



HOUSE OF REPRESENTATIVES

H. No. 4590

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AN ACT PRESCRIBING THE PRINTING OF GRAPHIC HEALTH WARNINGS ON TOBACCO PRODUCTS

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 Graphic
2 Health Warning Law”.

3 SEC. 2. *Definition of Terms.* — As used in this Act:

4 (a) *Graphic health warning* refers to the photographic image printed
5 on the tobacco product package which accurately depicts the hazards of

1 tobacco use and is accompanied by textual warning related to the picture;

2 (b) *Hinged-lid package* refers to packaging typically made of
3 paperboard with a top cover that can swing open through its pivot;

4 (c) *Soft package* refers to packaging made of thin paper or any similar
5 material;

6 (d) *Stock keeping unit* refers to a distinct item in the inventory that is
7 offered for sale to the consumers; and

8 (e) *Tobacco product package* refers to packet and package in which
9 tobacco products are provided to consumers such as packs, tins, pouches,
10 hinged-lid packages, but excludes reams, mastercases and other forms of
11 packaging not primarily intended for consumers or for retail sale.

12 SEC. 3. *Coverage.* – The Graphic Health Warning Law is only
13 applicable to tobacco products that are locally manufactured or imported into
14 the Philippines and placed into commerce in the Philippines. Cigarettes
15 intended or offered for export shall only be subject to the requirement that one
16 side panel of the mastercases, reams/cartons, and one side panel of each
17 cigarette pack primarily intended for retail sale to consumers, shall contain the
18 following markings and information: “For sale only in _____”,
19 “Made under authority of _____”, “(tax number assigned by the Bureau of
20 Internal Revenue (BIR) to the domestic manufacturer that exports tobacco
21 products)”, “(fiscal and regulatory marking requirements of the country where
22 the tobacco products will be ultimately sold)”

23 SEC. 4. *Health Warnings on Tobacco Product Packages.* – The
24 graphic image and the accompanying textual health warning on tobacco
25 product packages must comply with the following specifications:

26 (a) The graphic health warning with the corresponding textual health
27 warning shall be printed at the bottom portion of the front and back panels or
28 principal display areas. The graphic and textual health warnings shall occupy

1 forty percent (40%) of each display panel, including any border or frame;

2 (b) The graphic health warning shall not be printed on an area where it
3 may be obliterated, obstructed, folded, severed or become unreadable when the
4 tobacco product package is opened or closed or when a wrapper on the
5 package is removed;

6 (c) Each set of graphic health warnings and corresponding textual
7 health warnings shall contain a maximum of eight (8) versions which shall be
8 rotated periodically or printed simultaneously and separately, for each stock
9 keeping unit, so that each variation shall appear in approximately equal
10 frequency over the yearly volume;

11 (d) The eight (8) versions of textual health warnings accurately
12 describing the graphic health warnings shall be printed in English on the back
13 panel and Filipino on the front panel, for each stock keeping unit. The textual
14 health warning shall appear in clearly legible type in black text on a white
15 background with a black border and in contrast by typography, layout or color
16 to the other printed materials on the package;

17 (e) The graphic health warning shall be printed in four (4)
18 colors/-cmyk-/ screen 133 lines per inch based on a source file of 300 dpi; and

19 (f) The prescribed health warnings, whether graphic or text, must be
20 evidence-based and must accurately and truthfully depict the health hazards
21 associated with the use of tobacco products. Such health warnings shall be
22 determined by the existing Inter-Agency Committee on Tobacco (IAC-T), the
23 implementing body created under Republic Act No. 9211, otherwise known as
24 the "Tobacco Regulation Act of 2003".

25 *SEC. 5. Transition Period from Textual Health Warning to Graphic*
26 *Health Warning. –*

27 (a) Within twelve (12) months from the effectivity of the rules and
28 regulations implementing this Act, the IAC-T shall issue the first set of health

1 warnings, containing eight (8) versions of graphic health warnings with
2 corresponding textual health warnings accurately reflecting the graphic images

3 (b) Twelve (12) months after the release by the IAC-T of the initial set
4 of graphic and textual health warnings, all tobacco products withdrawn from a
5 manufacturing facility, or imported into Philippine customs territory in the case
6 of imported tobacco products, shall carry graphic and textual health warnings
7 as prescribed in Section 4 of this Act.

8 (c) The first set of graphic and textual health warnings shall have a
9 validity period of at least two (2) years commencing from the first day when
10 manufacturers are required to withdraw compliant products from their
11 premises, or from the first day by which importers are required to import
12 compliant products.

13 (d) After twelve (12) months, counted from the first day when
14 manufacturers and importers are required to comply with the abovestated
15 health warning policy, no tobacco products shall be sold or offered for sale in
16 the domestic market unless the same comply with the mandated health
17 warnings prescribed under this Act.

18 (e) After the lapse of at least two (2) years corresponding to the
19 validity period of the first set of graphic and textual health warnings, the
20 IAC-T may require a new set of health warnings.

21 (f) The second or succeeding sets of graphic and textual health
22 warnings may be issued by the IAC-T: *Provided, That the new health*
23 *warnings conform to the specifications outlined in Section 4 of this Act:*
24 *Provided, further, That manufacturers and importers shall be given a similar*
25 *period of twelve (12) months to transition to the new set of graphic and textual*
26 *health warnings counted from the date of release by the IAC-T of the new set*
27 *of health warnings. After such transition period, all tobacco products*
28 *withdrawn from a manufacturing facility, or imported into Philippine customs*

1 territory in the case of imported tobacco products, shall carry the new set of
2 graphic and textual health warnings.

3 (g) Tobacco products carrying the *previous* set of graphic and textual
4 health warnings may continue to be sold or offered for sale within twelve (12)
5 months from the first day when manufacturers are required to withdraw from
6 their premises or when importers are required to import only the tobacco
7 products bearing the new set of graphic and textual health warnings as
8 specified in Section 5(f) hereinabove.

9 SEC. 6. *Side Panel.* – In addition to the graphic health warning, all
10 tobacco product packages that are provided to consumers shall contain, on
11 one side panel the following statement in a clear, legible and conspicuous
12 manner; “NO SALE TO MINORS” or “NOT FOR SALE TO MINORS”.

13 The statements shall occupy an area of not less than ten percent (10%)
14 of the side panel and shall appear in contrast by typography, layout or color
15 with all the other printed material on the side panels.

16 SEC. 7. *Descriptors.* – Twelve (12) months after the release by the
17 IAC-T of the initial set of graphic and textual health warnings, no cigarette
18 packs or other tobacco product packages shall bear any term or descriptors
19 such as “low tar”, “light”, “ultra-light”, “mild”, “extra”, “ultra”, and similar
20 terms which the IAC-T deem to be misleading or likely to create an erroneous
21 impression about its health hazards.

22 SEC. 8. *Prohibited Acts and Penalties* –

23 (a) Any manufacturer or importer found guilty of violating the
24 provisions of Sections 4, 5(b,d,f,g), 6 and 7. hereof shall be meted the
25 following penalties:

26 (1) On the first offense, a fine of not more than one hundred thousand
27 pesos (P100,000.00) shall be imposed;

1 (2) On the second offense, a fine of five hundred thousand pesos
2 (P500,000.00) shall be imposed;

3 (3) On the third offense, in addition to a fine of one million pesos
4 (P1,000,000.00), or imprisonment of not more than one (1) year, or both, at the
5 discretion of the court, the business permits and licenses to operate may also be
6 cancelled or revoked.

7 (b) Any distributor, wholesaler or retailer found guilty of violating the
8 provisions of Section 5(d) and 5(g) hereof shall be meted the following
9 penalties:

10 (1) On the first offense, a fine of not more than ten thousand pesos
11 (P10,000.00) shall be imposed;

12 (2) On the second offense, a fine of fifty thousand pesos (P50,000 00)
13 shall be imposed,

14 (3) On the third offense, in addition to a fine of one hundred thousand
15 pesos (P100,000.00), or imprisonment of not more than one (1) year, or both,
16 at the discretion of the court, the business permits and licenses to operate may
17 also be cancelled or revoked. If the guilty officer is an alien, he shall
18 summarily be deported after serving his sentence and shall be forever barred
19 from re-entering the Philippines.

20 If the violation is committed by a business entity, the owner, president,
21 general manager or the responsible officers thereof shall be liable for the
22 offense.

23 *SEC. 9. Implementing Agency.* -- Pursuant to Section 29 of Republic
24 Act No. 9211, the IAC-T shall have the exclusive jurisdiction to administer
25 and implement the provisions of this Act.

26 For purposes of effectively implementing this Act, the IAC-T is hereby
27 authorized to deputize appropriate law enforcement agencies, including those
28 assigned in the economic zones. The IAC-T may also deputize local

1 government executives and representatives of the national government
2 agencies to monitor and ensure compliance with this Act.

3 SEC. 10. *Appropriations.* -- The amount necessary to implement the
4 provisions of this Act shall be charged against the current year's appropriations
5 of the national government agencies belonging to the IAC-T. Thereafter, such
6 funds as may be necessary for the continued implementation of this Act shall
7 be included in the budgets of each IAC-T member under the annual General
8 Appropriations Act.

9 SEC. 11. *Implementing Rules and Regulations.* -- Within ninety (90)
10 days from the effectivity of this Act, the IAC-T shall issue the necessary rules
11 and regulations for its effective implementation.

12 SEC. 12. *Separability Clause.* -- Should any provision of this Act be
13 subsequently declared unconstitutional, the other provisions not so declared
14 shall remain in full force and effect.

15 SEC. 13. *Repealing Clause.* -- Section 13 on Warning on Cigarette
16 Packages of Republic Act No. 9211 and the Department of Health
17 Administrative Order No. 2010-0013 are hereby repealed. All other laws,
18 decrees, executive order and other administrative issuances and parts thereof,
19 which are inconsistent with the provisions of this Act are hereby modified,
20 superseded or repealed accordingly.

21 SEC. 14. *Effectivity.* -- This Act shall take effect fifteen (15) days
22 following its publication in the *Official Gazette* or in a newspaper of general
23 circulation.

Approved,

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