



HOUSE OF REPRESENTATIVES

H. No. 6529

BY REPRESENTATIVES ARROYO (D.), MACAPAGAL-ARROYO (G.), RODRIGUEZ (R.), RODRIGUEZ (M.), MACAPAGAL ARROYO (J.), SYJUCO, GOMEZ, CABALUNA, GARCIA (A.), APACIBLE, DUAVIT, BIRON, DEFENSOR, ALVAREZ (A.), TREÑAS, CASIÑO, VILLARICA, MANDANAS, FERNANDEZ, GARAY, TEODORO, DEL ROSARIO (A.G.), SAÇDALAN, OSMEÑA, JOSON, RODRIGUEZ (I.), LACSON-NOEL, YU, FERRER (J.), SAHIDULLA, LAGDAMEO (A.), BONOAN-DAVID, MELLANA, SAKALURAN, QUISUMBING, UNABIA, BATOCABE, COLMENARES, HARESCO, VILLAR, PANCHO, ENVERGA, COJUANGCO (E.), CAJAYON, TUGNA, TY, ROMUALDEZ, PANOTES AND BAGASINA, PER COMMITTEE REPORT NO. 2382

AN ACT PROVIDING FOR TOY AND GAME SAFETY LABELING, APPROPRIATING FUNDS THEREFOR

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

1 SECTION 1. *Short Title.* – This Act shall be known as the “Toy and
2 Game Safety Labeling Act of 2012”.

3 SEC. 2. *Declaration of Policy.* – The State recognizes that children,
4 by reason of their physical and mental immaturity, need special safeguard and
5 care. The State acknowledges its obligation to secure the right of children to
6 proper care and special protection from all forms of neglect and other

1 conditions prejudicial to their development. Towards this end, the State shall
2 ensure the protection of children against potential hazards to their health and
3 safety by requiring special labeling of toys and games. To guarantee the rights
4 of children to protection and safety, the State shall provide a means of redress
5 for violation of said rights.

6 SEC. 3. *Definition of Terms.* – For purposes of this Act, the following
7 terms shall be defined as follows:

8 (a) *Hazardous substance* refers to any substance or mixture of
9 substances which is toxic, corrosive, irritant, a strong sensitizer, flammable or
10 combustible, or generates pressure through decomposition, heat or other
11 means, if such substance or mixture of substances causes any *substantial injury*
12 or illness during or as a proximate result of any customary or reasonably
13 foreseeable ingestion by children.

14 (b) *Label, labeling* refers to the display of written, printed or graphic
15 matter on any consumer product, its immediate container, tag, literature or
16 other suitable material affixed thereto for the purpose of giving information as
17 to identify components, ingredients, attributes, directions for use,
18 specifications and such other information as may be required by law or
19 regulations.

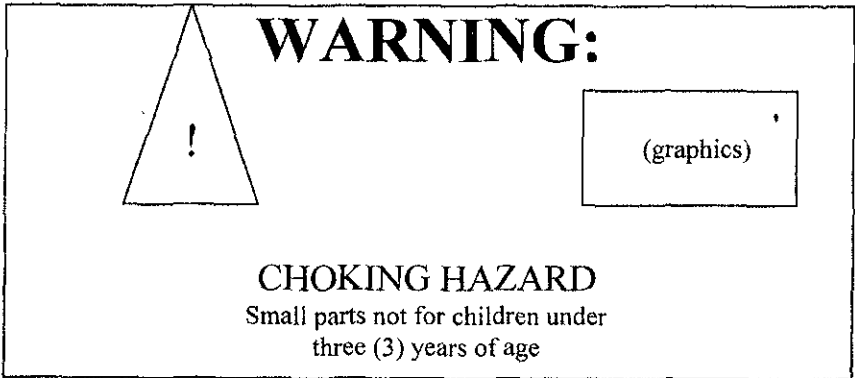
20 (c) *Package or packaging* refers to any container or wrapping in which
21 any consumer product is enclosed for use in the delivery or display of that
22 consumer product to retail purchasers.

23 (d) *Principal display panel* refers to the part of the label that is most
24 likely to be displayed, presented, shown or examined under normal and
25 customary conditions of display for retail or sale.

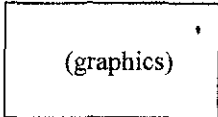

26 SEC. 4. *Labeling Requirements for Toys and Games.* – The
27 packaging, any descriptive material, and in case of bulk sales, bins, containers
28 for retail display, or vending machines from which the unpacked toy or game is

1 dispensed, shall bear the cautionary statements with corresponding graphics
2 described in the succeeding paragraph if the toy or game intended for use of
3 children below fourteen (14) years of age includes a small part and is
4 manufactured for sale, offered for sale, or distributed in commerce in the
5 Philippines. The cautionary statement required for a toy or game under this
6 section shall likewise apply to food items which contain or whose packaging
7 contain any toy or game descriptive material.

8 The following cautionary statement shall be printed on the packaging of
9 any toy or game:



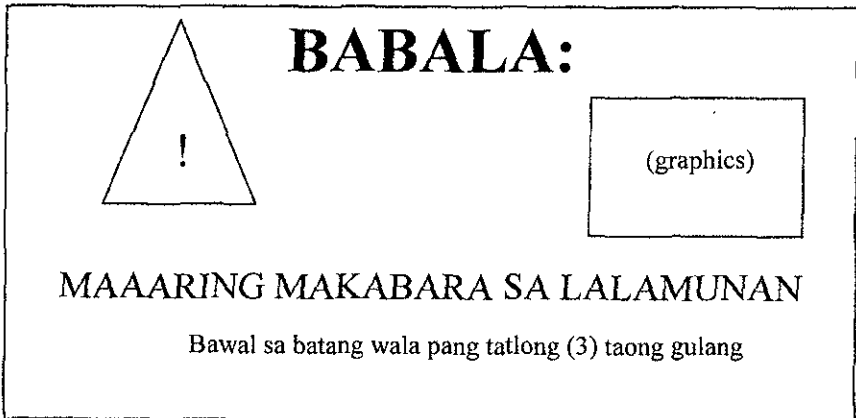
WARNING:



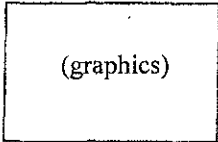
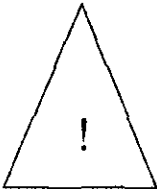
CHOKING HAZARD
Small parts not for children under
three (3) years of age

10

and/or



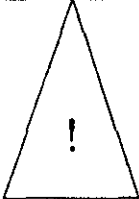
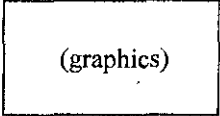
BABALA:



MAAARING MAKABARA SA LALAMUNAN
Bawal sa batang wala pang tatlong (3) taong gulang

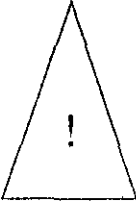
1 In the case of any latex balloon, any ball with a diameter of one point
2 seventy-five (1.75) inches or less, intended for children who are below ten (10)
3 years of age, or any marble intended for children who are less than fourteen
4 (14) years of age, or any toy or game which contains such a balloon or marble,
5 which is manufactured for sale, offered for sale, or distributed in commerce in
6 the Philippines, the packaging of such balloon, toy or game, any descriptive
7 material which accompanies such balloon, ball, marble, toy or game, and in the
8 case of bulk sales of any such product when unpackaged, any bin, container for
9 retail display, or vending machine from such unpackaged balloon, ball, marble,
10 toy or game is dispensed, shall bear or contain the cautionary statements as
11 follows:

12 (a) In the case of balloons, or toys or games that contain latex balloons,
13 the following cautionary statement shall be printed on the packaging of the
14 same:

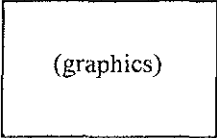
	WARNING:	
CHOKING HAZARD		
Children under fourteen (14) years of age can choke or suffocate on uninflated OR BURST balloons.		
Adult supervision required.		
Keep uninflated balloons from children.		
Discard burst balloons at once.		

1

and/or



BABALA:



(graphics)

MAAARING MAKABARA SA LALAMUNAN

ng batang labing-apat (14) na taong gulang pababa ang
walang hangin o pumutok na lobo.


Kinakailangan ang patnubay ng nakatatanda.

Ilayo ang mga lobong walang hangin sa mga bata.

Itapon kaagad ang pumutok na lobo.

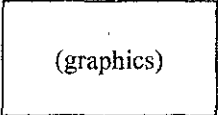
2

(b) In the case of balls, the following cautionary statement shall apply:



WARNING:

X



(graphics)


CHOKING HAZARD

This toy is a small ball.

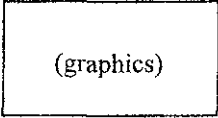
NOT for children under three (3) years of age.

and/or

1



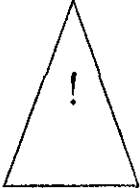
BABALA:

X  (graphics)

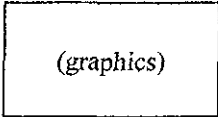
MAAARING MAKABARA SA LALAMUNAN

Maliit na bola na ito ay
BAWAL sa batang wala pang tatlong (3) taong gulang.

- 2 (c) In the case of marbles, the following cautionary statement shall be
 3 printed on its packaging:



WARNING:

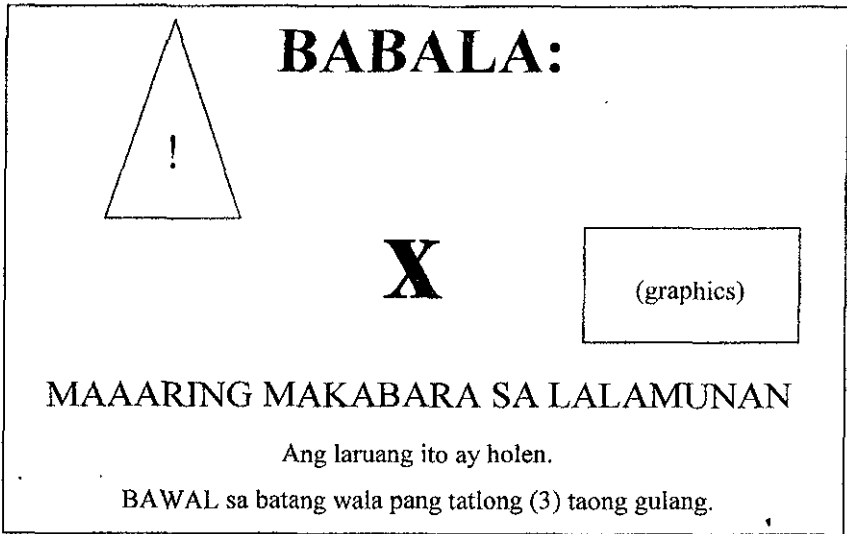
X  (graphics)

CHOKING HAZARD

This is a marble.
NOT for children under three (3) years of age.

and/or

1



BABALA:

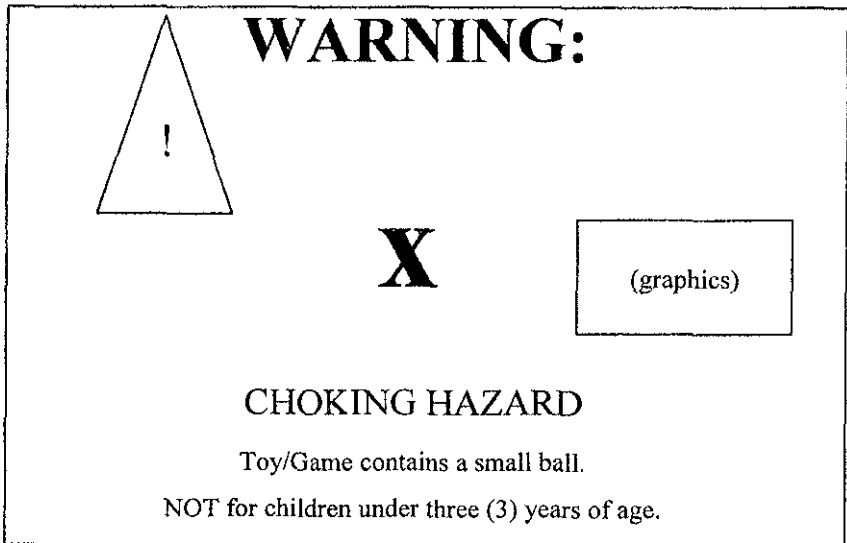
! X (graphics)

MAAARING MAKABARA SA LALAMUNAN

Ang laruang ito ay holen.

BAWAL sa batang wala pang tatlong (3) taong gulang.

- 2 (d) In the case of toys or games containing balls, the following
 3 cautionary statement shall be printed on its packaging:



WARNING:

! X (graphics)

CHOKING HAZARD

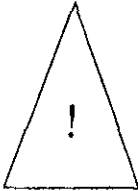
Toy/Game contains a small ball.

NOT for children under three (3) years of age.

1

and/or

BABALA:



X

(graphics)

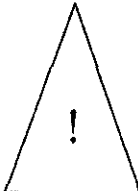
MAAARING MAKABARA SA LALAMUNAN

May maliit na bola.

BAWAL sa batang wala pang tatlong (3) taong gulang.

- 2 (e) In the case of toys and games containing marbles, the following
3 cautionary statement shall be printed on its packaging:

WARNING:



X

(graphics)

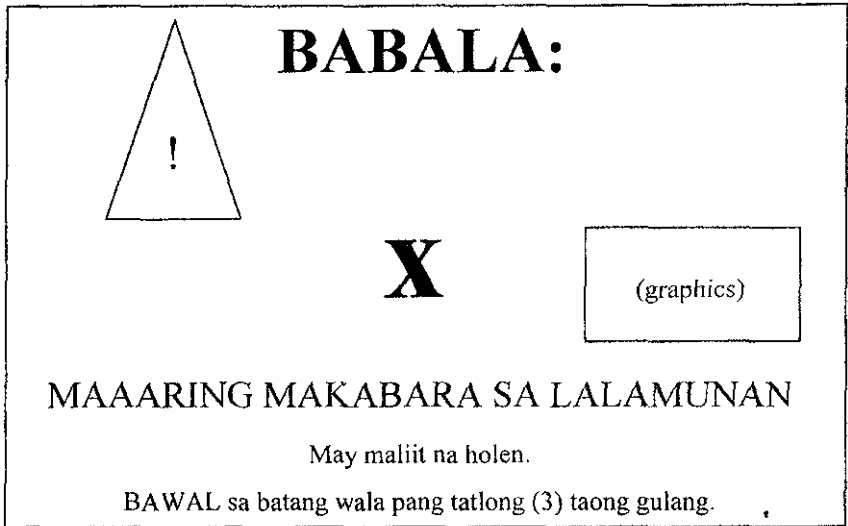
CHOKING HAZARD

Toy/Game contains marbles.

NOT for children under three (3) years of age.

and/or

1



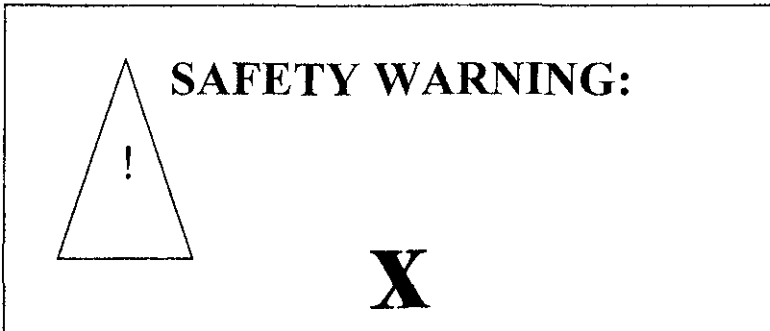
2 SEC. 5. *General Labeling Requirements.* – Except as provided in
 3 Sections 6 and 7 hereof, any cautionary statement shall be displayed in its
 4 entirety on the principal display panel of the product’s package and on any
 5 descriptive material which accompanies the product. In the case of bulk sales
 6 of such product when unpacked, the cautionary statement shall be displayed on
 7 the bin or container used for the retail display of the product, and any vending
 8 machine from which the unpacked product is dispensed and displayed, in
 9 English or Filipino or both written in common language, in conspicuous and
 10 legible type in contrast by typography, lay-out, or color with other printed
 11 matter on such package, descriptive materials, bin, container and vending
 12 machine, and in the manner consistent with the provisions of Republic Act
 13 No. 7394, otherwise known as the “Consumer Act of the Philippines”.

14 SEC. 6. *Exception.* – Products manufactured and packaged outside the
 15 country and directly shipped from the manufacturer to the consumer by mail or

1 other delivery service which do not bear the required statement provided under
2 Section 5 hereof shall be admitted if other accompanying material shipped with
3 the product bears such statement.

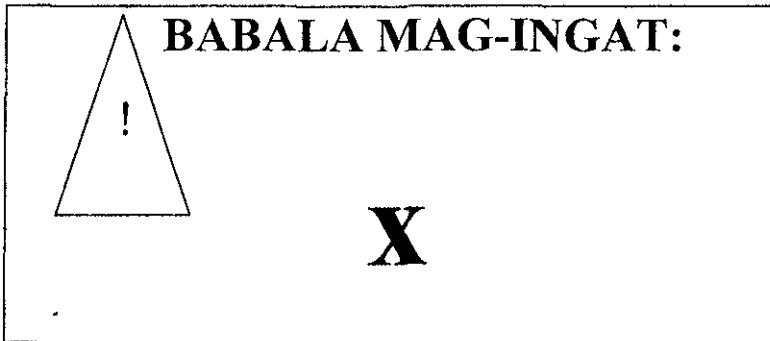
4 SEC. 7. *Special Rules for Certain Packages.* - A cautionary statement
5 required by Section 4 hereof or in lieu of display on the principal display panel
6 of the product's package, shall be displayed on another panel of the package if
7 the package has a principal display panel of fifteen (15) square inches or less,
8 and the required statement is displayed in English or Filipino or both written in
9 common language, and the statement is displayed on the principal display
10 panel and is accompanied by an arrow or other indicator pointing toward the
11 place on the package where the statement required in Section 5 hereof appears.

12 In case of a product to which Section 4 hereof, paragraph 1 applies, the
13 cautionary statement shall read:

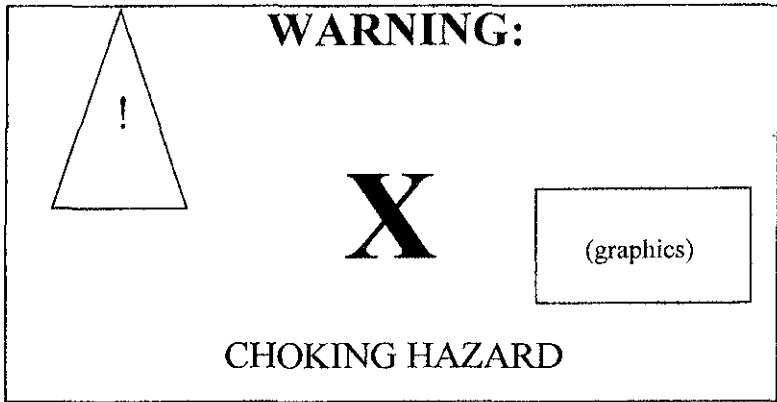


14

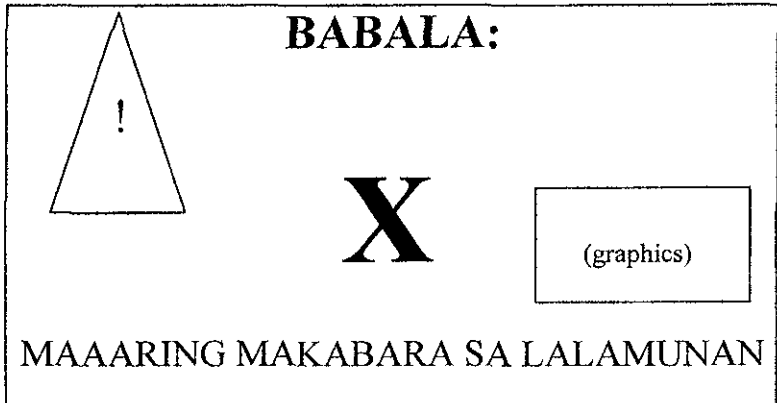
and/or



- 1 In the case of a product to which Section 4, paragraph 2 applies, the
2 cautionary statement shall read.



- 3 and/or



1 SEC. 8. *Treatment on Misbranded or Banned Hazardous Substance.*

2 -- A balloon, ball, marble, or toy or game which packaging is not in
3 compliance with the requirements of this Act shall be considered a misbranded
4 or banned hazardous substance. It shall be withdrawn from the market at the
5 expense of the manufacturer or importer and shall not be allowed to be
6 distributed, sold or offered for sale in the Philippines unless and until the
7 requirements of this Act are complied without prejudice to any liability and
8 penalty that may be incurred under Section 10 hereof.

9 SEC. 9. *Report to the Department of Health (DOH).* -- A

10 manufacturer, distributor, retailer and importer of a marble, small ball or latex
11 balloon, or a toy or game that contains a marble, small ball or latex balloon, or
12 other small parts, shall report to the DOH and the Department of Trade and
13 Industry (DTI) any information obtained by such manufacturer, distributor,
14 retailer or importer which reasonably supports the conclusion that an incident
15 occurred in which a child regardless of age choked with such marble, small
16 ball, or latex balloon, or on a marble, small ball, latex balloon, or other small
17 parts contained in such toy or game, and that as a result of that incident the
18 child died, suffered serious injury, ceased breathing for any length of time, or
19 was treated by a medical professional.

20 SEC. 10. *Penalties.* -- Any person who shall violate any provision of
21 this Act shall be subject to a fine of not less than Ten thousand pesos
22 (P10,000.00) but not more than Fifty thousand pesos (P50,000.00) or
23 imprisonment of not less than three (3) months but not more than two (2) years,
24 or both, at the discretion of the court.

25 If the offense is committed by a corporation, trust, firm, partnership or
26 association or other entity, the penalty shall be imposed upon the guilty officer
27 or officers of such corporation, trust, firm, partnership or association or entity.

1 SEC. 11. *Rules and Regulations.* -- The DTI, in consultation with the
2 DOH, shall promulgate the rules and regulations for the implementation of this
3 Act. The DTI shall regularly publish every six (6) months, the list of all
4 manufacturers, importers, distributors and retailers who failed to comply with
5 the requirements of this Act. Likewise, the DOH shall publish every six (6)
6 months, the list of all misbranded or banned hazardous substances the sale,
7 offer for sale and distribution of which shall not be allowed under this Act.

8 SEC. 12. *Funding.* -- The DTI and the DOH shall include in their
9 respective annual budgets the amount necessary for the effective
10 implementation of this Act.

11 SEC. 13. *Grace Period.* -- Manufacturers, retailers, distributors and
12 importers are given one (1) year grace period to comply with these
13 requirements from the effectivity of this Act.

14 SEC. 14. *Separability Clause.* -- If any provision or part hereof is held
15 invalid or unconstitutional, the remainder of the law or the provision not
16 otherwise affected shall remain valid and subsisting.

17 SEC. 15. *Repealing Clause.* -- Any law, presidential decree or
18 issuance, executive order, letter of instruction, administrative order, rule or
19 regulation contrary to or inconsistent with the provisions of this Act is hereby
20 repealed, modified or amended accordingly.

21 SEC. 16. *Effectivity Clause.* -- This Act shall take effect fifteen (15)
22 days after its publication in at least two (2) newspapers of general circulation.

Approved, .