

SENATE

Senate Bill No. 3367

*Or*

(In substitution of Senate Bill Nos. 1308 and 1547, taking into consideration  
P.S. Resolution No. 191 and House Bill No. 6529)

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Prepared jointly by the Committees on Trade and Commerce, and Health and  
Demography with Senators Villar and Defensor-Santiago as authors thereof.

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

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

1 SECTION 1. *Short Title.* - This Act shall be known as the "Toy and Game Safety  
2 Labeling Act of 2012".

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

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13 SEC. 3. *Definition of Terms.* - For purposes of this Act, the following terms shall  
14 be defined as follows:

15 (a) *Hazardous substance* refers to any substance or mixture of substances which is  
16 toxic, corrosive, irritant, a strong sensitizer, flammable or combustible, or generates  
17 pressure through decomposition, heat or other means, if such substance or mixture of  
18 substances causes any substantial injury or illness during or as a proximate result of any  
19 customary or reasonably foreseeable ingestion by children.

1 (b) *Label, labeling* refers to the display of written, printed or graphic matter on  
2 any consumer product, its immediate container, tag, literature or other suitable material  
3 affixed thereto for the purpose of giving information as to identify components,  
4 ingredients, attributes, directions for use, specifications and such other information as  
5 may be required by law or regulations.

6 (c) *Package or packaging* refers to any container or wrapping in which any  
7 consumer product is enclosed for use in the delivery or display of that consumer product  
8 to retail purchasers.

9 (d) *Principal display panel* refers to the part of the label that is most likely to be  
10 displayed, presented, shown or examined under normal and customary conditions of  
11 display for retail or sale.

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13 SEC. 4. *Labeling Requirements for Toys and Games.* - All toys and games locally  
14 or internationally manufactured that are imported, donated, distributed and sold in the  
15 Philippines shall comply with the appropriate provisions on safety labeling and  
16 manufacturer's markings found in the Philippine National Standards (PNS) for the safety  
17 of toys.

18 *Provided,* That the Department of Trade and Industry shall cause the effective  
19 dissemination of PNS in both traditional form of mass media and the internet to guide  
20 manufacturers, retailers, distributors and various sellers.

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22 SEC. 5. *General Labeling Requirements.* - Except as provided in Sections 6 and 7  
23 hereof, any cautionary statement shall be displayed in its entirety on the principal display  
24 panel of the product's package and on any descriptive material which accompanies the  
25 product. In the case of bulk sales of such product when unpacked, the cautionary  
26 statement shall be displayed on the bin or container used for the retail display of the  
27 product, and any vending machine from which the unpacked product is dispensed and  
28 displayed, in English or Filipino or both written in common language, in conspicuous and  
29 legible type in contrast by typography, lay-out, or color with other printed matter on such  
30 package, descriptive materials, bin, container and vending machine, and in the manner  
31 consistent with the provisions of Republic Act No. 7394, otherwise known as the  
32 "Consumer Act of the Philippines".

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34 SEC. 6. *Exception.* - Products manufactured and packaged outside the country and  
35 directly shipped from the manufacturer to the consumer by mail or other delivery service  
36 which do not bear the required statement provided under Section 5 hereof shall be  
37 admitted if other accompanying material shipped with the product bears such statement.

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

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

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18           SEC. 9. *Report to the Department of Health (DOH).*- A manufacturer, distributor,  
19 retailer and importer of a marble, small ball or latex balloon, or a toy or game that  
20 contains a marble, small ball or latex balloon, or other small parts, shall report to the  
21 DOH any information obtained by such manufacturer, distributor, retailer or importer  
22 which reasonably supports the conclusion that an incident occurred in which a child  
23 regardless of age choked with such marble, small ball, or latex balloon, or on a marble,  
24 small ball, latex balloon, or other small parts contained in such toy or game, and that as a  
25 result of that incident the child died, suffered serious injury, ceased breathing for any  
26 length of lime, or was treated by a medical professional.

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28           SEC. 10. *Penalties.*- Any person who shall violate any provision of this Act shall  
29 be subject to a fine of not less than Ten thousand pesos (P 10,000.00) but not more than  
30 Fifty thousand pesos (P50,000.00) or imprisonment of not less than three (3) months but  
31 not more than two (2) years, or both, at the discretion of the court.

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33           SEC 11. *Disposal of Seized Materials.* - Any toys and games found to be in  
34 violation of the provisions of this Act shall be confiscated and forfeited in favor of the  
35 government and shall be disposed in accordance with pertinent laws and regulations:

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37           *Provided,* That a sufficient representative sample shall be retained for evidentiary  
38 purposes. The retained representative sample shall remain in custodia legis until the final

1 resolution of proceedings thereon. Equipment and materials imported in violation of this  
2 Act shall be subject to seizure and immediate disposal by the Bureau of Customs.

3 If the offense is committed by a corporation, trust, firm, partnership or association  
4 or other entity, the penalty shall be imposed upon the guilty officer or officers of such  
5 corporation, trust, firm, partnership or association or entity.

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7 SEC. 12. *Rules and Regulations.* - The DTI, in consultation with the DOH, shall  
8 promulgate the rules and regulations for the Implementation of this Act. The DTI shall  
9 regularly publish every six (6) months, the list of all manufacturers, importers,  
10 distributors and retailers who failed to comply with the requirements of this Act.  
11 Likewise, the DOH shall publish every six (6) months, the list of all misbranded or  
12 banned hazardous substances the sale, offer for sale and distribution of which shall not be  
13 allowed under this Act.

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15 SEC. 13. *Funding* – The DTI and the DOH shall include in their respective annual  
16 budget the amount necessary for the effective implementation of this Act.

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18 SEC. 14. *Grace Period.* - Manufacturers, retailers, distributors and importers are  
19 given one (1) year grace period to comply with these requirements from the effectivity of  
20 this Act.

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22 SEC. 15. *Separability Clause.* - If any provision or part hereof *is* held invalid or  
23 unconstitutional, the remainder of the law or the provision not otherwise affected shall  
24 remain valid and subsisting.

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26 SEC. 16. *Repealing Clause.* - Any law, presidential decree or issuance, executive  
27 order, letter of instruction, administrative order, rule or regulation contrary to or  
28 inconsistent with the provisions of this Act is hereby repealed, modified or amended  
29 accordingly.

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31 SEC. 17. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its  
32 publication in at least two (2) newspapers of general circulation.

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34 Approved.