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SENATE
OFFICE OF THE SECRETARY

10 JUL -8 P2:24

SENATE

S. No. 1033

RECEIVED BY: 

Introduced by Senator Manuel "Lito" M. Lapid

EXPLANATORY NOTE

Article II, Section 15 of the 1987 Constitution provides that "The State shall protect and promote the right to health of the people and instill health consciousness among them."

The same Constitution provides that the State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social services available to the people.

Alcoholic beverages in the Philippines do not provide for healthy warning hence there is a significant need to fill the void.

This Act addresses this need by providing specific health warnings in advertisements through magazine, newspapers, brochures, and promotional display as well as those made through radio, television, broadcasting or other electronic means.

In view of the foregoing, early passage of this bill is earnestly urged.


MANUEL "LITO" M. LAPID
Senator

10 JUL -8 12:24

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AN ACT
REQUIRING ADVERTISEMENTS OF ALCOHOLIC BEVERAGES TO BEAR
HEALTH WARNINGS AND FOR OTHER PURPOSES

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

SECTION 1. *Short Title.* – This Act shall be known as the ***"Alcohol Advertising Act of 2010."***

SEC. 2. *Declaration of Policy.* – The State shall protect and promote the right of the people to health and instill health consciousness among them.

SEC. 3. *Definition of Terms.* – For purposes of this Act, the term:

- (a) "Alcoholic beverage" includes any beverage which contain not less than one-half of one percent of alcohol by volume and is intended for human consumption.
- (b) "Secretary" refers to the Secretary of the Department of Health.

SEC. 4. *Health Warnings.* – It shall be an unfair or deceptive act or practice for any person to:

- (a) Advertise or cause to be advertised through magazines, newspapers, brochures, and promotional displays any alcoholic beverage unless the advertising bears, in accordance with requirements this Section, one of the following health warnings:

- **GOVERNMENT WARNING:** If you are pregnant, don't drink. Drinking alcohol during pregnancy may cause mental retardation and other *birth defects*.
- **GOVERNMENT WARNING:** Alcohol is a drug may be addictive.
- **GOVERNMENT WARNING:** Drive sober. If you don't, you could lose your driver's license or even your life. Alcohol impairs your ability to *drive a car or operate machinery*.
- **GOVERNMENT WARNING:** Don't mix alcohol with over-the-counter prescriptions or illicit drugs.
- **GOVERNMENT WARNING:** If you drink too much alcohol, you can die from alcohol poisoning.
- **GOVERNMENT WARNING:** Drinking increase your risks of high blood pressure, liver disease, and cancer. The more you drink, the more likely it is that you will have such health problems.

(b) Advertise or cause to be advertised through radio, television broadcasting (including cable broadcasting and paid per view or subscription television), or other electronic means any alcoholic beverage unless the advertising includes, in accordance with the requirements of this Section, one of the following health warnings:

- **GOVERNMENT WARNING:** If you are pregnant, don't drink. Drinking alcohol during pregnancy may cause mental retardation and other *birth defects*.
- **GOVERNMENT WARNING:** Alcohol is a drug may be addictive.
- **GOVERNMENT WARNING:** Drive sober. If you don't, you could lose your driver's license or even your life. Alcohol impairs your ability to *drive a car or operate machinery*.
- **GOVERNMENT WARNING:** Don't mix alcohol with over-the-counter prescriptions or illicit drugs.

- **GOVERNMENT WARNING:** If you drink too much alcohol, you can die from alcohol poisoning.
- **GOVERNMENT WARNING:** Drinking increase your risks of high blood pressure, liver disease, and cancer. The more you drink, the more likely it is that you will have such health problems.

SEC. 5. *Requirements.* – The health warnings required for alcoholic beverage advertisements by Section 4 shall be located in a conspicuous and prominent place on each advertisement, as determined by the Secretary of Health in regulations to take effect not later than six (6) months after the date of the effectivity of this Act.

SEC. 6. *Report.* – If the Secretary of Health finds that available scientific information would justify the change, addition, or deletion of the requirements prescribed in Section 4, he/she shall promptly submit a report to the appropriate committee/s of Congress containing:

- (A) The information; and
- (B) Specific recommendations for such amendments to this Act as the secretary determines to be appropriate and in the public interest.

SEC. 7. *Separability Clause.* – If any provision, or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 8. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SEC. 9. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,