

THIRTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

HOUSE OF REPRESENTATIVES

House Bill No. 1350

Introduced by **Representative Del de Guzman**

EXPLANATORY NOTE

The specter of world hunger haunts the entire humanity. However, today, with the advances that have been made in genetic technology, a promise is held out to humankind. It is a promise which ostensibly aims to solve the problems of food security and widespread malnutrition through the introduction into our kitchens and dinner tables of genetically-engineered food. It is also a promise which purportedly seeks to free our farmers from over-dependence on herbicides and pesticides, chemicals harmful to the environment.

The fact however is that global food production is widely acknowledged as more than what is necessary to feed the burgeoning global population. The problem lies with a highly inefficient distribution system arising from anomalous disparities in wealth and income, compounded by the manipulations of food cartels, which has resulted in a lot of wastage in developed countries while children and adults slowly die of hunger in places ravaged by wars, famine and social inequities.

Worse, the promise held out by genetically-engineered food and food products may turn out to be more harmful to human health than their perceived benefits. Recombinant Bovine Growth Hormone (rBGH), injected into cows to make them produce more milk, has been shown to lead to increases in IGF-1 levels in milk and dairy products. IGF-1 is a known carcinogenic which leads to increased cancer risks. And yet, milk originating from rBGH is used in many products openly available on grocery shelves: cheese, ice cream, salad dressings, and the like.

Soybean-the base for many common food products we find in our kitchen such as *toyo*, *tokwa*, *miso*, and *taho*-has been spliced with the DNA from a Brazilian nut. It was only when Nebraska researchers discovered that the introduction of such product into the market could have resulted in severe, if not fatal, allergies in human beings that the product was withdrawn.

Besides considerations for risks to human health, all civilizations respect the very basic right of individuals to religious belief. Unlabelled genetically-engineered food and food products will violate this right. Our Muslim population has the right to know if the food they are eating have been spliced with genes from pigs. Our Hindu population has the right to know if what they are eating have been spliced with genes from cows. Our Jewish population has the right to know if what they are eating have been spliced with genes from non-kosher sources. And our vegetarian population has the right to know if the vegetables they are eating have been spliced with genes from animals.

As with any issue, there are usually two sides to the coin. Both the proponents of and oppositors to genetically-engineered food will argue their side most vigorously. This bill, however, does not deign to judge the merits of the issue of benefits or risks of genetically-engineered foods. Rather, the purpose of this bill is to ensure that all consumers of food and food products are made aware of the contents of what they are buying and eating. This right to know, and the concomitant right to make an informed choice, must not be denied the Filipino people.

Thus, early approval of this bill is earnestly sought.

DEL R. DE GUZMAN

THIRTEENTH CONGRESS OF THE)
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House Bill No. 1350

Introduced by **Honorable Del de Guzman**

AN ACT REQUIRING THE MANDATORY LABELING OF FOOD AND FOOD PRODUCTS CONTAINING GENETICALLY-MODIFIED ORGANISMS AND FOOD PRODUCED BY GENETIC ENGINEERING TECHNOLOGIES, AMENDING FOR THAT PURPOSE REPUBLIC ACT NUMBERED THREE THOUSAND SEVEN HUNDRED AND TWENTY, OTHERWISE KNOWN AS THE FOOD, DRUGS AND DRUG DEVICES AND COSMETICS ACT, AND REPUBLIC ACT NUMBERED SEVEN THOUSAND THREE HUNDRED AND NINETY-FOUR, OTHERWISE KNOWN AS THE CONSUMERS' ACT OF THE PHILIPPINES, AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

Section 1. *Short Title.* - This Act shall be known as the "Genetically Engineered Food Right to Know Act."

Section 2. *Declaration of Policy.* - In line with the Constitutional mandate for the State to "protect and promote the right to health of the people and instill health consciousness among them," and the Constitutional right of the Filipino people "to a balanced and healthful ecology in accord with the rhythm and harmony of nature," it is hereby declared the policy of the State to ensure that the Filipino people are provided with safe food and food products that will not put their health at risk and place the environment in jeopardy.

Section 3. *Mandatory Labeling Requirement.* - All food and food products containing genetically-modified organisms, as well as those produced by genetic engineering technologies, shall be labeled in accordance with the provisions of this Act. For this purpose, Article 77 of Republic Act Numbered Seven Thousand Three Hundred and Ninety-Four, otherwise known as the Consumers' Act of the Philippines, is hereby amended by adding a new section, Section 77-A, to read as follows:

"Article 77-A. *Mandatory Labeling for Food and Food Products Containing Genetically-Modified Organisms and Food Produced by Genetic Engineering Technologies.* - All food and food products domestically sold, whether manufactured locally or imported, and which contain genetically modified organisms, including those produced by genetic engineering technologies, shall indicate in their respective labels of packaging the following:

"(A) A notice as follows: 'GENETICALLY ENGINEERED'.

"(B) A notice as follows: 'GOVERNMENT NOTICE: THIS PRODUCT CONTAINS A GENETICALLY ENGINEERED MATERIAL, OR WAS PRODUCED WITH A GENETICALLY ENGINEERED MATERIAL'.

"(C) The notice required in clause (A) immediately precedes the notice required in clause (B) and is not less than twice the size of the notice required in clause (B).

"(D) The notices required in clauses (A) and (B) are clearly legible and conspicuous.

"(E) The notice shall also indicate the source of the foreign gene spliced into the food or food product concerned.

"(F) If the food or food product was produced by genetic engineering technologies, it must clearly, legibly and conspicuously also indicate the process of manufacture used.

For purposes of this Section, the following definitions shall apply:

"(1) *'genetically modified organism'* - any biological entity capable of replication or transfer of genetic information, including plants, animals, bacteria, and all other kinds of micro-organisms, cell cultures (prokaryotic or eukaryotic) created and propagated as such, viruses, and plasmids and other kinds of vectors, in which the genetic material has been altered in a way that does not occur naturally, by means of cell or gene technology.

"(2) *'gene technology'* - refers to techniques that involve the isolation, characterization, modification and introduction of deoxyribonucleic acid (DNA) into living cells or viruses; and,

"(3) *'cell technology'* - refers to techniques for the production of living cells with new combinations of genetic material by the fusion of two or more cells, including but not limited to the following: (a) recombinant nucleic acid techniques involving the formation of new combinations of genetic material by the insertion of nucleic acid molecules produced by whatever means outside of an organism, into any virus, bacterial plasmid or other vector system, and their incorporation into a host organism in which they do not naturally occur but in which they are capable of continued propagation; (b) techniques involving the direct introduction into an organism of heritable material prepared outside the organism, including micro-injection, macro-injection, macro-encapsulation and

micro-encapsulation; and, (c) cell fusion, including protoplast fusion, or hybridization techniques where live cells with new combinations of heritable genetic material are formed through the fusion of two or more cells by means of methods that do not occur naturally."

Section 4. *Misbranding of Food and Food Products.* - All food and food products which do not comply with the provisions of this Act shall be considered as misbranded. For this purpose, Section 15 of Republic Act Numbered Three Thousand Seven Hundred and Twenty, otherwise known as the Food, Drugs and Drug Devices, and Cosmetics Act, is hereby amended by adding the following subsections:

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"(l) If it purports or claims to be a naturally-grown food or food product when in fact it contains genetically-modified organism or is a product of genetic engineering technology;

"(m) Even if it does not purport or claim to be a naturally-grown food or food product, If it contains any genetically-modified organism or is a product of genetic engineering technology, unless it bears labeling stating this fact pursuant to the provisions of R.A. No. 7394, as amended.

"(n) The provisions in clause (2), subsection (e), Section 15 of this Act shall in no case apply to food and food products containing genetically-modified organisms, including those produced using genetic engineering technologies."

Section 5. *Inapplicability of Provisions on Regulations-Making Exceptions.* - The power of the Secretary of Health to make exemptions from the rules and regulations implementing the Consumers' Act of the Philippines and the Food, Drugs and Drug Devices, and Cosmetics Act, shall in no case apply to food or food products containing genetically-modified organism, including those produced using genetic engineering technology.

Section 6. *Information-Dissemination.* - The Secretary of Health, through the Bureau of Food and Drugs (BFAD), shall cause to be disseminated to the general public all available information concerning food and food products containing genetically-modified organisms, including those produced using genetic engineering technologies.

Section 7. *Importation or Offer of Information of Food and Food Products Containing Genetically-Modified Organisms or Produced Using Genetic Engineering Technologies.* - The provisions of Section 30 of R.A. No. 3720, as amended, shall apply to all importations or offers of importation of food and food products containing genetically-modified organisms, including those produced using genetic engineering technologies.

Section 8. *Food and Food Products Already on the Market.* - All food and food products containing genetically-modified organism, including those produced using genetic engineering technologies, already on the market at the effectivity of this Act which have not as yet complied with the provisions hereof, shall so comply with the mandatory labeling requirement in Section 3 of this Act within a period of one (1) year from the date of effectivity of this Act. Thereafter, the provisions of Section 15 of R.A. No. 3720, as amended, shall apply to all food and food products that have not complied with the provisions hereof.

Section 9. *Penal Provisions.* - Without prejudice to any civil action for damages that may be instituted by any private offended party, any person who shall violate the provisions of this Act or its implementing rules and regulations shall, upon conviction, be subject to imprisonment of not less than six (6) years and one day but not more than twelve (12) years, or a fine of not less than Fifty Thousand Pesos (₱50,000.00) nor more than One Hundred Thousand Pesos (₱100,000.00), or both, at the discretion of the court.

If the offender is a juridical person, the penalty shall be imposed upon its president, manager or head. If the offender is an alien, he shall, after service of sentence, be immediately deported without need of any further proceedings.

Section 10. *Implementing Rules and Regulations.* - The Secretary of Health, in consultation with concerned business and industry representatives, appropriate government agencies, civic organizations, non-government organizations, and people's organizations, shall promulgate the necessary rules and regulations for the effective implementation of this Act within ninety (90) days from the date of effectivity hereof.

Section 11. *Separability Clause.* - If any provision of this Act is held invalid or unconstitutional by Philippine courts of law, the remaining provisions shall not be affected thereby.

Section 12. *Effectivity.* - This Act shall take effect after fifteen (15) days from its publication in the Official Gazette and in two (2) newspapers of national circulation.

Approved,