Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3321

Introduced by: **HON. GUS S. TAMBUNTING**

EXPLANATORY NOTE

This bill seeks to regulate the proliferation of supplemental medicines and other related preparations in the market.

Most drug manufacturers of supplements and other dietary preparations using "NO THERAPEUTIC CLAIM" on their packaging and promotion of their product capitalize on fine print and disclaimers thus, unqualified substitution is allowed and the law cannot hold the physician responsible for adverse consequences.

This legislation aims to put in place adequate safeguards for the purpose of protecting consumers not to succumb to aggressive and exaggerated therapeutic claims of unscrupulous manufacturers in their advertisement.

Therapeutic decisions reached by physicians are based on a complex body of medical information relevant to a specific patient. It is not denied that therapeutic failure or toxicity may result from improper substitution of a drug at the pharmacy counter.

More so, it is a policy of the State to protect and promote the right to health of the people and instill health consciousness among them.

Hence the passage of this legislation is earnestly sought.

GUS S. TAMBUNTING

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AN ACT
REGULATING THE USE OF "NO THERAPEUTIC CLAIM" ON SUPPLEMENTAL MEDICINES AND OTHER RELATED PREPARATIONS THEREBY MANDATING PROPER PACKAGE LABELLING AND ESTABLISHING A STANDARD OF PROTECTION AND PROMOTING THE WELFARE OF CONSUMERS AND FOR OTHER PURPOSES.

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

SECTION 1. *Short Title.* – This Act shall be known as "The Supplemental Medicines Consumer Protection Act of 2016."

SECTION 2. *Definition.* – For purposes of this Act, the term 'Supplemental Medicine' means supplemental medicines, dietary preparations and other related supplements including herbal preparations.

SECTION 3. The Department of Trade and Industry (DTI), Bureau of Food and Drugs (BFAD) and other related agencies shall prescribe rules and regulations prohibiting deceptive public advertisement including marketing activities and other exaggerated marketing strategy of drug manufacturers and advertisers.

The DTI shall include in such rules deceptive public advertisement including marketing activities and other exaggerated marketing strategy a definition of deceptive, abusive and exaggerated advertising as well marketing of said supplemental medicines, dietary preparations and other related supplements including herbal preparations and including further, establishing a standard of protection in promoting the welfare of the consumers.

The BFAD shall prescribe the rules on the proper mandatory package labeling as a requirement that supplemental medicines, dietary preparations and other related

supplements including herbal preparations must adhere to and, comply with the required mandatory testing and approval as to ensure dugs safety and efficacy.

The lead agencies, DTI and BFAD shall ensure and monitor the safety, therapeutic and bioequivalence, and post-marketing surveillance of said supplemental medicines, dietary preparations and other related supplements including herbal preparations.

SECTION 4. *Action by Private Persons*. – Any person adversely affected by any supplemental medicines, dietary preparations and other related supplements including herbal preparation and manufacturers, or advertisers who shall violate any rule prescribed under the provisions of this Act may, within one (1) year after the discovery of the violation, bring a civil action against a person who has engaged or is engaging in prohibited acts so stipulated. Such action may be brought to enjoin private parties, manufacturer or advertisers, o enforce compliance with any rule under this Act to obtain damages or to obtain such further and other relief as the court may deem appropriate.

SECTION 5. *Separability Clause*. – If any provision or part thereof is held invalid or unconstitutional, the remainder provisions not otherwise affected shall remain valid and subsisting.

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

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

Approved,