

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 2349

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Introduced by Representative GLORIA MACAPAGAL ARROYO

**AN ACT PROVIDING FOR TOY AND GAME SAFETY LABELING,
APPROPRIATING FUNDS THEREFOR**

EXPLANATORY NOTE

The Consumer Act of the Philippines or Republic Act No. 7394, in Article 80, provides for "special packaging of consumer products for the protection of children." In Article 7, it also provides the requirements for "labeling of consumer products with clear and adequate safety warnings or instructions, or requirements respecting the form of warning instructions."

It does not, however, 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 therefore the intent of this proposed measure to reconcile or "bridge the gap", so to speak, what has been provided by the law and the need to standardize labeling requirements for certain toys and games of children.

Due to the significance of this bill, its immediate passage is earnestly sought.


GLORIA MACAPAGAL ARROYO
2nd District, Pampanga

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*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 and Game
Safety Labeling Act of 2016.”

SECTION 2. *Declaration of Policy.* – The State recognizes that children,
by reason of their physical and mental immaturity, need special safeguard and
care. The State acknowledges its obligation to secure the right of children to
proper care and special protection from all forms of neglect and other conditions
prejudicial to their development. Towards this end, the State shall ensure the
protection of children against potential hazards to their health and safety by
requiring special labeling of toys and games. To guarantee the rights of children
to protection and safety, the State shall provide means of redress for violation of
said rights.

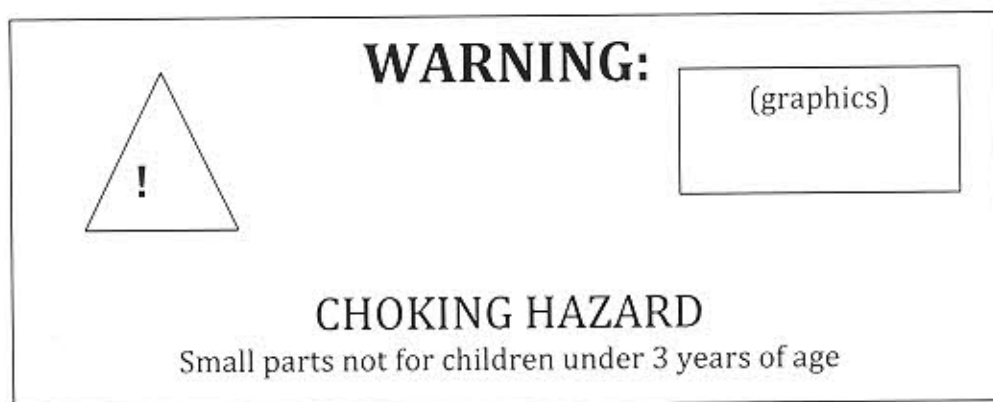
SECTION 3. *Definition of Terms.* – For purpose of this Act, the following
terms shall be defined as follows:

- “Hazardous substance” refers to 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.

- "Label, labeling" refers to the display of written, printed or graphic matter on any consumer product or 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.
- "Package" or "packaging" refers to 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.
- "Principal display panel" refers to the 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. *Labeling Requirements for Toys and Games.* – The packaging, any descriptive material, and in case of public sales, bins, containers for retail display, or vending machines from which the unpacked toy or game is dispensed, shall bear the cautionary statements with corresponding graphics described in the succeeding paragraph if the toy or game intended for use of children below fourteen (14) years of age 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 under this Section shall likewise apply to food items which contain or whose packaging contains any toy or game descriptive material.

The following cautionary statement shall be printed on the packaging of any toy or game:



and/or

BABALA:



(graphics)

MAARING MAKABARA SA LALAMUNAN

Bawal sa batang wala pang 3 taong gulang

In the case of any latex balloon, any ball with a diameter of 1.75 inches or less intended for children who are below ten (10) years of age, or any marble intended for children who are less than fourteen (14) 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 shall be printed on the packaging of the same:

WARNING:



(graphics)

CHOKING HAZARD

Children under 14 years of age can choke or suffocate on uninflated
OR BURST balloons.

Adult supervision required.

Keep uninflated balloons from children.

Discard burst balloons at once.

and/or

BABALA:



(graphics)

MAARING MAKABARA SA LALAMUNAN

Ng batang 14 taong gulang pababa ang walang hangin o pumutok na lobo.

Kinakailangan ang patnubay ng nakatatanda.
Ilayo ang mga lobong walang hangin sa mga bata.
Itapon kaagad ang pumutok na lobo.

- In the case of balls, the following cautionary statement shall apply:

WARNING:



(graphics)

CHOKING HAZARD

This is marble.
NOT for children under 3 years of age

and/or

BABALA:



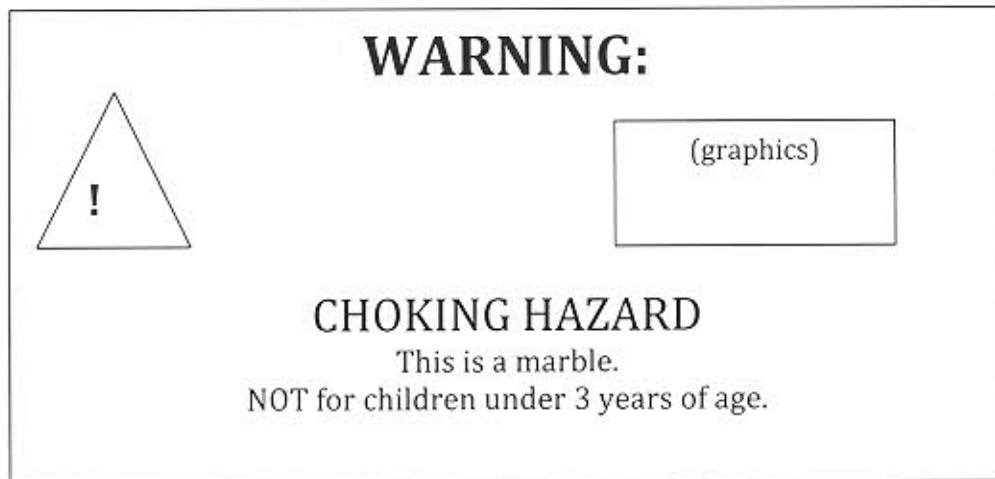
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(graphics)

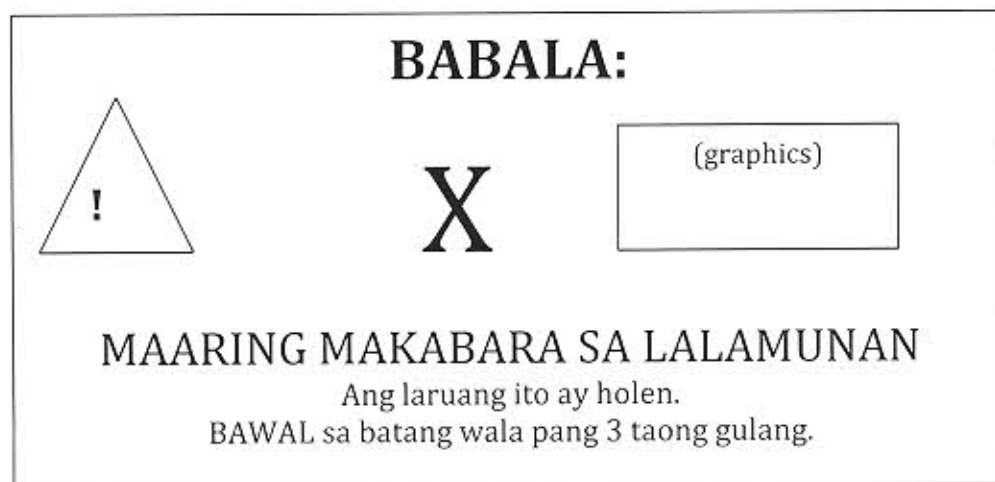
MAARING MAKABARA SA LALAMUNAN

Ang laruang ito ay holen.
BAWAL sa batang wala pang 3 taong gulang.

- In the case of marbles, the following cautionary statement shall be printed on its packaging:



And/or



- In the case of toys or games containing balls, the following cautionary statement shall be printed on its packaging:

WARNING:



X

(graphics)

CHOKING HAZARD

Toy/Game contains a small ball.
NOT for children under 3 years of age.

And/or

BABALA:



X

(graphics)

MAARING MAKABARA SA LALAMUNAN

May maliit na bola.
BAWAL sa batang wala pang 3 taong gulang.

- In the case of toys or games containing marbles, the following cautionary statement shall be printed on its packaging.

WARNING:



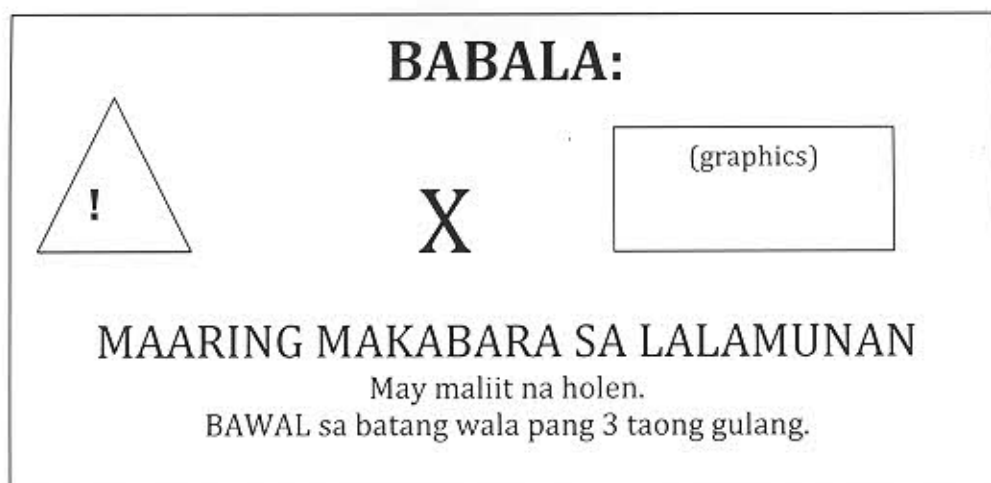
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(graphics)

CHOKING HAZARD

Toy/Game contains marble.
NOT for children under 3 years of age.

And/or

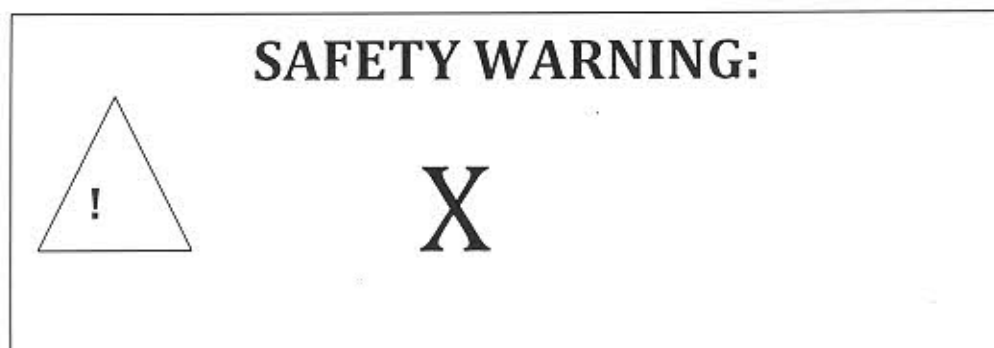


SECTION 5. *General Labeling Requirements.* – Except as provided in Section 6 and 7 hereof, any cautionary statement shall be displayed in its entirety on the principal display panel of the product's package and on any descriptive material which accompanies the product, and in the case of bulk sales of such product when unpacked, the cautionary statement shall be displayed 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 written in common language, 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 Republic Act No. 7394 otherwise known as "The Consumer Act of the Philippines."

SECTION 6. *Exception.* – Products manufactured and packaged outside the country and directly shipped from the manufacturer to the consumer by mail or other delivery service which do not bear the required statement provided in Section 5 hereof shall be admitted 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 hereof 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 written in common language, 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 in Section 5 hereof appears.

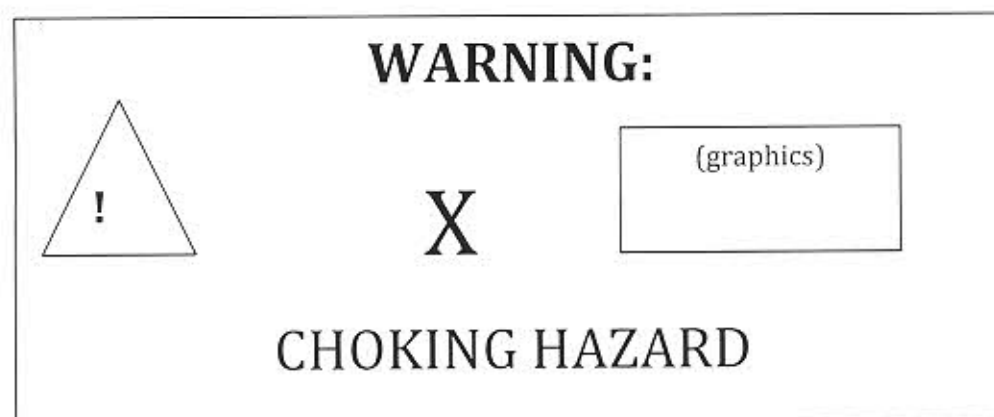
In case of a product to which Section 4 hereof, paragraph 1 applies, the cautionary statement shall read:



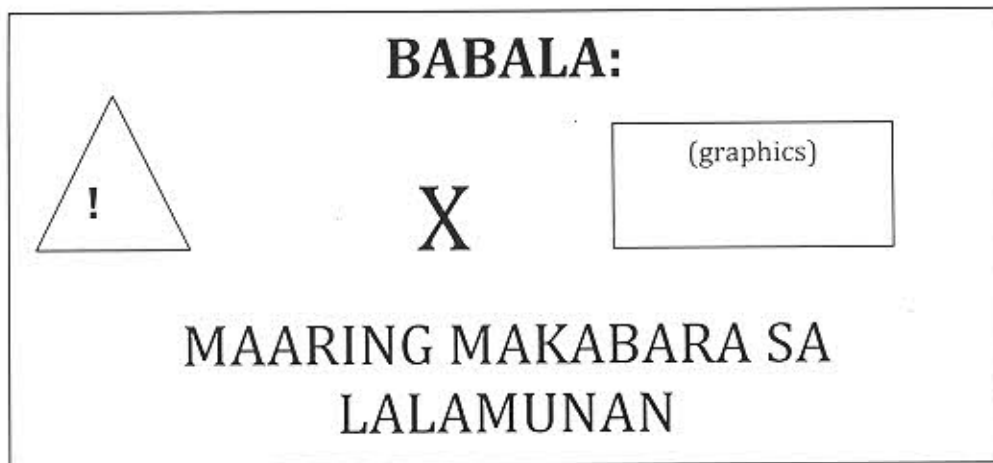
And/or



- In the case of a product to which Section 4, paragraph 2 applies, the cautionary statement shall read:



And/or



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

SECTION 9. *Report to Department of Health.* – A 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 Health and 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 marble, small ball, or latex balloon, or on a marble, small, 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 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 (P50,000.00) 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.

SECTION 11. *Regulations.* – The Department of Trade and Industry, in consultation with the Department of Health, shall promulgate the rules and regulations for the implementation of this Act. The Department of Trade and Industry shall regularly publish every six (6) months the list of all manufacturers, importers, distributors and retailers who failed to comply with the requirements of this Act. Likewise, the Department of Health shall publish every six (6) months the list of all misbranded or banned hazardous substance the sale, offer for sale, and distribution of which shall not be allowed under this Act.

SECTION 12. *Funding.* – The Department of Trade and Industry and the Department of Health shall include in their respective annual budgets the amount necessary for the effective implementation of this Act.

SECTION 13. *Grace Period.* – Manufacturers, retailers, distributors, and importers are given one (1) year grace period from the effectivity of this Act to comply with these requirements.

SECTION 14. *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 15. *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 16. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,