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**MINISTRY OF CULTURE,
 SPORTS AND TOURISM**

No.: 25/2018/TT-BVHTTDL

SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

Hanoi, August 30, 2018

CIRCULAR

**REGULATIONS ON THE RESTRICTION OF USING IMAGES OF ACTORS PORTRAYING
 TOBACCO USE IN THEATRICAL AND CINEMATOGRAPHIC WORKS**

Pursuant to the Tobacco Harm Prevention and Control Act of 2012;

Pursuant to the Cinematography Act of 2006 and the law amending and supplementing various articles of the Cinematography Act of 2009;

Pursuant to Decree no. [79/2012/NĐ-CP](#) issued by the Government on October 5, 2012 regulating art performances, fashion shows; beauty and model contests; circulating and trading audio and video recordings of music, dance and stage performances, and pursuant to Decree no. [15/2016/NĐ-CP](#) issued by the Government on March 15, 2016 amending and supplementing various articles of Decree no. [79/2012/NĐ-CP](#) issued by the Government on October 5, 2012 stipulating art performances, fashion shows; beauty and model contests; circulating and trading audio and video recordings of music and dance performances;

Pursuant to Decree no. [79/2017/NĐ-CP](#) issued by the Government on July 17, 2017 stipulating functions, responsibilities, authority, and organizational structure of the Ministry of Culture, Sports and Tourism;

At the recommendation of the Director of the Legal and Compliance Department,

The Minister of Culture, Sports and Tourism issued a Circular on the restriction of using images of actors portraying tobacco use in theatrical and cinematographic works.

Article 1. Scope of Amendments

This Circular stipulates rules and contents of the restriction of using images of actors portraying tobacco use in theatrical and cinematographic works and the responsibilities of organizations and individuals involved.

Article 2. Subjects Affected

1. Organizations and individuals organizing art performances.
2. Organizations and individuals producing, importing, releasing and distributing films.
3. Other organizations and individuals involved in theatrical and cinematographic activities.

Article 3. Restriction Rules of Using Images of Actors Portraying Tobacco Use in Theatrical and Cinematographic Works

1. The images of actors portraying tobacco use are prohibited in the following cases:
 - a) Portraying the prohibited acts and behaviors being stipulated in Article 9 and acts and behaviors violating the responsibilities of smokers being stipulated in Article 13 of the Tobacco Harm Prevention and Control Act, except when being used to criticizing and denouncing these behaviors;
 - b) Complimenting organizations and individuals of their cigarette production and trading success;
 - c) In films and theatrical works for children;
 - d) Other cases as stipulated by law.
2. The use of actor images using tobacco for artistic purposes complying with Articles 4 and 5 of this Circular.

Article 4. Actors using tobacco for artistic purposes in theatrical works

1. Actors may use tobacco for artistic purposes in theatrical works in the following cases:
 - a) Depicting true historical figures;
 - b) Recreating certain historical periods;
 - c) Criticizing and denouncing the use of tobacco;
 - d) Other cases for artistic purposes approved by authority agencies at the recommendation of the Arts Council.
2. When using tobacco for artistic purposes, actors do not actually use tobacco on stage.

Article 5. Actors using tobacco for artistic purposes in cinematographic works

1. Actors may use tobacco for artistic purposes in cinematographic works in the following cases:
 - a) Cases stipulated in Item a, b, and c of Clause 1, Article 4 of this Circular;
 - b) Other cases for artistic purposes approved by authority agencies at the recommendation of the Arts Council.
2. Cases of films in which there are scenes of actors using tobacco appropriately according to the approval of the arts council, the distribution of such films must follow one of the following requirements:
 - a) The films must be categorized, rated and distributed to age-appropriate audiences. The films must be categorized based on the criteria in the Appendix attached with this Circular;
 - b) Must have health warnings about harmful effects of tobacco with printed text or images.

Article 6. Responsibilities of organizations and individuals involved

1. The Department of Cinema and the Department of Performing Arts, according to their functions, responsibilities and authority, shall coordinate with the Legal and Compliance Department to offer guidelines, review and conduct the implementation of this Circular nationwide.
2. Departments of Culture, Sports and Tourism and Departments of Culture and Sports of provinces and cities under central authority shall be responsible for conducting the implementation of this Circular in their localities.
3. Organizations and individuals organizing art performances; producing, importing, releasing and distributing films, and other organizations and individuals involved have responsibilities to ensure the compliance of the restriction of using images of actors portraying tobacco use in accordance to the rules of this Circular in their professional portrayal.

Article 7. Effective Date

1. This Circular takes effect on November 15, 2018.
2. Circular no. [02/2014/TT-BVHTTDL](#) issued by the Minister of Culture, Sports and Tourism on May 14, 2014, restricting the use of tobacco in theatrical and cinematographic works will cease being valid upon the effective date of this Circular.

During the implementation and enforcement of the rules stipulated in this Circular, should any problems arise, it is recommended that organizations and individuals timely report them to the Ministry of Culture, Sports and Tourism for further examining and handling.

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- Radio and Television Stations of Provinces and Cities under the Central Government;
- Social Organizations Working in Film and Performing Arts;
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Nguyen Ngoc Thien

APPENDIX

(Attached to Circular No.: 25/2018/TT-BVHTTDL issued by the Minister of Culture, Sports and Tourism on August 30, 2018)

CLASSIFICATION CRITERIA FOR FILMS CONTAINING IMAGES OF ACTORS USING TOBACCO

No.	Film Type	Classification Criteria
1	<p style="text-align: center;">P</p> <p><i>Films approved for wide distribution to all audiences</i></p>	<p>Not allowed to having images of actors using tobacco, except for the purpose of criticizing or denouncing this behavior, or in cases of artistic purposes but not portraying in detail, short takes of acting and very brief in duration.</p>
2	<p style="text-align: center;">C13</p> <p><i>Films not approved for distribution to audiences under 13 years of age.</i></p>	<p>Not allowed to having images of actors using tobacco, except for the purpose of criticizing or denouncing this behavior, or in cases of artistic purposes but not portraying in detail, reasonable number of takes of acting and brief in duration.</p>
3	<p style="text-align: center;">C16</p> <p><i>Films not approved for distribution to audiences under 16 years of age.</i></p>	<p>Not allowed to having images of actors using tobacco, except for the purpose of criticizing or denouncing this behavior, or in cases of artistic purposes but not portraying in detail, not very frequent in number of takes of acting and reasonable in duration.</p>
4	<p style="text-align: center;">C18</p> <p><i>Films not approved for distribution to audiences under 18 years of age.</i></p>	<p>Not allowed to having images of actors using tobacco, except for the purpose of criticizing or denouncing this behavior, or in cases of artistic purposes, appropriate number of takes of acting and duration to film content.</p>