

## Tran Minh Thanh

Department for Goods, Products Quality Management  
Directorate for Standards, Metrology and Quality  
Vietnam

### Legislation document system about goods, product quality management

1. Law on goods and product quality No.05/##
2. Decree No.132/2008/NĐ-CP dated 31/12/2008 laying down the details of the execution of the goods, product quality management rules
3. Food Hygiene and Safety Ordinance
4. Decree No.163/NĐ-CP dated 7/9/2004 laying down the details of the execution of some of the parts of the Food Hygiene and Safety Ordinance

### Recalling products that violate the Food Hygiene and Safety Quality

- This is the method of protecting the rights and legal benefits of consumers
- Vietnamese government is now composing the circular about banning, recalling food that violate the Food Hygiene and Safety Quality and it will soon be passed, promulgated and executed nationwide.

### Example

- This information was issued at VN foods administrator's seminar on food safety and hygiene on Jan 1st 2010
- 147 occurrences with 33 deaths due to foods poisoning
- Most of the occurrences were discovered by the media channels
- General Assessment of the problem: It develops complicatedly and difficult to control as:
- Smuggled products in a small volume
- Home-made products, separated, using old techniques
- Policy System haven't reached the integrity, human resource is not adequate, Quality Standard System may needs modifying

### Example (Continued)

- Another example from Vietnam is that the rumor that dried squid is made of rubber. When burned, it melts like burned rubber. Vietnamese Food Administrator is carrying out market surveillance, taking some samples and testing. But they haven't found out anything yet.

So the prerequisite is to pass a circular on procedures of food recall in Vietnam.

### Products that must be recalled

- Products that violate the Food Hygiene and Safety Quality can be either:
    - Expired
    - Has one or more norms that are not qualified in comparison to the standards
    - Dishonest announcement
    - Hi-tech products that have not yet been given the rights to be circulated
    - Not reaching the quantitative standards
    - Illegal labeled
- So the prerequisite is to pass a circular on procedures of food recall in Vietnam.

### Products that must be recalled (continued)

- Products that need to be announced but not be announced
- Dud products
- Products recalled by the producer or foreign authorities

### Banning the violating products

There exist 2 levels

1. Temporarily banning: applied to the products with no risk such as insufficient quantitative or illegal labeled
2. Banning the circulating permission: When having evidence about the usage or consuming of products with high risk to human health

### Forms of recall

1. Self-recall: Businessmen, Organization discovering and recalling in order to protect their brand name
2. Compulsory recall: Authorities or businessmen applying to violating product with high risk (recognized or suspected) to consumers

### Recalling Scales

1. Plot-Recall: When exactly defined the product plot
2. Recalling all products of the same type: applied when having objective evidence about the violation being popular and/or risky

### Levels of Recalling

- Lvl 1: Around 5 days, applied to violating products that cause serious consequences that may even lead to death
- Lvl 2: Around 15 days, applied to violating product that only cause temporary or immediate but not serious consequences
- Lvl 3: Around 30 days, applied to suspected product

### Recalling Coercion

- Applied when businessmen have violated, received the recalling decision from the authorities yet have not executed the recalling before the deadline; or ones that have denied the decision of the authorities

### Method of treatment

Recalled plots can be treated in one of the four following ways

1. Recycling: Applied to products with low risk to human health
2. Redirecting the purpose of using: Applied to products with risks to consumers yet do not need to be recycled or not recyclable and can be accepted for another purpose.

### Method of treatment (continued)

3. Elimination: Applied to plots that have been affected by harmful bacteria, contain high rates of heavy metal or poisonous chemical content that is higher than the acceptable level. Those are products which is unable to redirect the purpose of usage
4. Re-exporting: Applied to imported plots that violate the terms of food safety

### Authorities of making recalling decision

1. Vietnam Food Administrator (VFA) make the decisions to ban and recall products that was given the circulation license by the VFA itself and/or requested by related government bodies
2. Department of Health in cities and provinces under central authority make the decisions to ban and recall products that was given the certificate of qualification by the Department itself and/or requested by related government bodies

### Authorities of making recalling decision (Continued)

3. Specialized inspecting agencies when discover false products will punish them in administrative way depending on their capacity and submit to their authorities to obtain permission to recall
4. Other authorities (not related to Health) (i.e. The Ministry of Agriculture and Rural Development, The Ministry of Industry and Trading, etc.) also have the rights to recall products related to their fields

