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Guideline for Product Labelling in Myanmar

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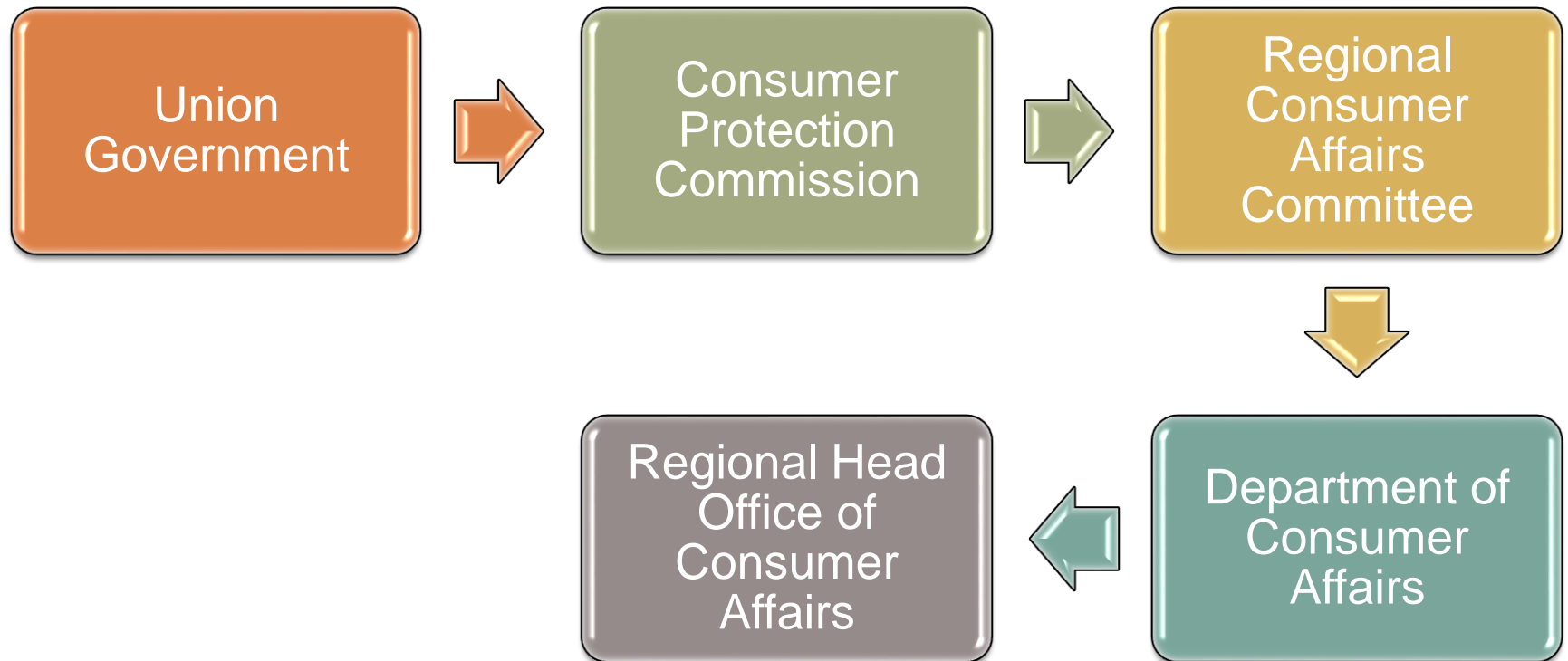
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March 15, 2019

**Consumer protection Law
(Pyidaungsu Hluttaw Law No. 9/2019)**

Organization Chart of Consumer Affairs



Key Authority and Function Thereof

- ▶ **Examiner: Appointed by Department of Consumer Affairs**
 - Monitoring goods imported to and manufactured in local before or after entering the market;
 - Monitoring product labelling;
 - Reporting Regional Head Office of Consumer Affairs regarding damaged goods and goods which are not conformed to the specifications under the Law.
- ▶ **Regional Head Office of Consumer Affairs**
 - Taking action according to the Law if relevant Government Department returns feedback about damaged goods (under the assignment of Department);
 - Reporting Committee to take action according to the Law if an entrepreneur fails to comply the provisions of Law;
 - Taking administrative actions under section 52;
 - Notifying;
 - Modifying;
 - Substituting;
 - Refund.

Essential Provision

- ▶ **Entrepreneur** means an individual person or organization conducting production, distribution, storage, transportation, sale reproduction, exportation, importation, resale of goods, providing services or advertisement.
- ▶ **Goods** means thing which is purchased, used or consumed by the consumers, themselves or for others.
- ▶ **Product Label** means the information or mark related to the goods described by the letter or printing or picture or by other means on the goods or packaging of goods.
- ▶ **Ministry** means Ministry of Commerce.

Chapter 18

Describing Product Label

- ▶ Under section 1(b) of Consumer Protection Law 2019. The provisions contain under Chapter 18 of this law shall come into force on the day one year after promulgation of this law (e.g. March 16, 2020). The provisions contain under other Chapters shall come into force on promulgation of this law.
- ▶ The important keys of **Chapter 18**
 - Describing product labels; [Section 41]
 - Describing science survey and health guarantees of respective organizations; Section [42]*
 - Describing product labels in Myanmar and/or Myanmar and other language; [Section 43]
- * **Section 42** is voluntary and maybe described under the decision of entrepreneur, if it is concerned.

Describing Product Label

▶ Section 41

a) Trademark/Mark/Brand Name;

b) Type of goods, size, quantity and net weight, direction for storage and direction for use;

c) Manufacturing date and expire date, manufacturing lot number;

d) Importer's name and address, manufacturing enterprise's name and address if imported goods;

e) Manufacturing place or re-packaging place for imported goods;

f) Ingredients and amount of them, contained ration of goods;

g) Side effect or allergy warning;

h) Information specified by relevant Government Departments.

Describing Product Label

- ▶ The product labels **must be mentioned** in **Myanmar language** for:
 - **Section 41 (b)**: Type of goods, size, quantity and net weight, direction for storage and direction for use; and
 - **Section 41 (g)**: Side effect or allergy warning.

Responsibility

- ▶ The following persons have responsible regarding goods/services:
 - Goods seller or service provided entrepreneur;
 - Manufacturer;
 - The person who has authority to use the name, trademark or other identity marks on the goods;
 - Distributor who imported the goods;
 - Sub-distributor;
 - Services provider provided service for local consumer at local or abroad.

Prohibition

- ▶ Distributing the incorrect news;
- ▶ Advertising about goods/services with incorrect information, misleading information and contra with existing laws;
- ▶ Inappropriate promoting;
- ▶ Selling goods/services after modifying or transforming;
- ▶ Describing standard quality incorrectly;
- ▶ Modifying expire date;
- ▶ Mixing goods with good quality and low quality;
- ▶ Trading the goods/products without product label requirements.

Offences and Penalty (Section 73 – Consumer Protection Law)

Offences	Penalty
<ul style="list-style-type: none">Producing, trading and selling of goods and services, which are not conformed to product labelling requirements and differed from the same advertisement and promotion; prohibited goods/services.Not comply with product labelling requirement for Myanmar language as of Directive No. 2/2019.	<p>Imprisonment not exceeding <u>2 years</u> and minimum fine not exceeding <u>20 million Kyats</u> and <u>both</u>.</p>

December 3, 2019

**Myanmar Consumer
Protection Commission
Directive No. 2/2019**

Myanmar Consumer Protection Commission

Directive No. 2/2019

- ▶ All entrepreneurs are to comply with this Directives for product labelling in the Myanmar language, when the descriptions include one or more languages in addition to the required Myanmar language.

Myanmar Consumer Protection Commission

Directive No. 2/2019

- ▶ All entrepreneurs must comply when describing the following in the Myanmar language, when the descriptions include one or more of another language along with the Myanmar language:
 - Name of Goods
 - Size, Quantity and Net Content
 - Storage Instructions
 - Directions for Use
 - Side Effects
 - Cautionary Warnings for Allergies
 - Precautions

Myanmar Consumer Protection Commission

Directive No. 2/2019

- ▶ Actions shall be taken under **Section 73** of the Consumer Protection Law 2019, if the entrepreneurs fail to comply with directives under Directive No. 2/2019.
 - The penalties under **Section 73** would be maximum imprisonment up to 2 years and maximum fine up to 20 million Kyats or both.

**Analysis of Product Labelling
Guidelines in Myanmar Language
(Directive No. 2/2019)**

Guidelines for Groups of Priority Goods

▶ Groups of priority goods

Food and Drink
Household Products
Children's Goods
Telecoms Equipment
Drugs and supplements
Cosmetics
Consumer Products
Industrial Products

Product Labelling Guidelines in Myanmar Language (Directive No. 2/2019)

- ▶ **Myanmar Consumer Protection Commission** issues guidelines for description of product labels as sample in Myanmar language below:

Goods	Type of Goods	Size, Quantity and Net Weight	Direction for Use	Storage Instruction	Cautionary Warnings for Allergies	Side Effects	Precautions
Milk and dairy products	✓	✓	✓	✓	✓	X	✓

- ▶ X for Voluntary

Outcomes from consultation with Central Committee of Consumer Protection

- ▶ **Section 41(d)** provides for parallel importation;
 - 41(d): Importer's name and address, manufacturing enterprise's name and address.
- ▶ Entrepreneurs can request Central Committee to review the Myanmar translation of product labels;
- ▶ Myanmar translation requirements will be re-considered for Duty Free Shop at the airport.

Over-Labelling Standard

- ▶ Over-labelling or re-packaging with sticker is acceptable for the products produced for other countries, and those products are intended to import into Myanmar.
- ▶ The specifications or restrictions for over-labelling with sticker are expected to be imposed by Myanmar Consumer Protection Commission (MCPC) with a directive at later stage.
- ▶ MCPC will grant the **entrepreneurs** for a specific period in advance to comply with the specification regarding over-labelling with stickers.



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