



17 December 2007

JOINT ADMINISTRATIVE ORDER

No. 2008-0015

SUBJECT: GUIDELINES AND POLICY CONCERNING THE REGULATION OF SOAP PRODUCTS AS DEFINED UNDER THE ASEAN COSMETIC DIRECTIVE AND OF PERSONS OR ESTABLISHMENTS MANUFACTURING AND/OR DISTRIBUTING THE SAME

I. Rationale

Section 15, Article II of the 1987 Constitution declares it a policy of the State to "protect and promote the right to health of the people and instill health consciousness among them".

To implement the above Constitutional policy, Republic Act No. 3720 otherwise known as the "Foods, Drugs and Devices, and Cosmetics Act", as amended by Executive Order No. 175, was enacted to insure safe and good quality of food, drug and devices, and cosmetic, and to regulate the production, sale and traffic of such products. Subsequently, Republic Act No.7394, otherwise known as the "Consumer Act of the Philippines" was passed, likewise, declaring therein as the policy of the State to protect the interest of the consumer, promote his general welfare and establish standards of conduct for business and industry.

Republic Act No. 7394, however, defines Cosmetic as (1) articles intended to be rubbed, poured, sprinkled or sprayed on, introduced into or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance and (2) article intended for use as a component of any such article except that such term shall not include soap.

Based on the above definition, it appears that the regulation of soap products and the persons or establishments producing the same is vested not with the Department of Health, through the Bureau of Food and Drugs, but with the Department of Trade and Industry.

II. Background

The subsequent establishment in the region of an ASEAN Free Trade Area (AFTA) resulted in the development of the Association of South East Asian Nation (ASEAN) Harmonized Cosmetic Regulatory Scheme, the objectives of which are, (a) to enhance cooperation amongst Member States in ensuring the safety, quality and claimed benefits of all cosmetic products marketed in ASEAN; and (b) to eliminate restrictions to trade of cosmetic products amongst Member States through harmonization of technical requirements, Mutual Recognition of Product Registration Approvals and adoption of the ASEAN Cosmetic Directive .

Under Article 2 of the ASEAN Cosmetic Directive Cosmetic product is defined to mean any substance or preparation intended to be placed in contact with the various external parts of the human body (epidermis, hair system, nails, lips and external genital organs) or with the teeth and the mucous membranes of the oral cavity with a view exclusively or mainly to cleaning them, perfuming them, changing their appearance and/or correcting body odours and/or protecting them or keeping them in good condition. Further, Annex 1, Appendix 1 of the ACD - Illustrative list by categories of Cosmetic Products includes, among others, toilet soap and deodorant soap;

Based on the ASEAN Cosmetic Directive, the Department of Health and the Bureau of Food and Drugs has adopted and implemented the above ASEAN Harmonized Cosmetic Regulatory Scheme and ASEAN Common Technical Documents through the issuance of Administrative Order Nos. 2005-015 and 2005-025, respectively.

The Department of Trade and Industry and Department of Health, recognize that the latter, through BFAD, is possessed with the expertise and technical capability to, (a) establish standards or rules in the registration of cosmetics including soap products, as well as, the requirements for the licensing of persons or establishments engaged in the manufacture and/or distribution of said products; and (b) determine compliance with the standards or rules for soap registration and requirements for licensing of concerned persons or establishments, the above being the mandate of the Bureau laid down under RA No. 3720.

III. Guideline

In the interest of consumer protection and for the purpose of unification, simplification, efficiency and convenience of regulation processes relating to soap products, the Department of Trade and Industry and the Department of Health hereby establish the following:

- A. The regulation of soap products as defined under the ASEAN Cosmetic Directive and of persons or establishments engaged in the manufacture and/or distribution of the same shall be transferred to the full control and

supervision of the Department of Health, through the Bureau of Food and Drugs;

- B. The Department of Health, through its Bureau of Food and Drugs, shall endeavor to formulate standards and rules, as well as, requirements for licensing of persons or establishments engaged in the manufacture and/or distribution of soap products;
- C. The Department of Health, through its Bureau of Food and Drugs, shall formulate rules and regulations to effectively ensure compliance by manufacturers and/ or distributors of soap products with the prescribed standards, rules and requirements, providing sanctions and or penalties in case of violation;
- D. The Department of Health, through its Bureau of Food and Drugs shall participate in any meeting relating to the above regulatory function, local or international; and
- E. The Department of Health, through its Bureau of Food and Drugs shall coordinate, when necessary, with the Department of Trade and Industry on matters of restrictions to trade of soap products amongst ASEAN Member States.

IV. Separability Clause


If any provision in this joint Administrative Order, or application of such provision to any circumstances, is held invalid, the remainder of the provisions of this Order shall not be affected.


V. Repealing Clause

All provisions of existing administrative issuances, bureau circulars and memoranda inconsistent with this Order are hereby withdrawn, repealed and revoked accordingly.

VI. Effectivity

This Order shall take effect immediately after publication in a newspaper of general circulation.


FRANCISCO T. DUQUE III, M.D., M.Sc.
Secretary of Health


PETER B. FAVILA
Secretary of Trade and Industry *JUN*
