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SENATE

Senate Bill No. 373

RECEIVED BY: *Jia*

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INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

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EXPLANATORY NOTE

Republic Act No. 7394, otherwise known as "The Consumer Act of the Philippines" provides:

"Article 80. Special Packaging of Consumer Products for the Protection of the Children. The concerned department may establish standards for the special packaging of any consumer product if it finds that:

- a) the degree or the nature of the hazard to children in the availability of such product, by reason of its packaging is such that special packaging is required to protect children from serious personal injury or serious illness resulting from handling and use of such product."

x x x

This Act also recognizes the need to provide the requirements for labeling of consumer products, thus;

"Article 7. Promulgation and Adoption of Consumer Product Standards.

x x x

- e) requirements that a consumer product be marked with or accompanied by clear and adequate safety warnings or instructions, or requirements respecting the form of warning or instructions."

x x x

However, it does not provide the requirements for special labeling of consumer products to provide additional measures to protect children against potential hazards to their health and safety.

It is the objective of this bill to fill the void between the existing law and the need to set standardized labeling requirements for certain toys and games for children. The immediate passage of this bill is earnestly solicited.


  
JINGGOY EJERCITO ESTRADA  
Senator



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AN ACT  
TO PROVIDE FOR TOY SAFETY LABELING

*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 “*The Toy Safety Act*”.

**SEC. 2. Declaration of Policy.** - It shall be the policy of the State to protect the interest of children and to promote their general welfare. Toward this end, the State shall implement measures to achieve the following:

- a) provision of safety and quality standards for consumer products by requiring that a consumer product for children be marked with or accompanied by clear safety warnings or instructions.
- b) Protection against hazards and safety; and
- c) Provision of adequate rights and means of redress.

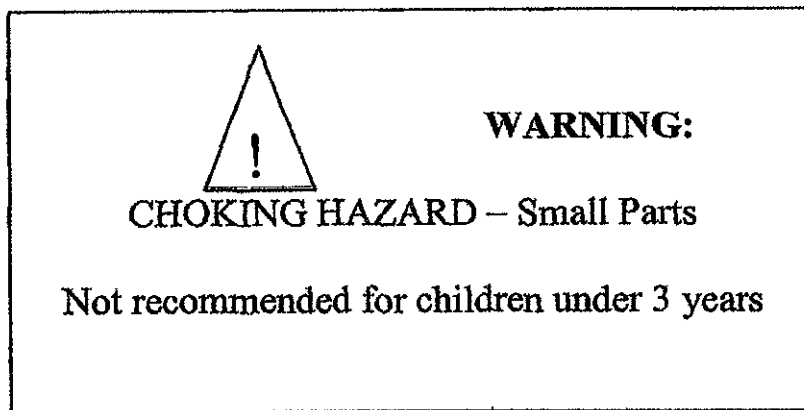
**SEC. 3. Definition of Terms.** - For purpose of this Act, the term:

- a) "Hazardous substance" means any substance or mixture of substances which is toxic, corrosive, irritant, a strong sensitizer, flammable or combustible, or generates pressure through decomposition, heat or other means, if such substance or mixture or substances cause any substantial injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable ingestion by children.
- b) "Commerce" means the sale, lease, exchange, traffic or distribution of goods;
- c) "Label, labeling" means the display of written, printed or graphic matter on any consumer product its immediate container, tag, literature or other suitable material affixed thereto for the purpose of giving information as to identity, components, ingredients, attributes, directions for use, specifications and such other information as may be required by law or regulations.

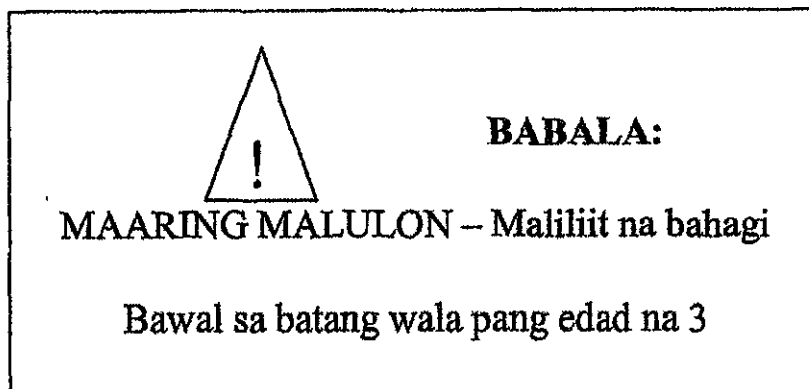
- d) "Package" or "packaging" means any container or wrapping in which any consumer product is enclosed for use in the delivery or display of that consumer product to retail purchasers.
- e) "Principal display panel" means that part of the label that is most likely to be displayed, presented, shown or examined under normal and customary conditions of display for retail or sale.

**SEC. 4. Toy Labeling Requirements.** - The packaging of any toy or game intended for use by children who are less than ten (10) years old, any descriptive material which accompanies such toy or game, and, in the case of bulk sales of such toys or game when unpackaged, any bin, container for retail display, or vending machine from which the unpackaged toy or game is dispensed shall bear or contain the cautionary statements described in the succeeding paragraph if the toy or game includes a small part and is manufactured for sale, offered for sale, or distributed in commerce in the Philippines.

The cautionary statement required for a toy or game shall be as follows:

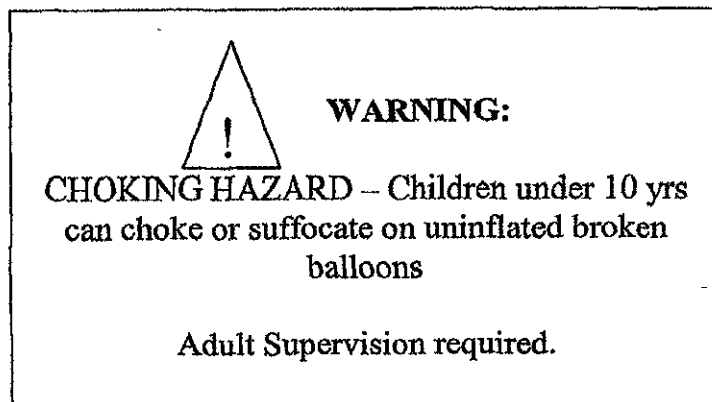


and/or



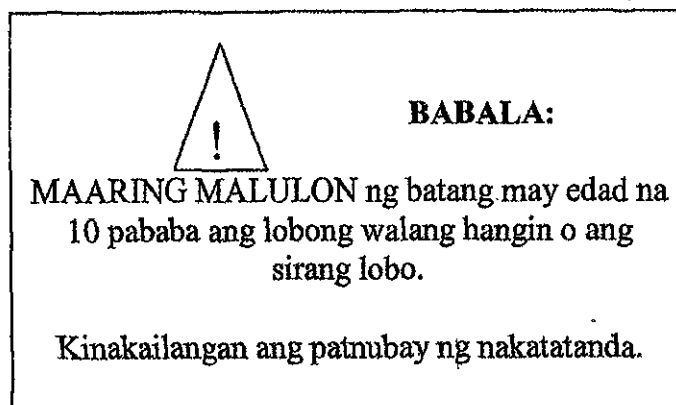
In the case of any latex balloon, any ball with a diameter of 1.75 inches or less intended for children who are less than 10 years of age, or any marble intended for children who are less than 10 years of age, or any toy or game which contains such a balloon, or marble, which is manufactured for sale, offered for sale, or distributed in commerce in the Philippines, the packaging of such balloon, toy, or game; any descriptive material which accompanies such balloon, ball, marble, toy or game; and in the case of bulk sales of any such product when unpackaged, any bin, container for retail display, or vending machine from such unpackaged balloon, ball, marble, toy or game is dispensed, shall bear or contain the cautionary statements as follows:

In the case of balloons, or toys or games that contain latex balloons, the following cautionary statement applies:



Keep uninflated balloons from children.  
Discard broken balloons at once.

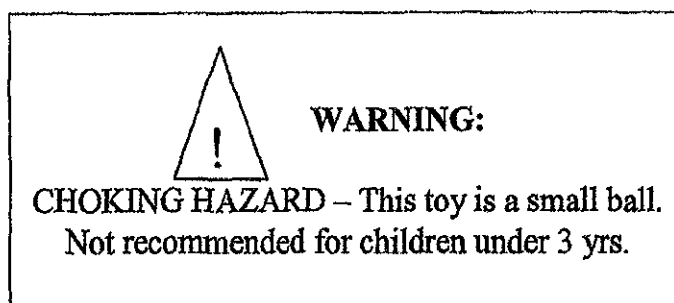
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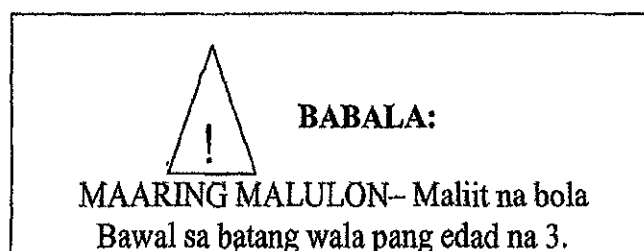
Ilayo ang mga lobong walang hangin sa mga bata.

Itaponkaagad ang mga sirang lobo.

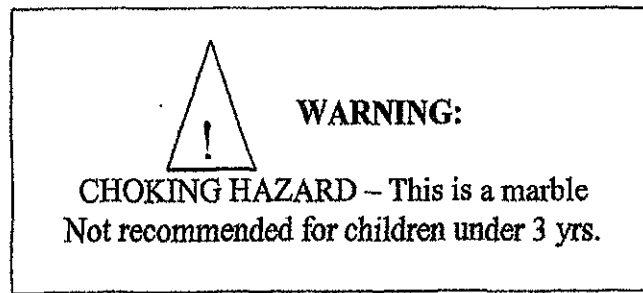
In the case of balls, the following cautionary statement applies:



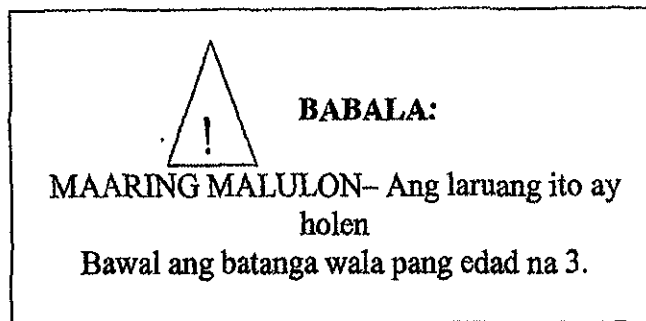
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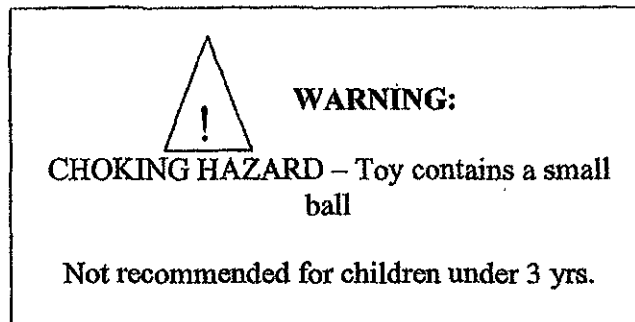
In the case of marbles, the following cautionary statement applies:



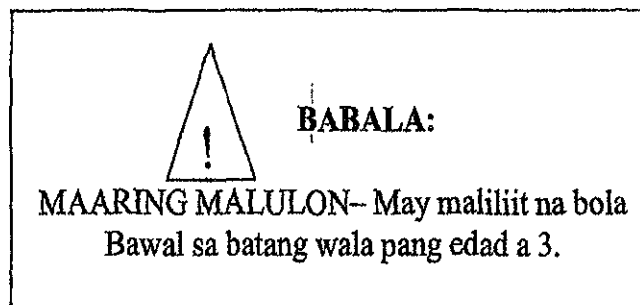
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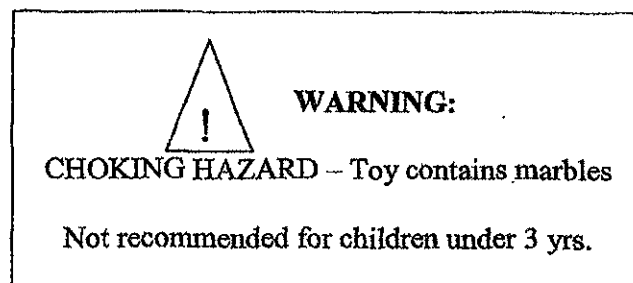
In the case of balls, the following cautionary statement applies:



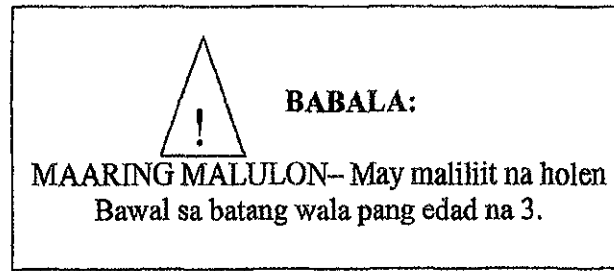
and/or



In the case of marbles, the following cautionary statement applies:



and/or

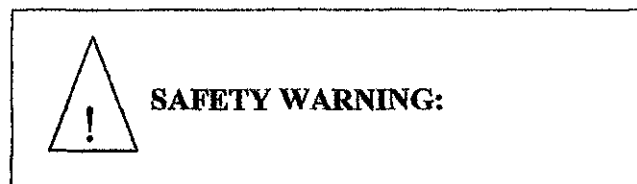


**SEC. 5. General Labeling Requirements.** - Except as provided in Section 6 and 7 hereof any cautionary statement shall be displayed in its entirety on the principal display panel of the product's package and on any descriptive material which accompanies the product, and in the case of bulk sales of such product when unpacked, on the bin, container for retail display of the product, and any vending machine from which the unpacked product is dispensed and displayed in English or Filipino or both, in conspicuous and legible type in contrast by typography, lay-out, or color with other printed matter on such package, descriptive materials, bin, container and vending machine, and in the manner consistent with the provisions of the RA 7394 on labeling.

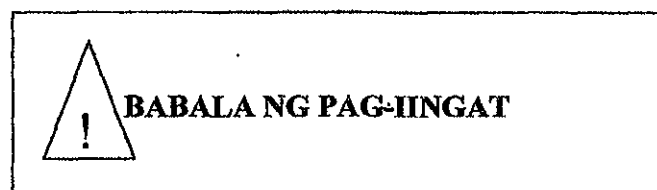
**SEC. 6. Exception.** - In the case of products manufactured outside the country and directly shipped from the manufacturer to the consumer by mail or other delivery service, the accompanying materials inside the package of the product may fail to bear the required statement if other accompanying material shipped with the product bears such statement.

**SEC. 7. Special Rules for Certain Packages.** - A cautionary statement required by Section 4 or in lieu of display on the principal display panel of the product's package, shall be displayed on another panel of the package if the package has a principal display panel of 15 square inches or less and the required statement is displayed in English or Filipino or both and the statement is displayed on the principal display panel and is accompanied by an arrow or other indicator pointing toward the place on the package where the statement required by Section 5 appears.

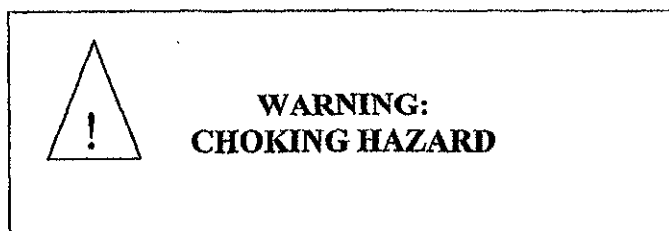
In case of a product to which Section 4, paragraph 1 applies, the statement is as follows:



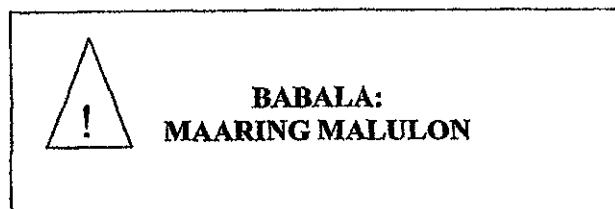
and/or



In the case of a product to which Section 4, paragraph 2 applies, the statement is as follows:



and/or



**SEC. 8. Treatment as Misbranded or Banned Hazardous Substance.** – A balloon, ball, marble or toy or game that is not in compliance with the requirements of this Act shall be considered a misbranded or banned hazardous substance and shall be withdrawn from the market at the expense of the manufacturer or shall not be allowed to be distributed, sold or offered for sale unless and until the requirements of this Act is complied without prejudice to whatever liability and penalty to be incurred under Section 10.

**SEC. 9. Report to Department of Trade and Industry.** – Each manufacturer, distributor, retailer and importer of a marble, small ball or latex balloon, or a toy or game that contains a marble, small ball or latex balloon, or other small parts, shall report to the Department of Trade and Industry any information obtained by such manufacturer, distributor, retailer, or importer which reasonably supports the conclusion that an incident occurred in which a child regardless of age choked such a marble, small ball, or latex balloon, or on a marble, small ball, latex balloon, or other small part contained in such toy or game, and that as a result of that incident the child died, suffered serious injury, ceased breathing for any length of time, or was treated by a medical professional.

**SEC. 10. Penalties.** – Any person who shall violate any provision of this Act, shall be subject to a fine of not less than ten thousand pesos (P10,000.00) but not more than fifty thousand pesos (50,000.00) or imprisonment of not less than three (3) months but not more than two (2) years or both at the discretion of the court. If the offense is committed by a corporation, trust, firm, partnership or association or other entity, the penalty shall be imposed upon the guilty officer or officers of such corporation, trust, firm, partnership or association or entity.

**SEC. 11. Regulations.** – The Department Of Trade and Industry shall promulgate regulations for the implementation of this Act in accordance with the provisions of RA 7394 on labeling. In addition, the Department of Trade and Industry shall regularly publish the list of all manufacturers, importers, distributors and retailers who failed to comply with the requirements of this Act.

**SEC. 12. *Grace Period.*** - Manufacturers, retailers, distributors, and importers are given one (1) year grace period to comply with these requirements reckoned from the effectivity of this Act.

**SEC. 13. *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. 14. *Repealing Clause.*** - Any law, presidential decree, or issuance, executive inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

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

*Approved,*