

FOURTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

7 JUN 30 P1:35

RECEIVED BY: 

SENATE

Senate Bill No. 84

INTRODUCED BY SEN. MANNY VILLAR


EXPLANATORY NOTE

The Consumer Act of the Philippines recognizes the need to establish standards for special packaging of consumer products for the protection of children. It also recognizes the need to provide the requirements for labeling of consumer products.

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 of children.

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


MANNY VILLAR

7 JUN 30 21:35

SENATE
Senate Bill No. 84

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INTRODUCED BY SEN. MANNY VILLAR

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 "Toy Safety Labeling Act of 2004".

SECTION 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.

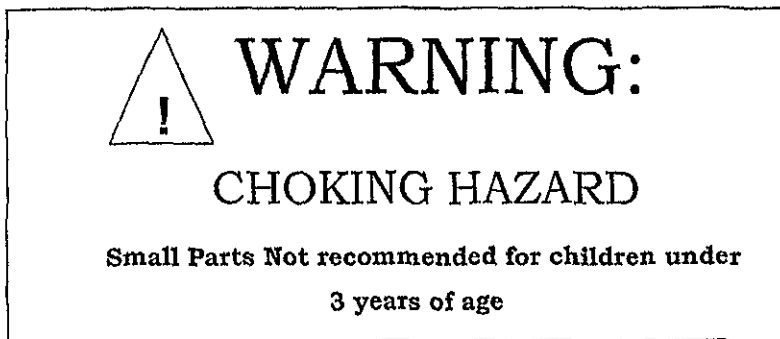
SECTION 3. *Definition of Terms.* - For purpose of this Act, the term:

- a. "Hazardous substance" means any substance or mixture of substances which is toxic, corrosive, irritant, a strong sensitiser, 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, commodities, productions, services or property, tangible or intangible
- 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 identify, components, ingredients, attributes, directions for use, specifications and such other information as may be required by law or regulations.

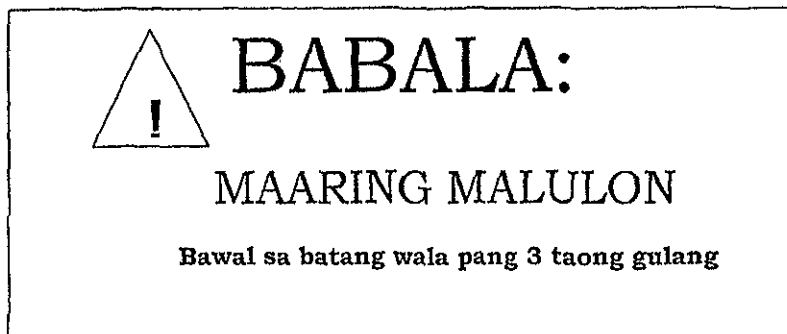
- d. "Package" or "packaging" means any container or wrapping in which any consumer product is enclosed for use in the delivery or display of that consumer product to retail purchasers.
- e. "Principal display panel" means that part of the label that is most likely to be displayed, presented, shown or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

SECTION 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:

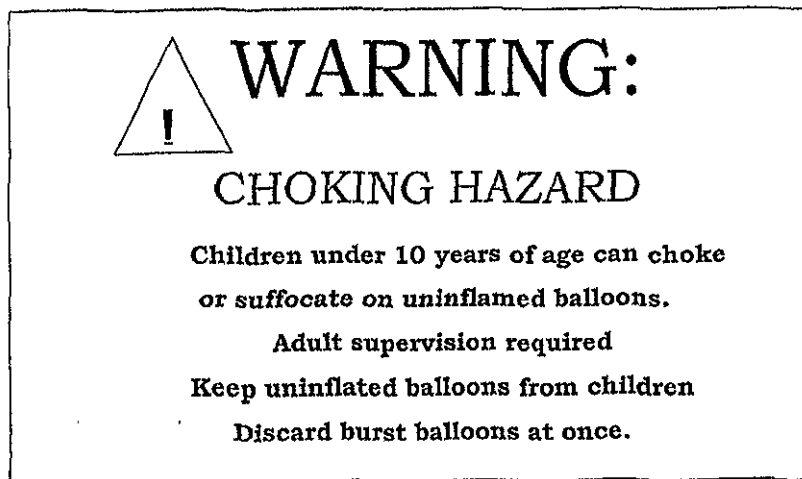


and/or

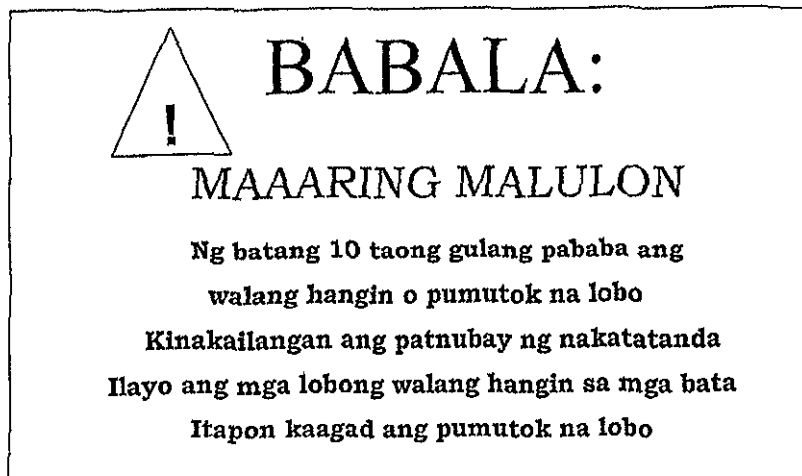


In the case of any latex balloon, any ball with a diameter of 1.75 inches or less intended for children who are less than 10 years of age, or any marble intended for children who are less than 10 years of age, or any toy or game which contains such a balloon, or marble, which is manufactured for sale, 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:

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



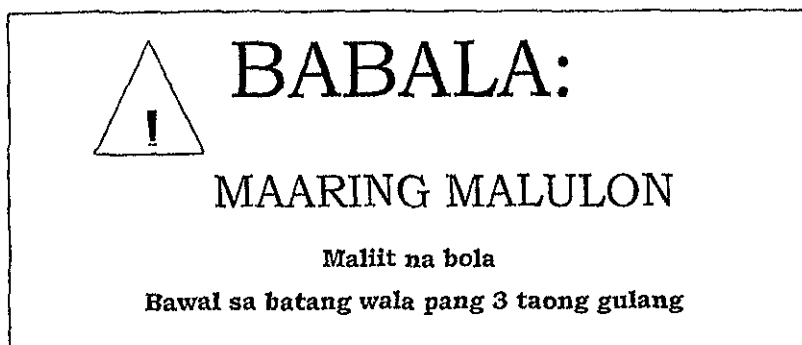
and/or



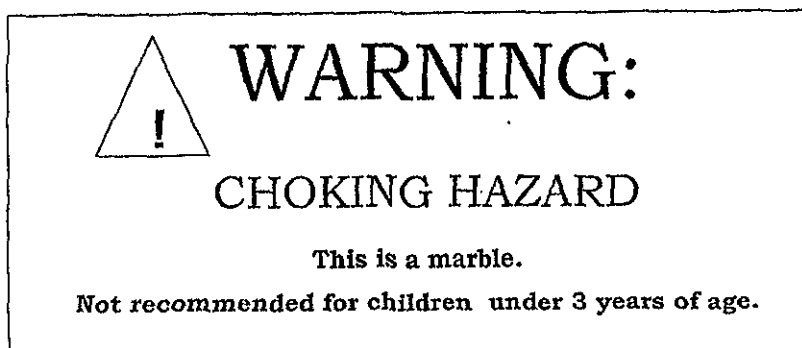
2. In the case of balls, the following cautionary statement applies:



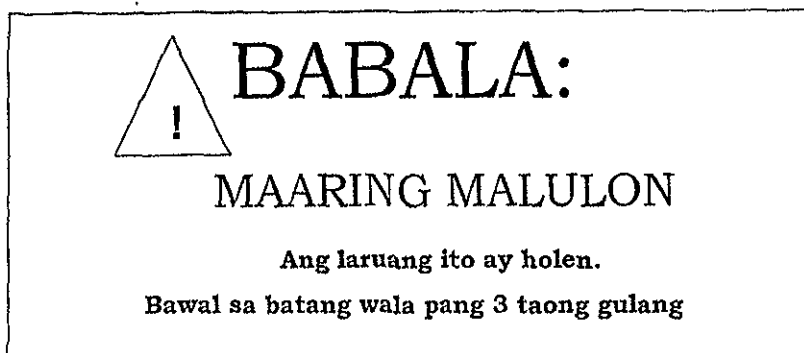
and/or




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




and/or




4. In the case of toys and games containing balls, the following cautionary statement applies:

 **WARNING:**
CHOKING HAZARD
Toy contains a small ball
Not recommended for children under 3 years of age.

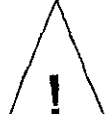
and/or

 **BABALA:**
MAARING MALULON
May maliit na bola
Bawal sa batang wala pang 3 taong gulang

5. In the case of toys and games containing marbles, the following cautionary statement applies: '

 **WARNING:**
CHOKING HAZARD
Toy contains marbles.
Not recommended for children under 3 years of age.

and/or

 **BABALA:**
MAARING MALULON
May maliit na holer
Bawal sa batang wala pang 3 taong gulang

SECTION 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.

SECTION 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.

SECTION 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.

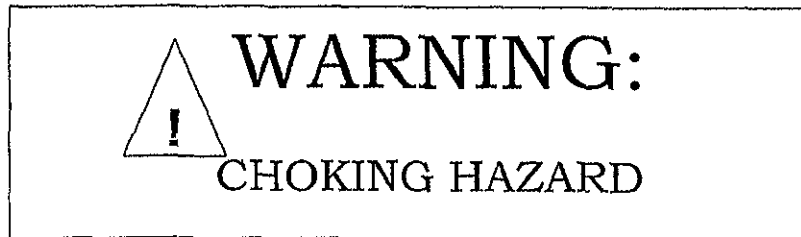
In case of a product to which Section 4, paragraph 1 applies, the statement is as follows:



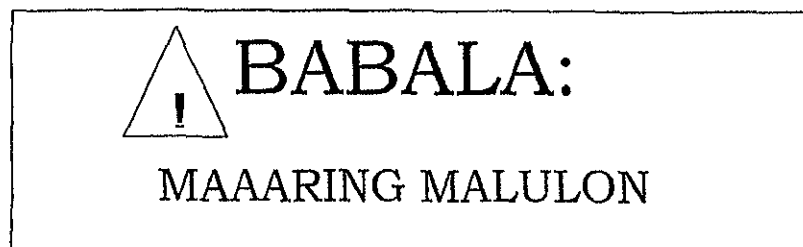
and/or



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



and/or



SECTION 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.

SECTION 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.

SECTION 10. *Penalties.* Any person who shall violate any provision of this Act, shall be subject to a fine of not less that ten thousand pesos (P10,000.00) but not more than fifty thousand pesos (P50,000.00) or imprisonment of not less than less 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.

SECTION 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.

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

SECTION 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.

SECTION 14. *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.

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

Approved,