

# Improving Legal Regulations on Milk Business in Vietnam

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**Abstract:** This study focuses on synthesizing and analyzing the current status of legal regulations on milk business in Vietnam in order to propose solutions to improve the legal documents. The author directly consulted and discussed with scientists, managers, and businesses in Vietnam about legal regulations on milk business in Vietnam to show many shortcomings, no longer suitable ones. A number of legal regulations on milk business in Vietnam- encompassing a wide range of guidelines aimed at ensuring quality, safety, and hygiene throughout the production, processing, import, export and distribution of milk and dairy products- need to be amended, supplemented or replaced. Many issues arise regarding the improvement of legal regulations on milk business in Vietnam that need to be resolved, such as: the lack and weakness of some preferential mechanisms for research activities, technology transfer in milk production and processing; the limitations and irrelevance of some legal documents related to the management of quality, price, and food safety for the milk industry; lack of environmental regulations in the milk business; the lack of legal regulations on investment in investigation, research, forecasting of the milk market and trade promotion; lack of legal regulations to encourage milk enterprises to build distribution networks; a situation of fake, counterfeit, and poor quality milk. Therefore, to perfect the legal regulations on milk business in Vietnam, many relevant legal documents of Vietnam need to be amended, supplemented or replaced, including Laws, Decrees, Decisions of the Prime Minister, Circulars of the Minister and other documents.

**Keywords:** Legal regulations, improvement, milk business, milk products, milk and dairy products.

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## I. INTRODUCTION

In Vietnam's socio-economic development strategy, the milk industry is considered an economic sector with a position in the country's development. The planning for the development of Vietnam's milk processing industry to 2020, with a vision to 2025, was approved by the Minister of Industry and Trade under Decision No. 3399/QĐ-BCT dated June 28, 2010. After 15 years of implementing the planning, the development orientations of the milk processing industry in Vietnam have not yet fully achieved some of the set goals, but have also made great strides. Milk business activities in Vietnam not only aim to meet the needs of the domestic market but also export to the world market.

Milk businesses in Vietnam have been proactive and creative in finding suitable directions for development such as investing in new technology, advanced production and processing equipment along with smart product distribution systems, on the one hand to create high quality, diverse, highly competitive products, meeting the needs of domestic and foreign markets. Milk business activities in Vietnam are increasingly affirming their role in the development of the economy, contributing to ensuring national food security.

However, the legal system related to milk business in Vietnam, including the process of milk production, distribution, milk import, milk supply and milk products, is both lacking and has many shortcomings, not suitable and in harmony with international standards. Vietnam also lacks incentive mechanisms for investment promotion activities, research, technology transfer in milk production and processing and some other support programs for large-scale, modern, high-tech milk business. In addition, there are many shortcomings in some legal documents related to the management of quality, price, food safety for milk business in Vietnam, ensuring the harmony of interests of milk producers, distributors and consumers. Furthermore, there are some legal documents of Vietnam that do not keep up with the state supervision and management mechanism on controlling labeling, product names, and origin of milk materials to ensure product quality, creating a healthy competitive environment for businesses in the market.

In the trend of international economic integration with Vietnam joining the World Trade Organization (WTO) and signing 19 Free Trade Agreements (FTAs) such as the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), the EU-Vietnam Free Trade Agreement (EVFTA), the ASEAN Free Trade Area, etc. will create many new opportunities such as tariff reduction roadmap, creating favorable conditions for milk businesses in Vietnam. Along with the above opportunities are new challenges for the development of milk businesses in Vietnam including competitive pressure from foreign businesses, changes in consumer tastes and habits with clean products, organic products, requiring increasingly high quality. Therefore,

improving legal regulations on milk business in Vietnam meets practical requirements for state management agencies as well as businesses and consumer communities and other relevant organizations and individuals.

## **II. LITERATURE REVIEW**

### **2.1. Improvement of legal regulations**

The improvement of the legal system was mentioned by Tingting et al. (2023) when moderating the impact of entrepreneur immigration on corporate cash holdings, deters their short-sighted tunneling, and motivating them to put more effort into long-term innovation. Meanwhile, Huaiyin et al. (2021) proposed to improve the legal regulation of unfair competition related to corporate data. The improvement of legal regulation is one of the factors in overcoming the problem of illegal mining of precious stones, relating to the specifics of mining, control, supervision of the mining and sale of precious stones, legal responsibility, the application of sanctions in the specified area, as well as complying with state and international standards (I.B. Machuska et al., 2024).

Legal regulations improvement refers to the process of making changes to existing legal regulations or creating new ones with the goal of making them more effective, efficient, or fairer. Legal regulations improvement can involve streamlining procedures, clarifying ambiguous language, or adjusting the scope of regulations to better address specific issues. In another way, improvement of legal regulations can be conducted by streamlining processes, reducing unnecessary hurdles, and ensuring they are fair and efficient. Improvement of legal regulations includes simplifying administrative procedures, removing redundant regulations, and engaging stakeholders in the reform process, utilizing digital solutions and fostering collaboration to enhance the effectiveness of regulatory reform (VIOIT, 2024).

Improvement of legal regulations involves the process of making change more effective and appropriate as follows: (i) Developing new regulations: creating new regulations on addressing arisen issues or ensuring compliance with evolving standards; (ii) Simplifying administrative procedures: Streamlining and reducing administrative burdens on businesses; (iii) Removing unnecessary regulations: identifying and eliminating outdated, redundant or burdensome regulations; (iv) Clarifying ambiguous language: reducing misinterpretation of legal regulations and increasing understandability and applicability of legal regulations; (v) Adjusting the scope of regulations: modifying the scope of regulation and applicable subjects, involving businesses and other relevant parties; (vi) Utilizing digital solutions: leveraging technology, such as online administrative services to improve the efficiency and transparency of regulatory processes; (vii) Fostering collaboration: implementing and monitoring regulatory reforms effectively in coordination efforts by stakeholders.

### **2.2. Milk business**

Milk is a food for fostering affordable health for people and the planet, as well as creating prosperity for dairy businesses while helping to contain ever-increasing health care costs. The dairy business is striving to be lean to create value by eliminating any type of waste and to be agile by taking steps to ensure responsiveness, competency, flexibility, and quickness in order to have an efficacious supply chain management system. Dairy supply chain management is particularly challenging because of the diversity of its products in terms of complexity of supply chain management, perishability and shelf-life concerns for dairy products, and tough competition among dairy businesses (Byomkesh et al., 2021).

Milk business is a business that involves the purchase, sale, and distribution of milk products such as fresh milk, powdered milk, yogurt, and other dairy products. Milk business may include importing goods from milk manufacturers or dealers, then selling them to consumers or other stores, opening stores or stalls in selling milk products. In addition, milk business may also include the production of milk, processing of dairy products, or the sale of milk-related beverages (VIOIT, 2024).

### **2.3. Regulations on milk business**

Legal regulations on the milk business encompass a wide range of guidelines aimed at ensuring quality, safety, and hygiene throughout the production, processing, and distribution of milk and dairy products. These regulations cover aspects like animal health, milking hygiene, facility design, equipment standards, processing procedures, and labeling requirements. In essence, regulations on the milk business are designed to protect consumers by ensuring the safety and quality of milk and dairy products from the farm to the consumer. These regulations cover a wide range of aspects, from animal health and milking hygiene to processing procedures, storage, and labeling requirements. Overall, legal regulations on milk business refers to regulations on as follows: (i) Permitting and licensing: permits for raw milk sales; licenses for milk plants and processors; (ii) Quality and safety, including sampling and testing, minimum standards, and labeling; (iii) Processing and preservation, including pasteurization, storage, processing methods; (iv) Facility and equipment: location and surroundings, building design and layout, equipment; (v) In addition, legal regulations on animal health and milking hygiene.

## **III. METHODOLOGY**

This article is conducted on the basis of a combination of analytical, synthetic, qualitative and expert research methods to achieve the set goal of improving legal regulations on milk business in Vietnam.

*Analysis and synthesis method*, focusing on in-depth analysis and synthesis of information from various sources to build a comprehensive theoretical basis on legal regulations on milk business. The goal is to provide a clear and diverse view, and at the same time evaluate and exploit the richness of information sources on legal regulations on milk business in Vietnam. Data from various sources such as books, articles and previous studies related to legal regulations on milk business in Vietnam were collected. These data were then subjected to a detailed analysis process to identify common trends, conflicting opinions and connections between concepts in legal regulations on milk business in Vietnam.

*Qualitative research method*, focusing on building, describing or adjusting models and perceptions of legal regulations on milk business in Vietnam. The main objective of this method is to clarify the impact and influence of factors on legal regulations on milk business in Vietnam. This process helps to form new opinions, models or perceptions, providing insights into legal regulations on milk business in Vietnam.

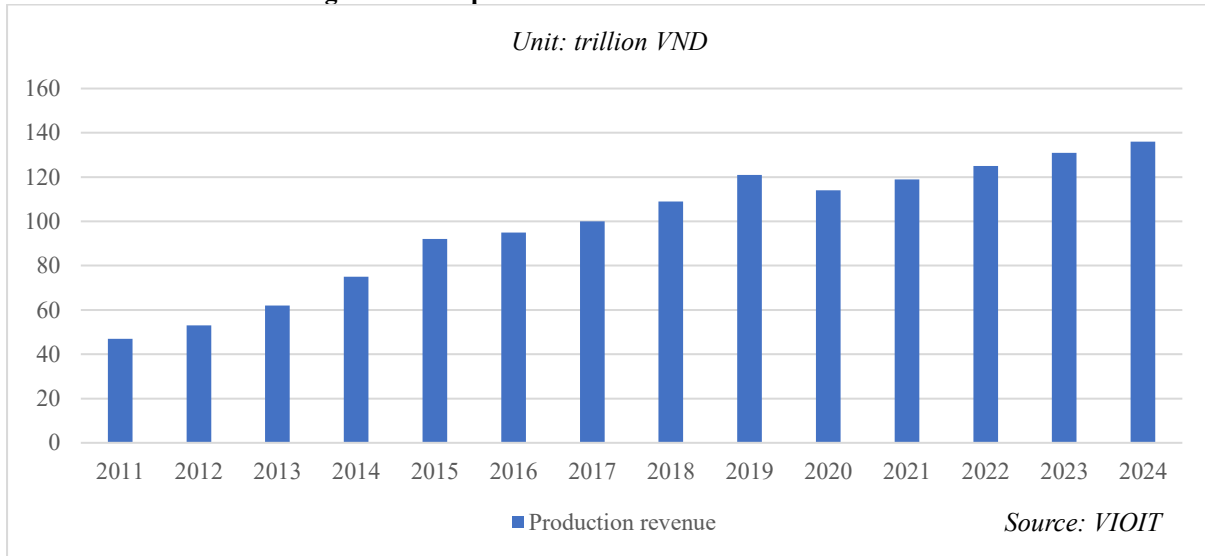
*Expert method*, taking advantage of the knowledge and experience of experts on legal regulations on milk business in Vietnam. The author directly consulted and discussed with scientists, managers, and businesses in Vietnam about legal regulations on milk business in Vietnam. Thanks to that, this method helps to draw conclusions, make in-depth assessments and expand the understanding of legal regulations on milk business in Vietnam in a more comprehensive and accurate way.

## **IV. RESULTS AND DISCUSSION**

### **4.1 Milk industry in Vietnam**

In the period 2011-2024, the milk industry in Vietnam has had a certain growth, with total production reaching a value of 1,379 trillion VND, an average of 98.5 billion VND per year. Accordingly, the production value increased from 47 trillion VND in 2011 to 136 trillion VND in 2024. The milk industry's production value grew by an average of 8.8% per year, however, the increase in value was unstable between years, some years increasing rapidly but some years increasing slowly, and some years even decreasing. Overall, with the milk production output in Vietnam only meeting about 40% of the domestic market demand, such growth is low, not meeting the development requirements (Figure 1).

**Figure 1. Milk production value in Vietnam 2011-2024**

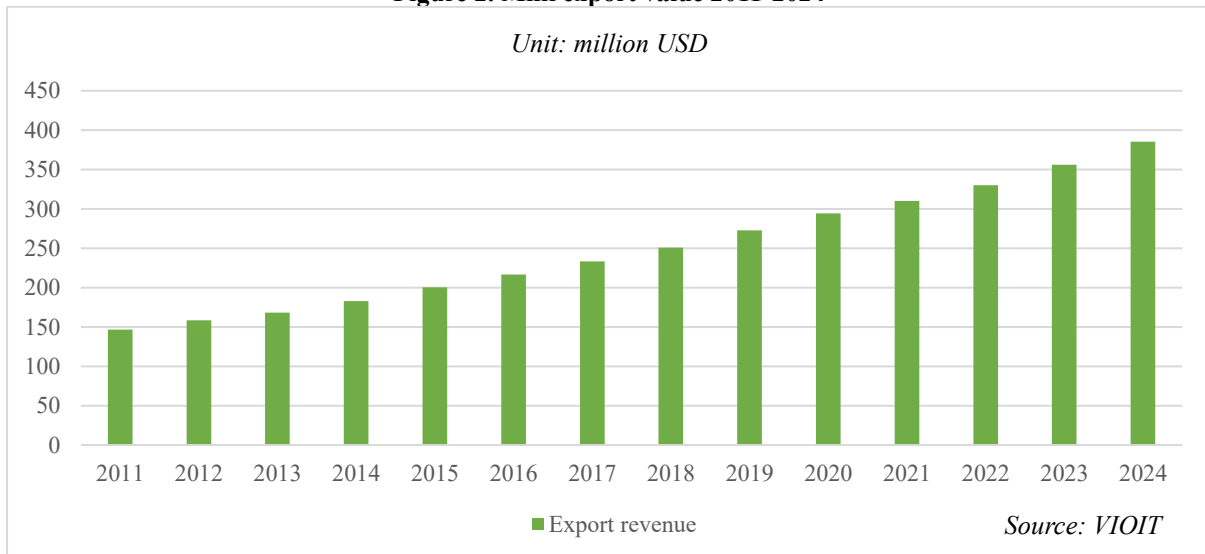


The milk industry in Vietnam has produced a variety of milk, including sterilized fresh milk, pasteurized fresh milk, whole fresh milk, low-fat fresh milk, skimmed fresh milk, nutritious fresh milk, powdered milk for infants, powdered milk for older children, specialized powdered milk, sweetened condensed milk, unsweetened condensed milk, condensed milk cream. In addition, many dairy products, including yogurt, cheese, butter, fresh cream, dairy foods, dairy desserts, and dairy drinks, have been produced, distributed in Vietnam's domestic market and export to foreign markets.

#### 4.2 Vietnam's milk export

According to calculations, although production only meets about 40% of domestic market demand, the export value of milk and dairy products of Vietnam has made remarkable progress. Accordingly, the export turnover of milk and dairy products has increased from nearly 150 million USD in 2011 to over 385 million USD in 2024. Vietnam's export of milk and dairy products has grown at a positive rate in recent times because many enterprises have been investing in equipment and applying advanced technology with a high level of automation on par with the region and the world. Vietnamese milk and dairy product enterprises have invested to increase output, quality, ensure food safety, and diversify product designs. Vietnamese branded milk is increasingly integrating deeply into the global milk and dairy value chain, meeting the demand for milk and dairy products in domestic and foreign markets.

**Figure 2. Milk export value 2011-2024**



In the context of unfavorable impacts on the world and the region, Vietnam's exports of milk and dairy products have grown relatively steadily in the period 2011-2024, with an average export turnover increase of 7.73% per year and increasing steadily over the years (Figure 2). Some of Vietnam's main export markets for milk and some dairy products include Iraq, the United States, Cambodia, the Philippines and other markets. Vietnam's exported milk and dairy products are quite diverse, including: milk powder, nutritional powder, condensed milk, liquid milk, soy milk, yogurt, whey powder, cream, butter oil, skim milk powder, butter, cheese... Vietnam mainly exports milk and cream, condensed or mixed with sugar or other sweeteners.

### 4.3 Vietnam's milk import

The total value of Vietnam's milk imports in the period 2011-2014 reached nearly 15 billion USD, on average Vietnam imported milk with a value of over 1 billion USD per year. However, Vietnam's milk import turnover in the years 2021-2024 is not much higher than that in the years 2012-2014. In fact, Vietnam's milk import turnover in the period 2015-2020 has decreased relatively (Figure 3). In general, Vietnam's demand for milk has increased in recent years, but the import turnover has not increased significantly because domestic production has increasingly met the requirements of consumers in the domestic market in terms of variety and quality.

Figure 3. Milk import value 2011-2024



Markets supplying milk and dairy products to the Vietnamese market include New Zealand, the United States, Australia and several other markets. The types of milk and dairy products imported into Vietnam are very diverse, including whey powder, cream, liquid yogurt, butter, cheese and curd, condensed milk and cream. Of which, Vietnam mainly imports powdered milk and raw materials for producing powdered milk. Of the main products of milk and dairy products, Vietnam imports the most are milk and cream, condensed or mixed with sugar or other sweeteners (mainly powdered milk). In summary, Vietnam imports the following groups of milk and dairy products: (i) Milk and cream, concentrated or containing added sugar or other sweetening matter; (ii) Whey, whether or not concentrated or containing added sugar or other sweetening matter; products containing natural milk constituents, whether or not containing added sugar or other sweetening matter; (iii) Cheese and curd; (iv) Butter and other fats and oils derived from milk; dairy spreads; (v) Milk and cream, not concentrated or containing added sugar or other sweetening matter; (vi) Buttermilk, curd and cream, yoghurt, kephir and other fermented or acidified milk and cream.

### 4.5 Current status of legal regulations

Vietnam has issued and applied legal documents related to milk business, including Laws, Decrees, Decisions of the Prime Minister, Circulars of Ministers and other relevant legal regulations. Some regulations related to milk business have been issued and implemented such as: Commercial Law No. 36/2005/QH11 dated June 14, 2005; Law on Foreign Trade Management No. 05/2017/QH14 dated June 12, 2017; Law on Technical Standards and Regulations No. 68/2006/QH11 dated June 29, 2006; the Investment Law No. 61/2020/QH14 dated June 17, 2020 and Decree No. 31/2021/ND-CP dated March 26, 2021 of the Government detailing and guiding the implementation of a number of articles of the Investment Law; Decree No. 15/2018/ND-CP dated February 2, 2018 of the Government detailing the implementation of a number of articles of the Law on Food Safety and the Law on Food Safety No. 55/2010/QH12 dated June 17, 2010; Decision No. 1320/QĐ-TTg dated

October 8, 2019 of the Prime Minister approving the Vietnam National Brand Program to 2030 and other legal regulations.

*Firstly*, the system of legal documents related to the process of milk production, import, supply of milk and dairy products has been issued in accordance with international regulations. However, some preferential mechanisms for research activities, technology transfer in milk production and processing and some other support programs for large-scale, modern, high-tech milk production projects are still lacking and weak.

*Secondly*, some legal documents related to the management of quality, price, and food safety for the milk industry have revealed limitations, are no longer suitable, and do not harmonize the interests of manufacturers, distributors, and consumers. Furthermore, the state supervision and management mechanism for controlling labeling, product names, and raw material origins of milk business no longer ensures product quality, limiting a healthy competitive environment in the market.

*Thirdly*, regulations on food production management combined with strengthening food safety inspection of the milk industry from raw milk production to product processing and consumption are outdated; environmental protection for milk business in Vietnam has not received due attention; there is a lack of strict legal regulations for establishments violating waste treatment and environmental protection during milk business process.

*Fourthly*, milk business activities in Vietnam face many difficulties due to the lack of legal regulations on investment in investigation, research, forecasting of the milk market and trade promotion for milk and dairy products to have complete, accurate and timely data on the market, thereby supporting businesses in the industry to fully grasp market information to serve the production and consumption of milk and dairy products.

*Fifthly*, there is a lack of legal regulations to encourage milk enterprises to build distribution networks and participate in domestic and international fairs and exhibitions so that enterprises have more opportunities to introduce and promote their milk and dairy products as well as understand the consumption trends of the market, especially new markets; support some activities in expanding the distribution market of milk and dairy products in rural areas, remote areas and islands.

*Sixthly*, due to the lack of strong and deterrent regulations on milk trading in Vietnam, there is still a situation of fake, counterfeit, and poor quality milk, especially in traditional sales channels and e-commerce sales channels because these are distribution channels that are difficult to control in terms of quality, affecting the competitiveness of milk brands and the health of consumers. Legal regulations on quality control of imported goods and goods circulating in the domestic market are no longer appropriate, so the fight against smuggled and poor quality goods still faces many difficulties.

## **V. RECOMMENDATION FOR REGULATIONS IMPROVEMENT**

- 5.1 It is necessary to amend, supplement or promulgate legal documents to replace the Commercial Law No. 36/2005/QH11 dated June 14, 2005 in the direction of supplementing legal regulations on milk business in Vietnam as a conditional business. At the same time, amend and supplement regulations on the process of distributing milk from manufacturers, storing milk in warehouses and redistributing it to retail outlets or directly to consumers. Supplement criteria and technical conditions for enterprises participating in purchasing milk, storing, transporting and distributing milk to retail outlets or directly to consumers. Supplement legal regulations on milk business in Vietnam through channels such as wholesale markets, traditional markets, shopping malls, stores, supermarkets, or online channels.
- 5.2 It is necessary to amend and supplement the Law on Foreign Trade Management No. 05/2017/QH14 dated June 12, 2017 in the direction of adding legal regulations on foreign trade management measures for milk export and import business. Research and supplement technical measures applied to exported and imported milk according to the provisions of law on product and goods quality, standards and technical regulations, food safety, and measurement. At the same time, it is necessary to add legal regulations on milk import and export business to ensure transparency, publicity, equality, simplify administrative procedures, promoting the development of domestic milk production and export, and link with the management of imported milk.
- 5.3 It is necessary to promulgate legal documents amending and supplementing the Investment Law No. 61/2020/QH14 dated June 17, 2020 and Decree No. 31/2021/ND-CP dated March 26, 2021 of the Government detailing and guiding the implementation of a number of articles of the Investment Law in the direction of adding milk business as a conditional business line in Vietnam. In particular, it is necessary to add specific regulations on the conditions that individuals and organizations must meet when carrying out milk business investment activities in Vietnam. Milk business is an industry and profession in which the implementation of investment and business activities must meet necessary conditions for reasons of social order, security, social ethics, and public health. On that basis, regularly review and evaluate the implementation of regulations on milk business in Vietnam to ensure compliance with current laws and in accordance with practice.
- 5.4 It is necessary to issue legal documents amending, supplementing or replacing Decree No. 15/2018/ND-CP dated February 2, 2018 of the Government detailing the implementation of a number of articles of the Law

on Food Safety and the Law on Food Safety No. 55/2010/QH12 dated June 17, 2010. Accordingly, supplementing legal provisions on the rights and obligations of organizations and individuals in ensuring food safety in milk business; conditions for ensuring safety, production, trading, import and export of food in milk business; advertising and labeling of food in milk business; testing and analyzing risks to food safety in milk business; preventing, stopping and overcoming food safety incidents in milk business; information, education and communication on food safety in milk business; responsibility for state management of food safety in milk business.

- 5.5 It is necessary to amend and supplement Decision No. 1320/QĐ-TTg dated October 8, 2019 of the Prime Minister approving the Vietnam National Brand Program to 2030 in the direction of supplementing regulations on building a system of criteria and national brand symbols for milk businesses in Vietnam. Thereby, supporting milk businesses in Vietnam to develop products that meet the national brand criteria system as well as supporting milk businesses to build, develop and protect their brands and products domestically and internationally. At the same time, it is necessary to supplement regulations and guidelines for ministries, branches, localities, organizations, individuals and related units to improve the capacity to build, develop and manage brands for milk businesses in Vietnam.
- 5.6 It is necessary to issue legal documents stipulating conditions for ensuring food safety for establishments producing and trading processed milk in Vietnam. Accordingly, it is necessary to supplement specific regulations for establishments trading processed milk in Vietnam to ensure that the areas for displaying, preserving and storing products are always dry and clean, do not change the characteristics of the milk product, and are not contaminated by toxic chemicals, impurities or microorganisms that affect the health of users. Furthermore, the means of transporting milk must ensure that it is protected from insects, from contamination from other sources of contamination and is easy to clean; different dairy products must be classified and arranged separately, ensuring that product storage conditions are maintained according to the manufacturer's requirements throughout the transportation process; processed dairy products must not be transported together with toxic goods or goods that may cause cross-contamination, affecting the quality and food safety of milk products.

## VI. CONCLUSION

In the period 2011-2024, the milk industry in Vietnam has had a certain growth with an average of 8.8% per year. Meanwhile, Vietnam's exports of milk and dairy products have grown relatively steadily with an average export turnover increase of 7.73% per year. Even so, Vietnam's milk imports have been seen a value of over 1 billion USD per year. This result is due to the fact that Vietnam has issued and applied legal documents related to milk business, including Laws, Decrees, Decisions of the Prime Minister, Circulars of Ministers and other relevant legal regulations. Some regulations related to milk business have been issued and implemented. However, many legal regulations on milk business in Vietnam have revealed limitations, conflicts, and are no longer suitable for development practice. Moreover, some legal regulations are still lacking and have not been issued to meet the requirements of management and milk business activities in Vietnam. Improving legal regulations on milk business in Vietnam is very important in building and developing Vietnam's dairy industry in accordance with other countries in the region and the world. Therefore, Vietnam needs to amend, supplement or replace a number of relevant legal documents, including the Law on Commerce, the Law on Foreign Trade Management, the Law on Investment, the Law on Food Safety and a number of other documents.

### Conflict of interest

There is no conflict to disclose.

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