


THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

'04 JUL 14 P3:23

SENATE
S. B. No. 1439

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 2 provides:

“SECTION 13. The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs.”

Our children are besieged by advertising messages that create the impression that alcohol can help solve life's problems and lead to popularity.

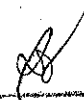
These messages are distortions that gloss over the all too prevalent and detrimental results of alcohol consumption – the loss of productivity due to hangovers, the tragic deaths and injuries caused by drunk driving, and the families torn apart by alcohol use.

Hence, this bill seeks to establish advertising requirements for alcohol beverages, in order to protect the young people of our nation.


MIRIAM DEFENSOR SANTIAGO 

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**AN ACT
TO ESTABLISH ADVERTISING REQUIREMENTS
FOR ALCOHOLIC BEVERAGES**

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

SECTION 1. *Short Title.* – This Act may be cited as the “Children’s Protection From Alcohol Advertising Act.”

SECTION 2. *Definition of Terms.* – As used in this Act, the following terms shall mean:

(1) “Alcoholic beverage” includes any beverage in liquid form which contains not less than one-half of one percent of alcohol by volume and is intended for human consumption.

(2) “Secretary” means Secretary of Health.

SECTION 3. *Declaration of Policy.* – It is hereby the policy of the State to recognize the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being.

SECTION 4. – *Advertising Requirements.* –

(A) PROHIBITIONS-

(i) GENERAL RULE – Except as provided in paragraph (2), no alcoholic beverage may be advertised or promoted in any audio tape, audio disc, videotape, video arcade game, computer game, or in film. No outdoor advertising of alcoholic beverages may be located within 100 feet of any school, playground, or other public facility where individuals under the age of 21 are reasonably expected to convene.

(ii) EXCEPTION – Paragraph (1) does not apply to any videotape prepared by a person engaged in the business of manufacturing or selling alcohol beverages if such videotape is to be viewed only by other persons engaged in such business.

(B) PRINT ADVERTISING – In publications with an under the age of 21 readership of more than 10 thousand, alcohol advertising shall be restricted to text only advertising in black and white print.

(C) BROADCAST ADVERTISING – Any advertising of an alcoholic beverage in a television broadcast shall, during the hours between 7 a.m. and 10 p.m., be limited to only a picture of the beverage with factual, objective audio information about the beverage.

(D) SPONSORSHIP – An event may be sponsored by an alcohol manufacturer in the corporate name only and not in the brand name of the alcoholic beverage.

(E) PROMOTIONAL ITEMS -

(i) GENERAL RULE – No person may manufacture or distribute a product which is a nonbeverage product with an identifiable brand of an alcoholic beverage manufacturer. Such a product shall bear the corporate name of the alcohol beverage manufacturer.

(ii) EXCEPTION – Paragraph (1) does not apply to any product prepared by a person engaged in the business of manufacturing or selling alcohol beverages if such product is to be made available only to other persons engaged in such business.

(F) IMPLEMENTING PROGRAMS – The Secretary shall promulgate such rules and regulations necessary for the effective implementation of this Act.

(G) ENFORCEMENT –

(i) PENALTY – Any person who violates the restrictions prescribed by subsection (a), (b), or (c) shall, upon conviction, be subject to a fine of not less than P50,000.00 or an imprisonment of not less than six months but not more than five years or both upon the discretion of the court.

(ii) INJUNCTION – Whenever the Secretary or the agency designated by the State, has reason to believe that any person violated the provisions of this Act or the regulations prescribed by this Act, the State may bring an injunction or such preliminary and other equitable or declaratory relief as may be appropriate.

SECTION 5. *Separability Clause.* - If any provision, or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision shall remain valid and subsisting.

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

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

Approved

FN 1904