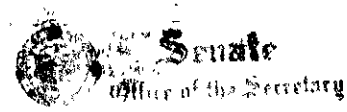


SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)



15 FEB 17 P3:35

SENATE
S. No. 2657

RECEIVED BY *J*

Introduced by Senator Miriam Defensor Santiago

AN ACT
TO DIRECT THE DEPARTMENT OF TRADE AND INDUSTRY TO SUBMIT
TO CONGRESS A REPORT ON THE USE, IN ADVERTISING AND OTHER
MEDIA FOR THE PROMOTION OF COMMERCIAL PRODUCTS, OF
IMAGES THAT HAVE BEEN ALTERED TO MATERIALLY CHANGE THE
PHYSICAL CHARACTERISTICS OF THE FACES AND BODIES OF THE
INDIVIDUALS DEPICTED

EXPLANATORY NOTE

The Constitution, Article 2, Sections 15, provides:

SEC. 15. The State shall protect and promote the right to health of the people and instill health consciousness among them.

The Constitution, Article 12, Sections 6, further provides:

SEC. 6. The use of property bears a social function, and all economic agents shall contribute to the common good. Individuals and private groups, including corporations, cooperatives and similar collective organizations, shall have the right to own, establish, and operate economic enterprises, subject to the duty of the State to promote distributive justice and to intervene when the common good so demands.

It is a common practice in advertising that advertisers alter images used in print and electronic media to materially change the physical characteristics of models' faces and bodies, often altering the models' size, proportions, shape, and

skin color, removing signs of ageing, and making other similar changes to models' appearance.

An increasing amount of academic evidence links exposure to such altered images with emotional, mental, and physical health issues, including eating disorders, especially among children and teenagers. There is particular concern about the marketing of such images to children and teenagers through distribution in teen-oriented publications, advertising displayed in public places outside the home, and online media.¹

Such altered images can create distorted and unrealistic expectations and understandings of appropriate and healthy weight and body image.

The dissemination of unrealistic body standards has been linked to eating disorders among men and women of varying age groups, but it has a particularly destructive health effect on children and teenagers.

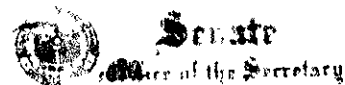
Further, the use of image alteration, especially for advertisements of beauty products and/or cosmetic procedures is a clear deception on the part of the advertisers by passing off an altered image as a possible result of using their products and/or services.

This bill mandates the Department of Trade and Industry to conduct an in-depth study on the use of image manipulation in advertising and propose measures to prevent the harmful effects of deceptive advertising among Filipino consumers.


MIRIAM DEFENSOR SANTIAGO
70

¹ AMA Adopts New Policies at Annual Meeting. <http://www.ama-assn.org/ama/pub/news/news/all-new-policies.page>

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6 PHYSICAL CHARACTERISTICS OF THE FACES AND BODIES OF THE
7 INDIVIDUALS DEPICTED
8

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

9 SECTION 1. *Short Title.* - This Act shall be known as the “Anti-Deceptive
10 Advertising Report Act.”

11 SECTION 2. *Declaration of Policy.* - It shall be the policy of the State to
12 protect the consumers from deceptive advertising and ensure that the public is not
13 misled into buying products below the standards in which they are advertised. The
14 State shall likewise endeavor to protect consumers from negative self-image by
15 preventing advertising practices that presents altered images of model as real.

16 SECTION 3. *Report.* - Not later than 18 months after the date of the
17 enactment of this Act, the Department of Trade and Industry shall submit to
18 Congress a report that contains:

- 1 1. a strategy to reduce the use, in advertising and other media for the
2 promotion of commercial products, of images that have been altered to
3 materially change the physical characteristics of the faces and bodies of
4 the individuals depicted; and
- 5 2. recommendations for an appropriate, risk-based regulatory framework
6 with respect to such use.

7 SECTION 4. *Input of External Stakeholders and Experts.* – In preparing the
8 report required by this Act, the Department of Trade and Industry shall solicit input
9 from external stakeholders and experts on the strategy and recommendations
10 required to be included in such report. The Commission shall ensure that input is
11 obtained from an appropriate number of stakeholders and experts and, to the extent
12 practicable, from stakeholders and experts that are geographically and culturally
13 diverse and that include stakeholders and experts from the physical and mental
14 health, business, and consumer advocacy communities.

15 SECTION 5. *Separability Clause.* – If any provision or part hereof, is held
16 invalid or unconstitutional, the remainder of the law or the provision not otherwise
17 affected shall remain valid and subsisting.

18 SECTION 6. *Repealing Clause.* – Any law, presidential decree or issuance,
19 executive order, letter of instruction, administrative order, rule or regulation
20 contrary to or is inconsistent with the provision of this Act is hereby repealed,
21 modified, or amended accordingly.

1 SECTION 7. *Effectivity Clause.* – This Act shall take effect fifteen (15)
2 days after its publication in at least two (2) newspapers of general circulation.

Approved,

/apm02062015