

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

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2365



Introduced by: HON. ERIC D. SINGSON

EXPLANATORY NOTE

Today, tobacco products that are sold in the Philippines have a 30% textual health warning in their front panels as required by R.A. 9211 or the Tobacco Regulation Act of 2003. The Framework Convention on Tobacco Control (FCTC), which the Philippines ratified on 6 June 2005, requires health warnings with a minimum size of 30% of both display panels.

The author recommends a combination of graphic and textual health warnings on tobacco product packages that are sold to consumers. While the FCTC does not require graphic health warnings, the author believes that this will improve the communication of the health risks associated with smoking.

The parameters of the health warnings prescribed in this bill are both reasonable and effective and continues to promote the balanced policy of the government whereby the use, sale, and advertisements of tobacco products shall be regulated in order to promote a healthful environment and protect the citizens from the hazards of tobacco smoke, and at the same time ensure that the interest of tobacco farmers, growers, workers and stakeholders are not adversely compromised as enshrined in R.A. 9211.

The early passage of this bill is thus earnestly requested.


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2nd District, Ilocos Sur

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AN ACT
PRESCRIBING THE PRINTING OF GRAPHIC HEALTH WARNINGS ON
TOBACCO PRODUCTS

Section 1. Short title. – This Act shall be known as “The Graphic Health Warning Law.”

Section 2. Definition of terms. –

- a. “Graphic Health Warning” - refers to the photographic image printed on the tobacco product package which shall accurately depict the hazards of tobacco use and an accompanying textual warning that is related to the picture
- b. “Tobacco Product Package” - refers to packet and package in which tobacco products are provided to consumers such as, but not limited to, packs, tins, pouches, hinged-lid packages, but excludes reams and mastercases and other forms of packaging not primarily intended for consumers or for retail sale
- c. “Soft Package” - refers to packaging made of thin paper or any similar material
- d. “Hinged-Lid Package” - refers to packaging typically made of paperboard with a top cover that can swing open through its pivot
- e. “Stock Keeping Unit” - refers to a distinct item in the inventory that is offered for sale to the consumers

Section 3. Coverage – The Graphic Health Warning Law is only applicable to tobacco products that are locally manufactured or imported into the Philippines and placed into commerce in the Philippines. No provision of this Act shall apply to tobacco products intended for the export market and not for domestic sale in the Philippines. In the case of cigarettes intended or offered for export, they shall only be subject to the requirement that one side panel of the mastercases, reams/cartons, and one side panel of each cigarette pack primarily intended for retail sale to consumers, shall be marked with the following: “For sale only in (Place of Sale)”, “Made under authority of (Trademark Owner)”, and the tax assessment number assigned by the Bureau of Internal Revenue to the domestic manufacturer that exports tobacco products, in addition to the fiscal and regulatory marking requirements of the country where the tobacco products will be ultimately sold.

Section 4. Health Warnings On Tobacco Product Packages – The graphic health warning and the accompanying textual health warning accurately reflecting the graphic images must comply with the following specifications:

- a. The textual health warning shall be printed at the bottom portion of the front panel while the graphic health warning shall be printed at the bottom portion of the back panel. Both graphic and textual health warnings shall occupy 30% of each display panel, including any border or frame.
- b. The graphic health warning shall not be printed on an area where it may be obliterated, obstructed, folded, severed or become unreadable when the tobacco product package is opened or closed or when a wrapper on the package is removed.
- c. Each set of graphic health warnings and corresponding textual health warnings shall contain eight (8) versions which shall be rotated periodically or printed simultaneously and separately, for each stock keeping unit, so that each variation shall appear in approximately equal frequency over the yearly volume;
- d. The eight (8) versions of textual health warnings accurately describing the graphic health warnings shall be printed either in English or Filipino, for each stock keeping unit. The textual health warning shall appear in clearly legible type in black text on a white background with a black border and in contrast by typography; layout or color to the other printed materials on the package, and shall occupy a total area of not less than fifty percent (50%) of the total textual warning frame;
- e. The graphic health warning shall be printed in full color using available printing technologies with at least four (4), but not more than eight (8) colors, using a resolution of 127 to 300 dpi for half-tone source file;
- f. The prescribed health warnings to be determined by the Inter-Agency Committee on Tobacco (IAC-T), whether graphic or text, must be evidence-based and must accurately and truthfully depict the health hazards associated with the use of tobacco products.

Section 5. Transition Period from Textual Health Warning to Graphic Health Warning –

- (a) Within six (6) months from the effectivity of the Rules and Regulations implementing this Act, the IAC-T shall issue the first set of health warnings, containing eight (8) versions of graphic health warnings and eight (8) accompanying textual health warnings accurately reflecting the graphic images.

- (b) Eighteen (18) months after the release by the IAC-T of the initial set of graphic and textual health warnings, all tobacco products withdrawn from a manufacturing facility, or imported into Philippines customs territory in the case of imported tobacco products, shall carry graphic and textual health warnings as prescribed in Section 4 of this Act.
- (c) The first set of graphic and textual health warnings shall have a validity period of at least three (3) years commencing from the first day when manufacturers are required to withdraw compliant products from their premises, or from the first day by which importers are required to import compliant products.
- (d) After three hundred sixty (360) days counted from the first day when manufacturers are required to withdraw from their premises or importers are required to import products bearing the prescribed graphic and textual health warnings based on the period specified in Section 5(b) hereinabove, no tobacco products shall be sold or offered for sale in the domestic market unless the same comply with the mandated health warnings prescribed under this Act.
- (e) After the lapse of at least three (3) years corresponding to the validity period of the first set of graphic and textual health warnings, the IAC-T may require a new set of health warnings.
- (f) The second or succeeding sets of graphic and textual health warnings may be issued by the IAC-T provided that the new health warnings conform to the specifications outlined in Section 4 of this Act; *Provided further*, that the manufacturers and importers shall be given at least eight (8) months to transition to the new set of graphic and textual health warnings counted from the date of release by the IAC-T of the new set of health warnings. After such transition period, all tobacco products withdrawn from a manufacturing facility, or imported into Philippines customs territory in the case of imported tobacco products, shall carry the new set of graphic and textual health warnings.
- (g) Tobacco products carrying the previous set of graphic and textual health warnings may continue to be sold or offered for sale within three hundred sixty (360) days from the first day when manufacturers are required to withdraw from their premises or importers are required to import products bearing the new set of graphic and textual health warnings as specified in Section 5(f) hereinabove.

Section 6. Side Panel – In addition to the graphic health warning, all tobacco product packages that are provided to consumers shall contain, on one side panel the following statement in a clear, legible and conspicuous manner; "NO SALE TO MINORS" or "NOT FOR SALE TO MINORS."

The statements shall occupy an area of not less than ten percent (10%) of the side panel and shall appear in contrast by color, typography or layout with all the other printed material on the side panels.

Section 7. Descriptors - Cigarette packs or other tobacco product packages containing terms or descriptors such as, but not limited to, “low tar”, “light”, “ultra-light”, “mild”, “extra”, “ultra”, and similar terms which the IAC-T deem to be misleading or likely to create an erroneous impression about its health hazards shall contain a notation on the other side panel as follows: “(BRAND AND DESCRIPTOR) IS NOT SAFER OR LESS HARMFUL TO YOUR HEALTH”.

The statements shall occupy an area of not less than ten percent (10%) of the side panel and shall appear in contrast by color, typography or layout with all the other printed material on the side panels.

Section 8. Prohibited Acts. – It shall be unlawful for manufacturers or importers, to withdraw from its manufacturing facility, or import into the Philippines, for domestic sale, in violation of Sections 4, 5(b), 5(d), 5(f), 5(g), 6 and 7 of this Act.

It shall likewise be unlawful for distributors, wholesalers or retailers to sell, offer to sell, or distribute tobacco products in violation of Sections 5(d) and 5(g) of this Act.

If the violation is committed by a business entity, the owner, president, general manager, or the responsible officers thereof shall be liable for the offense.

Section 9. Penalties. – The following penalties shall apply:

- a.) Any manufacturer or importer found guilty of violating the provisions of Sections 4, 5(b), 5(d), 5(f) and 5(g), 6 and 7 hereof shall be meted the following penalties:
 - 1. On the first offense, a fine of not more than One Hundred Thousand Pesos (Php 100,000.00) shall be imposed;
 - 2. On the second offense, a fine of Five Hundred Thousand Pesos (Php 500,000.00), shall be imposed;
 - 3. On the third offense, in addition to a fine of One Million Pesos (P1,000,000.00), or imprisonment of not more than one (1) year, or both at the discretion of the court, the business permits and licenses to operate may also be canceled or revoked.
- b.) Any distributor, wholesaler or retailer found guilty of violating the provisions of Sections 5(d) and 5(g) hereof shall be meted the following penalties:
 - 1. On the first offense, a fine of not more than Ten Thousand Pesos (Php 10,000.00) shall be imposed;

2. On the second offense, a fine of Fifty Thousand Pesos (Php 50,000.00), shall be imposed;

3. On the third offense, in addition to a fine of One Hundred Thousand Pesos (P100,000.00), or imprisonment of not more than one (1) year, or both at the discretion of the court, the business permits and licenses to operate may also be canceled or revoked.

If the guilty officer is an alien, he shall summarily be deported after serving his sentence and shall be forever barred from re-entering the Philippines.

Section 10. Implementing Agency – Pursuant to Section 29 of Republic Act No. 9211, the IAC-T shall have the exclusive jurisdiction to administer and implement the provisions of this Act.

For purposes of effectively implementing this Act, the IAC-T is hereby authorized to deputize appropriate law enforcement agencies, including those assigned in the economic zones. The IAC-T may also deputize local government executives and representatives of the national government agencies to monitor and ensure compliance with this Act.

Section 11. Appropriations. – The amount necessary to implement the provisions of this Act shall be charged against the current year's appropriations of the national government agencies belonging to the IAC-T. Thereafter, such funds as may be necessary for the continued implementation of this Act shall be included in the budgets of each IAC-T member under the annual General Appropriations Act.

Section 12. Separability Clause – Should any provisions of this Act be subsequently declared unconstitutional, the other provisions not so declared shall remain in full force and effect.

Section 13. Repealing Clause – Section 13 of Republic Act No. 9211 and Department of Health Administrative Order No. 2010-0013 are hereby repealed. All other laws, decrees, executive order and other administrative issuances and parts thereof which are inconsistent with the provisions of this Act are hereby modified, superseded or repealed accordingly.

Section 14. Effectivity – This Act shall take effect fifteen (15) days following its publication in the Official Gazette or in a major daily newspaper of national circulation in the Philippines.