

LEGAL UPDATE

October 2025

ON THE 2025 AMENDED ADVERTISING LAW**KEY TAKEAWAYS**

- Vietnam's National Assembly recently adopted a law amending the 2022 Law on Advertising (2025 Amended Law). The amended law establishes a more comprehensive framework for online advertising, requiring platforms/service providers to verify advertiser identities, store data, and implement technical solutions to actively filter illegal content.
- The legislation explicitly addresses online creators by expanding the definition of "Advertisement Carrier" to include "persons of influence". These individuals must actively verify the product's reliability and are required to clearly disclose that their content is an advertisement before and during the promotion.
- New content standards require ads to be truthful, accurate, and specifically "not cause misunderstanding" about a product's effects.

OVERVIEW

On 16 June 2025, the National Assembly of Vietnam ratified Law No. 75/2025/QH15 ("**2025 Amended Law**") amending Law No. 16/2012/QH13 on Advertising and its amendments in 2018 and 2024 (collectively, "**2012 Law**"). Since the enactment of the 2012 Law, Vietnam's digital economy has experienced rapid growth, giving rise to new advertising formats, cross-border digital platforms, and a burgeoning influencer marketing industry. The 2012 Law was not equipped to address the complexities of this new ecosystem. The 2025 Amended Law represents a legislative update designed to modernize regulations, clarify the roles and responsibilities of new stakeholders, and enhance consumer protection in a digital era.¹

The objective of this Legal Update is to provide a comparative analysis of the key changes between the 2012 Law (as consolidated through 2024) and the forthcoming 2025 amendments.

REFINED DEFINITIONS

The amendments refine several key definitions to reflect a more practical and inclusive understanding of the advertising process. The most significant changes are captured in the table below.

No.	Term	2012 Law's Definition	2025 Amended Law's Definition
1	Advertising	The use of media to introduce to the public profitable products, goods, services; non-profit products,	The use of people, means to introduce to the advertisement recipient about products, goods, services, organizations,

¹ To guide the 2012 Advertising Law, the Vietnamese government issued Decree No. 181/2013/ND-CP on 14 November 2013. This decree was subsequently amended by Decree No. 54/2017/ND-CP, Decree No. 123/2018/ND-CP, Decree No. 11/2019/ND-CP, and Decree No. 70/2021/ND-CP ("collectively, "**Decree 181**"). The 2025 Amended Law has codified various provisions of Decree 181.

		services; organizations, individuals doing business with the introduced products, goods, services, excluding news; social policies; personal information.	individuals producing, doing business with the products, goods, services.
2	Advertising Service Provider	An organization or individual that performs one, some or all stages of the advertising process under an advertising service supply contract with the advertiser.	An organization or individual that performs one, some or all stages of the advertising process under an advertising contract.
3	Advertising Publisher	An organization or individual that uses advertising means under its management responsibility to introduce advertising products to the public, including press agencies, publishers, website owners, organizers of cultural and sports programs, and other organizations and individuals using other advertising means.	An organization or individual that uses advertisement carriers, advertising means (hereinafter called people, means of advertising) under its management responsibility to introduce advertising products, including press agencies, publishers, website owners, organizers of cultural and sports programs, and other organizations and individuals using other people, means of advertising.
4	Advertisement Carrier	A person who directly brings advertising products to the public or displays advertising products on their person through wearing, hanging, attaching, pasting, drawing or similar forms.	A person who directly advertises, recommends, confirms products, goods, services on the network or directly advertises by wearing, hanging, attaching, pasting, drawing, using for profit or other forms as prescribed by the Government.
5	Cross-border Advertising Service Provision Activities in Vietnam	N/A	The activity of foreign organizations or individuals using service equipment systems located outside of Vietnam to provide advertising services to users in Vietnam via the Internet. This officially brings international tech giants and digital platforms under the purview of Vietnamese law.
6	Advertising Object	N/A	An object designed, placed, or used for the purpose of conveying advertising information.

The significance of these definitional shifts is threefold. First, the definition of “Advertising” is broadened by removing the qualifier “for-profit”, expanding the law’s reach to cover non-commercial promotions that still fit the general definition. Second, the definition moves from a media-centric view to one that includes “people” as a primary means of introduction. Finally, and most critically, the definition of “Advertisement Carrier” is expanded to explicitly include individuals who “recommend” or “confirm” products “on the network.” This change provides the direct legal basis for regulating online influencers, a group not clearly addressed in the 2012 Law.

NEW REQUIREMENTS FOR AD CONTENT AND DISCLAIMERS

The 2025 Amended Law introduces new, highly specific mandates for advertising content to enhance transparency and consumer understanding. In particular, the law set forth the following new requirements:

- (a) Ad content must be truthful, accurate, and clear, and must “not cause misunderstanding about the features, quality, use, [or] effects of the product/service.” This places a higher burden on advertisers to ensure their claims are not just technically true but also unambiguous to the average consumer;²
- (b) For ads requiring warnings or disclaimers, the new rules are remarkably precise. Text must be in a contrasting color to the background, and the font size cannot be smaller than the main text in the advertisement. For audio/video ads, warnings must be read clearly at a speed and volume comparable to the rest of the ad's content. These rules are designed to end the practice of burying important information in fine print or rapid-fire narration;³ and
- (c) The new Article 19.3 provides crucial clarification by explicitly listing content that is *not* considered advertising. This includes materials on product labels, packaging, and information provided at trade fairs or exhibitions. This exclusion provides a safe harbor for standard product information, but it contains a critical exception: this exemption does *not* apply to functional foods or special dietary foods, meaning that all promotional materials for these products, regardless of context, are subject to advertising regulations.

EXPANDED REGULATORY FRAMEWORK FOR DIGITAL ADVERTISING

Arguably the most significant transformation in the 2025 Amended Law is the comprehensive overhaul of regulations governing online advertising. The 2012 Law's brief mention of electronic media is replaced by a detailed and robust framework in the new Article 23, designed to manage the entire digital advertising ecosystem, from global platforms to local advertisers.

SCOPE OF “ADVERTISING ON THE NETWORK”

The law now explicitly defines the scope of “advertising on the network” to include a wide array of modern digital channels, namely:

- (a) E-newspapers;
- (b) Websites;
- (c) Social networks;
- (d) Online applications; and
- (e) Other internet-connected digital platforms.⁴

This broad definition ensures that virtually all forms of online commercial promotion fall within

² Article 19.1 of the 2025 Amended Law.

³ *Id.*, Article 19.2.

⁴ *Id.*, Article 23.1.

the law's jurisdiction.

OBLIGATIONS FOR ALL DIGITAL ADVERTISING PARTICIPANTS

The amended law imposes a set of universal obligations on all parties involved in the digital advertising supply chain, including advertisers, service providers (platforms), publishers, and influencers. Key responsibilities of these participants are as follows:⁵

- (a) All participants must adhere to a suite of related laws, including those on cybersecurity, data privacy, consumer protection, and child protection;
- (b) All participants must register for, declare, and pay taxes on revenue generated from advertising services;
- (c) A critical new rule prohibits placing advertisements within, adjacent to, immediately before, or immediately after illegal content. This places a proactive responsibility on advertisers and platforms to manage ad placement context;
- (d) Participants are forbidden from cooperating in advertising with any organization, individual, or online platform that has been publicly identified by state authorities as a violator of the law; and
- (e) All parties have an obligation to block or remove infringing content and provide information about organizations or individuals involved in illegal advertising activities upon request from competent authorities.

SPECIFIC RESPONSIBILITIES FOR ONLINE ADVERTISING SERVICE PROVIDERS

The law carves out specific, heightened responsibilities for online advertising service providers, which includes major social media and search platforms. Specifically, these entities must:

- (a) Notify Vietnamese authorities of their official contact information;
- (b) Verify the identity of advertisers;
- (c) Store advertising records and data, and provide this information to authorities upon request;
- (d) Implement technical solutions to actively control, detect, filter, and remove illegal advertising content on their systems; and
- (e) Store information regarding the rules and algorithms used for advertising distribution on their platforms. This highly sophisticated requirement signals a clear move by Vietnamese regulators to scrutinize the “black box” of ad-tech, potentially paving the way for future audits of algorithmic ad delivery systems to ensure fairness and compliance.⁶

THE 24-HOUR TAKEDOWN MANDATE

A standout provision with significant operational impact is the strict takedown deadline established

⁵ Article 23.3 of the 2025 Amended Law.

⁶ *Id.*, Article 23.5.

in Article 23.7. This rule requires all parties involved in online advertising to block or remove any advertisement deemed to be in violation of the law within 24 hours of receiving a request from an authority. This tight timeframe necessitates that all digital platforms, publishers, and agencies have robust, responsive compliance and content moderation systems in place.

This comprehensive digital framework naturally leads to specific regulations for one of its most influential players: the online content creator.

CODIFICATION OF RULES FOR INFLUENCERS AND ADVERTISEMENT CARRIERS

In a direct legislative response to the explosive growth of social media marketing, the new Article 15a creates a distinct legal category for “Advertisement Carrier” (Người chuyên tải sản phẩm quảng cáo) - including “persons of influence” (Người có ảnh hưởng) - and establishes clear obligations designed to enhance transparency and consumer protection.

GENERAL OBLIGATIONS

All individuals classified as “Advertisement Carriers,” a category that includes models and brand ambassadors as well as online creators, are subject to a set of general obligations under Article 15a.2. These include the duty to comply with consumer protection laws regarding product information and the explicit requirement to fulfill tax obligations on any revenue earned from advertising services.

HEIGHTENED DUTIES FOR “PERSONS OF INFLUENCE”

The 2025 Amended Law imposes a stricter, more detailed set of duties specifically on “persons of influence” to leverage the influencers’ trust with their audience responsibly. The requirements for these persons include the following:⁷

- (a) Influencers must actively verify the reliability of the advertiser and review documents related to the product or service being advertised. This shifts the burden from passive promotion to active verification;
- (b) Influencers are prohibited from promoting a product or service without having used it or having a full understanding of it; and
- (c) Influencers are required to clearly and conspicuously announce that their content is an advertisement. This disclosure must be made both before and during the promotional activity.

These new rules will have a profound impact on the influencer marketing industry in Vietnam. They will necessitate more rigorous due diligence from both brands and creators, lead to significant changes in contract negotiations to account for new liabilities, and require a fundamental shift in content creation workflows to integrate mandatory disclosures seamlessly and authentically.

MODERNIZATION OF RULES FOR TRADITIONAL MEDIA CHANNELS

While the sweeping changes to digital advertising have garnered the most attention, the 2025 Amended Law also include significant updates for print, broadcast, and outdoor media. These

⁷ Article 15a.3 of the 2025 Amended Law.

changes are designed to reflect current market realities, provide new revenue opportunities for traditional publishers, and enhance public safety.

PRINT ADVERTISING (NEWSPAPERS AND MAGAZINES)

To support the evolving business models of print media, the 2025 Amended Law significantly increases the allowable space for advertising with the new limits are:

- (a) Newspapers: Increased from 15% to 30% of total area; and
- (b) Magazines: Increased from 20% to 40% of total area.⁸

This change provides print publications with much greater flexibility to generate advertising revenue in a competitive media environment.

BROADCAST ADVERTISING (RADIO AND TELEVISION)

The 2025 Amended Law introduces more specific and logical rules for advertising breaks on television and clarify regulations around international broadcasts. The new rules cover:

- (a) Ad Break Frequency: The amended Article 22.4 replaces the old system with a duration-based rule. For entertainment and film programming, a program may be interrupted for an ad break once if it is between 5 and 15 minutes long, with one additional break allowed for every subsequent 15-minute block of content; and
- (b) International Broadcasts: A new Article 22.5a provides a practical solution for broadcasting live international sports and events. It allows the broadcast of events that may contain incidental advertising for products otherwise banned in Vietnam (e.g., beverages with over 15% alcohol content) provided certain conditions are met. These include that the broadcaster has no direct advertising contract, has no control over the ad content, and issues clear warnings to the audience.

REPEAL OF THE COMMERCIAL LAW AND EFFECTIVE DATE

The 2025 Amended Law replaces all provisions on commercial advertising stipulated in Section 2, Chapter IV of the 2005 Commercial Law. Consequently, it centralizes all primary regulations concerning commercial advertising squarely within a uniform advertising law (the 2012 Law and the 2025 Amended Law).

The 2025 Amended Law will become effective on 1 January 2026.

We hope our article has been helpful to you. Please feel free to contact us if you have any further inquiries.

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⁸ Article 21.1 of the 2025 Amended Law.