

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH (15TH) CONGRESS
Third Regular Session



COMMITTEE REPORT NO. **2382**

Submitted by the Committee on Trade and Industry on **04 SEP 2012**

Re : House Bill No. **6529**
Recommending its approval in substitution of House Bill Nos. 1221 and 1727
Sponsors : Representatives Garcia, A.R., Apacible, T., Macapagal-Arroyo, D. and Rodriguez, R.

Mr. Speaker:

The Committee on Trade And Industry to which were referred House Bill No. 1221, introduced by Representatives Diosdado Macapagal-Arroyo, Gloria Macapagal-Arroyo, Juan Miguel "Mikey" Macapagal-Arroyo, Augusto Boboy Syjuco, Ph.D., Salvador P. Cabaluna, III, entitled:

**AN ACT
TO PROVIDE FOR TOY SAFETY LABELING**

and House Bill No. 1727, introduced by Reps. Rufus B. Rodriguez, Maximo B. Rodriguez and Lucy Torres-Gomez, entitled:

**AN ACT
PROVIDING FOR THE PROPER LABELING OF TOYS OR
GAMES OF CHILDREN, PROVIDING FOR PENALTIES
FOR ITS VIOLATIONS AND FOR OTHER PURPOSES**

has considered the same and recommends that the attached House Bill No. **6529**, entitled:

**AN ACT
PROVIDING FOR TOY AND GAME SAFETY LABELING,
APPROPRIATING FUNDS THEREFOR**

be approved in substitution of House Bill Nos. 1221 and 1727, with Representatives Macapagal-Arroyo D., Macapagal-Arroyo G., Rodriguez R., Rodriguez M.,

Macapagal-Arroyo JM., Syjuco A., Torres-Gomez, Cabaluna, Garcia A. R., Apacible, Duavit, Biron, Defensor, Alvarez A., Treñas, Casiño, Villarica, Mandanas, Fernandez, Garay, Teodoro, Del Rosario A.R., Sacdalan, Osmeña, Joson, Rodriguez I., Lacson-Noel, Yu, Ferrer J., Sahidulla, Lagdameo A., Bonoan-David, Mellana, Sakaluran, Quisumbing, Unabia, Batocabe, Colmenares, Haresco, Villar, Pancho, Enverga, Cojuangco E., Cajayon, Tugna, Ty, Romualdez, Arroyo D., Panotes, and Bagasina as authors thereof.

Respectfully Submitted:


ALBERT S. GARCIA
Chairman
Committee on Trade and Industry

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
QUEZON CITY

Republic of the Philippines
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Quezon City

FIFTEENTH (15TH) CONGRESS
Third Regular Session

HOUSE BILL NO. **6529**
(In Substitution of House Bill Nos. 1221 and 1727)

Introduced by Representatives Macapagal-Arroyo D., Macapagal-Arroyo G., Rodriguez R., Rodriguez M., Macapagal-Arroyo JM., Syjuco, Torres-Gomez, Cabaluna, Garcia A. R., Apacible, Duavit, Biron, Defensor, Alvarez A., Trena, Casino, Villarica, Mandanas, Fernandez, Garay, Teodoro, Del Rosario A.R., Sacedalan, Osmeña, Joson, Rodriguez I., Lacson-Noel, Yu, Ferrer J., Sahidulla, Lagdameo A., Bonoan-David, Mellana, Sakaluran, Quisumbing, Unabia, Batocabe, Colmenares, Haresco, Villar, Pancho, Enverga, Cojuangco E., Cajayon, Tugna, Ty, Romualdez, Panotes, and Bagasina

AN ACT
PROVIDING FOR TOY AND GAME SAFETY LABELING, APPROPRIATING
FUNDS THEREFOR

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

1 **SECTION 1. Short Title.** – This Act shall be known as the "Toy and Game
2 Safety Labeling Act of 2011."

3 **SECTION 2. Declaration of Policy.** – The State recognizes that children,
4 by reason of their physical and mental immaturity, need special safeguard and
5 care. The State acknowledges its obligation to secure the right of children to
6 proper care and special protection from all forms of neglect and other conditions
7 prejudicial to their development. Toward this end, the State shall ensure the
8 protection of children against potential hazards to their health and safety by
9 requiring special labeling of toys and games. To guarantee the rights of children

to protection and safety, the State shall provide a means of redress for violation of said rights.

SECTION 3. *Definition of Terms* – For purposes of this Act, the following terms shall be defined as follows:

a. *Hazardous substance* refers to any substance or mixture of substances which is toxic, corrosive, irritant, a strong sensitizer, flammable or combustible, or generates pressure through decomposition, heat or other means, if such substance or mixture of substances causes any substantial injury or illness during or as a proximate result of any customary or reasonably foreseeable ingestion by children;

b. *Label, labeling* refers to the display of written, printed or graphic matter on any consumer product, its immediate container, tag, literature or other suitable material affixed thereto for the purpose of giving information as to identify components, ingredients, attributes, directions for use, specifications and such other information as may be required by law or regulations.

c. *Package or packaging* refers to any container or wrapping in which any consumer product is enclosed for use in the delivery or display of that consumer product to retail purchasers.

d. *Principal display panel* refers to the part of the label that is most likely to be displayed, presented, shown or examined under normal and customary conditions of display for retail or sale.

SECTION 4. *Labeling Requirements for Toys and Games* – The packaging, any descriptive material, and in case of bulk sales, bins, containers for retail display, or vending machines from which the unpacked toy or game is dispensed, shall bear the cautionary statements with corresponding graphics described in the succeeding paragraph if the toy or game intended for use of children below fourteen (14) years of age includes a small part and is manufactured for sale, offered for sale, or distributed in commerce in the Philippines. The cautionary statement required for a toy or game under this

Section shall likewise apply to food items which contain or whose packaging contain any toy or game descriptive material.

The following cautionary statement shall be printed on the packaging of any toy or game:



WARNING:

(graphics)

CHOKING HAZARD

Small parts not for children under
3 years of age

and/or



BABALA:

(graphics)

MAARING MAKABARA SA LALAMUNAN

Bawal sa batang wala pang 3 taong gulang

In the case of any latex balloon, any ball with a diameter of 1.75 inches or less intended for children who are below ten (10) years of age, or any marble intended for children who are less than fourteen (14) years of age, or any toy or game which contains such a balloon or marble, which is manufactured for sale, offered for sale, or distributed in commerce in the Philippines, the packaging of such balloon, toy, or game, any descriptive material which accompanies such

balloon, ball, marble, toy or game, and in the case of bulk sales of any such product when unpackaged, any bin, container for retail display, or vending machine from such unpackaged balloon, ball, marble, toy or game is dispensed, shall bear or contain the cautionary statements as follows:

1. In the case of balloons, or toys or games that contain latex balloons, the following cautionary statement shall be printed on the packaging of the same:



WARNING:

(graphics)

CHOKING HAZARD

Children under 14 years of age can choke
or suffocate on uninflated OR BURST balloons.

Adult supervision required.

Keep uninflated balloons from children.

Discard burst balloons at once.

and/or



BABALA:

(graphics)

MAARING MAKABARA SA LALAMUNAN

ng batang 14 taong gulang pababa ang
walang hangin o pumutok na lobo.

Kinakailangan ang patnubay ng nakatatanda.

Ilayo ang mga lobong walang hangin sa mga bata.

Itapon kaagad ang pumutok na lobo.

2. In the case of balls, the following cautionary statement shall apply



WARNING:



(graphics)

CHOKING HAZARD

This toy is a small ball

NOT for children under 3 years of age

and/or



BABALA:



(graphics)

MAARING MAKABARA SA LALAMUNAN

Maliit na bola na ito ay

BAWAL sa batang wala pang 3 taong gulang

3. In the case of marbles, the following cautionary statement shall be
printed on its packaging:

3



WARNING:

4



(graphics)

5

CHOKING HAZARD

6

This is a marble.

7

NOT for children under 3 years of age

8

and/or

9



BABALA:

10



(graphics)

11

MAARING MAKABARA SA LALAMUNAN

12

Ang laruang ito ay holen.

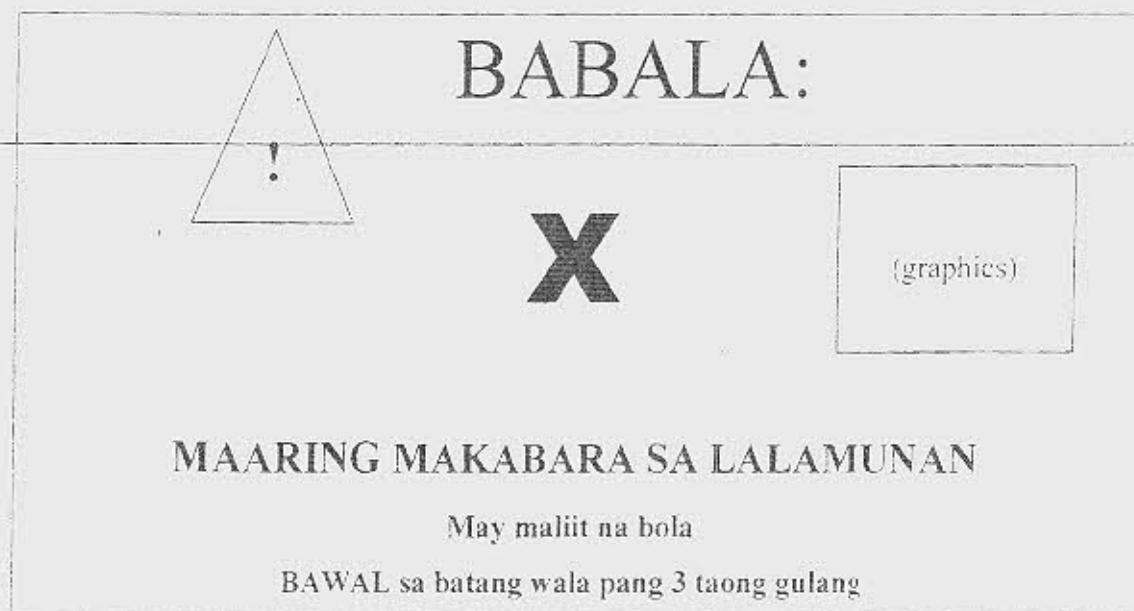
13

BAWAL sa batang wala pang 3 taong gulang

4. In the case of toys or games containing balls, the following cautionary statement shall be printed on its packaging:



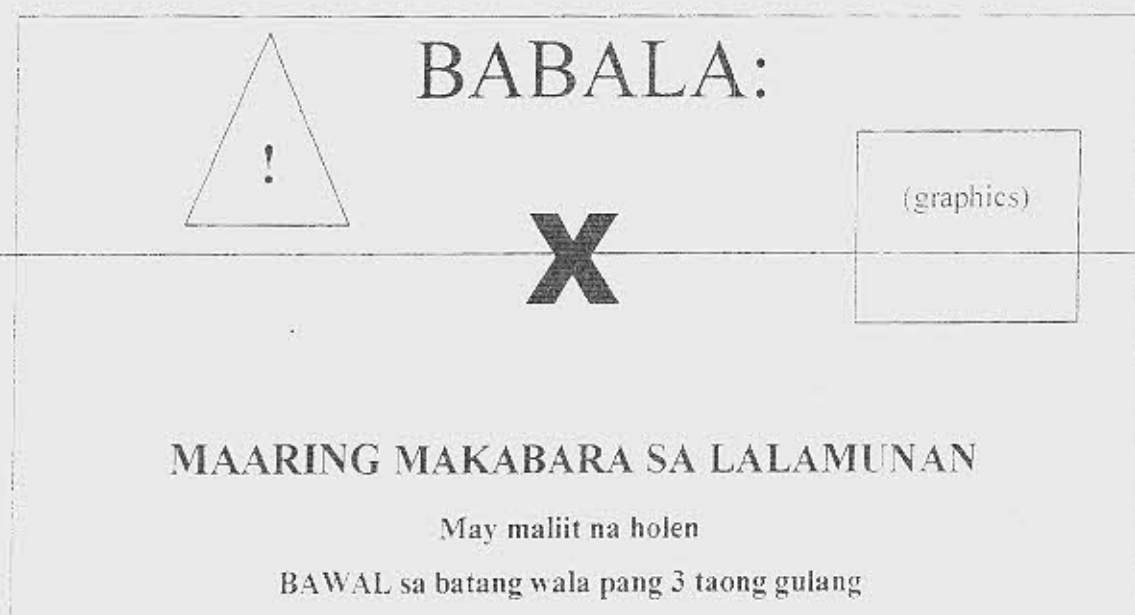
and/or



5. In the case of toys and games containing marbles, the following cautionary statement shall be printed on its packaging,



and/or



1 **SECTION 5. General Labeling Requirements.** – Except as provided in
2 Sections 6 and 7 hereof, any cautionary statement shall be displayed in its
3 entirety on the principal display panel of the product's package and on any
4 descriptive material which accompanies the product. In the case of bulk sales of
5 such product when unpacked, the cautionary statement shall be displayed on the
6 bin or container used for the retail display of the product, and any vending
7 machine from which the unpacked product is dispensed and displayed, in English
8 or Filipino or both written in common language, in conspicuous and legible type
9 in contrast by typography, lay-out, or color with other printed matter on such
10 package, descriptive materials, bin, container and vending machine, and in the
11 manner consistent with the provisions of Republic Act No. 7394 otherwise known
12 as "The Consumer Act of the Philippines".

13 **SECTION 6. Exception.** – Products manufactured and packaged outside
14 the country and directly shipped from the manufacturer to the consumer by mail
15 or other delivery service which do not bear the required statement provided
16 under Section 5 hereof shall be admitted if other accompanying material shipped
17 with the product bears such statement.

18 **SECTION 7. Special Rules for Certain Packages.** – A cautionary
19 statement required by Section 4 hereof or in lieu of display on the principal
20 display panel of the product's package, shall be displayed on another panel of
21 the package if the package has a principal display panel of 15 square inches or
22 less, and the required statement is displayed in English or Filipino or both written
23 in common language, and the statement is displayed on the principal display
24 panel and is accompanied by an arrow or other indicator pointing toward the
25 place on the package where the statement required in Section 5 hereof appears.

26 In case of a product to which Section 4 hereof, paragraph 1 applies, the
27 cautionary statement shall read:



SAFETY WARNING:

X

and/or



BABALA MAG-INGAT:

X

In the case of a product to which Section 4, paragraph 2 applies, the cautionary statement shall read:



WARNING:

X

(graphics)

CHOKING HAZARD

and/or

BABALA:



(graphics)

MAARING MAKABARA SA LALAMUNAN

SECTION 8. *Treatment on Misbranded or Banned Hazardous*

Substance. – A balloon, ball, marble or toy or game which packaging is not in compliance with the requirements of this Act shall be considered a misbranded or banned hazardous substance. It shall be withdrawn from the market at the expense of the manufacturer or importer and shall not be allowed to be distributed, sold or offered for sale in the Philippines unless and until the requirements of this Act are complied without prejudice to any liability and penalty that may be incurred under Section 10 hereof.

SECTION 9. *Report to Department Of Health* – A manufacturer,

distributor, retailer and importer of a marble, small ball or latex balloon, or a toy or game that contains a marble, small ball or latex balloon, or other small parts, shall report to the Department of Health and the Department of Trade and Industry any information obtained by such manufacturer, distributor, retailer, or importer which reasonably supports the conclusion that an incident occurred in which a child regardless of age choked with such marble, small ball, or latex balloon, or on a marble, small ball, latex balloon, or other small part contained in such toy or game, and that as a result of that incident the child died, suffered serious injury, ceased breathing for any length of time, or was treated by a medical professional.

1 **SECTION 10. *Penalties.*** – Any person who shall violate any provision of
2 this Act, shall be subject to a fine of not less than Ten Thousand Pesos
3 (P10,000.00) but not more than Fifty Thousand Pesos (P50,000.00) or
4 imprisonment of not less than three (3) months but not more than two (2) years
5 or both at the discretion of the court.

6 If the offense is committed by a corporation, trust, firm, partnership or
7 association or other entity, the penalty shall be imposed upon the guilty officer or
8 officers of such corporation, trust, firm, partnership or association or entity.

9 **SECTION 11. *Regulations.*** – The Department of Trade and Industry, in
10 consultation with the Department of Health, shall promulgate the rules and
11 regulations for the implementation of this Act. The Department of Trade and
12 Industry shall regularly publish every six (6) months the list of all manufacturers,
13 importers, distributors and retailers who failed to comply with the requirements of
14 this Act. Likewise, the Department of Health shall publish every six (6) months
15 the list of all misbranded or banned hazardous substances the sale, offer for
16 sale, and distribution of which shall not be allowed under this Act.

17 **SECTION 12. *Funding.*** – The Department of Trade and Industry and the
18 Department of Health shall include in their respective annual budgets the
19 amount necessary for the effective implementation of this Act.

20 **SECTION 13. *Grace Period.*** – Manufacturers, retailers, distributors, and
21 importers are given one (1) year grace period from the effectivity of this Act to
22 comply with these requirements from the effectivity of this Act.

23 **SECTION 14. *Separability Clause.*** – If any provision, or part hereof, is
24 held invalid or unconstitutional, the remainder of the law or the provision not
25 otherwise affected shall remain valid and subsisting.

26 **SECTION 15. *Repealing Clause.*** – Any law, presidential decree, or
27 issuance, executive order, letter of instruction, administrative order, rule or
28 regulation contrary to or inconsistent with the provisions of this Act is hereby
29 repealed, modified or amended accordingly.

1 **SECTION 16. *Effectivity Clause.*** – This Act shall take effect fifteen (15)
2 days after its publication in at least two (2) newspapers of general circulation.
3 *Approved,*

FACT SHEET

House Bill No. **6529**
(As Approved by the Committee)

**AN ACT
PROVIDING FOR TOY AND GAME SAFETY LABELING,
APPROPRIATING FUNDS THEREFOR**

Introduced by: Rep. Diosdado Macapagal Arroyo, Rep. Gloria Macapagal Arroyo, Rep. Rufus B. Rodriguez and Rep. Maximo B. Rodriguez

*Committee Referral: COMMITTEE ON TRADE & INDUSTRY
Committee Chairperson: REP. ALBERT RAYMOND S. GARCIA*

OBJECTIVE:

- To provide protection to children against potential hazards to their health and safety by setting standardized labeling requirements for certain toys and games of children.

KEY PROVISIONS:

- Prescribes the printing of cautionary statements and requires the inclusion of graphics for the labelling of certain toys or games.
 - Requires that safety labelling of toy or game be applied to food items which contain or whose packaging includes a toy or descriptive material of a game.
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- Mandates the Department of Health to publish every six (6) months the list of all misbranded or banned hazardous substances the sale, offer for sale, and distribution of which shall not be allowed subject to the requirements of this Act.
 - Authorizes the Department of Trade and Industry and the Department of Health to include in their respective annual budgets the amount necessary for the effective implementation of this Act.

RELATED LAW:

- The Consumer Act (Republic Act 7394)
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