

[BFAD MEMORANDUM CIRCULAR NO. 16, July 17, 1992]

DECLARATION OF AMNESTY FOR UNREGISTERED COSMETICS IN THE MARKET

Whereas, Administrative Order No. 150 s. 1971 requires that cosmetic specialties may be distributed or sold only after they are duly registered with the Bureau of Food and Drugs (BFAD);

Whereas, Administrative Order No. 72 s. 1983 authorizes the BFAD to seize and confiscate unregistered cosmetics, among others;

Whereas, a significant number of unregistered cosmetic products is in the market;

Whereas, cosmetic establishments, (manufacturers and importers) request for a grace period to allow these unregistered cosmetics to be sold and stay in the market;

Whereas, Section 29-A of R.A. 3720 as amended, provides that an administrative fine in the amount of not less one thousand pesos (P1,000.00) nor more than five thousand pesos (P5,000.00) may be imposed for any violation of the said Act or its implementing rules and regulations;

Whereas, the distribution and sale of unregistered cosmetics is a violation of A.O. 150 s. 1971 issued pursuant to R.A. 3720 as amended;

Whereas, in the consultation meeting with the cosmetic establishments on June 25, 1992, the said establishments manifested their willingness to declare their unregistered cosmetic products and pay the imposable fines for the act of selling/distributing unregistered cosmetic products;

THEREFORE, by virtue of the authority granted under Administrative Order 118 s. 1992 in relation with A.O. 72 s. 1983, the BFAD hereby declares an amnesty to all unregistered cosmetic products already in the market subject to the following conditions, to wit:

1. the cosmetic product does not contain non-permissible substances;
2. the manufacturer, distributor, or importer declares the existence of the unregistered cosmetics in the market in the application to BFAD for listing these products, NOT LATER THAN OCTOBER 31, 1992;
3. the manufacturer, distributor, or importer pays for the administrative fine for the sale or distribution of unregistered cosmetic products in violation of A.O. 150 s. 1971, hereunder specified to wit: