



Advancing the Frontiers of the Pulmonary  
Medicine in the Philippines.

# Philippine College of Chest Physicians

*A specialty society of the Philippine Medical Association (PMA)*

*A component society of the Philippine College of Physicians (PCP)*

*A member society of the Asian Pacific Society of Respiriology (APSR)  
and the European Respiratory Society (ERS)*

## Media Kit:

1. What's in a cigarette?
2. Ill Effects of Smoking
3. DOH Smoking Program
4. Tobacco Regulation Act 9211 (2003)
5. Executive Order 26

## What's in a Cigarette?

There are approximately 600 ingredients in cigarettes. When burned, they create more than 7,000 chemicals. At least 69 of these chemicals are known to cause cancer, and many are poisonous. Many of these chemicals also are found in consumer products, but these products have warning labels. While the public is warned about the danger of the poisons in these products, there is no such warning for the toxins in tobacco smoke.

Here are a few of the chemicals in tobacco smoke and other places they are found:

- Acetone – found in nail polish remover
- Acetic Acid – an ingredient in hair dye
- Ammonia – a common household cleaner
- Arsenic – used in rat poison
- Benzene – found in rubber cement
- Butane – used in lighter fluid
- Cadmium – active component in battery acid
- Carbon Monoxide – released in car exhaust fumes
- Formaldehyde – embalming fluid
- Hexamine – found in barbecue lighter fluid
- Lead – used in batteries
- Naphthalene – an ingredient in mothballs
- Methanol – a main component in rocket fuel
- Nicotine – used as insecticide
- Tar – material for paving roads
- Toluene - used to manufacture paint

Tobacco use leads most commonly to diseases affecting the heart, liver and lungs. Smoking is a major risk factor for heart attacks, strokes, chronic obstructive pulmonary disease (COPD) (including emphysema and chronic bronchitis), and cancer (particularly lung cancer, cancers of the larynx and mouth, and pancreatic cancer). It also causes peripheral vascular disease and hypertension. The effects depend on the number of years that a person smokes and on how much the person smokes. Starting smoking earlier in life and smoking cigarettes higher in tar increases the risk of these diseases. Also, environmental tobacco smoke, or secondhand smoke, has been shown to cause adverse health effects in people of all ages.<sup>[10]</sup> Tobacco use is a significant factor in miscarriages among pregnant smokers, and it contributes to a number of other health problems of the fetus such as premature birth, low birth weight, and increases by 1.4 to 3 times the chance of sudden infant death syndrome (SIDS).<sup>[11]</sup> Incidence of erectile dysfunction is approximately 85 percent higher in male smokers compared to non-smokers.<sup>[12][13]</sup>

Several countries have taken measures to control the consumption of tobacco with usage and sales restrictions as well as warning messages printed on packaging. Additionally smoke free laws are useful, do not have negative economic effects for restaurants or bars and help people who smoke to

quit.<sup>[7]</sup> Taxing tobacco products in an effort to increase the price is also effective, especially in developing countries.<sup>[7]</sup> Tobacco smoke contains more than fifty chemicals that cause cancer.<sup>[7]</sup> Tobacco also contains nicotine, which is a highly addictive psychoactive drug. When tobacco is smoked, nicotine causes physical and psychological dependency. Cigarettes sold in underdeveloped countries tend to have higher tar content, and are less likely to be filtered, potentially increasing vulnerability to tobacco smoking related disease in these regions

### **DOH Smoking Cessation Program:**

The use of tobacco continues to be a major cause of health problems worldwide. There is currently an estimated 1.3 billion smokers in the world, with 4.9 million people dying because of tobacco use in a year. If this trend continues, the number of deaths will increase to 10 million by the year 2020, 70% of which will be coming from countries like the Philippines. (The Role of Health Professionals in Tobacco Control, WHO, 2005)

The World Health Organization released a document in 2003 entitled Policy Recommendations for Smoking Cessation and Treatment of Tobacco Dependence. This document very clearly stated that as current statistics indicate, it will not be possible to reduce tobacco related deaths over the next 30-50 years unless adult smokers are encouraged to quit. Also, because of the addictiveness of tobacco products, many tobacco users will need support in quitting. Population survey reports showed that approximately one third of smokers attempt to quit each year and that majority of these attempts are undertaken without help. However, only a small percentage of cigarette smokers (1-3%) achieve lasting abstinence, which is at least 12 months of abstinence from smoking, using will power alone (Fiore et al 2000) as cited by the above policy paper.

The policy paper also stated that support for smoking cessation or “treatment of tobacco dependence” refers to a range of techniques including motivation, advice and guidance, counseling, telephone and internet support, and appropriate pharmaceutical aids all of which aim to encourage and help tobacco users to stop using tobacco and to avoid subsequent relapse. Evidence has shown that cessation is the only intervention with the potential to reduce tobacco-related mortality in the short and medium term and therefore should be part of an overall comprehensive tobacco-control policy of any country.

The Philippine Global Adult Tobacco Survey conducted in 2009 (DOH, Philippines GATS Country Report, March 16, 2010) revealed that 28.3% (17.3 million) of the population aged 15 years old and over currently smoke tobacco, 47.7% (14.6 million) of whom are men, while 9.0% (2.8 million) are women. Eighty percent of these current smokers are daily smokers with men and women smoking an average of 11.3 and 7 sticks of cigarettes per day respectively.

The survey also revealed that among ever daily smokers, 21.5% have quit smoking. Among those who smoked in the last 12 months, 47.8% made a quit attempt, 12.3% stated they used counseling and or advice as their cessation method, but only 4.5% successfully quit. Among current cigarette smokers, 60.6% stated they are interested in quitting, translating to around 10 million Filipinos needing help to quit smoking as of the moment. The above scenario dictates the great need to build the capacity of health workers to help smokers quit smoking, thus the need for the Department of Health to set up a national infrastructure to help smokers quit smoking.

The national smoking infrastructure is mandated by the Tobacco Regulations Act which orders the Department of Health to set up withdrawal clinics. As such DOH Administrative Order No. 122 s. 2003 titled The Smoking Cessation Program to support the National Tobacco Control and Healthy Lifestyle Program allowed the setting up of the National Smoking Cessation Program.

## Republic Act No. 9211

### AN ACT REGULATING THE PACKAGING, USE, SALE, DISTRIBUTION AND ADVERTISEMENTS OF TOBACCO PRODUCTS AND FOR OTHER PURPOSES

**SECTION 1.** Short Title.—This Act shall be known as the Tobacco Regulation Act of 2003.

**SECTION 2.** Policy.—It is the policy of the State to protect the populace from hazardous products and promote the right to health and instill health consciousness among them. It is also the policy of the State, consistent with the Constitutional ideal to promote the general welfare, to safeguard the interests of the workers and other stakeholders in the tobacco industry. For these purposes, the government shall institute a balanced policy whereby the use, sale and advertisements of tobacco products shall be regulated in order to promote a healthful environment and protect the citizens from the hazards of tobacco smoke, and at the same time ensure that the interests of tobacco farmers, growers, workers and stakeholders are not adversely compromised.

**SECTION 3.** Purpose.—It is the main thrust of this Act to:

- a. Promote a healthful environment;
- b. Inform the public of the health risks associated with cigarette smoking and tobacco use;
- c. Regulate and subsequently ban all tobacco advertisements and sponsorships;
- d. Regulate the labeling of tobacco products;
- e. Protect the youth from being initiated to cigarette smoking and tobacco use by prohibiting the sale of tobacco products to minors;
- f. Assist and encourage Filipino tobacco farmers to cultivate alternative agricultural crops to prevent economic dislocation; and
- g. Create an Inter-Agency Committee on Tobacco (IAC-Tobacco) to oversee the implementation of the provisions of this Act.

**SECTION 4.** Definition of Terms.—As used in this Act:

- a. "Advertisement"—refers to any visual and/or audible message disseminated to the public about or on a particular product that promote and give publicity by words, designs, images or any other means through broadcast, electronic, print or whatever form of mass media, including outdoor advertisements, such as but not limited to signs and billboards. For the purpose of this Act, advertisement shall be understood as tobacco advertisement.
- b. "Advertising"—refers to the business of conceptualizing, presenting, making available and communicating to the public, through any form of mass media, any fact, data or information about the attributes, features, quality or availability of consumer products, services or credit.
- c. For the purpose of this Act, advertising shall be understood as tobacco advertising. This shall specifically refer to any messages and images promoting smoking; the purchase or use of cigarette or tobacco products; and cigarette or tobacco trademarks, brand names, design and manufacturer's names;
- d. "Advertiser"—refers to a person or entity on whose account or for whom an advertisement is prepared and disseminated by the advertising agency, which is a service established and operated for the purpose of counseling or creating and producing and/or implementing advertising programs in various forms of media;
- e. "Cigarette"—refers to any roll or tubular construction, which contains tobacco or its derivatives and is intended to be burned or heated under ordinary conditions of use;
- f. "Distributor"—refers to any person to whom a tobacco product is delivered or sold for purposes of distribution in commerce, except that such term does not include a manufacturer or retailer or common carrier of such product;
- g. "Mass Media"—refers to any medium of communication designed to reach a mass of people. For this purpose, mass media includes print media such as, but not limited to, newspapers, magazines, and publications; broadcast media such as, but not limited to radio, television, cable television, and cinema; electronic media such as but not limited to the internet;
- h. "Minor"—refers to any person below eighteen (18) years old;
- i. "Manufacturer"—refers to any person or entity, including a repacker, who makes, fabricates, assembles, processes, or labels a finished product;
- j. "Package"—refers to packs, boxes, cartons or containers of any kind in which any tobacco product is offered for sale to consumers;

- k. "Person"—refers to an individual, partnership, corporation or any other business or legal entity;
- l. "Point-of-Sale"—refers to any location at which an individual can purchase or otherwise obtain tobacco products;
- m. "Promotion"—refers to an event or activity organized by or on behalf of a tobacco manufacturer, distributor or retailer with the aim of promoting a brand of tobacco product, which event or activity would not occur but for the support given to it by or on behalf of the tobacco manufacturer, distributor or retailer. It may also refer to the display of a tobacco product or manufacturer's name, trademark, logo, etc. on non-tobacco products. This includes the paid use of tobacco products bearing the brand names, trademarks, logos, etc. in movies, television and other forms of entertainment. For the purpose of this Act, promotion shall be understood as tobacco promotion;
- n. "Public Conveyances"—refer to modes of transportation servicing the general population, such as, but not limited to, elevators, airplanes, buses, taxicabs, ships, jeeps, light rail transits, tricycles, and similar vehicles;
- o. "Public Places"—refer to enclosed or confined areas of all hospitals, medical clinics, schools, public transportation terminals and offices, and buildings such as private and public offices, recreational places, shopping malls, movie houses, hotels, restaurants, and the like;
- p. "Retailer"—refers to any person who or entity that sells tobacco products to individuals for personal consumption;
- q. "Smoking"—refers to the act of carrying a lighted cigarette or other tobacco products, whether or not it is being inhaled or smoked;
- r. "Sponsorship"—refers to any public or private contribution to a third party in relation to an event, team or activity made with the aim of promoting a brand of tobacco product, which event, team or activity would still exist or occur without such contribution. For the purpose of this Act, sponsorship shall be understood as tobacco sponsorship;
- s. "Tobacco"—refers to agricultural components derived from the tobacco plant, which are processed for use in the manufacturing of cigarettes and other tobacco products;
- t. "Tobacco Product"—refers to any product that consists of loose tobacco that contains nicotine and is intended for use in a cigarette, including any product containing tobacco and intended for smoking or oral or nasal use. Unless stated otherwise, the requirements of this Act pertaining to cigarettes shall also apply to other tobacco products;
- u. "Tobacco Grower"—refers to any person who plants tobacco before the enactment of this Act and classified as such by the National Tobacco Administration (NTA); and
- v. "Warning"—refers to the notice printed on the tobacco product or its container and/or displayed in print or aired in broadcast or electronic media including outdoor advertising and which shall bear information on the hazards of tobacco use.
- w. Healthful Environment

**SECTION 5. Smoking Ban in Public Places.**—Smoking shall be absolutely prohibited in the following public places:

- a. Centers of youth activity such as playschools, preparatory schools, elementary schools, high schools, colleges and universities, youth hostels and recreational facilities for persons under eighteen (18) years old;
- b. Elevators and stairwells;
- c. Locations in which fire hazards are present, including gas stations and storage areas for flammable liquids, gas, explosives or combustible materials;
- d. Within the buildings and premises of public and private hospitals, medical, dental, and optical clinics, health centers, nursing homes, dispensaries and laboratories;
- e. Public conveyances and public facilities including airport and ship terminals and train and bus stations, restaurants and conference halls, except for separate smoking areas; and
- f. Food preparation areas.

**SECTION 6. Designated Smoking and Non-smoking Areas.**—In all enclosed places that are open to the general public, private workplaces and other places not covered under the preceding section, where smoking may expose a person other than the smoker to tobacco smoke, the owner, proprietor, operator, possessor, manager or administrator of such places shall establish smoking and non-smoking areas. Such areas may include a designated smoking area within the building, which may be in an open space or separate area with proper ventilation, but shall not be located within the same room that has been designated as a non-smoking area.

All designated smoking areas shall have at least one (1) legible and visible sign posted, namely "SMOKING AREA" for the information and guidance of all concerned. In addition, the sign or notice posted shall include a warning about the health effects of direct or secondhand exposure to tobacco

smoke. Non-Smoking areas shall likewise have at least one (1) legible and visible sign, namely: "NON-SMOKING AREA" or "NO SMOKING."

#### Access Restrictions

**SECTION 7. Vending Machines, Self-Service Facilities.**—Unless the vending machine has a mechanism for age verification, the sale or distribution of tobacco products to minors by means of a vending machine or any self-service facility or similar contraption or device is prohibited, except at point-of-sale establishments.

**SECTION 8. Retailer Compliance with Respect to Self-Service Facilities.**—Each retailer shall ensure that all tobacco-related self-service displays or facilities, advertising, labeling and other items that are located in the establishment of the retailer and that do not comply with the requirements of this Act are removed or are brought into compliance with the requirements of this Act.

**SECTION 9. Minimum Age Sales.**—Under this Act, it shall be unlawful:

- a. For any retailer of tobacco products to sell or distribute tobacco products to any minor;
- b. For any person to purchase cigarettes or tobacco products from a minor;
- c. For a minor to sell or buy cigarettes or any tobacco product; and
- d. For a minor to smoke cigarettes or any other tobacco products.

It shall not be a defense for the person selling or distributing that he/she did not know or was not aware of the real age of the minor. Neither shall it be a defense that he/she did not know nor had any reason to believe that the cigarette or any other tobacco product was for the consumption of the minor to whom it was sold.

**SECTION 10. Sale of Tobacco Products Within School Perimeters.**—The sale or distribution of tobacco products is prohibited within one hundred (100) meters from any point of the perimeter of a school, public playground or other facility frequented particularly by minors.

**SECTION 11. Signage.**—Point-of-Sale establishments offering, distributing or selling tobacco products to consumers, shall post the following statement in a clear and conspicuous manner: "SALE/DISTRIBUTION TO OR PURCHASE BY MINORS OF TOBACCO PRODUCTS IS UNLAWFUL" or "IT IS UNLAWFUL FOR TOBACCO PRODUCTS TO BE SOLD/DISTRIBUTED TO OR PURCHASED BY PERSONS UNDER 18 YEARS OF AGE."

**SECTION 12. Proof of Age Verification.**—In case of doubt as to the age of the buyer, retailers shall verify, by means of any valid form of photographic identification containing the date of birth of the bearer, that no individual purchasing a tobacco product is below eighteen (18) years of age.

#### Advertising and Promotions

**SECTION 13. Warnings on Cigarette Packages.**—Under this Act:

- a. All packages in which tobacco products are provided to consumers withdrawn from the manufacturing facility of all manufacturers or imported into the Philippines intended for sale to the market, starting 1 January 2004, shall be printed, in either English or Filipino, on a rotating basis or separately and simultaneously, the following health warnings:
- b. "GOVERNMENT WARNING: Cigarette Smoking is Dangerous to Your Health;"
- c. "GOVERNMENT WARNING: Cigarettes are Addictive;"
- d. "GOVERNMENT WARNING: Tobacco Smoke Can Harm Your Children;" or
- e. "GOVERNMENT WARNING: Smoking Kills."
- f. Upon effectivity of this Act until 30 June 2006, the health warning shall be located on one side panel of every tobacco product package and occupy not less than fifty percent (50%) of such side panel including any border or frame.
- g. Beginning 1 July 2006, the health warning shall be located on the bottom portion of one (1) front panel of every tobacco product package and occupy not less than thirty percent (30%) of such front panel including any border or frame. The text of the warning shall appear in clearly legible type in black text on a white background with a black border and in contrast by typography, layout or color to the other printed matters on the package. The health warning shall occupy a total area of not less than fifty percent (50%) of the total warning frame.
- h. The warnings shall be rotated periodically, or separately and simultaneously printed, so that within any twenty-four (24) month period, the four (4) variations of the warnings shall appear with proportionate frequency.
- i. The warning shall not be hidden or obscured by other printed information or images, or printed in a location where tax or fiscal stamps are likely to be applied to the package or placed in a

location where it will be damaged when the package is opened. If the warning to be printed on the package is likely to be obscured or obliterated by a wrapper on the package, the warning must be printed on both the wrapper and the package.

- j. In addition to the health warning, all packages of tobacco products that are provided to consumers shall contain, on one side panel, the following statement in a clear, legible and conspicuous manner: "NO SALE TO MINORS" or "NOT FOR SALE TO MINORS." The statement shall occupy an area of not less than ten percent (10%) of such side panel and shall appear in contrast by color, typography or layout with all the other printed material on the side panel.
- k. No other printed warnings, except the health warning and the message required in this Section, paragraph f. shall be placed on cigarette packages.

**SECTION 14. Warnings in Advertising.—**Under this Act:

- a. All tobacco advertising in mass media shall contain either in English or Filipino, the following health warning: "GOVERNMENT WARNING: Cigarette Smoking is Dangerous to Your Health."
- b. For print and outdoor advertisements, the warning frame shall be centered across the bottom of the advertisement and occupy a total area of not less than fifteen percent (15%) of such advertisement including any border or frame. The health warning shall occupy a total area of not less than fifty percent (50%) of the total warning frame. The text of the health warnings shall be clearly visible and legible, printed in a prominent color as appropriate and shall appear in contrast by color, typography or layout with all other printed material in the advertisement. The warning shall not be hidden or obscured by other printed information or images in the advertisement.
- c. For television and cinema advertisements, the warning shall be clearly shown and voiced over in the last five (5) seconds of the advertisement, regardless of the duration of the advertisement, even when such advertisement is silent. The health warning shall occupy a total area of not less than fifty percent (50%) of the television screen and shall be clearly visible, legible and audible, in black text on white background or white text on black background. No other images except the warning shall be included in the warning frame.
- d. For radio advertisements, the warning stated after the advertisement shall be clearly and audibly voiced over in the last five (5) seconds of the advertisement, regardless of its duration.

**SECTION 15. Restrictions on Advertising.—**The following restrictions shall apply to all tobacco advertising:

- a. Advertisements shall not be aimed at or particularly appeal to persons under eighteen (18) years of age.
- b. Advertisements shall not feature a celebrity or contain an endorsement, implied or express, by a celebrity.
- c. Advertisements shall not contain cartoon characters or subjects that depict humans or animals with comically exaggerated features or that attribute human or unnatural characteristics to animals, plants or other objects.
- d. Advertisements shall only depict persons who are or who appear to be above twenty-five (25) years of age.
- e. Advertisements shall not show, portray or depict scenes where the actual use of, or the act of using, puffing or lighting cigarettes or other tobacco products is presented to the public.

**SECTION 16. Restrictions on Print Media Advertising.—**The following restrictions shall apply to all print media tobacco advertisements:

- a. Advertisements shall not be placed in any printed publication unless there is a reasonable basis to believe that at least seventy-five percent (75%) of the readers of such publication are eighteen (18) years of age and above, and the number of youth who read it constitutes less than ten percent (10%) of all youth in the Philippines.
- b. Advertisements shall not be placed on the packaging or outside covers (front and back) of a magazine, newspaper, journal or other publication printed for general circulation.

**SECTION 17. Restrictions on Outdoor Advertising.—**The following restrictions shall apply to all outdoor tobacco advertisements:

- a. Outdoor advertisements shall not be placed on billboards, wall murals, or transport stops or stations which are within one hundred (100) meters from any point of the perimeter of a school, public playground or other facility frequented particularly by persons below eighteen (18) years of age.
- b. Outdoor advertisements shall not, either individually or when placed in deliberate combination with other outdoor tobacco advertising, exceed seventy (70) square meters in total size.

- c. Outdoor advertisements shall not be placed on taxis, buses, trains or other public conveyance or in stations, terminals or platforms thereof, except point-of-sale establishments.

**SECTION 18.** Restrictions on Advertising in Cinemas.—Tobacco advertisements are prohibited in connection with the showing of any film where persons below eighteen (18) years old are permitted admission.

**SECTION 19.** Restrictions on Television and Radio Advertising.—Advertisements shall not be broadcast on television, cable television, and radio between seven o'clock in the morning and seven o'clock at night.

**SECTION 20.** Restrictions on Advertising in Audio, Video and Computer Cassettes/Discs and Similar Medium.—No electronic advertisements shall be incorporated within any video or audio cassette, videogame machine, optical disc, or any similar medium, unless access to the item is restricted to persons eighteen (18) years of age or older. For the purpose of this Section, video game includes any electronic amusement device that utilizes a computer, microprocessor, or similar electronic circuitry and its own cathode ray tube, or is designed to be used with a television set or a monitor that interacts with the user of the device.

**SECTION 21.** Restrictions on Advertising on the Internet and Similar Medium.—Advertisements are prohibited on the Internet and other similar medium unless the Internet site is restricted to persons eighteen (18) years of age or older. A site will be deemed restricted if a person cannot obtain access beyond the first page of the website unless the person has established that he or she is at least eighteen (18) years old. This limitation applies to commercial communications and shall not prevent the use of company Internet websites to provide information regarding a company, its products and smoking and health related information. This Section shall not prohibit business-to-business transactions conducted on the Internet and other similar medium between tobacco manufacturers, retailers, and distributors.

**SECTION 22.** Ban on Advertisements.—Beginning 1 January 2007, all tobacco advertising on television, cable television and radio shall be prohibited.

Beginning 1 July 2007, all cinema and outdoor advertising shall be prohibited. No leaflets, posters and similar outdoor advertising materials may be posted, except inside the premises of point-of-sale retail establishments.

Beginning 1 July 2008, all forms of tobacco advertising in mass media shall be prohibited except tobacco advertisements placed inside the premises of point-of-sale retail establishments.

**SECTION 23.** Restrictions on Tobacco Promotions.—The following restrictions shall apply on all tobacco promotions:

- a. Promotions must be directed only to persons at least eighteen (18) years old. No person below eighteen (18) years old or who appear to be below eighteen (18) years old may participate in such promotions. The participants in promotions must be required to provide proof of age.
- b. Communications to consumers about tobacco promotions shall comply with the provisions of this Act governing tobacco advertising. In addition to the required health warning, the age requirement for participation in any promotion must be clearly marked on the program materials distributed to consumers.
- c. All stalls, booths, and other displays concerning tobacco promotions must be limited to point-of-sale locations or adult-only facilities.
- d. Telephone communications concerning promotional offers, programs or events must include a recorded health warning message in English or Filipino consistent with the warnings specified in this Act.
- e. No placement shall be made by any manufacturer, distributor, or retailer of any tobacco product or tobacco product package or advertisement as a prop in any television program or motion picture produced for viewing by the general public or in a video, optical disc or on a video game machine.
- f. The name, logo, or other indicia of a cigarette brand may appear on cigarette lighters, ashtrays, or other smoking related items. If such name, logo, or other indicia of a cigarette brand is larger than fifty (50) square centimeters, the item must carry a health warning consistent with the warnings specified in this Act.
- g. No merchandise such as, but not limited to, t-shirts, caps, sweatshirts, visors, backpacks, sunglasses, writing implements and umbrellas, may be distributed, sold or offered, directly or indirectly, with the name, logo or other indicia of a cigarette brand displayed so as to be visible to others when worn or used. Clothing items must be in adult sizes only.
- h. No name, logo, or other indicia of a cigarette brand or element of a brand-related marketing activity, may appear on items that are marketed to or likely to be used by minors such as, but

not limited to, sports equipment, toys, dolls, miniature replicas of racing vehicles, video games, and food. The manufacturer or company must take all available measures to prevent third parties from using the company's brand names, logos, or other proprietary material on products that are directed toward minors.

- i. No tobacco advertisements may be placed on shopping bags.

**SECTION 24. Naming Rights.**—Subject to the provisions of this Act:

- a. No manufacturer may enter into any agreement pursuant to which payment is made or other consideration is provided by such manufacturer to any sports league, or any team involved in any such league, in exchange for use of a tobacco product brand.
- b. No manufacturer may enter into any agreement for the naming rights of any stadium or arena using a tobacco product brand name or otherwise cause a stadium or arena to be named with such a brand name.

**SECTION 25. Restrictions on Sponsorships.**—Beginning 1 July 2006:

a. No sponsorship shall be provided for:

- 1) an event or activity which bears a tobacco product brand name, unless there is reasonable basis to believe that all persons who compete, or otherwise take an active part, in the sponsored events or activities are persons eighteen (18) years of age or older;
- 2) a team or an individual bearing a tobacco product name, unless all persons sponsored are eighteen (18) years of age or older; or
- 3) a sponsored event or activity reasonably believed to be of particular appeal to persons under eighteen (18) years old.

b. Tobacco brand sponsorships shall be prohibited except where there is a reasonable basis to believe that:

- 1) attendance at the sponsored event or activity will comprise no less than seventy-five percent (75%) persons at least eighteen (18) years old;
- 2) the sponsored event or activity will not be of particular appeal to persons under eighteen (18) years old;
- 3) the sponsored event or activity will not receive exposure, other than as a news item, on television or radio or the Internet, unless such exposure complies with the provisions of this Act governing tobacco marketing through those media; and
- 4) the principal activity associated with the sponsorship does not require above-average physical fitness for someone of the age group of those taking part.

c. All persons authorized to bear tobacco product advertisements, logos or brand names at sponsored events shall be at least eighteen (18) years old.

d. All forms of advertising associated with or ancillary to sponsorship shall comply with the marketing provisions of this Act.

**SECTION 26. Ban on Sponsorships.**—Beginning 1 July 2008, cigarette and tobacco companies are hereby prohibited from sponsoring any sport, concert, cultural or art event, as well as individual and team athletes, artists or performers where such sponsorship shall require or involve the advertisement or promotion of any cigarette or tobacco company, tobacco product or tobacco use, name, logo or trademarks and other words, symbols, designs, colors or other depictions commonly associated with or likely to identify a tobacco product: Provided, That the attribution only to the name of the company in the roster of sponsors shall be allowed: Provided further, That no manufacturer may register a tobacco brand name as a company name after the passage of this Act.

**SECTION 27. Restrictions on Sampling.**—The distribution of samples of tobacco products to persons below eighteen (18) years old is prohibited.

**SECTION 28. Legal Actions.**—Any legal action in connection with the tobacco industry shall be governed by the provisions of the Philippine Civil Code and other applicable laws.

Implementing Agency and Application

**SECTION 29. Implementing Agency.**—An Inter-Agency Committee—Tobacco (IAC-Tobacco), which shall have the exclusive power and function to administer and implement the provisions of this Act, is hereby created. The IAC-Tobacco shall be chaired by the Secretary of the Department of Trade and Industry (DTI) with the Secretary of the Department of Health (DOH) as Vice Chairperson. The IAC-Tobacco shall have the following as members:

- a. Secretary of the Department of Agriculture (DA);
- b. Secretary of the Department of Justice (DOJ);

- c. Secretary of the Department of Finance (DOF);
- d. Secretary of the Department of Environment and Natural Resources (DENR);
- e. Secretary of the Department of Science and Technology (DOST);
- f. Secretary of the Department of Education (DepEd);
- g. Administrator of the National Tobacco Administration (NTA);
- h. A representative from the Tobacco Industry to be nominated by the legitimate and recognized associations of the industry; and
- i. A representative from a nongovernment organization (NGO) involved in public health promotion nominated by DOH in consultation with the concerned NGOs;

The Department Secretaries may designate their Undersecretaries as their authorized representatives to the IAC.

**Philippine Executive Order 26, entitled *Providing for the Establishment of Smoke-Free Environments in Public and Enclosed Places*,<sup>[1]</sup>**

was issued by Philippine President Rodrigo Duterte on 16 May 2017.

This executive order invoked the Clean Air Act of 1999 and the Tobacco Regulation Act of 2003 to impose a nationwide ban on smoking in all public places in the Philippines.<sup>[2]</sup> The ban replicates on a national level an existing ordinance in Davao City that Duterte created as mayor in 2002.<sup>[3]</sup> The order took effect on 23 July 2017, 60 days after its publication in a newspaper.<sup>[3][4][5]</sup>

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**Provision**

The order restricts and penalizes the act of smoking tobacco products in enclosed public places and public conveyances, whether stationary or in motion, except in certain designated smoking areas. It requires that all public buildings or places that are accessible or open to the public regardless of ownership or right to access must be smoke-free inside and within 10 meters (33 ft) from entrances and exits or where people pass or congregate, and from air intake ducts. This includes but is not limited to:<sup>[1]</sup>

- Government buildings
- Schools, colleges and universities
- Offices and other workplaces
- Restaurants and other food and drink establishments
- Hotels and other accommodation facilities
- Hospitals, health centers, clinics and nursing homes
- Transportation terminals
- Churches
- Shopping centers, retail stores and other merchandise establishments
- Entertainment establishments
- Sports venues
- Other establishments that provide professional services

Public conveyances include buses and jeepneys, taxicabs, tricycles and other public utility vehicles, rail transit, airplanes and ships. The order also prohibits smoking in all outdoor spaces where people gather such as parks, playgrounds, sidewalks, waiting areas, open-air markets and resorts.<sup>[1]</sup> The order also covers existing bans on the sale, distribution and purchase of tobacco products to and from minors, or persons below 18 years old, as well as the restrictions on cigarette advertisements and promotions under the Tobacco Regulation Act.<sup>[4]</sup> It also instructs all local government units to form a "Smoke Free Task Force" to help enforce its provisions.<sup>[6]</sup>

## Penalties

The order imposes fines of up to ₱10,000 (US\$200) for violation of the smoking ban in public places as prescribed in section 32 of the Tobacco Regulation Act.<sup>[3][7]</sup> Enforcement can be performed by members of the Philippine National Police and the local task forces of each city and municipality.<sup>[1]</sup>

- ₱500 – ₱1,000 for first offense
- ₱1,000 – ₱5,000 second offense
- ₱5,000 – ₱10,000 for the third offense plus revocation of business permit or license to operate of the violating establishment

## Designated smoking areas

Section 4 of the EO details the standards required for designated smoking areas (DSA) in public places:<sup>[1][2]</sup>

- DSAs shall have a combined area and buffer zone not larger than 20 percent of the total floor area of the building but not smaller than 10 meters (33 ft)
- DSAs shall have no opening that will allow air to escape to the smoke-free area of the building or conveyance
- DSAs shall have a ventilation system independent of other ventilation systems servicing the rest of the building or conveyance
- DSAs shall prominently display a "Smoking Area" signage, graphic health warnings, and prohibition on the entry of persons below 18 years old
- There shall only be one DSA per building or conveyance

The order also stipulates that no designated smoking areas shall be installed in all centers of youth activity such as playschools, preparatory schools, elementary schools, high schools, colleges and universities, youth hostels and recreational facilities for minors; elevators and stairwells; fire-hazard locations such as gas stations and storage areas for flammable liquids, gas, explosives or combustible materials; hospitals, health centers, medical, dental and optical clinics, nursing homes, dispensaries and laboratories; and food preparation areas.<sup>[2][1]</sup>

## References

1. ^ Jump up to: <sup>a b c d e f</sup> "Executive Order No. 26, s. 2017" (PDF). *Official Gazette (Philippines)*. Retrieved 21 May 2017.
2. ^ Jump up to: <sup>a b c</sup> Morallo, A. (18 May 2017). "Duterte signs order banning smoking in public". *The Philippine Star*. Retrieved 21 May 2017.
3. ^ Jump up to: <sup>a b c</sup> Grund, A. (19 May 2017). "Duterte targets smokers in latest crackdown". *CNN*. Retrieved 21 May 2017.
4. ^ Jump up to: <sup>a b</sup> De la Cruz, E. (19 May 2017). "Philippines' tough public smoking ban gets broad support". *Reuters*. Retrieved 21 May 2017.
5. **Jump up** ^ Nicholls, AC (23 July 2017). "Nationwide smoking ban takes effect July 23". *CNN Philippines*. Retrieved 24 July 2017.
6. **Jump up** ^ Marcelo, V. (18 May 2017). "Duterte signs EO on nationwide smoking ban in public places". *CNN Philippines*. Retrieved 21 May 2017.
7. **Jump up** ^ "Republic Act No. 9211". *Official Gazette (Philippines)*. Retrieved 21 May 2017.

## HELPLINE/ NATIONAL QUITLINE

May Call 165-364 for smoking cessation counselling

Or Text "STOPSMOKE" to 29290 165364

## About National Lung Month

August of every year is lung month by virtue of proclamation no. 1761 s. 1978 proclaimed by Philippine President, Ferdinand E. Marcos. This decree was done in 1978 in recognition of the fact that lung diseases, especially pneumonia and tuberculosis, continue to exact a huge toll of precious lives among Filipinos, especially the low-income group. This declaration aimed to increase public awareness of these diseases.

## About Philippine College of Chest Physicians

Established on April 25, 1973, the Philippine College of Chest Physicians (PCCP) is the premiere specialty organization acknowledged as the authority in pulmonary medicine in the Philippines. It sets the standards of excellence in the training and practice of pulmonary medicine in the Philippines.

PCCP is a value-centered specialty organization. It empowers its members, who are recognized and respected experts in the field, to constantly adapt and innovate to set the benchmark of excellence in the practice of pulmonary medicine in the Philippines. It is a body all around the country, comprised of 691 fellows, 91 diplomates, 9 honorary members and 322 associate members.

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