

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

OFFICE OF THE CLERK

10 JUL 21 P4:28

SENATE
S. No. 1765

RECEIVED BY [Signature]

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article II 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.

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

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

* This bill was originally filed during the Thirteenth Congress, First Regular Session.

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1 AN ACT
2 TO ESTABLISH ADVERTISING REQUIREMENTS FOR ALCOHOLIC BEVERAGES

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

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

5 SECTION 2. *Definition of Terms.* – For the purpose of this Act, the term:

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

9 (B) “Secretary” means Secretary of Health.

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

13 SECTION 4. – *Advertising Requirements.* –

14 (A) *Prohibitions.* –

15 (1) *General Rule.* – Except as provided in paragraph (B), no alcoholic beverage
16 may be advertised or promoted in any audio tape, audio disc, videotape, video
17 arcade game, computer game, or in film. No outdoor advertising of alcoholic
18 beverages maybe located within 100 feet of any school, playground, or other
19 public facility where individuals under the age of twenty one (21) are
20 reasonably expected to convene.

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

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

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

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

13 (E) *Promotional Items.* –

14 (1) *General Rule.* – No person may manufacture or distribute a product which is a
15 non-beverage product with an identifiable brand of an alcoholic beverage
16 manufacturer. Such a product shall bear the corporate name of the alcohol
17 beverage manufacturer.

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

21 (F) *Implementing Programs.* – The Secretary shall promulgate such rules and regulations
22 necessary for the effective implementation of this Act.

23 (G) *Enforcement.* –

24 (1) *Penalty.* – Any person who violates the restrictions prescribed by paragraphs
25 (A), (B), or (C) shall, upon conviction, be subject to a fine of not less than
26 P50,000.00 or an imprisonment of not less than six months but not more than
27 five years or both upon the discretion of the court.

28 (2) *Injunction.* – Whenever the Secretary or the agency designated by the State,
29 has reason to believe that any person violated the provisions of this Act or the

1 regulations prescribed by this Act, the State may bring an injunction or such
2 preliminary and other equitable or declaratory relief as may be appropriate.

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

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

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

Approved,