

**DEPARTMENT ADMINISTRATIVE ORDER NO. 25-\_\_\_\_**  
Series of 2025

Subject : **MANDATORY PERMIT FOR SALES PROMOTION AND ADVERTISEMENT OF VAPORIZED NICOTINE AND NON-NICOTINE PRODUCTS, THEIR DEVICES, AND NOVEL TOBACCO PRODUCTS**

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**WHEREAS**, Republic Act No. 7394 (RA7394), or the Consumer Act of the Philippines, declares that it is the policy of the State to protect the interests of the consumer, promote his general welfare, and establish standards of conduct for business and industry, and towards this end, the State shall implement measures to achieve the objective of protecting consumers against deceptive, unfair, and unconscionable sales acts and practices, among others;

**WHEREAS**, Article 109 of RA7394, or the Consumer Act of the Philippines, as amended, provides that the Department of Trade and Industry (DTI) shall enforce the provisions on Advertising and Sales Promotion, except with respect to food, drugs, cosmetics, devices and hazardous substances;

**WHEREAS**, Article 110 of RA7394, states that it shall be unlawful for any person to disseminate or to cause the dissemination of any false, deceptive or misleading advertisement by Philippine mail or in commerce by print, radio, television, outdoor advertisement or other medium for the purpose of inducing or which is likely to induce directly or indirectly the purchase of consumer products or services;

**WHEREAS**, Department Administrative Order No. (DAO02) (1993) promulgates the Implementing Rules and Regulations (IRR) of RA7394.

**WHEREAS**, the Ad Standards Council (ASC), a non-stock, non-profit body created on 31 March 2008, was established to enforce ethical advertising by screening, regulating, and resolving complaints on all advertising materials, ensuring they are truthful, fair, and responsible, in accordance with RA7394 and its IRR, and pursuant to its Memorandum of Understanding with the DTI, guided by its vision and mission to uphold advertising standards;

**WHEREAS**, Republic Act No. 11900 (RA11900), or the Vaporized Nicotine and Non-Nicotine Products Regulation Act, declares the policy of the State to regulate the sale and distribution of Vaporized Nicotine and Non-Nicotine Products, their Devices, and Novel Tobacco Products in order to promote a healthy environment, protect the citizens from any potential hazards of these novel consumer products, reduce the harm caused by smoking, and ensure that the sale to minors and the illicit trade of Vaporized Nicotine and Non-Nicotine Products, their Devices, and Novel Tobacco Products in the country are prevented;

**OFFICE FOR THE SPECIAL MANDATE ON VAPORIZED NICOTINE AND NON-NICOTINE PRODUCTS,  
THEIR DEVICES, AND NOVEL TOBACCO PRODUCTS**

**WHEREAS**, Section 9 of RA11900 prohibits the sale, promotion, advertising and product demonstration of Vaporized Nicotine and Non-Nicotine Products or Novel Tobacco Products within one hundred (100) meters from any point of the perimeter of a school, playground, or other facilities frequented by minors;

**WHEREAS**, Sections 12 and 14 of RA11900 provides limitations on the advertisement, communication, and sponsorships of Vaporized Nicotine and Non-Nicotine Products, or Novel Tobacco Products;

**WHEREAS**, non-smokers, the youth, and other vulnerable groups have been unnecessarily exposed to promotion or advertising activities or materials of Vaporized Nicotine and Non-Nicotine Products, their Devices, and Novel Tobacco Products, and there is a need to strictly enforce regulations on the promotion or advertising of such products to secure a healthy environment, protect citizens from any potential hazards of these novel consumer products, reduce the harm caused by smoking, and ensure that the sale to minors and the illicit trade of Vaporized Nicotine and Non-Nicotine Products, their Devices, and Novel Tobacco Products in the country are prevented;

**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**, Department Order No. 24-154 (DO24-154) (2024) created the Office for the Special Mandate on Vaporized Nicotine and Non-Nicotine Products, their Devices and Novel Tobacco Products (OSMV) under the DTI Office of the Secretary which has the charge of drafting, promulgating and implementing policies and procedures for the proper implementation of RA11900, and the issuance of permits;

**NOW THEREFORE**, foregoing premises considered, this DAO is hereby issued for the guidance of all concerned.

## **RULE 1**

### **GENERAL PROVISIONS**

**Section 1. Objective.** This Order aims to ensure that the sales promotion and advertising of Vaporized Nicotine and Non-Nicotine Products, their Devices, and Novel Tobacco Products comply with the provisions of RA11900, RA7394, and other applicable laws and regulations.

**Section 2. Scope.** All persons, natural or juridical, who shall engage in online and physical sales promotion and advertising of Vaporized Nicotine and Non-Nicotine Products, their Devices, and Novel Tobacco Products ("covered products").

**Section 3. Definition of Terms.** The following shall be defined as follows:

- a. **Sales Promotion Permit (SPP)** - a permit granted for sales promotion campaign materials and schemes intended for broad consumer participation which contain promises of gain such as prizes, in cash or in kind, as reward for the purchase of covered product, or the winning in contest, game, tournament and other similar competitions for said product which involve determination of winner/s and which utilize mass media or other forms of communication to disseminate information on the same. It also includes materials that are intended to increase the sales, patronage, and/or goodwill of said product; *Provided*, that these materials are accompanied by sales promotion campaigns; and
- b. **Advertisement Permit (AP)** - a permit granted for the presenting, making available and communicating to the public, through any form of mass media, any fact, data or information about the attributes, features, quality or availability of consumer products, services or credit and shall not include non-promotional communication intended for informational purposes only.

## **RULE 2 APPLICATION OF SALES PROMOTION PERMIT AND ADVERTISING PERMIT**

**Section 1. Initial Application.** Applications shall be filed with the DTI OSMV at least thirty (30) calendar days prior to the intended date of sales promotion or advertisement.

The application for an SPP or AP shall be filed on a per sales promotion or per advertising material, irrespective of the number of brands or models involved.

**Section 2. Mandatory Permit Requirement.** No advertisement or promotional material for covered products shall be published, aired, displayed, or disseminated in any medium, form, or platform without the issued SPP or AP from the DTI OSMV.

**Section 3. Validity Period.** A Sales Promotion Campaign shall have a duration of no longer than one (1) year and may be extended for a maximum of six (6) additional months, subject to approval. Exceptions to this Section include price reductions, which shall not exceed three (3) months.

## **RULE 3 AGE-GATING REQUIREMENT ON SALES PROMOTION AND ADVERTISEMENT**

### **Section 1. Age-Gating Measures on Promotion and Advertisement**

- a. **Online Access to Promotions and Advertisements.** Covered entities, covered platforms, and media displaying advertisements or promotional materials for covered products shall implement, at a minimum, a soft age-gating mechanism, requiring users to self-declare that they are at least eighteen (18) years of age prior

to accessing such content. This self-declaration shall be prominently required on the landing or entry page of the webpage, website, or platform in accordance with Section 8 of RA11900 and other applicable DTI regulations.

- b. **Promotions and Advertisements Leading to Purchase and Delivery.** No sale or delivery of covered products shall be made to any person below eighteen (18) years of age. In promotions and advertisements leading to purchase and delivery, covered entities and covered platforms and media shall implement a hard age-gating measure, as outlined in Sections 6 and 7 of RA11900 and Department Administrative Order No. 25-04, Series of 2025 (DAO25-04) (2025) and other applicable DTI regulations.

## **RULE 4 PROCESSING**

**Section 1. Documentary Requirements.** The application for an SPP and AP shall be supported by the following documentary requirements:

- a. For sales promotion, a notarized and duly accomplished Application Form and Undertaking to Abide by the Terms and Conditions of the Sales Promotion Permit (Annex A);

For advertisement, a notarized and duly accomplished application form and Undertaking to Abide by the Terms and Conditions of the Advertising Permit (Annex B);

- b. Copy of the Certificate of Registration issued by the Department of Trade and Industry (DTI), Securities and Exchange Commission (SEC) or the Cooperative Development Authority (CDA);
- c. Copy of the business permit/license to engage in the business as applied with the Local Government Unit (LGU);
- d. For sales promotion permit, a copy of the promotional material;  
For advertisement permit, a copy of advertisement material, whether in audio, video, digital, and/or print format, and its captions;
- e. For brick-and-mortar stores, a Certification from the local government unit's Business Permits and Licensing Office or equivalent thereof evidencing that the store is not located within 100-meters *walkable distance* from any point of the perimeter of a school, playground, or other facility frequented by minors or that the advertising or marketing materials of the store relating to covered products are not within a 100-meter *visible distance* from any point of the perimeter of a school, playground, or other facility frequented by minors subject to verification during the registration process; *Provided*, that, if, upon verification, it is determined that the store is located within 100-meters of the prohibited area, then the local government unit official who issued the certification shall be required to explain the discrepancy in the findings; and

- f. List of Vaporized Nicotine and Non-Nicotine Products, their Devices, or Novel Tobacco Products to be promoted or advertised with specific details such as but not limited to volume, model, colors, or flavors.

**Section 2. Fees for Sales Promotion Permit.** Applicants shall pay the prescribed fees upon submission of the application for Sales Promotion Permit. The permit fees for the conduct of sales promotion materials and schemes shall be as follows:

- a. Documentary Stamp Tax (Php 30.00, payable to DTI Cashier); AND
- b. Based on geographical area (TABLE A) OR amount of prizes and premium items (TABLE B), whichever is higher.

**TABLE A**  
**Based on Geographical Area**

<b>PARTICULARS</b>	<b>FEE (Php)</b>	<b>PAYABLE TO</b>
Nationwide, NCR only, or in several regions including Metro Manila	1,000.00	DTI Cashier
More than one region excluding Metro Manila	750.00	DTI Cashier
Several provinces/cities/municipalities within a single region	500.00	DTI Cashier
Single province/city/municipality	250.00	DTI Cashier
Amendment Fee <i>for extension and major changes, if any.</i>	300.00	DTI Cashier
Amendment fee <i>for change in date and venue, if any,</i>	100.00	DTI Cashier

**TABLE B**  
**Based on Amount of Prizes and Premium Items**

<b>AMOUNT OF PRIZES</b>	<b>FEE (PHP)</b>	<b>PAYABLE TO</b>
Up to ₱50,000.00	250.00	DTI Cashier
₱50,001.00 - ₱150,000.00	500.00	DTI Cashier
₱150,001 - ₱300,000.00	1,000.00	DTI Cashier
₱300,001.00 - ₱500,000.00	2,000.00	DTI Cashier
₱500,001.00 - ₱1,000,000.00	3,000.00	DTI Cashier
Above ₱1,000,000.00	5,000.00	DTI Cashier
Amendment Fee <i>for extension and major changes, if any.</i>	300.00	DTI Cashier
Amendment fee <i>for change in date and venue, if any,</i>	100.00	DTI Cashier

**Section 3. Fees for Advertisement Permit.** Applicants shall pay the prescribed fees upon submission of the application for Advertisement Permit.

PARTICULARS	FEE (PhP)	PAYABLE TO
Application and Processing Fee	1,000.00	DTI Cashier
Amendment Fee, if any.	350.00	DTI Cashier
Documentary Stamp Tax (DST)	30.00	DTI Cashier

**Section 4. Other Fees.** Transportation and other necessary expenses of the DTI representative who shall witness, verify, and/or certify as to certain aspects of the sales promotion, as required by law and this Order shall also be borne by the sponsor/s of the promotion.

## RULE 5 AMENDMENT AND CANCELLATION OF PERMIT

**Section 1. Amendment of Permit.** In case of amendment on the issued permit, the applicant shall inform DTI OSMV in writing at least fourteen (14) calendar days prior to the intended date of airing, publication, display, or posting. No alteration, substitution, or modification shall be permitted without prior approval from the DTI OSMV. Changes may include, but shall not be limited to the following:

- a. Any extension or delay in the dates of the starting, termination and determination or selection of winners;
- b. The venue of preliminary and final draws, auditions and try-outs;
- c. Duration, mechanics, procedures or terms and conditions of the sales promotion campaigns; and
- d. Qualifications required of the participants, criteria in the determination and selection of winners.

**Section 2. Voluntary Cancellation Before Publication.** An approved SPP or AP may be discontinued or cancelled by the sponsor/s motu proprio; *Provided*, that no information, dissemination and advertising of the same has been made yet. In such a case, a written notice shall be sent to the DTI OSMV prior to such voluntary cancellation.

**Section 3. Voluntary Cancellation after Publication but Before Commencement of the Promotion Period.** If any announcement, information dissemination, or advertising of the sales promotion campaign has already been made but the promotion period has not yet commenced, discontinuance or cancellation may only be effected upon prior written notification to the DTI OSMV. Furthermore, such discontinuance or cancellation must be immediately disseminated in the same manner, frequency, and medium as the original announcement, publication, or advertisement prior to the intended commencement of the promotion.

#### **Section 4. Voluntary Cancellation of Ongoing Promotion or Advertisement.**

Voluntary cancellation or discontinuance or suspension of any ongoing sales promotion or advertising campaign shall not be allowed except upon approval from the DTI OSMV. The DTI OSMV may allow such cancellation on any of the following grounds:

- a. A final judgment on insolvency of the sponsor/s from a court of proper jurisdiction; and
- b. The occurrence of any fortuitous event that will make it impossible for all the sponsors to continue to deliver the products or services which has to be purchased or leased or paid for in order for one to participate in the promotion; Provided, however, that those who had already won in the promotion before approval of its cancellation is granted shall be paid their prizes.

### **RULE 6 FINAL PROVISIONS**

**Section 1. Repeal.** All Orders, issuances, or parts thereof that are inconsistent with this Order are repealed or amended accordingly.

**Section 2. 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 3. Effectivity.** This Order shall take effect immediately after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Issued this \_\_\_\_\_ in the City of Makati, Philippines.

APPROVED BY:

**MA. CRISTINA A. ROQUE**  
Secretary

RECOMMENDED BY:

**ATTY. M. MARCUS N. VALDEZ II**

Assistant Secretary and Supervising Head  
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