

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

SEVENTEENTH CONGRESS
Third Regular Session

House Bill No. 8836



Introduced by Representatives Ron P. Salo and Paul P. Hernandez

EXPLANATORY NOTE

In 2016, the World Health Organization (WHO) estimated that more than three million people died as a result of the harmful use of alcohol. The same study revealed that the excessive consumption of alcohol causes more than 5% of the global disease burden.

In February 2009, the Department of Health (DOH) released a study showing that Filipinos are the heaviest drinkers of alcoholic beverages in Southeast Asia. According to that 2009 study, alcohol consumption in the Philippines is rising particularly among affluent Filipinos who consumed 37% more alcohol than in other countries like Thailand (34%), Singapore (32%), Malaysia (28%) and Indonesia (8%).

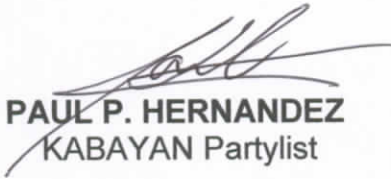
Republic Act No. 9211, or the Tobacco Regulation Act of 2003, and Republic Act No. 19643, or the Graphic Health Warning Law, banned the advertising tobacco products and regulated their packaging by requiring the mandatory printing of health warnings. However, no similar piece of legislation have been enacted to regulate, much less to prohibit, the advertising of alcoholic beverages.

To date, advertisement of alcoholic beverages appears in all forms of media as part of the Filipinos' daily lives. As a result, the average Filipino starts drinking alcoholic beverages way before they reach the age of majority, although its sale is prohibited for those below 18 years of age.

It is therefore proposed under this Act that mandatory health warnings should be printed on the packaging and labeling of alcoholic beverages, and prohibits the advertisement of these products.

In view of the foregoing, approval of this bill is urgently sought.


RON P. SALO
KABAYAN Partylist


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KABAYAN Partylist

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AN ACT
TO EFFECTIVELY INSTILL HEALTH CONSCIOUSNESS THROUGH HEALTH
WARNINGS ON ALCOHOLIC BEVERAGES AND PROHIBITING THE
ADVERTISEMENT ON THE SALE AND CONSUMPTION THEREOF

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

SECTION 1. Short Title. – This Act shall be known as “Health Warnings on Alcoholic Beverages Regulation Law.”

SEC. 2. Declaration of Policy. – It is the policy of the State, consistent with its constitutional mandate, to protect and promote the right to health of the people and instill health consciousness among them. It is for this purpose that the State must institute a policy, providing for the mandatory placement of health warnings on the packaging and labels of alcoholic beverages, and prohibiting advertisements that will promote the sale and consumption of such products.

SEC. 3. Definition of Terms. – For purposes of this Act, the following terms shall mean:

- a) *Advertisements* shall refer to any visual and/or audible message disseminated to the public about or on a particular product that promote and give publicity by words, designs, images, or any other means through broadcasts, electronic, print or whatever form of mass media, including outdoor advertisements, such as but no limited to signs and billboards. For the purpose of this Act, advertisement shall be understood as alcoholic beverages advertisement;
- b) *Alcoholic beverages* shall refer, but not limited to, spirits and distilled spirits, wines, and fermented liquors;
- c) *Health Warning* shall refer to the notice printed on the alcoholic beverage product or its container and/or displayed in print or alert in broadcast or electronic media including outdoor advertising and which shall bear information on the hazard of excessive consumption of alcoholic beverages;

- d) *Labeling* shall refer to the information about a product on its containers, packaging, or the product itself;
- e) *Packaging* shall refer to any bottle, can, box, or any other container of alcoholic beverages; and
- f) *Sponsorship* shall refer to any public or private contribution to a third party in relation to an event, team or activity made with the aim of promoting a brand or product, which event, team or activity would still exist or occur without such contribution. For the purpose of this Act, sponsorship shall be understood as alcoholic beverages sponsorship.

SEC. 4. Health Warning Requirement on Labeling. – The Department of Health shall issue the required templates of textual health warnings within thirty (30) days upon approval of this Act. It shall be printed on the packaging and labeling simultaneously.

One (1) year after the issuance of the templates by the Department of Health (DOH), packaging and labeling of all alcoholic beverages, including any external packaging and labeling, withdrawn from the manufacturing facilities, or imported into the Philippine customs territory shall bear the prescribed highly visible textual warning.

Imported alcoholic beverages shall bear the prescribed health warning prior to distribution or sale to the public.

SEC. 5. Health Warning Specifications. – The health warnings shall be printed on at least 10% of the principal display surfaces of every packaging and labeling of alcoholic beverages. Nothing shall be printed or applied on a location where it is likely to obscure or cover, in part or in whole, the health warnings. No part of the warning may be obliterated, obscured, folded, severed or become unreadable.

SEC. 6. Ban on Advertisements. – Upon effectivity of this Act, all forms of advertisement promoting the sale or consumption of alcoholic beverages shall be prohibited.

SEC. 7. Restriction on Sponsorships. – Upon effectivity of this Act, manufacturers, importers, and distributors of alcoholic beverages are hereby prohibited from sponsoring any sporting event, concert, cultural art or event, as well as individual and team athletes, artists, or performers, where the sponsorship shall promote the sale or consumption of such products.

SEC 8. Restriction on Sampling. – The distribution of samples of alcohol beverages to persons below eighteen (18) years old is prohibited.

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

- a) On the first offense, a fine of not more than One Hundred thousand pesos (Php 100,000.00) or imprisonment of not more than one (1) year, or both, at the discretion of the court shall be imposed;
- b) On the second offense, a fine of Two hundred thousand pesos (Php 200,000.00) or imprisonment of not more than two (2) years, or both, at the discretion of the court shall be imposed; and
- c) On the third offense, in addition to a fine of not more than Four Hundred thousand pesos (Php 400,000.00) or imprisonment of not more than three (3) years, or both at the discretion of the court, the business permits and licenses, in the case of a business entity or establishment shall be revoked or cancelled.

In the case of a business entity or establishment, the owner, president, manager or officials thereof shall be liable.

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

SEC. 10. Implementing Rules and Regulations. – The necessary rules and regulations to carry out the provisions of this Act shall be issued by the Department of Health (DOH), Department of Trade and Industry (DTI), and the Food and Drug Administration (FDA) within sixty (60) days from the approval of this Act.

SEC. 11. Separability Clause. – If any provision of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain valid.

SEC. 12. Repealing Clause. – All acts, executive orders, administrative orders, proclamations, rules and regulations or parts thereof inconsistent with any of the provisions of this Act are hereby repealed or modified accordingly.

SEC. 13. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved. 