



NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
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SENATE

RECEIVED BY:

P. S. Res. No. 666

Introduced by Senator Jinggoy Ejercito Estrada

RESOLUTION

URGING THE APPROPRIATE SENATE COMMITTEE/S TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE PROLIFERATION OF FRAUDULENT ONLINE ADVERTISEMENTS OF UNREGISTERED FOOD, DRUG AND HEALTH PRODUCTS USING FACES AND NAMES OF POPULAR PERSONALITIES, THEREBY MISLEADING CONSUMERS AND ENDANGERING PUBLIC HEALTH

1 WHEREAS, Article II, Section 15 of the Constitution provides that, "The State
2 shall protect and promote the right to health of the people and instill health
3 consciousness among them";

4 WHEREAS, Article XVI, Section 9 of the Constitution provides that, "The State
5 shall protect consumers from trade malpractices and from substandard or hazardous
6 products." In addition, Section 11 (2) states that, "The advertising industry is
7 impressed with public interest, and shall be regulated by law for the protection of
8 consumers and the promotion of the general welfare."

9 WHEREAS, in line with this Constitutional mandate, Republic Act No. 7394 or
10 the "Consumer Act of the Philippines" was approved in 1992. It provided that, among
11 others, the State shall implement measures to protect consumers against hazards to
12 health and safety, and to protect against deceptive, unfair and unconscionable sales
13 acts and practices;

14 WHEREAS, specifically, Chapter VI of the Consumer Act provides that the State
15 shall protect the consumer from misleading advertisements and fraudulent sales
16 promotion practices. Article 110 of the same law provides that, "It shall be unlawful
17 for any person to disseminate or to cause the dissemination of any false, deceptive or

1 misleading advertisement by Philippine mail or in commerce by print, radio, television,
2 outdoor advertisement or other medium for the purpose of inducing or which is likely
3 to induce directly or indirectly the purchase of consumer products or services;

4 WHEREAS, Dr. Tony Leachon, health reform advocate and former Special
5 Adviser to the National Task Force on Covid-19, warned the general public about social
6 media pages and advertisements circulating online which use his name and picture,
7 implying his personal endorsement of Grandsure Gold nutrient drink, a product that
8 can supposedly prevent osteoarthritis, and Glufarelin milk, which markets itself as a
9 cure for diabetes. In a material for Glufarelin, the name of National Institutes for
10 Health (NIH) was also used;

11 WHEREAS, Grandsure Gold and Glufarelin are both not registered to the Food
12 and Drug Administration (FDA). Dr. Leachon categorically denied he is endorsing any
13 product or supplements. NIH also denied that it is endorsing the product nor
14 supporting the claims contained in the ads;

15 WHEREAS, Dr. Willie Ong, internist and cardiologist with a huge following on
16 social media, also refuted social media posts showing that he is endorsing a "miracle
17 food" in the form of mixed nuts. He clarified that he is not the owner of social media
18 pages which promote the said product, and his name was merely used in the "fake
19 ads";

20 WHEREAS, Golden Gout Colostrum, which claims as the "number one solution
21 to gout," is being promoted on Facebook. The said product does not appear in the
22 record of FDA's registered food and drug products. The fake ad promoting it used part
23 of an episode by CNN Philippines and placed the photo of Dr. Ong on the thumbnail
24 to make it appear that he endorses the product. Aside from this, several online
25 marketing materials and impostor pages promoting unregistered products promising
26 cure for various ailments feature the faces of Dr. Ong and his wife Dr. Liza Ong and
27 illegally bear the logo of the Department of Health (DOH) and an "FDA-approved"
28 mark;

29 WHEREAS, the names and pictures of famous Filipino personalities and
30 celebrities such as Sharon Cuneta and Kris Aquino were used in these fraudulent
31 advertisements without their permission and express consent. Such ads mislead
32 consumers that aforesaid celebrities are using and endorsing food and medicinal

1 products which are actually unregistered before the proper health authorities and are
2 not yet approved for mass distribution and public consumption;

3 WHEREAS, social media accounts of the abovementioned unregistered products
4 are viewed and even shared by thousands of consumers, providing them with
5 inaccurate and false information about the efficacy, quality and safety of the food,
6 drugs and health products;

7 WHEREAS, the circulation and proliferation of fraudulent online advertisements
8 are clear and blatant violations of the Consumer Act which penalizes dissemination of
9 deceptive and misleading advertisements;

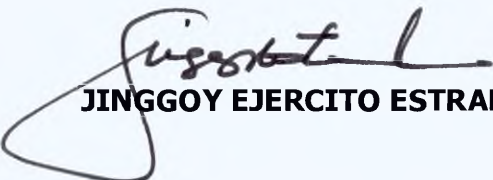
10 WHEREAS, there is an urgent need to protect consumers against the
11 consumption of unregistered and potentially harmful food and health products through
12 strict enforcement of the provisions of the Consumer Act and regulation of fraudulent
13 advertisements in social media platforms;

14 WHEREAS, the promotion and consumption of unsafe dietary products and
15 drugs in the market pose threat to public health;

16 WHEREAS, there is a need to identify and plug possible loopholes in our
17 prevailing laws and regulations, and update their provisions, considering the extensive
18 employment of social media platforms and the cyberspace, as well as the alarming
19 use of maliciously manipulated images, spliced videos, and fabricated statements, in
20 the promotion of food and health products;

21 NOW, THEREFORE BE IT RESOLVED, as it is hereby resolved by the Senate,
22 urging the appropriate Senate committee/s to conduct an inquiry, in aid of legislation,
23 on the proliferation of fraudulent online advertisements of unregistered food, drug and
24 health products using faces and names of popular personalities, thereby misleading
25 consumers and endangering public health.

Adopted,


JINGGOY EJERCITO ESTRADA