Amending The Provisions of Commerce Governing The Packing, Labelling, Marking or Branding Of Products Manufactured In Or Imported Into The Philippines

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Pursuant to Title X, Book IV of the Administrative Code of 1987 and to effectively implement the provisions of Act No. 3740, as amended, the following rules and regulations amending Administrative Order No. 2, series of 1962, as amended, are hereby promulgated for the compliance, information, and guidance of all concerned.

SECTION 1. In order to effectively enforce Commerce Administrative Order No. 2, Series of 1962, as amended, a new provision denominated as Section 2A is hereby incorporated to provide as follows:

SECTION 2A. Persons Liable – The following persons who sell, offer for sale, barter, or exchange, or possess, with intent to sell, any fraudulently advertised or mislabeled/misbranded article shall be liable under Act. No. 3740:

- Natural Persons. Natural persons, either as principal or agent.

- Juridical persons. In cases of firms or corporations, the president, manager, or their equivalents and all members of the board of directors or their equivalents.

- Principals/Agents Manufacturers, repackers and importers are considered principals, and their distributors and retailers shall be considered agents, in the event that the latter expressly represent the former, or their relationship is covered by Article 1868 of the Civil Code of the Philippines.

- Retailers Not Principal/Agents Retailers who are not principals, nor agents of manufacturers, repackers, and importers, shall be equally liable if:

1. they do not report to the Department within 24 hours from discovery any observation or suspicion that goods sold to them appear to be mislabeled or misbranded

2. they do not, after due notice, withdraw the goods from their shelves pending validation by DTI of any report received by it that certain products sold by them are mislabeled or misbranded; Provided, However, That the report shall be validated within 72 hours from discovery by the DTI.

SECTION 2. All previous rules and regulations which are inconsistent with this Order are hereby revoked.

SECTION 3. These rules and regulations shall take effect immediately upon publication in a newspaper of general circulation.

Adopted: 7 Feb. 1991

(SGD.) PETER D. GARRUNCHO, JR.

Secretary

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