

DEPARTMENT ADMINISTRATIVE ORDER NO. 25-09
Series of 2025

Subject : PRESCRIBING GUIDELINES ON IDENTIFYING ILLEGAL FLAVOR DESCRIPTORS OF VAPORIZED NICOTINE AND NON-NICOTINE PRODUCTS, AND NOVEL TOBACCO PRODUCTS

WHEREAS, Section 15, Article II of the 1987 Constitution provides that the State shall protect and promote the right to health of the people and instill health consciousness among them;

WHEREAS, Section 3(2), Article XV of the 1987 Constitution provides that the State shall defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development;

WHEREAS, Section 12(a) of Republic Act No. 11900 (RA11900), or the Vaporized Nicotine and Non-Nicotine Products Regulation Act, prohibits the advertisement or other forms of consumer communication that targets or particularly appeals to individuals under eighteen (18) years of age. Markings or characters that are likely to appeal to the youth such as the use of cartoons, anime, manga, animated characters, youth influencers, personalities and the like are prohibited;

WHEREAS, Section 12(j) of RA11900 prohibits the advertisement or other forms of consumer communication that are packaged, labeled, presented, or marketed with flavor descriptors that are proven to unduly appeal particularly to minors. A flavor descriptor is presumed to unduly appeal to minors if it includes a reference to a fruit, candy brand, dessert, or cartoon character;

WHEREAS, the prevalence of using Vaporized Nicotine and Non-Nicotine Products, and Novel Tobacco Products with flavor descriptors have been increasing among the youth;

WHEREAS, Section 21 of RA11900 provides that the Department of Trade and Industry (DTI) shall have exclusive jurisdiction over any, and all issues, requirements, and subject matters related to vaporized nicotine and non-nicotine products, their devices, and novel tobacco products;

WHEREAS, there is a need to promulgate specific guidelines on identifying products regulated under RA11900 which unduly appeal to minors in order to prohibit these products from being advertised, marketed, promoted, displayed, or sold;

WHEREAS, Executive Order No. 913 (EO913) (1983), or Strengthening the Rule-Making and Adjudicatory Powers of the Minister (now Secretary) of Trade and Industry in order to Further Protect Consumers, provides that emergency rules as determined by the Secretary shall take effect on a date fixed by the Secretary;

OFFICE OF THE SECRETARY



NOW THEREFORE, foregoing premises considered, this Order is hereby issued for the guidance of all concerned:

Section 1. Prohibited Flavor Descriptors. Flavor descriptors that unduly appeal to minors are prohibited. For this purpose, the following guidelines on flavor descriptors shall be observed on the packaging, primary and secondary, and the product itself:

- a. Any reference to fruits, candies, desserts, cartoon characters, anime, manga or animated characters shall be presumed to be unduly appealing to minors, and therefore, illegal;
- b. The use of food or beverage as a flavor descriptor is not prohibited, unless such food or beverage is unduly appealing to minors or makes reference to fruits, candy brands, desserts, or cartoon characters;
- c. Any reference or allusion to a celebrity or popular culture is prohibited;
- d. The plain or literal meaning of a word or text as a flavor descriptor is allowed except when the plain or literal meaning of the word is a prohibited flavor descriptor. (e.g., "Orange" as a flavor descriptor is illegal. Although "orange" plainly and literally refers to the color, it also plainly and literally refers to the fruit.);
- e. The use of color shall be a valid flavor descriptor except when such color identifies with or refers to a prohibited flavor descriptor falling under the presumption as provided under Section 12(j) of RA 11900, specifically fruit, candy brand, dessert, or cartoon character;
- f. The use of images or symbols shall be a valid flavor descriptor except when such image or symbol identifies with or refers to a prohibited flavor descriptor;
- g. The use of shapes shall be a valid flavor descriptor except when such shape resembles a prohibited flavor descriptor;
- h. The use of names of places shall be a valid flavor descriptor except when such name identifies with or refers to a prohibited flavor descriptor; and;
- i. The use of any combination of color, images, shapes, or names shall be a valid flavor descriptor except when such combination resembles, identifies with, or refers to a prohibited flavor descriptor.

Section 2. Construction. In the interpretation or appreciation of a flavor descriptor, the paramount consideration shall be the protection of minors, and the promotion of health.

Section 3. Penalties. The applicable penalties provided under RA11900 shall be imposed, whenever applicable, without prejudice to the imposition of administrative fines pursuant to EO913 (1983), Department Administrative Order No. 2 (2007), and other relevant rules and regulations issued by the DTI.



Section 4. Repeal. All Orders, issuances or parts thereof that are inconsistent with this Order are repealed, or amended accordingly.

Section 5. Separability. Should any provision of this Order or any part thereof be declared invalid, the other provisions shall remain in force and effect to the extent that they are separable from the invalid ones.

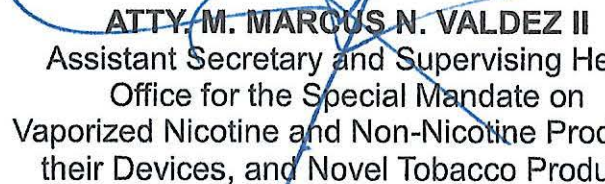
Section 6. Effectivity. This Order shall take effect immediately after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Issued this AUG 01 2025 in Makati City, Metro Manila, Philippines.

APPROVED BY:


MA. CRISTINA ALDEGUER-ROQUE *lgr*
Secretary

RECOMMENDED BY:


ATTY. M. MARCUS N. VALDEZ II
Assistant Secretary and Supervising Head
Office for the Special Mandate on
Vaporized Nicotine and Non-Nicotine Products,
their Devices, and Novel Tobacco Products

