

S. No. 3367
H. No. 6529

Republic of the Philippines
Congress of the Philippines
Metro Manila
Fifteenth Congress
Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-third day of
July, two thousand twelve.

[REPUBLIC ACT No. 10620]

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:*

SECTION 1. *Short Title.* – This Act shall be known
as the “Toy and Game Safety Labeling Act of 2013”.

SEC. 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 a means of redress for violation of said rights.

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

(a) *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 of substances causes any substantial injury or illness during or as a proximate result of any customary or reasonably foreseeable ingestion by children.

(b) *Label or labeling* refers to 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.

(c) *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.

(d) *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.

SEC. 4. *Labeling Requirements for Toys and Games.* – All toys and games locally or internationally manufactured that are imported, donated, distributed and sold in the Philippines shall comply with the appropriate provisions on safety labeling and manufacturer's markings found in the Philippine National

Standards (PNS) for the safety of toys: *Provided*, That this shall not apply to toys and games which are not intended for children including, but not limited to, memorabilia or collectibles: *Provided, further*, That the Department of Trade and Industry (DTI) shall cause the effective dissemination of the PNS in both the traditional form of mass media and the internet to guide manufacturers, retailers, distributors and various sellers.

SEC. 5. *General Labeling Requirements.* – Except as provided in Sections 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. In the case of bulk sales of such product when unpacked, the cautionary statement shall be displayed on the bin or container used for the 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, layout, 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".

SEC. 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 under Section 5 hereof shall be admitted 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 hereof 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 fifteen (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

towards the place on the package where the statement required in Section 5 hereof appears.

SEC. 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 that may be incurred under Section 10 hereof.

SEC. 9. *Report to the Department of Health (DOH).* – 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 DOH 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 with such marble, small ball, or latex balloon, or on a marble, small ball, latex balloon, or other small parts 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 (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.

SEC. 11. *Disposal of Seized Materials.* – Any toys and games found to be in violation of the provisions of this Act shall be confiscated and forfeited in favor of the government and shall be disposed in accordance with pertinent laws and regulations: *Provided*, That a sufficient representative sample shall be retained for evidentiary purposes. The retained representative sample shall remain in *custodia legis* until

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

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. 12. *Rules and Regulations.* – The DTI, in consultation with the DOH, shall promulgate the rules and regulations for the implementation of this Act. The DTI 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 DOH shall publish every six (6) months, the list of all misbranded or banned hazardous substances the sale, offer for sale and distribution of which shall not be allowed under this Act.

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

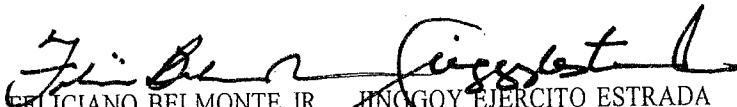
SEC. 14. *Grace Period.* – Manufacturers, retailers, distributors and importers are given one (1) year grace period to comply with these requirements from the effectivity of this Act.

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


SEC. 16. *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.


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

Approved,

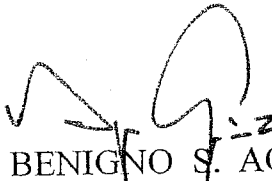

 FELICIANO BELMONTE JR. HINGOY EJERCITO ESTRADA
Speaker of the House of Representatives *Acting Senate President*

This Act which is a consolidation of Senate Bill No. 3367 and House Bill No. 6529 was finally passed by the Senate and the House of Representatives on June 5, 2013.


 MARILYN B. BARUA-YAP
Secretary General
House of Representatives


 EMMA LIRIO-REYES
Secretary of the Senate

Approved: SEP 03 2013


 BENIGNO S. AQUINO III
President of the Philippines



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