



Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
20th City Council

PO20CC-439

76th Regular Session





ORDINANCE NO. SP- **2767**, S-2018

AN ORDINANCE BANNING THE MANUFACTURE, DISTRIBUTION AND SALE OF MERCURY-CONTAINING SKIN WHITENING COSMETICS IN QUEZON CITY.

Introduced by Councilor **ELIZABETH A. DELARMENTE**.
Co-Introduced by Councilors Anthony Peter D. Crisologo, Lena Marie P. Juico, Victor V. Ferrer, Jr., Oliviere T. Belmonte, Alexis R. Herrera, Precious Hipolito Castelo, Voltaire Godofredo L. Liban III, Ramon P. Medalla, Ranulfo Z. Ludovica, Estrella C. Valmocina, Roderick M. Paulate, Gian Carlo G. Sotto, Jose Mario Don S. De Leon, Franz S. Pumaren, Eufemio C. Lagumbay, Marvin C. Rillo, Raquel S. Malañgen, Irene R. Belmonte, Ivy Xenia L. Lagman, Marra C. Suntay, Hero Clarence M. Bautista, Jose A. Visaya, Julienne Alyson Rae V. Medalla, Godofredo T. Liban II, Allan Butch T. Francisco, Marivic Co-Pilar, Melencio "Bobby" T. Castelo, Jr., Rogelio "Roger" P. Juan, Donato C. Matias, Eric Z. Medina, Alfredo S. Roxas and Noe Lorenzo B. Dela Fuente III.

WHEREAS, the state, as guaranteed by the Constitution of the Republic of the Philippines, shall protect and promote the right to health and protect the right of the people to a balanced and healthful ecology;

WHEREAS, Republic Act No. 9711 or the Food and Drug Administration (FDA) Act of 2009, prohibits the manufacture, importation, exportation, sale, offering for sale, distribution, transfer, non-consumer use, promotion, advertising, or sponsorship of any health product that is adulterated, unregistered or misbranded and without the proper authorization from FDA;

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WHEREAS, Republic Act No. 7394 or the Consumer Act of the Philippines of 1992, prohibits the manufacture, importation, exportation, sale, distribution or transfer of any food, drug, device or cosmetic that is adulterated or mislabeled;

WHEREAS, the ASEAN Cosmetic Directive prohibits the deliberated addition of mercury, a toxic heavy metal, in cosmetic product formulations and sets a maximum limit of one part per million (ppm) for mercury as contaminant in cosmetics;

WHEREAS, the Minamata Convention on Mercury has scheduled the phase-out by 2020 of cosmetics, including skin lightening creams and soaps, with mercury content above one part per million (ppm);

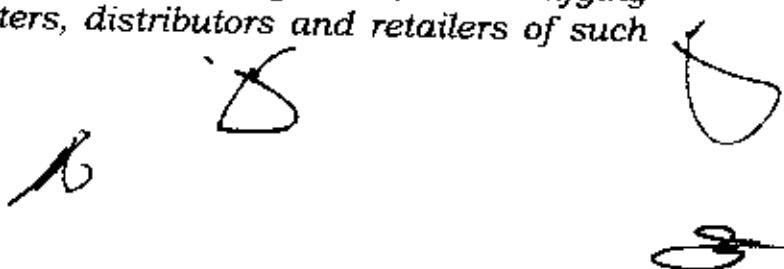
WHEREAS, according to the FDA, World Health Organization (WHO) and the United Nations Environment, "mercury use in cosmetic products can have adverse effects including skin rashes, discoloring and scarring, and can reduce skin's resistance to bacterial and mycotic skin disorders... direct and prolonged exposure through the skin during repeated applications can cause damage to the brain, nervous system and kidneys";

WHEREAS, according to the WHO, "mercury in soaps, creams and other cosmetic products is eventually discharged into wastewater... where it becomes methylated and enters the food-chain as the highly toxic methylmercury in fish. Pregnant women who consume fish containing methylmercury transfer the mercury to their fetuses, which can later result in neurodevelopmental deficits in the children";

WHEREAS, the EcoWaste Coalition, a non-profit toxics watch group that has been tracking mercury in cosmetics since 2011, has exposed the illegal sale of mercury-laden skin whitening products in some retail establishments in Quezon City in clear violation of FDA-issued advisories;

WHEREAS, the FDA has sought the assistance of local government units, as well as enforcement agencies, in identifying and apprehending the importers, distributors and retailers of such mercury-laden cosmetics. †

†



NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN
REGULAR SESSION ASSEMBLED:

SECTION 1. PURPOSE - This Ordinance is enacted to ensure strict compliance by business and commercial establishments, as well as street, "tiangge" and online vendors, to the national regulation banning the sale of cosmetics containing mercury above the one ppm limit set by the FDA in line with the ASEAN Cosmetic Directive.

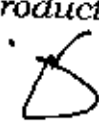
SECTION 2. OBJECTIVES - The objectives of this Ordinance are:

- a. To halt the illegal manufacture, importation, marketing and promotion, distribution and sale of cosmetic products not compliant with the state and ASEAN policy on mercury in cosmetics.
- b. To promote citizen awareness about the health and environmental hazards of consuming mercury-containing cosmetics.
- c. To ensure the environmentally-sound management of banned, recalled and/or confiscated mercury-containing cosmetics.

SECTION 3. SCOPE - This Ordinance shall apply to cosmetics as defined in R.A. No. 9711, such as but not limited to, personal care products such as creams, lotions and soaps that are designed to lighten or whiten the color of the skin.

SECTION 4. REQUIREMENTS - This Ordinance shall require that:

- a. All manufacturers, importers, distributors, wholesalers and retailers, including street, "tiangge" and online vendors in Quezon City, shall cease and desist from engaging in business activities involving the production and/or trade of mercury-laden cosmetics. x



- b. All banned, recalled and/or confiscated stocks of cosmetics containing mercury shall be returned to the manufacturers or the exporting country/ies at the expense of the concerned manufacturers, importers, distributors, wholesalers, retailers or vendors for environmentally-sound disposal.
- c. If ownership of the banned, recalled and/or confiscated cosmetics cannot be determined, the same shall be temporarily kept at a secured place for environmentally-sound disposal in coordination with the Department of Environment and Natural Resources (DENR), Environmental Protection and Waste Management Department (EPWMD), FDA and other relevant agencies.

SECTION 5. PROHIBITED ACTS - This Ordinance shall prohibit the following:

- a. The manufacture, importation, marketing and promotion, distribution and sale of cosmetics with mercury content in excess of one ppm.
- b. The sale, wholesale or retail, of cosmetics that have not been authorized by the FDA and/or have not complied with the labeling requirements as required by the FDA.
- c. The open dumping, open burning and/or disposal of banned, recalled and/or confiscated mercury-containing cosmetics along with regular city solid waste.

SECTION 6. PENALTIES - Any violation of this Ordinance shall be punishable as follows:

First Offense - A fine of two thousand pesos (Php2,000.00) and confiscation of banned cosmetic products.

Second Offense - A fine of three thousand pesos (Php3,000.00) and suspension to operate business until compliance with this Ordinance. Y



Third Offense - A fine of five thousand pesos (Php5,000.00), imprisonment of thirty (30) days or cancellation of business license given by the City, or both, at the discretion of the court.

In addition to the penalties above, all those convicted by the court shall also be required to render thirty (30) days of community service, to be determined by the local government authorities concerned.

SECTION 7. DUTY FOR IMPLEMENTATION - The City Health Department shall lead in the strict implementation of this Ordinance. It shall be the duty of the implementing officer to:

1. Disseminate the necessary information that will inform and enjoin the general public, particularly concerned business establishments, to abide by this Ordinance.
2. Coordinate with the Public Affairs and Information Services Office, Business Permits and Licensing Office (BPLO), Environmental Protection and Waste Management Department (EPWMD) and other relevant offices for the implementation of this Ordinance.
3. Coordinate with the FDA, DENR and other relevant national government agencies for the implementation of this Ordinance.

SECTION 8. INFORMATION AND EDUCATION CAMPAIGN - The City Health Department in cooperation with the Public Affairs and Information Services Office (PAISO) and Environmental Protection and Waste Management Department (EPWMD) shall conduct a wide information and education campaign on the provisions of this Ordinance, with the assistance of concerned government agencies and non-government organizations.

SECTION 9. SEPARABILITY CLAUSE - If any section or part of this Ordinance shall be declared invalid or unconstitutional, the other provisions not affected by such a ruling shall remain in full force and effect. ✓

[Handwritten signatures and initials]


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SECTION 10. REPEALING CLAUSE - All ordinances, resolutions, local executive orders, or administrative issuances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed, amended or modified accordingly.

SECTION 11. EFFECTIVITY - This Ordinance shall take effect thirty (30) days after its publication in a newspaper of general circulation.


ENACTED: October 8, 2018.


MA. JOSEFINA G. BELMONTE
City Vice Mayor
Presiding Officer

ATTESTED:


Atty. JOHN THOMAS S. ALFEROS III
City Secretary

APPROVED: 19 NOV 2018


HERBERT M. BAUTISTA
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on October 8, 2018 and was PASSED on Third/Final Reading on October 15, 2018 under Suspended Rules.


Atty. JOHN THOMAS S. ALFEROS III
City Secretary