

**[DOH DEPARTMENT CIRCULAR NO. 2008-0064,
March 11, 2008]**

CERTAIN PROVISIONS OF ADMINISTRATIVE ORDER NO. 2006-0012 DECLARED AS INEFFECTIVE

Please be reminded that the Supreme Court has sustained all provisions of Administrative Order No. 2006-0012 under G.R. No. 173034 dated October 9, 2007 and are thus valid and in effect, except the following which were declared null and void:

SECTION 4, (f) Advertising, promotions, or sponsorships of infant formula, breastmilk substitutes and other related products are prohibited.

SECTION 11. Prohibition - No advertising, promotions, sponsorships, or marketing materials and activities for breastmilk substitutes intended for infants and young children up to twenty four (24) months, shall be allowed, because they tend to convey or give subliminal messages or impressions that undermine breastmilk and breastfeeding or otherwise exaggerate breastmilk substitutes and/or replacements, as well as related products covered within the scope of this Code.

SECTION 46. Administrative Sanctions - The following administrative sanctions shall be imposed upon any person, juridical or natural, found to have violated the provisions of the Code and its Implementing Rules and Regulations:

a) 1st violation-Warning;

b) 2nd violation - Administrative fine of a minimum of Ten Thousand (P10,000.00) to Fifty Thousand (P50,000.00) Pesos depending on the gravity and extent of the violation, including the recall of the offending product;

c) 3rd violation - Administrative Fine of a minimum of Sixty Thousand (P60,000.00) to One Hundred Fifty Thousand (P150,000.00) Pesos, depending on the gravity and extent of the violation, and in addition thereto, the recall of the offending product, and suspension of the Certificate of Product (CPR).

d) 4th violation -Administrative Fine of a minimum of Two Hundred Thousand (P200,000.00) to Five Hundred (P500,000.00) Thousand Pesos, depending on the gravity and extent of the violation; and in addition thereto, the recall of the product, revocation of the CPR, suspension of the License to Operate (LTO) for one year;