

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 1838

INTRODUCED BY HON. MARCELINO "MARCY" R. TEODORO

EXPLANATORY NOTE

It is the policy of the State to ensure the health and well-being of its citizens through relevant measures that include information dissemination and the regulation or prohibition of not only substances harmful to one's health, but the sale and advertisement of said products as well. The latter does not mean to undermine a person's judgment or decision making as regards product consumption; rather its only aim is to reduce if not totally eliminate advertisements that influence or entice impressionable minds to consume products at the expense of their health.

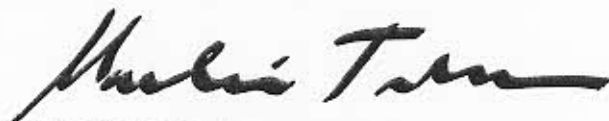
Cigarettes have been known to cause a variety of illnesses ranging from respiratory ones to those cardiac in nature. In the Philippines, almost 100% of lung cancer cases are caused by smoking, and smokers reach the "cancer age" 15 years earlier than non-smokers. Quitting is difficult for users given the addictive property of one of cigarette's main ingredient, nicotine. This poses a problem not only for smokers but for nonsmokers as well, since the latter are also at risk of contracting diseases as a result of exposure to secondhand smoke.

As for liquors, moderate drinking is not dangerous per se. Rather, it is chronic alcohol consumption that takes a toll on people's health. Also, excessive drinking leads to intoxication and when combined with activities that need sharpness of mind and senses like driving, that is when tragedy follows. Driving under the influence of alcohol ranks among one of the primary causes of road mishaps both here and abroad.

Given the dangers posed by the (excessive and unintelligent) consumption of cigarettes and alcohol, there is still a remarkable number of users, especially those belonging in the teen years. Critics have put the blame on advertisements that create images of sophistication associated with smoking and drinking, thus outweighing the negative effects of the aforementioned.

As such, this bill seeks to strengthen existing laws as regards the prohibition of advertisement of cigarette and alcoholic drinks across a variety of media. Local as well as international studies have proven that liquor and cigarette advertising play a vital part in encouraging non-users to begin consuming the said products. They also found links between the lifestyle and image of cigarette and alcohol consumption through multi-media advertising and the increased consumption of said products, especially of young people, change in youth norms and attitudes as regards smoking and drinking, increased frequency of motor vehicle accidents, among other things. Furthermore, studies have shown that a considerable reduction in the consumption of these products can be attributed to the effectiveness of the proposed advertisement ban.

In light of the foregoing, immediate passage of this bill is earnestly sought.



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**AN ACT PROHIBITING RADIO, TELEVISION, NEWSPAPER, MOVIE HOUSE,
POSTER AND BILLBOARD ADVERTISEMENT ON CIGARETTE AND
ALCOHOLIC DRINKS**

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

Section. 1. Title. – This act shall be known as the "ANTI-CIGARETTE AND ALCOHOLIC DRINKS ADVERTISEMENT ACT".

Section 2. Declaration of Policy. – It is the policy of the State to promote and safeguard the physical and intellectual well-being of its citizenry, particularly the youth, from the harmful effects of cigarettes and alcohol, to protect and promote the right to health of the people as enshrined in the Constitution.

Towards this end, the government shall undertake an intensive and unrelenting campaign against advertisements on cigarettes and alcohol drinks, and shall instill health consciousness among the people. Likewise, the government shall see to it that educational institutions are complying with the Constitutional mandate for them to strengthen ethical values, develop personal discipline, and encourage critical and creative thinking.

Section 3. Definition of Terms.– As used in this Act, the following terms shall mean:

- a. Cigarette - Finely cut tobacco or tobacco product for smoking rolled in a very thin paper of any kind or quality, whether filtered or not, locally manufactures or imported, and of whatever, label, name or brand.
- b. Alcohol Drink - Anything intended for drinking in liquid form, whether with or without color, with alcohol contents of at least 5% per volume, including beer as the term is commonly known or understood, of whatever label, name, or brand, and whether locally manufactures or imported.
- c. Advertise - To make known or proclaim publicly by an means and in whatever form or material and in any place for the purpose of promoting, use, sale, or drawing public attention.
- d. Newspaper - Any printed publication which contains reports on news events, opinions, advertisements, whether published daily, weekly monthly or local monthly or quarterly, and whether of national, provincial, regional

or local circulation and whether printed locally or abroad, including but not limited to, tabloids, newsletters, magazines, periodicals and books.

- e. Billboards - A wall of planks for the display of advertisements, regardless of the materials used in the construction thereof, its heights and location.
- f. Poster – A placard displayed in or given to the public of whatever size or form and regardless of the material used.
- g. Flyer - A widely distributed handbill of whatever size, formed material used.

Section 4. Punishable Acts. - The following acts are declared unlawful and punishable under this Act:

- a. Advertising or causing the advertisement of cigarette or alcoholic drinks, in and radio or television station, movie house, newspaper, billboard, poster or flyer, as the terms are defined under this Act;
- b. Publishing or printing, or causing the publication or printing, of any advertisement on cigarette or alcoholic drinks in any newspaper as the terms are defined in this Act;
- c. Airing or showing in radio or television station or movie houses of such advertisements on cigarette or alcoholic drinks, as the terms are defined in this Act; and
- d. Posting or distributing posters or flyers containing advertisements on cigarettes or alcoholic drinks, as the terms are defined in this Act.

Section 5. Penalties- The following penalties shall be imposed upon any person found guilty of any of the declared unlawful under Sec.4 thereof:

- a. For advertising or causing the advertisement of cigarette or alcoholic drinks, the penalty of imprisonment of not less than Five Hundred Thousand Pesos (500,000.00) nor more than One Million Pesos (1,000,000.00) shall be imposed: Provided, that if the offender is juridical person, the President, General Manager, Sales, Marketing and Advertising Manager, or Head thereof, shall be held liable;
- b. For publishing or printing, or causing the publication or printing, of any advertisement on cigarette or alcoholic drinks, in any newspaper, the penalty of imprisonment of not less than four (4) years but not more than seven (7) years and a fine not less than Three Hundred Thousand Pesos (P300,000.00) nor; more than Five Hundred Thousand Pesos (P500,000.00) shall be imposed: Provided, that if the offender is a juridical person, the President, Publications Manager and Editor-in-Chief of such newspaper shall be liable;
- c. For airing or showing in radio or television station or movie house of any advertisement on cigarette or alcoholic drinks, the penalty of imprisonment of not less than five (5) years nor more than eight (8) years and fine of not less than Four Hundred Thousand Pesos (P400,000.00) nor more than Seven Hundred Thousand Pesos (P700,000.00) shall be imposed: Provided that if the offender is a juridical person, the President, the General Manager, Sales, Marketing and Advertising Manager, or Head thereof, shall be the one liable;

- d. For posting or distributing posters or flyers containing advertisement on cigarette or alcohol drinks, the penalty of imprisonment of no less than three (3) years Fifty Thousand Pesos (P50,000.00) but not more than Two Hundred Thousand Pesos (P200,000.00) shall be imposed.

Section 6. Separability Clause. – If for any reason any section or provision of this Act, or any portion thereof, or the application of such section, provision or portion thereof to any person, group or circumstance is declared invalid or unconstitutional, the remaining provisions of this Act shall not be affected by such declaration and shall remain in force and effect.

Section 7. Repealing Clause. - the provision of laws, decrees, executive orders, rules or regulations inconsistent with this Act are hereby repealed, amended or modified accordingly.

Section. 8. Effectivity. - This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved,