



Protection of consumer rights in accordance with ministry of health standards on social media platforms

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Abstract

In the context of the Fourth Industrial Revolution, rapid technological advancement, and digital transformation, social commerce has emerged as a highly promising business trend on social networking platforms. However, these novel trends can also become a double-edged sword when individuals and organizations exploit the viral nature and perceived credibility of social commerce to disseminate inaccurate information, exaggerate product efficacy, or cause serious misconceptions regarding quality, particularly for health-related products. Within the scope of this article, the authors analyze the current status of protection of consumer rights against the advertising of products not certified in compliance with the Ministry of health's standards, thereby contributing to enhancing the effectiveness of online advertising management, ensuring consumer safety, and promoting the healthy, transparent development of Vietnam's digital economy.

Keywords: Protection of Consumer Rights, social commerce, advertising, Not Certified in compliance with the Ministry of Health's standards.

Introduction

1. Current legal status of protection of consumer rights against the advertising of products not certified in compliance with the ministry of health's standards on social commerce platforms

1.1. Achievements in Protecting Consumer Rights Against the Advertising of Products Uncertified by the Ministry of Health Standards on Social Commerce Platforms

Firstly, the Law on Protection of Consumer Rights 2023 has expanded and refined the consumer rights system.

The Law on Protection of Consumer Rights 2023 officially recognizes a total of 11 consumer rights, an increase from the provisions in Article 8 of the 2010 Law. This expansion is not merely quantitative; it reflects a shift in legislative philosophy aimed at elevating the role and status of consumers within the context of digital transformation and emerging consumption trends - particularly regarding the advertising of products not certified in compliance with the Ministry of health's standards. Notably, the 2023 Law introduces rights oriented toward sustainable development, such as the right to be provided with conditions to choose a healthy and sustainable consumption environment, and the right to request organizations to facilitate or support negotiations for dispute resolution.

Secondly, the 2023 Law provides the first specific codification of "remote transactions."

Previously, Decree No. 99/2011/ND-CP only addressed "contracts concluded from a distance." Pursuant to Clause 5, Article 3 of the law on Protection of Consumer Rights 2023, remote transactions are defined as transactions conducted via networks, electronic means, or other platforms where consumers are unable to directly inspect or interact with the products or services before the transaction. To address the inherent nature of these transactions, Article 37 requires parties to provide full and accurate information, including: names, addresses, phone numbers, and other contact methods; and business registration certificates or enterprise identification numbers. This formal legalization of remote transactions not only demonstrates the law's adaptability to

the rapid growth of e-commerce and social commerce but also establishes a control mechanism for information provision in the digital environment.

Thirdly, the law on Protection of Consumer Rights 2023 strengthens the liability of social commerce platforms, particularly regarding consumer protection in cyberspace.

Specifically, Article 39 clarifies the responsibilities of organizations and individuals doing business in cyberspace, including those "establishing and operating intermediary digital platforms." Accordingly, in addition to complying with general obligations regarding information provision, quality assurance, and complaint handling, intermediary platforms, including social commerce platforms, must adhere to supplemental operational obligations as prescribed in Clause 3, Article 39. This regulation provides a comprehensive legal basis to enhance the proactive role and responsibility of social commerce platforms while improving transparency and oversight efficiency for business activities conducted thereon.

Fourthly, Vietnamese law has marked significant progress in protecting vulnerable consumers.

The legal system is gradually being perfected by integrating and specifying protection mechanisms for vulnerable consumer groups across various specialized documents, including the Law on Natural Disaster Prevention and Control (2013), the Law on the Elderly (2019), the Law on Children (2016), and the Law on Persons with Disabilities (2010). To address existing gaps, the law on Protection of Consumer Rights 2023 established a dedicated regime for vulnerable consumers, identifying seven specific groups under Article 8 and prescribing specialized responsibilities for business organizations and individuals in safeguarding the interests of these groups.

Fifthly, the law on Protection of Consumer Rights 2023 has resolved several shortcomings of the 2010 Law regarding Online Dispute Resolution (ODR).

In addition to traditional face-to-face methods, online dispute resolution is being promoted to align with the Fourth Industrial Revolution, as recognized in Clause 3, Article 54

of the law on Protection of Consumer Rights 2023. This reflects the practical application of technology in daily social activities and legal proceedings. In practice, various mediation and arbitration centers in Vietnam have expanded their services to include ODR ^[1], such as the Vietnam International Commercial Mediation Center (VICMC) ^[2], the Vietnam International Arbitration Centre (VIAC) ^[3], and the Hanoi Arbitration and Mediation Center (HIAC) ^[4].

Furthermore, the State is implementing strategic plans to meet technological demands within the judiciary. Specifically, the Supreme People's Court has set a goal to complete the construction of Digital Courts by 2025, issuing Plan No. 131/KH-TANDTC on the digital transformation of the People's Court system ^[5]. To date, the Supreme People's Court has published over 1,966,883 judgments and court decisions online ^[6]. Management software for cassation and re-opening petitions has helped form a unified database, while the Supreme People's Court is also developing Virtual Assistants to support judges in case adjudication ^[7].

Sixthly, the State has intensified inspection, examination, and sanctioning of illegal advertising for uncertified medical products on social commerce platforms.

In April 2025, functional forces dismantled four major operations involving the production and trade of counterfeit milk, modern medicines, and functional foods, involving revenues in the hundreds of billions of VND. In response, on May 2, 2025, Prime Minister Pham Minh Chinh issued Directive No. 55/CD-TTg, requiring ministries and local authorities to strictly handle entities involved in counterfeit medical goods ^[8]. Statistics reveal these enforcement efforts: regarding milk products, market surveillance forces handled 783 cases with fines totaling 2.2 billion VND; regarding pharmaceuticals and functional, 985 violations were handled with administrative fines nearing 32 billion VND, ^[9].

Seventhly, there is an increased application of Artificial Intelligence (AI) and digital data in protecting consumers against uncertified advertisements.

The Ministry of Industry and Trade recently issued Decision No. 239/QĐ-BCT approving the National Program on Consumer Rights Protection for the 2026-2030 period. The core focus has shifted beyond mere legal compliance toward the strategic integration of science and technology into consumer protection efforts. Key initiatives include the establishment of a National Goods Traceability Database, the implementation of Digital Product Passports, and the deployment of Artificial Intelligence (AI) to safeguard consumer interests ^[10]. Notably, in 2026, the Ho Chi Minh City health sector collaborated with academic institutions to research and develop AI-driven applications specifically designed to detect violations in online medical advertising. This AI technology facilitates the automated collection, screening, and analysis of advertising data across cyberspace. It enables the early detection of deceptive advertisements, those exceeding the authorized professional scope, or content showing signs of legal non-compliance ^[11]. Furthermore, extending from the Hanoi Convention to electronic traceability systems, The Ministry of Industry and Trade is progressively constructing a “technological shield” to combat counterfeit and fraudulent goods in the digital environment. The Department of Domestic Market Management is currently developing “The Ministry of Industry and Trade Goods Authentication and Traceability System” (accessible at <https://verigoods.vn>). This system allows for the attachment of electronic tracking codes—such

as Dynamic QR, NFC, or RFID—to individual products, enabling authorities to rapidly verify origins, manufacturing entities, and circulation history. Notably, it mandates that enterprises integrate their internal data with The Ministry of Industry and Trade system via API interfaces, ensuring secure information sharing and preventing data tampering or falsification ^[12]. In parallel, The Ministry of Industry and Trade has been operating the INS electronic database and certification system since 2022 to digitize the entire inspection and administrative sanctioning process. This system empowers market surveillance forces to monitor jurisdictions effectively, identify recidivism, and maintain seamless integration with the National Database on Administrative Violations ^[13].

Challenges and limitations in the practical application of the law on protecting consumer rights against the advertising of products not certified in compliance with the Ministry of health's standards

Firstly, there are significant challenges in controlling and identifying responsible parties. Advertising practices are becoming increasingly diverse, often appearing in the form of product reviews by influencers (KOLs/KOCs) or livestreaming, which makes real-time monitoring difficult ^[14]. In many cases, it is not easy to determine liability, as the advertiser may be different from the seller, and the seller may not be the manufacturer, while platforms often claim to act merely as intermediaries. This situation blurs legal boundaries and complicates enforcement.

Secondly, there are limitations remaining in the mechanisms governing platform responsibility. Platforms are still largely treated as intermediaries and are not fully held accountable for content involving uncertified product advertisements. This lack of joint liability makes it difficult for consumers to complain or seek compensation. Furthermore, in many cases, violations cannot be effectively handled due to the inability to identify the responsible advertiser, coupled with the fact that platform servers are located abroad. Requests to remove non-compliant advertising content are therefore often subject to considerable delays, allowing such products to reach a large number of consumers before any action is taken ^[15].

Thirdly, there are limitations in consumer risk awareness. A large portion of consumers has limited capacity to evaluate risks, leading them to easily trust uncertified products. Misleading advertising forms cause consumers to underestimate health risks, especially when products promise rapid health improvements.

Fourthly, there are still shortcomings in inspection and enforcement mechanisms. Online inspection is difficult due to the vast number of sellers. Current methods are primarily “post-inspection” (reactive), which is ineffective in preventing the high frequency of content on social commerce platforms. In addition, the use of Artificial Intelligence (AI) in detecting violations in Vietnam remains underdeveloped ^[16]. Human resources capable of operating such systems are still limited, which reduces their overall effectiveness. Furthermore, current AI technologies mainly rely on keyword-based detection, making it difficult to identify more complex or disguised forms of advertising commonly seen on social commerce platforms.

Fifthly, the legal framework concerning vulnerable consumers remains inadequate. The 2023 Law adopts a list-based approach to identify these groups. ^[17] While this

approach is relatively easy to apply, it is not comprehensive. Although other laws suggest that vulnerability can stem from specific circumstances, such as losing a relative or suffering from a terminal illness, which can influence purchasing decisions. Therefore, a more flexible and comprehensive definition is needed.

Finally, the handling of false advertising practices remains incomplete. Cases of false advertising on social media are often not prosecuted directly or are reclassified under other crimes. For example, in Judgment No. 111/2025/HSST ^[18] regarding smuggled and counterfeit alcohol, the defendants used Facebook to advertise uncertified products; however, they were only prosecuted for smuggling and counterfeiting, not for the false advertising itself. A similar situation occurred in Judgment No. 133/2025/HSST ^[19] regarding functional foods.

Recommendations for improving the Legal Framework and Enhancing the Effectiveness of Law Enforcement on the protection of consumer rights against advertising of products not certified in compliance with the Ministry of health's standards on social commerce platforms

Firstly, it is essential to establish a dedicated legal framework to regulate advertising activities on e-commerce platforms in general, and specifically the advertising of products not certified in compliance with the Ministry of health's standards. Currently, the Vietnamese legal system lacks specific and detailed provisions to effectively manage this medium. Consequently, it is necessary to amend and supplement advertising regulations to clearly define tax obligations for entities engaged in online sales.

ains lax; individuals can easily initiate multiple stalls with minimal oversight. Therefore, e-commerce platforms should revise their policies by requiring merchants to provide Identity Cards (ID) or Citizen Identification Cards (CID) and by restricting each individual to a single authorized storefront. Furthermore, individuals or organizations disseminating advertising content must bear legal liability and submit prior notification of advertisements for products, goods, or services via the Public Service Information Portal before broadcasting them on social media. Additionally, short-term training courses on advertising law should be organized for content disseminators. Regulatory bodies should also collaborate with social media influencers (KOLs/influencers) to propagate legal regulations to the public.

Thirdly, a comprehensive mechanism defining the full scope of liability for social commerce platforms must be implemented. Presently, these platforms are only held jointly and severally liable for damages arising between consumers and merchants. This is inadequate given that the majority of transactions are now conducted via these intermediaries. Regulations should be expanded to hold platforms directly liable for products sold on their interfaces, mandate their role as third-party mediators in dispute resolution, and hold them strictly accountable for the accuracy and transparency of all hosted advertising content.

Fourthly, a comprehensive definition of "vulnerable consumers" must be established to ensure consistency across specialized laws. While the term "vulnerable" appears in various legal instruments—including the 2023 Law on Protection of Consumers' Rights—the phrasing of these definitions varies despite sharing the same core intent. This discrepancy leads to an inconsistent and fragmented

application. It is therefore imperative to harmonize this definition to encompass all "vulnerable groups" in general and "vulnerable consumers" in particular, ensuring synchronized legal protection.

Fifthly, inspection, examination, and sanctioning of advertising violations on social commerce platforms must be intensified. Competent authorities should transition from traditional inspection methods to the application of modern technologies such as Artificial Intelligence (AI), Big Data, and specialized management software. Given the massive volume and diversity of social media content, manual oversight is no longer viable. Utilizing Big Data analytics will allow authorities to continuously monitor advertising activities and identify accounts or individuals that frequently promote unverified medical products. This shift will ensure that inspections are targeted and high-impact, optimizing resources and enhancing consumer protection.

Conclusion

Based on an analysis of legal practice in Vietnam, the authors identify inadequacies in both the legal framework and enforcement mechanisms. The article proposes two groups of solutions: (i) improving legal regulations to suit social commerce characteristics; and (ii) enhancing implementation through increased monitoring and subject responsibility. These recommendations aim to ensure transparency and safety in the digital economy.

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