Holder.

Such entity is referred to as the "**Applicant**."

Any modification to the content of medicine advertising activities requires obtaining a new Certificate from the MOH, unless the change qualifies for an amendment to the Certificate.[8]

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[1] Law No. 36/2005/QH11 on Commercial dated 14 June 2005 ("Commercial Law").
[2] Law No. 16/2012/QH13 on advertising dated 21 June 2012, amended by Law No. 75/2025/QH15 dated 16 June 2025 ("Law on Advertising").
[3] Decree No. 81/2018/ND-CP dated 22 May 2018 on elaboration of regulations of Commercial Law on trade promotion ("Decree 81); amended by Decree 128/2024/ND-CP.
[4] Law No. 105/2016/QH13 on Pharmacy dated 6 April 2016, amended by Law No. 44/2024/QH15 ("Law on Pharmacy").
[5] Decree 163/2025/NĐ-CD dated 29 June 2025 on elaborating certain articles and measures for the implementation of the Law on Pharmacy ("Decree 163").
[6] Article 20.4 of Law on Advertising; Article 79.2 of Law on Pharmacy.
[7] Article 107.7 of Decree 163.
[8] Article 105.1(b) of Decree 163.

The Applicant may instead apply for an amendment to the current Certificate for the following type of changes:[9]

- *Facility Details:* Amending the name, address of the MA holder or manufacturing facilities.

- *Applicant Details*: Amending the name/address of the Applicant (provided the Applicant itself has not changed).

- *Registration Holder*: Amending the MA holder.

- *Packaging & Logos*: Amending the drug packaging specifications; the symbol[10] of the MA holder, the Applicant, or the manufacturing facility without slogan[11]; and, logo[12] of the MA holder, the Applicant, or the manufacturing facility accompanied by words in the form of trademarks as stated in the Trademark Registration Certificate issued by a competent authority.

The Certificate confirming the content of medicines advertisements is valid for an indefinite term and is terminated upon the occurrence of any of the following circumstances:[13]

- The MA expires or is revoked;

- The advertising content of the medicine has changed and does not fall into the cases where amendments are permitted;

- A recommendation is issued by the competent pharmaceutical state authority to restrict the use of the medicine or require use under the supervision of medical practitioners;

- The medicine contains an active ingredient or medicinal material that is not on the MOH's list of OTC medicines.

2. Scope and contents of pharmaceutical products advertising

The content of pharmaceutical product advertising must be consistent with the current medicine labels and package inserts approved by the MOH, the medicine monographs recorded in the Vietnamese National Pharmacopoeia, and the relevant professional documents and guidelines on drugs issued or recognized by the MOH.[14]

The information below is mandatory for the pharmaceutical product advertisements:[15]

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[9] Article 105.2 of Decree 163.
[10] Any sign, device, character, shape, icon, graphic, or visual element used to represent, identify, or distinguish a product, service, or brand, whether or not registrable as a trademark.
[11] A short phrase, tagline, or motto used in connection with goods or services to promote, advertise, or identify a brand or product.
[12] A distinctive graphic design, emblem, wordmark, stylization, or combination of text and design used to visually identify and represent a company, product, or service.
[13] Article 110 of Decree 163.
[14] Article 103.1 of Decree 163.
[15] Article 103.2 of Decree 163.

- ✓ Name of medicine
- ✓ Active pharmaceutical ingredient or medicinal herb listed in the approved drug instruction leaflet.
- ✓ Indications
- ✓ How to use.
- ✓ Dosage
- ✓ Contraindications, recommendations for special populations
- ✓ Adverse reactions, unwanted effects
- ✓ Precautions and things to avoid or note.
- ✓ Name, address of the manufacturer
- ✓ The warning "Read the instructions carefully before use."
- ✓ For multi-page advertisements, pages must be numbered, and the first page must state the total number of pages
- ✓ must be clearly stated: the number of the Drug Advertisement Content Confirmation Certificate issued by...(confirming authority): .../XNQC..., dated ....
- ✓ All cited information must be clearly referenced and accurately presented without misleading the medicine's safety or effectiveness.

3. Prohibited Practices

Pharmaceutical products are a special category of goods; therefore, the law bans advertising activities for medicines without a Certificate.

When conducting pharmaceutical product advertising activities, the law prohibits any advertising content that is misleading, exaggerated, unverified, or using unpermitted claims, images, indications, research results, endorsements, or expressions that may misrepresent a drug's safety, effectiveness, origin, or approved use as detailed in Article 104 of Decree 163.

4. Legal Consequences of Breach

If pharmaceutical products are advertised without a Certificate, the violator is subject to a fine ranging from VND40 million to VND50 million. In addition, organizations that commit two or more violations within six months may have their pharmaceutical business license, pharmaceutical products registration certificate, or medical examination and treatment license suspended for a period of one (01) to three (03) months.[16]

For violations relating to the content of pharmaceutical products advertisements and related acts, depending on the nature and severity of the breach, fines may range from VND10 million to VND80 million.[17]

[16] Article 49, Article 5.2 of Decree 38/2021/ND-CP, amended by Decree 128/2022/ND-CP.
[17] Article 49, 50, Article 5.2 of Decree 38/2021/ND-CP, amended by Decree 128/2022/ND-CP.

III. Pharmaceutical Products Sale Promoting

1. General regulations on sale promotion

Under Vietnamese law, sales promotion is a commercial activity that incentivizes the purchase and sale of goods and services by offering benefits to customers.

It may take various forms, including the following methods:[18]

- provision of free samples;
- provision of gifts;
- price discounts;
- sales accompanied by vouchers or prize draws;
- customer loyalty programs based on the quantity or value of purchases;
- cultural, artistic, or entertainment programs for customers; and
- other promotional activities approved by the competent state authority for trade.

The traders are required to notify the Departments of Industry and Trade ("**DOIT**") in all localities where the promotion is organized before implementing the promotional program for the following promotional sales activities:[19]

- Selling goods by participation in programs involving chance, where participation is linked to the purchase of goods or services, and winning prizes depends on the participant's luck according to the announced rules and prizes (promotional programs involving chance);
- Sales programs that include entry forms for customers to select winners (e.g., lucky draws);
- Customer loyalty programs based on the quantity or value of goods purchased,

However, notifications to the DOIT are not required for the above activities when the total value of prizes and gifts is less than VND 100 million, or when promotions are conducted exclusively via e-commerce platforms and online promotional websites.

2. Permitted promotional activities for pharmaceutical products

[18] Article 88, and Article 92 of Commercial Law.
[19] Article 17 of Decree 81.

Under Decree 81, a business can conduct sales promotions for pharmaceutical products to other commercial entities in the pharmaceutical sector (agents, pharmaceutical companies, hospitals, clinics, etc.). Direct promotional activities targeting consumers are not permitted.[20] Where a trader conducts sales promotion of pharmaceutical products to other traders engaged in pharmaceuticals, the applicable rules for promotional methods and discount limits are the same as those applicable to ordinary goods, as stipulated above.

IV. Upcoming Legislation

Currently, the Government is considering a draft decree to amend the aforementioned regulations. The current draft allows sales promotional activities of non-prescription medicines to consumers while maintaining the restrictions for advertising and promotion activities on prescription medicines.

[20] Article 5 of Decree 81.

CONTACT

Dilinh Legal
1F 139 Hai Ba Trung Street,
Xuan Hoa Ward, Ho Chi Minh City,
Vietnam
https://dilinh.com/
contact@dilinh.com

(Dee) Diep Hoang
Partner
M: [+84] 947 406 026
diep.hoang@dilinh.com

Michael K. Lee
Partner
M: [+84] 902 727 935
michael.lee@dilinh.com