

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

16th Congress
First Regular Session

HOUSE BILL NO. 1094



Introduced by **HON. MA. VICTORIA R. SY-ALVARADO**

EXPLANATORY NOTE

No one can deny the importance of a healthy mind and body. The pursuit of health has evolved into a multi-billion industry worldwide, as the demands of the modern life had everyone searching for the secrets of staying fit and healthy.

In the Philippines, the past few decades gave birth to the proliferation of herbal food and dietary supplements, with millions of pesos poured into convincing customers that these products are sometimes "better" than other medicines. Worse, is that these products are readily available and accessible even without the proper medical prescriptions.

Thus, in 2010, the Department of Health issued Administrative Order No. 2010-0008, which required stricter labeling and advertising for herbal food and dietary products. Among others, it required manufacturers to translate into Filipino all advertising and promotional materials in order to help warn the public of the dangers of using these products via self-medication and without the proper guidance of doctors.

Still, the proliferation of advertisements regarding herbal food and dietary supplements via expensive marketing strategies continue to entice the public, some of whom are unaware of the potential health risks of using these products as they have not been properly tested and approved by the proper authorities.

This bill calls for the institutionalization of a stricter regulation of manufacturers, sellers and distributors' compliance on the quality and safety standards as mandated by the DOH. The warning "No Therapeutic Claims" and its real classification as "FOOD SUPPLEMENTS" must be highlighted in all the packaging, infomercials and handouts and shall include a thorough and complete list of the potential adverse effects or contraindications especially if used with certain medications for other ailments.

It is the job of the DOH, together with the Department of Trade and Industry, the Food and Nutrition Council and the Food and Drugs Administration to work together to ensure consumer protection and safety standards and responsible advertising for the welfare of the people.

The approval of this bill is earnestly sought.


MA. VICTORIA SY-ALVARADO

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

SIXTEENTH CONGRESS

HOUSE BILL NO. 1094

INTRODUCED BY HON. MA. VICTORIA SY-ALVARADO

AN ACT
REQUIRING MANUFACTURERS, DISTRIBUTORS AND SELLERS OF HERBAL
MEDICINES, SUPPLEMENTARY HEALTH PRODUCTS AND ALTERNATIVE HEALTH
FOODS TO STRICTLY CONFORM TO ADVERTISEMENT STANDARDS IN THE
MANUFACTURE, DISTRIBUTION AND SALE OF THESE PRODUCTS IN THE LOCAL
OR INTERNATIONAL MARKET AND FOR OTHER PURPOSES

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

SECTION 1. Role of Government Agencies.—The Department of Health, Food and Drugs Administration, the Nutrition Council of the Philippines in cooperation with the Department of Trade and Industry shall ensure the strict compliance of quality and safety standards by manufacturers, distributors and sellers of herbal medicines. It shall create a joint committee whose membership will come from these agencies and from the affected industry to implement appropriate advertising policies and guidelines for compliance of manufacturers, distributors and sellers of these products in the country.

SECTION 2. Product Markings. — All herbal products, alternative medicines and health supplements must be labeled with the following words in English, Filipino and Visayan languages in their packaging, advertising, marketing and promotional material:

1. IMPORTANT WARNING: "NO APPROVED THERAPEUTIC CLAIMS"
2. MAHALAGANG PAALALA: "ANG PRODUKTONG ITO AY HINDI GAMOT AT HINDI DAPAT GAMITING PANGGAMOT SA ANUMANG URI NG SAKIT"
3. MAHINUNG DANON NGA PAHINUMDUM: "KINING PRODUKTO DILI TAMBAL UG DILI ANGAY NA HIMOON NGA TAMBAL SA BISAN UNSA NGA SAKIT"



These words must be placed at the back of the label of the bottle and box of the products. For easy reference, the print must be colored red, green or blue. In promoting, marketing and advertising these products and supplements, these words must be printed in very large fonts.

SECTION 3. Monitoring and Penalties. – The agencies concerned shall monitor the strict compliance of these policies and shall recommend to the Department of Trade and Industry and local government units the suspension or revocation of licenses and permits of these manufacturing firms, distributing companies and advertising entities in their area of jurisdiction for failure to comply with any provision of this Act.

Any business entity involved in the manufacture, distribution, sale, advertising, marketing and promotion of the herbal products and food supplements that will not comply with any provisions of these Act shall be penalized by the Department of Health with a fine of fifty thousand pesos (Php50,000.00) but not more than one hundred thousand pesos (Php100,000.00) for its first offense. A fine of one hundred thousand pesos (Php100,000.00) but not more than two hundred fifty thousand pesos (Php250,000.00) shall be imposed to second time violators. A fine of than two hundred fifty thousand pesos (Php250,000.00) but not more than five hundred thousand pesos (Php500,000.00) shall be imposed to third time violators. For more than four violations, a fine of one million pesos (Php1,000,000.00) but not more than five million pesos (Php5,000,000.00) shall be imposed to violators of this Act and a one (1) year suspension of its permits and licenses.

SECTION 4. Appropriations. - The budgets in the General Appropriations Act of the current year of the Department of Health and Department of Trade and Industry shall be tapped for the monitoring and compliance of this Act. In the succeeding years, the amount necessary to handle this function will be included in the budget including hiring of additional personnel to focus on the implementation of this Act.

SECTION 5. Implementing Guidelines. – The Department of Health, the Department of Trade and Industry, the Food and Drug Administration and the Nutrition Council of the Philippines in coordination with various stakeholders shall draft the implementing guidelines of this Act within two (2) months from the approval of this Act. Affected industries and business entities shall be given a period of six (6) months from approval of this Act to strictly comply with the requirements provided in Section 2 of this Act.

SECTION 6. Separability Clause. – If any section or provision of this Act is declared unconstitutional or invalid, the other sections or provisions not affected thereby shall continue to be in force and effect.

SECTION 7. Repealing Clause. – All acts, decrees, executive orders, rule and regulations, part or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 8. Effectivity Clause. – This Act shall take effect upon its approval.

