



PRESS STATEMENT

21 July 2022

The Food and Drug Administration (FDA) joins the Department of Health (DOH) in requesting the Presidential veto of Senate Bill No. 2239 and House Bill No. 9007, or the Vape Bill. The FDA strongly echoes the sentiments of the DOH that the Vape Bill is not a health bill.

Vapor products and heated tobacco products (HTPs) are currently being marketed by the industry as an alternative to conventional cigarettes, with some claiming or implying that these products being safer or less harmful. However, these claims are based on opinion rather than empirical evidence, lacking the required studies and substantiations. Such statements that vapor products and HTPs are substantially safer than conventional cigarettes are misleading as these products contain harmful and potentially harmful constituents that are hazardous to human health. Further, due to the novelty and presentation of these products, children are vulnerable to marketing activities conducted by the industry with some having been proven to target younger audiences, including non-smokers, using youth influencers and attractive flavors to invite new users. Thus, to ensure the protection of public health interest, regulation of these products by a competent regulatory authority is necessary.

Passing this bill will reverse the significant progress which has been made in former President Rodrigo Roa Duterte's administration – where landmark legislations and executive directives were issued, namely, the smoke- and vape-free policies through Executive Order Nos. 26 and 106, and the Sin Tax Reforms through Republic Act (RA) No. 11346 and RA 11467. The FDA calls for the continuity of these initiatives and the consequent strengthening of the Tobacco Control and Prevention Strategy of the Philippine Government, ultimately for the protection of public health and safety.

It is emphasized that it is the DOH through the FDA which bears the constitutional mandate to protect every Filipino's right to health through establishing effective regulatory systems. No less than the Supreme Court, in *The Department of Health, represented by Secretary Enrique T. Ona and the Food and Drug Administration, represented by Director Suzette Henares-Lazo, petitioner, versus Philippine Tobacco Institute, Inc, respondent (G.R. No. 200431)*, reaffirmed the regulatory jurisdiction of the FDA over all health products, including tobacco and other related products. The FDA is the rightful authority, possessing the expertise, competencies and manpower to develop standards, to regulate and monitor novel tobacco products. Thus, the FDA respectfully disagrees with the intent of the proposed Vape Bill which will transfer the regulatory jurisdiction of such products from the FDA to the Department of Trade and Industry (DTI). In expressing this, the FDA does not intend to undermine the DTI, but rather the FDA wishes to respect the delineation made between the jurisdiction of the DOH and the DTI on consumer products in the RA 7394, otherwise known as the 'Consumer Act of the Philippines', where health products, including hazardous substances, are under the jurisdiction of the DOH.

The FDA also belies claims that vapes are currently banned. This is a repeated allegation which deliberately misleads industry stakeholders and the public from the current status of regulatory oversight over vapes. The FDA has, in fact, regulations in place to legitimize manufacturers,

traders, distributors and retailers of such products. To date, the FDA processes Licenses to Operate of such establishments, a listing of which is publicly available on the FDA Verification Portal.

Finally, the FDA emphasizes that it is science which guides evidence-based policymaking to pursue its regulations. Further, the foremost duty of public health policymaking is to do no harm. The FDA calls on the medical and allied healthcare professional communities to heed the same. The FDA shall remain true and committed to its mandate to protect and promote the right to health of all Filipinos through the regulation of health products, including tobacco and other health related products.

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DR. OSCAR G. GUTIERREZ, JR.
Officer-In-Charge Director General