NATIONAL ADMINISTRATIVE REGISTER · MARCH 22, 1993

RULES AND REGULATIONS ON LABELING AND ADVERTISEMENT OF CIGARETTES

DOH ADMINISTRATIVE ORDER NO. 10, s.1993, March 22, 1993

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Whereas, the Department of Health (DOH) is the implementing agency for Chapter IV, Labeling and Fair Packaging of R.A. 7394 or the Consumers Act of 1992 with respect to hazardous substances;

Whereas, cigarettes are considered by the Republic Act as products which are hazardous to health;

Whereas, Article 94, Chapter IV of R.A. 7394 provides:

> "All cigarettes for sale or distribution within the country shall be contained in a package which shall bear the following statement or its equivalent in Filipino: "Warning" Cigarette Smoking is Dangerous to Your Health." Such statement shall be located in conspicuous place on every cigarette package and shall appear in conspicuous and legible type in contrast by typography, layout, or color with other printed matter on the package. Any advertisement of cigarette shall contain the same warning as indicated in the label."

Whereas, Article 77 of R.A. 7394 authorizes the implementing agency, in this case, the Department of Health (DOH), to promulgate rules and regulations requiring warning of toxicity, among others;

Wherefore, the DOH hereby promulgates the following rules and regulations governing labeling and advertisement of cigarettes.

SECTION 1. It is the policy of the State to protect the interest of the consumer, promote his general welfare, and to establish standards of conduct for business and industry. Towards this end, the State shall implement measures to achieve the following objectives:

a. protection against hazards to health and safety;

b. protection against deceptive, unfair, and unconscionable sales acts and practices;

c. provision of information and education to facilitate sound choice and the proper exercise of rights by the consumer; and

d. provision of adequate rights and means of redress and formulation of social and economic policies.

SECTION 2. To achieve these objectives, the DOH through its Bureau of Food and Drugs (BFAD) shall ensure that the warning against the health hazards caused by cigarette smoking is completely and clearly disseminated to the consumers.

SECTION 3. The best interest of the consumer shall be considered in the interpretation and implementation of these rules and regulations in accordance with Article 3 of R.A. 7394.

SECTION 4. This order shall apply to cigarette and cigars. Whenever the word cigarette is mentioned in these rules and regulations, it shall mean to include cigars.

SECTION 5. The package of all cigarettes for sale or distribution within the country shall bear the statement:

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"SECRETARY OF HEALTH'S WARNING: CIGARETTE SMOKING IS DANGEROUS TO HEALTH"

a. The warning statement shall be located on the lower portion of the front and back of the principal display panel of the cigarette pack.

b. The warning statement shall be of black color in type-size letters of bold Helvetica, not less than 3mm. on the standard size cigarette packs of about 10 cm. in length, and shall be enclosed by an outlined box of the same black color on a rectangular white background not less than 25% of the area of the front and back principal display panels.

An illustration of this requirement is hereto attached as Appendix A". *

c. The Filipino equivalent of the warning statement may be used, which shall read:

"BABALA NG KALIHIM NG KALUSUGAN: ANG PANINIGARILYO AY MAPANGANIB SA KALUSUGAN."

d. The word package referred to here shall include the primary cigarette pack, the carton containing the packs (ream), the boxes containing the cartons as well as equivalent containers for cigars.

e. Prototype labels containing the above warning shall be submitted to BFAD for approval prior to final printing.

SECTION 6. Any advertisement of cigarette shall contain the warning statement indicated in the label.

a. In advertisement through television, the warning statement shall appear and be voiced over in the same prominence and volume as the brand name at the end of the advertisement and shall be printed at the upper 25% portion of the advertisement, preferably by character generated running subtitle. The warning statement shall not be accompanied by music or any background sound.

b. In advertisement through radio of any length, the warning statement shall be voiced over before the end of the commercial.

c. For advertisement through print, media, billboards, neon signs, and promotional items as hereafter defined, the warning statement shall be featured prominently on the upper half portion of the board, advertisement-space or promotional item. The same statement shall be in the same color and background as the brand name, and shall be in type-size letters not smaller than 25% of the brand name, dominant logo, or image characters.

d. As defined in RA 7394 or the Consumer Act of 1992, Advertisement means the prepared and through any form of mass medium, subsequently applied, disseminated or circulated advertising matter, and Advertising means the business of conceptualizing, presenting, or making available to the public, through any form of mass media, fact, data, or information about the attributes, features, quality, or availability of consumer products, services or credit.

For this purpose, any form of mass medium shall include, but shall not be limited to promotional items like pens, shirts, hats, caps, and the like where promotional matters referring to the cigarette or smoking are printed thereon.

e. All advertisement containing the required warning statement shall be submitted for approval prior to dissemination, to a multi-sectoral screening, and monitoring committee to be created by the Secretary of Health.

SECTION 7. No cigarette without the warning statement will be allowed in the market beginning January 1, 1994.

SECTION 8. Advertisements of cigarettes shall contain the warning statement not later than July 1, 1993.

Superimposition of the warning statement on existing advertisement may be allowed.

SECTION 9. Cigarettes without the warning statement in the market beginning January 1, 1994, will be subject to

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seizure and confiscation by Food and Drug Regulation Officers and duly authorized officers of the Department of Health.

SECTION 10. Advertisement of cigarette without the warning statement beginning July 1, 1993 will be stopped by a cease and desist order of the Director of Bureau of Food and Drugs.

In case of failure to comply with the Cease and Desist Order, the advertiser or the person whose account the advertising is prepared or disseminated and the advertising agency, shall be made liable administratively, or criminally in accordance with Article 95, and Article 164 of R.A. 7394, after due notice and hearing.

SECTION 11. The Secretary of Health may request for assistance from the other government agencies including the Department of Trade and Industry, Department of Interior and Local Government, Department of Education, Culture and Sports and non-governmental organizations to implement this Order.

SECTION 12. The following are acts and omissions in violation of the law and these implementing rules and regulations:

1. Producing cigarettes in packages which do not bear the warning statement or when the layout, color or typography does not comply with these rules.

2. Advertising cigarettes without the health warning statement or when the presentation of the warning statement does not comply with the requirements and guidelines provided by this Order.

3. Distributing, selling, or offering for sale cigarettes in a package which does not contain the health warning provided for by R.A. 7394.

SECTION 13. After due notice and hearing, the applicable administrative penalties provided for under Article 164 of R.A. 7394 shall be imposed against any person who committed the act or omission in violation of the law and its implementing rules and regulations.
SECTION 14. Cases of violation of Article 94 of R.A. 7394 or these implementing rules and regulations will be heard by the Bureau of Food and Drugs in accordance with R.A. 7394.

SECTION 15. If for any reason any section or provision of this order is declared invalid, illegal or unconstitutional, the remainder of this Order shall not be affected by such a decision.

SECTION 16. This Order shall take effect fifteen (15) days following the date of its publication in a newspaper of general circulation.

Adopted: 22 Mar. 1993

(SGD.) JUAN M. FLAVIER, M.D., M.P.H.
Secretary of Health

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* Text available upon request at the Office of the National Administrative Register (ONAR), U.P. Law Center, Diliman, Quezon City.

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