

AN ACT TO AMEND SECTIONS ONE AND SIX AMENDING 3740 OF ACT NUMBERED THIRTY-SEVEN HUNDRED AND FORTY, ENTITLED “AN ACT TO PENALIZE FRAUDULENT ADVERTISING, MISLABELING, OR MISBRANDI...

Commonwealth Act No. 46, October 13, 1936

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Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section one of Act Numbered Thirty-seven hundred and forty is hereby amended to read as follows:

"SECTION 1. It shall be unlawful for any person, firm or corporation, either as principal or agent, to display, sell, barter, or exchange, or to offer or expose for display, sale, barter, or exchange in the Philippines; or to possess with intent to, sell; or to cause to be sent, carried, or brought for display, sale, barter, or exchange from any foreign country into the Philippines, or from the Philippines into any foreign country, any article which is falsely packed, labeled, marked, or branded, or is packed, labeled, marked, or branded in such a way as to misrepresent the character, amount, value, contents, properties, or condition of the article or of the materials of which it is composed; or any article the container of which is mislabeled or misbranded or is packed, labeled, marked, or branded in such a way as to misrepresent the character, amount, value, contents, properties or condition of the article contained or of the materials of which the article is composed; or any article which is accompanied by advertising matter which misrepresents the character, amount, value, contents, properties or condition of the article advertised, or of the materials of which it is composed whether or not the article or the container thereof is mislabeled, misrepresented, or misbranded.

"The possession of any of the articles herein mentioned in quantities in excess of the reasonable needs of the possessor shall constitute prima facie evidence of possession with intent to sell."

SEC. 2. Section six of the same Act is hereby amended to read as follows:

"SEC. 6. Any person who shall violate any provisions of this Act shall, upon conviction, be penalized by a fine of not less than two hundred pesos and not more than five thousand pesos, or by imprisonment for not less than one month nor in excess of six months, or both such fine and imprisonment in the discretion of the court."

SEC. 3. This Act shall take effect upon its approval.

Approved, October 13, 1936.

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