

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HB NO. 1432

Introduced by **Rep. Roseller L. Barinaga**

EXPLANATORY NOTE

Consistent with the constitutional provision which provides that the State shall promote the physical, spiritual, moral and social well-being of the youth, this bill imposes certain limitations on advertisements relating to cigarettes and tobacco products.

Researches have shown that an increasing number of Filipino youth indulge into and develop smoking habits as early as fourteen years old. This phenomenon is largely found to be an influence of the widespread and indiscriminate cigarette advertisements employed by cigarette manufacturers. Such finding is certainly alarming, if indeed the youth, which comprise almost two-thirds of our population, have been held captured by the allusions of cigarette manufacturers and companies.

Thousands of Filipinos have already died and are continuously suffering from smoking-related diseases. Unless concrete measures are taken, such malady is expected to further worsen; hence, this bill.

Support for this bill is earnestly requested.

ROSELLER L. BARINAGA
Representative
2nd District, Zamboanga del Norte

Congress of the Philippines)
Thirteenth Congress)
First Regular Session)

HOUSE OF REPRESENTATIVES

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Introduced by **Rep. Roseller L. Barinaga**

AN ACT
TO ESTABLISH CERTAIN LIMITATIONS ON ADVERTISING RELATING TO CIGARETTES AND TOBACCO PRODUCTS

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Title.* This Act shall be cited as the "Tobacco Products Control Act of 2004."

SEC. 2. *Definition of Terms.* For purposes of this Act, the following terms shall be defined as follow:

(1) *Amusement Ride or Attraction* means:

(a) any mechanized device or combination of devices that carry passengers along, around, or over a fixed or restricted course for the purpose of giving its passengers amusement, pleasure, thrills, or excitement; or

(b) any building or structure around, over, or through which individuals may walk, climb, slide, jump or move that provides such individuals with amusement, pleasure, thrills, or excitement.

(2) *Family Amusement Center* means an enterprise offering amusement or entertainment to the public through the use of one or more amusement rides or attractions.

(3) Video Game means any electronic amusement device that utilizes a computer, microprocessor, or similar electronic circuitry and its own cathode ray tube, or its designed to be used with a television set or monitor, that interacts with the user of the device.

SEC. 3. *Advertising Restrictions.* The following modes of advertisements are restricted:

(1) *Billboard* - It shall be unlawful to advertise cigarettes on any outdoor billboard that is located within 500 meters of any public or private elementary or secondary school,

except advertisement that is non-brand name specific if such advertisement is erected or maintained at street level and affixed to business establishments selling tobacco products at retail.

(2) *Periodicals* - It shall be unlawful to advertise cigarettes in any youth or student-oriented newspaper, magazine, periodical or other publication.

(3) *Stadia and arenas* - It shall be unlawful to advertise cigarettes in any arena or stadium where amateur or professional sporting events or activities occur, except advertisement that-

(a) is contained in a program distributed at a sporting event;

(b) is displayed at a concession stand that sells cigarettes; or

(c) is displayed during a sporting event where the sponsor of the event involved has, prior to the event, can ensure that at least seventy-five percent (75%) of the attendees of such event are age 18 or older.

(4) *Transportation Advertisements* - It shall be unlawful to advertise cigarettes in or on taxis, buses, trains, or in bus, or train stations, terminals, or platforms unless the advertisement is displayed at a site where cigarettes are sold.

(5) *Motion Pictures* - No payment shall be made by any cigarette manufacturer or any agent thereof for the placement of any cigarette, cigarette package, or cigarette advertisement as a prop in any motion picture produced for viewing by the general public.

(6) *Video Games* - No cigarette brand name or logo shall be placed in a video or on a video game machine.

(7) *Family Amusement Center* - It shall be unlawful to advertise cigarettes on or within the premises of a Family Amusement Center and no cigarette brand name or logo shall be placed in any amusement ride or attraction therein.

SEC. 4. *Penalty*. Except paragraph (5), the manufacturer, distributor, seller or whoever causes the violation of any paragraph of the preceding section shall fine in an amount not exceeding Fifty thousand pesos (P50,000.00).

SEC. 5. *Separability Clause*. If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 6. *Repealing Clause*. Any law, decree, order, rules and regulations or part thereof which is inconsistent with this Act is hereby repealed or modified accordingly.

SEC. 7. *Effectivity*. This Act shall take effect after fifteen (15) days following its publication in the Official Gazette or in two (2) newspapers of general circulation in the Philippines, whichever comes earlier.

Approved.