ACT ON FAIR LABELING AND ADVERTISING

CHAPTER I GENERAL PROVISIONS

Article 1 (Objective)
The purpose of this Act is to prevent unfair labels and advertisements for products and services which may deceive or mislead consumers, and to promote provision of correct and useful information to consumers, thereby establishing order in fair trade and protecting consumers.

Article 2 (Definitions)
The definitions of terms used in this Act shall be as follows: <Amended by Act No. 7794, Dec. 29, 2005; Act No. 9785, Jul. 31, 2009>

1. The term "label" means characters or figures written in or attached to containers or packages of products (including attachments and contents), bulletins in places of business or certificates proving rights to products, etc., such as gift certificates, membership cards and purchase rights, and containers or packages indicating characteristics of products, in order that business operators or business operators' organizations may inform consumers of matters concerning products or services falling under any of the following items:
   (a) Matters on business operators concerned or other business operators;
   (b) Matters on details of products produced or provided by business operators concerned or other business operators, terms of transactions and other matters concerning transactions;

2. The term "advertisements" means matters concerning products falling under any item of subparagraph 1, which are widely known or suggested to consumers by business operators, etc. through newspapers and internet newspapers under subparagraphs 1 and 2 of Article 2 of the Act on Promotion of Newspapers, periodicals under Article 2 of the Act on Promotion of Periodicals, including Magazines, broadcasting under subparagraph 1 of Article 2 of the Broadcasting Act, telecommunications under subparagraph 1 of Article 2 of the Framework Act on Telecommunications and other methods prescribed by Presidential Decree;

3. The term "business operators" means business operators under subparagraph 1 of Article 2 of the Monopoly Regulation and Fair Trade Act;

4. The term "business operators' organizations" means business operators' organizations under subparagraph 4 of Article 2 of the Monopoly Regulation and Fair Trade Act;

5. The term "consumers" means those who use products produced or provided by business operators, etc.
CHAPTER II PROHIBITION AGAINST UNFAIR LABELING OR ADVERTISING

Article 3 (Prohibition against Unfair Labeling or Advertising)
(1) No business operator, etc. shall commit labeling- or advertising-related acts falling under any of the following subparagraphs, which may undermine order in fair trade by deceiving or misleading consumers, or compel other business operators to commit such acts:
   1. False or exaggerative labeling or advertising;
   2. Deceptive labeling or advertising;
   3. Unlawful comparative labeling or advertising;
   4. Slanderous labeling or advertising.
(2) Detailed matters on acts falling under each subparagraph of paragraph (1) shall be determined by Presidential Decree.

Article 4 (Announcement of Critical Information and Integrated Notification)
(1) The Fair Trade Commission may provide public notice of matters which shall be included in labels or in advertisements by business operators, etc. (hereinafter referred to as "critical information") and methods of labelling or advertising (including online labeling or advertising; hereinafter the same shall apply), where any of the following matters is needed for protecting consumers or maintaining order in fair trade, in consideration of characteristics of products or trade fields: Provided, That matters prescribed to be included in labels or in advertisements by other Acts and subordinate statutes shall be excluded herefrom:
   1. Matters, the omission of which in labels or in advertisements often causes loss to consumers;
   2. Matters, the omission of which in labels or in advertisements is likely to lead to situations falling under any of the following items:
      (a) When consumers' inaccurate knowledge of crucial defects or functional limits of products, etc. has a decisive influence on consumers' decision to purchase products, etc.;
      (b) When lives of consumers are likely to be put in danger or bodies are likely to be injured;
      (c) When consumers' rational choices are likely to be ruined, or order in fair trade is likely to be considerably undermined.
(2) Where the Fair Trade Commission intends to provide public notice under paragraph (1), it shall consult in advance with the heads of the relevant administrative agencies. In such cases, the Fair Trade Commission may hold a public hearing to hear opinions of business operators' organizations, consumer organizations registered under Article 29 of the Framework Act on Consumers (hereinafter referred to as "consumer organizations"), or other interested parties, when deemed necessary. <Amended by Act No. 7988, Sep. 27, 2006; Act No. 10167, Mar. 22, 2010>
(3) The Fair Trade Commission may give public notification by integrating matters prescribed to be included in labels or in advertisements and matters restricted or prohibited in labels or in advertisements by other Acts and subordinate statutes (hereinafter referred to as "integrated notification") in order to provide comprehensive information to interested parties, including consumers and business operators, in announcing crucial information.
(4) When Acts and subordinate statutes concerning matters subject to integrated notification under paragraph (3) has been enacted or amended, the heads of the relevant administrative agencies shall report it to the Fair Trade Commission before the enforcement date of such Acts and subordinate statutes to ensure that such matters are integrated and then publicly notified.
(5) When business operators, etc. commit acts of labelling or advertising, they shall include crucial information announced under paragraph (1) in labels or in advertisements. [This Article Wholly Amended by Act No. 7794, Dec. 29, 2005]

Article 4-2 Deleted. <by Act No. 10167, Mar. 22, 2010>
Article 5 (Verification of Details of Labels and Advertisements)
(1) Business operators, etc. shall be able to verify matters concerning facts included in their labels or advertisements.
(2) In cases where business operators, etc. are likely to violate provisions of Article 3 (1) and verification under paragraph (1) is deemed to be necessary, the Fair Trade Commission may request data from the relevant business operators, etc. by specifying details of the request.
(3) Business operators, etc., which have been requested to submit data needed for verification under paragraph (2), shall submit the data, within 15 days after the date on which they receive such request, to the Fair Trade Commission: Provided, That the Fair Trade Commission may extend the period for submission of data, when any justifiable ground exists. <Amended by Act No. 7794, Dec. 29, 2005>
(4) The Fair Trade Commission may make the data for verification submitted by business operators, etc. under paragraph (3) available for the public perusal or open the data to the public in another appropriate manner, in cases where it is deemed necessary to prevent consumers from being misled about products or to maintain order in fair trade: Provided, That this shall not apply to cases where the data falls within the category of trade secrets and disclosing the data to the public is likely to disturb business activities of business operators, etc.
(5) When business operators, etc., which have been requested to submit verification data under paragraph (2), continue to commit acts of labelling or advertising without submitting such data within a period for submission under paragraph (3), the Fair Trade Commission may order business operators, etc. to cease acts of labeling or advertising until they submit the data. <Newly Inserted by Act No. 7794, Dec. 29, 2005>

Article 6 (Prohibition against Restrictions on Labeling or Advertising by Business Operators' Organizations)
(1) Business operators' organizations shall not restrict labelling or advertising of business operators who belong to the relevant business operators' organizations, except as otherwise provided for by Acts and subordinate statutes: Provided, That this shall not apply to cases where the Fair Trade Commission deems it necessary for protecting the interests of consumers and maintaining order in fair trade.
(2) The Fair Trade Commission shall, when it intends to recognize restrictions on labeling or advertising by business operators' organizations under the proviso to paragraph (1), consult in advance with the heads of the relevant administrative agencies.
(3) The Fair Trade Commission may issue orders to take measures falling under each of the following subparagraphs, when any act violates provisions referred to in the main sentence of paragraph (1):
   1. Suspension of the relevant violations;
   2. Modification of articles of association or covenants prescribing the relevant violations;
   3. Other measures needed for correction of violations.

Article 7 (Corrective Measures)
(1) When business operators, etc. engages in unfair labeling or advertising in violation of Article 3 (1), the Fair Trade Commission may issue an order to take corrective measures falling under the following subparagraphs to the relevant business operators, etc.: <Amended by Act No. 7794, Dec. 29, 2005>
   1. Suspension of the relevant violations;
   2. Publication of the fact that a corrective order has been issued to the relevant business operators, etc.;
   3. Corrected advertisements;
   4. Other measures needed for correction of violations.
(2) Matters needed for publication of the fact that a corrective order has been issued to business operators, etc., and for corrected advertisements under paragraph (1) 2 and 3 shall be prescribed by Presidential Decree. <Amended by Act No. 7794, Dec. 29, 2005>

Article 8 (Order for Temporary Suspension)
(1) The Fair Trade Commission may order business operators, etc. to temporarily suspend acts of labeling or advertising, when such acts fall under any of the following subparagraphs:

1. When labeling or advertising is suspected to violate the provisions of Article 3 (1);
2. When the relevant labeling or advertising is likely to cause irrecoverable loss to consumers or competitors, so prevention of such damage is deemed to be urgently needed.

(2) When labeling or advertising of business operators, etc. is deemed to fall under any subparagraph of paragraph (1), consumer organizations, and other agencies or organizations prescribed by Presidential Decree may request the Fair Trade Commission to give an order to temporarily suspend the relevant labeling or advertising in writing (including electronic documents). Amended by Act No. 7794, Dec. 29, 2005

(3) Any one who is dissatisfied with an order issued under paragraph (1) may raise an objection to the Fair Trade Commission within seven days from the date on which such order is issued to him/her.

(4) If a person who has been issued with an order under paragraph (1) raises an objection, the Fair Trade Commission shall, without delay, notify the Seoul High Court, which, in turn, shall proceed to a trial pursuant to the Non-Contentious Case Litigation Procedure Act. Amended by Act No. 7794, Dec. 29, 2005

(5) The provisions of Article 15 of the Non-Contentious Case Litigation Procedure Act shall not apply to a trial held under paragraph (4). Amended by Act No. 7794, Dec. 29, 2005

Article 9 (Penalty Surcharges)

(1) The Fair Trade Commission may impose penalty surcharges on business operators, etc. who have committed labeling or advertising acts in violation of Article 3 (1), within the scope not exceeding amounts of sales prescribed by Presidential Decree (referring to operating profits in cases of business operators prescribed by Presidential Decree: hereinafter the same shall apply) multiplied by 2/100: Provided, That it may impose penalty surcharges not exceeding 500 million won on business operators, etc. prescribed by Presidential Decree, when such violators have no sales or it is difficult to calculate amounts of sales. Amended by Act No. 7794, Dec. 29, 2005

(2) The Fair Trade Commission may impose penalty surcharges not exceeding 500 million won on business operators' organizations which have restricted labeling or advertising of business operators in violation of the main sentence of Article 6 (1).

(3) The Fair Trade Commission shall take into account grounds falling under each of the following subparagraphs, in imposing penalty surcharges under paragraph (1) or (2):

<Amended by Act No. 7794, Dec. 29, 2005>
1. Details and degree of each violation;
2. Period and frequency of each violation;
3. Size of profits generated from each violation;
4. Degree of effort by business operators, etc. to prevent damage to consumers and to grant compensation for damage to consumers.

(4) When a corporation which has violated the provisions of Article 3 (1), carries out a merger, penalty surcharges shall be imposed and collected by considering that violations of the relevant corporation have been committed by a corporation which survived the merger or established by a merger.

(5) The criteria for imposition of penalty surcharges under paragraph (1) or (2) shall be prescribed by Presidential Decree.

CHAPTER III COMPENSATION FOR DAMAGE

Article 10 (Obligation to Compensate for Damage)

(1) When any person has suffered damage from unfair labeling or advertising which violates Article 3 (1), business operators, etc. shall be obligated to compensate for damage to the
sufferer.
(2) Business operators obligated to compensate for damage under paragraph (1) shall not be exempted from such obligation, by citing damage has not been caused intentionally or negligently.

Article 11 (Restriction on Assertion of Right to Claim Compensation for Damage in Trial)
(1) In cases where an order to take a corrective measure has been issued pursuant to Article 7 against violations under Article 3 (1), the right to claim compensation for damage under the provisions of Article 10, related to such violations, may not be asserted in a trial unless a corrective measure under Article 7 is finalized: Provided, That this shall not restrict a lawsuit claiming compensation for damage under Article 750 of the Civil Act. <Amended by Act No. 7794, Dec. 29, 2005>
(2) In cases where three years have passed from the date on which the right to claim compensation for damage pursuant to the main sentence of paragraph (1) may be exercised, the extinctive prescription shall be completed.

CHAPTER IV SUPPLEMENTARY PROVISIONS

Article 12 (Duty of Confidentiality)
No employee of the Fair Trade Commission or public official who has performed or performs duties under this Act, and no person who held such position shall divulge any confidential information of business operators, known to him/her in the course of his/her performance of duties, or use such information for any other purpose, except for implementation of this Act.

Article 13 (Consultation on Enactment of Acts and Subordinate Statutes Related to Restrictions on Labelling or Advertising)
The heads of the relevant administrative agencies shall, when he/she intends to enact or amend Acts and subordinate statutes which stipulate restrictions on business operators' labelling or advertising or imposition of duties concerning labeling or advertising, consult in advance with the Fair Trade Commission. [This Article Wholly Amended by Act No. 7794, Dec. 29, 2005]

Article 14 (Voluntary Covenants concerning Labels or Advertisements)
(1) Business operators, etc. may voluntarily determine covenants or standards concerning labels or advertisements, etc. (hereinafter referred to as "voluntary covenants") in order to prevent violations against the provisions of Article 3 (1). <Amended by Act No. 7794, Dec. 29, 2005>
(2) Voluntary covenants shall be suitable for preventing violations against the provisions of Article 3 (1), and the covenants shall not place restrictions on labels or advertisements of business operators and information provided to consumers without justifiable grounds. <Newly Inserted by Act No. 7794, Dec. 29, 2005>
(3) Business operators, etc. may request the Fair Trade Commission to examine whether voluntary covenants determined under paragraph (1) violate the provisions of Article 3 (1) or not.
(4) When the Fair Trade Commission shall, when it has been requested to examine voluntary covenants under paragraph (3), notify applicants of the outcomes of the examination within 60 days from the date on which it has been requested to conduct an examination. <Amended by Act No. 7794, Dec. 29, 2005>
(5) When voluntary covenants have violated the provisions of paragraph (2), the Fair Trade Commission may order business operators to take corrective measures. <Newly Inserted by Act No. 7794, Dec. 29, 2005>

Article 14-2 (Voluntary Deliberation Agency on Labels or Advertisements)
(1) Any person who runs an organization (hereinafter referred to as "voluntary deliberation agency") aimed at preventing unfair labeling or advertising, including efforts to deliberate on (referring to judgement on whether labels or advertisements violate Acts and
subordinate statutes or voluntary covenants, regardless of the title; hereinafter the same shall apply) whether labels or advertisements of business operators, etc. violate the provisions of Article 3 (1) or voluntary covenants, may report to the Fair Trade Commission, as prescribed by Presidential Decree.

(2) A voluntary deliberation agency, etc. shall make determinations in accordance with Article 3 (1) or voluntary covenants, in deliberating on labels or advertisements, and shall not put restrictions on labels or advertisements of business operators, etc. or information provided to consumers without justifiable grounds.

(3) The Fair Trade Commission may request a voluntary deliberation agency, etc. to submit data on details or outcomes of deliberation.

(4) When details or outcomes of deliberation by a voluntary deliberation agency, etc. violate the provisions of paragraph (2), the Fair Trade Commission may request correction thereof, and a voluntary deliberation agency, etc. shall comply with such request unless any extraordinary ground exists to the contrary.

(5) When some labels or advertisements are deemed to be subject to deliberation by a voluntary deliberation agency, etc., the Fair Trade Commission may request a voluntary deliberation agency, etc. to deliberate on such labels or advertisements.

(6) The Fair Trade Commission shall not order business operators to take corrective measures under Article 7 when business operators have corrected unfair labeling or advertising in accordance with outcomes of deliberation by a voluntary deliberation agency, etc. which has been requested by the Fair Trade Commission under paragraph (5): Provided, That this shall not apply to cases where offences in violation of the provisions of this Act are repeated or corrective measures of the voluntary deliberation agency, etc. are deemed inadequate to prevent damage to consumers or competitors, even when business operators, etc. have taken corrective measures in accordance with outcomes of deliberation by the voluntary deliberation agency, etc.

(7) When a voluntary deliberation agency, etc. (including a voluntary deliberation agency of business operators' organizations recognized by the Fair Trade Commission under the proviso to Article 6 (1), and deliberation agencies, to which deliberation has been delegated by other Acts and subordinate statutes) reported under paragraph (1) has deliberated on labeling or advertising, which has been requested by the Fair Trade Commission under paragraph (5), the Fair Trade Commission may subsidize costs of such deliberation within the scope of its budget.

[This Article Newly Inserted by Act No. 7794, Dec. 29, 2005]

Article 15 (Cooperation from Heads of Relevant Agencies)

(1) The Fair Trade Commission may hear opinions from the heads of the relevant administrative agencies or organizations, when it is deemed necessary for the enforcement of this Act.

(2) The Fair Trade Commission may request the heads of the relevant administrative agencies or organizations to conduct necessary surveys or submit necessary data, when it is deemed necessary for the enforcement of this Act.

(3) The Fair Trade Commission may request necessary cooperation from the heads of the relevant administrative agencies or organizations, when it is deemed necessary for ensuring that business operators comply with orders issued pursuant to Article 6 (3) or 7 (1).

(4) The Fair Trade Commission shall, when it has reasonable grounds to conduct an ex officio investigation into the situations, deeming that finance and insurance business operators violated the provisions of Article 3 (1) and it conduct an ex officio investigation into the situations, notify the Financial Services Commission of such violations and have the Financial Services Commission deal with them, without being involved in such investigations. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 8863, Feb. 29, 2008>

(5) The Financial Services Commission, upon being notified under paragraph (4) shall deal faithfully with such notification in accordance with Acts and subordinate statutes concerning finance and insurance, and inform the Fair Trade Commission of outcomes thereof. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 8863, Feb. 29, 2008>
Article 16 (Application mutatis mutandis of Monopoly Regulation and Fair Trade Act)

(1) The provisions of Articles 42 through 45 and 52 of the Monopoly Regulation and Fair Trade Act shall apply mutatis mutandis to duties of the Fair Trade Commission pursuant to this Act, and the provisions of Articles 53, 53-2, 54, 55 and 55-2 of the Monopoly Regulation and Fair Trade Act shall apply mutatis mutandis to raising an objection against, and instituting litigation against a disposition by the Fair Trade Commission under this Act (excluding an order for temporary suspension under Article 8 (1)), exclusive jurisdiction over an action of appeal, and handling cases. <Amended by Act No. 7794, Dec. 29, 2005>

(2) The provisions of Article 49 of the Monopoly Regulation and Fair Trade Act shall apply mutatis mutandis to recognition and report, etc. of violations of this Act, and the provisions of Articles 50 and 51 of the Monopoly Regulation and Fair Trade Act shall apply mutatis mutandis to investigations by the Fair Trade Commission, consideration of opinions, and recommendation for correction, etc. <Amended by Act No. 7794, Dec. 29, 2005>

(3) The provisions of Article 55-4 and 55-7 of the Monopoly Regulation and Fair Trade Act shall apply mutatis mutandis to extension of a period for payment of penalty surcharges, installment payments, duty of joint and several payment of penalty surcharges, collection of penalty surcharges, disposition on default, additional payments on refund of penalty surcharges under this Act, and the provisions of Article 71 of the Monopoly Regulation and Fair Trade Act shall apply mutatis mutandis to accusation of offences pursuant to Article 17 of this Act. <Amended by Act No. 7794, Dec. 29, 2005>

CHAPTER V PENAL PROVISIONS

Article 17 (Penal Provisions)
A person who falls under any of the following subparagraphs shall be punished by imprisonment with prison labor for not more than two years or by a fine not exceeding 150 million won:
1. Business operators, etc. who commits acts of unfair labeling or advertising in violation of Article 3 (1), or who allows other business operators, etc. to commit such acts;
2. Persons who fails to comply with orders issued under Article 6 (3) or Article 7 (1).

Article 18 (Penal Provisions)
Any person who violates the provisions of Article 12 shall be punished by imprisonment with prison labor for not more than two years or by a fine not exceeding five million won.

Article 19 (Joint Penal Provisions)
If the representative of a corporation (including organizations which are not a legal entity; hereafter the same shall apply in this Article), or any agent, employee or other employed person of the corporation or any other private individual commits an offense pursuant to Article 17 in connection with duties of the corporation or the individual, not only shall such offender be punished accordingly, but the aforementioned corporation or private individual shall also be punished by the fine prescribed in the relevant Article: Provided, That this shall not apply where the corporation or the individual has not neglected to pay due attention and supervision concerning the relevant business in order to prevent such violation. [This Article Wholly Amended by Act No. 10167, Mar. 22, 2010]

Article 20 (Fines for Negligence)
(1) When business operators, etc. fall under any of the following subparagraphs 1 through 4, and 6 through 8, they shall be punished by fines for negligence not exceeding 100 million won, and when business operators, etc. fall under subparagraph 5, they shall be punished by fines for negligence not exceeding 30 million won, and officers, employees or other interested persons of a corporation or a business operators' organization fall under any of the following subparagraphs, they shall be punished by fines for negligence not exceeding 10 million won: <Amended by Act No. 7794, Dec. 29, 2005>
1. A person who fails to include announced crucial information in labels or in advertisements in violation of Article 4 (5);
2. A person who fails to submit data needed for verification in violation of Article 5 (3);
3. A person who fails to suspend acts of labeling or advertising in violation of Article 5 (5);
4. A person who fails to comply with an order for temporary suspension in violation of Article 8 (1);
5. A person who fails to comply with an order for corrective measures in violation of Article 14 (5);
6. A person who fails to attend without any justifiable ground in violation of Article 50 (1) 1 of the Monopoly Regulation and Fair Trade Act which is applied mutatis mutandis under Article 16 (2);
7. A person who fails to report or submit necessary data or items under Article 50 (1) 3 or (3) of the Monopoly Regulation and Fair Trade Act which is applied mutatis mutandis under Article 16 (2) or who reports or submits data or items in a fraudulent manner;
8. A person who refuses, obstructs or evades an investigation under Article 50 (2) of the Monopoly Regulation and Fair Trade Act which is applied mutatis mutandis under Article 16 (2).

(2) Any person who fails to comply with an order for maintaining an order under Article 43-2 of the Monopoly Regulation and Fair Trade Act which is applied mutatis mutandis under Article 16 (1) shall be punished by a fine for negligence not exceeding one million won. <Amended by Act No. 7794, Dec. 29, 2005>

(3) Fines for negligence under paragraph (1) or (2) shall be imposed and collected by the Fair Trade Commission as prescribed by Presidential Decree.

(4) through (6) Deleted. <by Act No. 10167 Mar. 22, 2010>

ADDENDA

Article 1 (Enforcement Date)
This Act shall enter into force on July 1, 1999.

Article 2 (Transitional Measures concerning Corrective Measures, Penalty Surcharges and Penal Provisions)
Application of corrective measures, penalty surcharges and penal provisions to offences in violation of Articles 23 (1) 6 and 26 (1) 5 of the former Monopoly Regulation and Fair Trade Act before this Act enters into force shall be governed by former provisions.

Article 3 (Transitional Measures concerning Fair Competition Covenants)
Fair competition covenants on labels or advertisements examined by the Fair Trade Commission under Article 23 (4) and (5) of the former Monopoly Regulation and Fair Trade Act at the time this Act enters into force shall be deemed voluntary covenants on labels or advertisements which have been examined under Article 14.

Article 4 Omitted.

Article 5 (Relation with other Acts and Subordinate Statutes)
A citation of a provision of the former Monopoly Regulation and Fair Trade Act in force at the time this Act enters into force shall be deemed a citation of this Act or the corresponding provision hereof in lieu of the former provision, if such corresponding provision exists herein.

ADDENDA <Act No. 7315, Dec. 31, 2004>

Article 1 (Enforcement Date)
This Act shall enter into force on April 1, 2005. (Proviso Omitted.)

Articles 2 through 10 Omitted.

ADDENDA <Act No. 7794, Dec. 29, 2005>

(1) (Enforcement Date) This Act shall enter into force three months after the date of its promulgation.
(2) (Applicability concerning Period for Submission of Verification Data) The amended provisions of Article 5 (3) and (5) shall apply, beginning with the first label or advertisement by business operators, etc. after this Act enters into force.

ADDENDA <Act No. 7988, Sep. 27, 2006>
Article 1 (Enforcement Date)
This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)
Articles 2 through 13 Omitted.

ADDENDA <Act No. 8852, Feb. 29, 2008>
Article 1 (Enforcement Date)
This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)
Articles 2 through 7 Omitted.

ADDENDA <Act No. 8863, Feb. 29, 2008>
Article 1 (Enforcement Date)
This Act shall enter into force on the date of its promulgation.
Articles 2 through 5 Omitted.

ADDENDA <Act No. 9785, Jul. 31, 2009>
Article 1 (Enforcement Date)
This Act shall enter into force six months after the date of its promulgation.
Articles 2 through 9 Omitted.

ADDENDUM <Act No. 10167, Mar. 22, 2010>
This Act shall enter into force on the date of its promulgation.