

DRAFT AS OF 04 MARCH 2026 | 1500H

DEPARTMENT ADMINISTRATIVE ORDER NO. _____

Series of 2025

Subject : **IMPLEMENTING GUIDELINES CONCERNING THE MANDATORY
PRODUCT CERTIFICATION OF NOVEL TOBACCO PRODUCTS**

WHEREAS, the 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;

WHEREAS, it is the declared policy of the State to adopt a balanced approach to regulation by ensuring that novel consumer products are properly regulated using internationally accepted product safety standards;

WHEREAS, Section 21 of RA11900 vests the Department of Trade and Industry (DTI) with exclusive jurisdiction over all matters relating to vaporized nicotine, non-nicotine, and novel tobacco products;

WHEREAS, Department Administrative Order No. 22-06 (DAO22-06) (2022) established the mandatory certification framework for vaporized nicotine, non-nicotine, and novel tobacco products;

WHEREAS, DAO22-16 (2022), or the Implementing Rules and Regulations of Republic Act No. 11900 or "The Vaporized Nicotine and Non-Nicotine Products Regulation Act" was issued on 05 December 2022 pursuant to Section 24 of RA11900;

WHEREAS, DAO24-02 (2024) was issued on 04 June 2024 to supplement DAO22-06 (2022);

WHEREAS, Section 14.1.3 of DAO24-02 (2024) states that for other novel tobacco products, the BPS shall issue implementing guidelines upon the availability of Philippine National Standards (PNS);

WHEREAS, DAO24-11 (2024) mandates the adoption of the latest internationally accepted standards unless superseded by a Philippine National Standard (PNS);

OFFICE OF THE SECRETARY

WHEREAS, British Standards Institution Publicly Available Specification (BSI PAS) 8877:2024 has been adopted by the Bureau of Philippine Standards (BPS) as applicable PNS governing nicotine pouches;

NOW THEREFORE, this Order is hereby issued to implement the mandatory product certification of nicotine pouches under the Philippine Standard (PS) Licensing Scheme:

RULE 1 SCOPE

Section 1. This Order shall apply to Novel Tobacco Products, which refer to all non-combusted substances in solid or liquid form and innovations, either made partly of tobacco leaf as raw material or containing nicotine from tobacco, intended to be used as a substitute for cigarettes or other combusted products.

Section 2. These products shall only be imported, distributed, or sold in the Philippines if sourced from a manufacturing facility holding a valid PS license.

Section 3. Pursuant to Section 2.3 of DAO24-02 (2024), the Import Commodity Clearance (ICC) scheme shall not apply. Only the PS Licensing Scheme shall be recognized for nicotine pouches.

RULE 2 DEFINITION OF TERMS

Section 1. Unless otherwise provided, the definitions under DAO24-02 (2024) apply. Additionally:

- a. **Nicotine Pouches** – A novel tobacco product in the form of pre-portioned pouches containing nicotine, designed for buccal absorption without combustion or vaporization, as defined under PNS BSI PAS 8877:2024.
- b. **Batch** – A specific quantity of nicotine pouch products produced under uniform conditions, subject to the same production and quality controls.
- c. **Repacking** – The process of transferring certified nicotine pouches from their original packaging into new retail packaging without altering the contents, dosage, or physical integrity of individual nicotine pouches for the purpose of distribution or sale. Repacking does not include any modification to the product formulation and shall be performed only by entities certified to PNS ISO 9001.

RULE 3 PRODUCT STANDARDS

Section 1. The reference Philippine National Standard for nicotine pouches shall be PNS BSI PAS 8877:2024.

Section 2. Nicotine pouches shall comply with the following minimum requirements:

- a. Nicotine content shall not exceed 20 mg per pouch, with an allowable deviation of $\pm 10\%$ from the declared value, in accordance with PNS BSI PAS 8877:2024.
- b. The PH level of the product shall fall within the safe oral-use range of 6.0 to 10.0.
- c. Nicotine pouches shall not contain any substance classified as a dangerous drug under RA9165, otherwise known as the “Comprehensive Dangerous Drugs Act of 2002.” Compliance shall be certified by a written declaration of the manufacturer, submitted as part of the application for the PS License.

RULE 4
MARKING REQUIREMENTS

Section 1. Each retail packaging of nicotine pouches shall bear legible, indelible and prominently displayed markings in English or Filipino, and contains the following minimum information:

Product Name	Brand and specific product variant, if applicable
Nicotine Content	Declared nicotine content per pouch (in milligrams/mg)
Quantity	Total number of pouches contained in the retail pack
Manufacturing Date	Date of manufacture in the format (MM/YYYY or DD/MM/YYYY)
Expiration Date	Shelf life or expiration in the format (MM/YYYY or DD/MM/YYYY)
Batch or Lot Number	Unique identified traceable to production records
Manufacturer Information	Name, full address, and contact details of the manufacturer
Importer Information	Name, full address, and contact details of the importer for consumer inquiries or adverse event reporting
Usage Instructions	Clear directions for proper use, handling and storage
Disposal Instructions	Guidance for environmentally safe disposal of used or expired products
Health Warnings	“This product contains nicotine. Nicotine is an addictive substance” “Not for sale to minors. For adult use only.”
PS Mark	All PS License holders are required to adopt and use the updated PS Certification Mark Logo as appearing in

	Section 2 of DAO24-11 (2024) with their corresponding PS License Number
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RULE 5 SAMPLING REQUIREMENTS

Section 1. Sampling shall be in accordance with Annex C of DAO 24-02 (2024), with the unit defined as one retail pack of nicotine pouches stored in cans or similar containers.

LOT SIZE	SAMPLING SIZE
100	5
500	10
>1,000	50

RULE 6 TESTING REQUIREMENTS

Section 1. In-plant testing shall be conducted by the manufacturer for nicotine content and pH level.

Section 2. Independent testing shall include verification of all parameters specified under Rule 3 Section 2 of this Order.

Section 3. Independent testing shall be conducted by a DTI-recognized testing laboratory.

Section 4. In the absence of a local DTI-recognized testing laboratory, the applicant shall nominate a foreign laboratory accredited under the International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Arrangement (MRA). The applicant shall seek approval from the DTI prior to submission of samples to the nominated testing laboratory.

RULE 7 TRANSITORY PROVISIONS

Section 1. A transition period of one (1) year shall be granted from the effectivity of this Order to allow stakeholders to comply with requirements under the Philippine Standard (PS) Licensing Scheme.

Section 2. Products manufactured or imported prior to the effectivity of this Order may be sold within the transition period, provided that a valid PS license application has been filed prior to the effectivity date. Full compliance with the application standards and requirements shall be achieved within the transition period.

RULE 8 FINAL PROVISIONS

Section 1. This Order shall be implemented in coordination with relevant DTI bureaus and Regional/Provincial Offices.

Section 2. Repealing Clause. All inconsistent provisions of DAO22-06 (2022), DAO24-02 (2024), and all other Orders, issuances or parts thereof that are inconsistent with this technical regulation are repealed or amended accordingly.

Section 3. Separability Clause. If, for any reason, any section, any article or provision of this Order, or any portion thereof or the application of such section, provision, or part of to any person, group, or circumstance is declared invalid or unconstitutional, the remainder of this Order shall not be affected by such declaration.

Section 4. Effectivity. This Order shall take effect immediately upon its publication in the Official Gazette or two (2) newspapers of general circulation.

Issued this ____ day of _____ 2026 in the City of Makati, Philippines.