

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Diliman, Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 218

Introduced by ATTY. MAGTANGGOL T. GUNIGUNDO I

EXPLANATORY NOTE

This re-filed bill is originally HB 2232 that we filed in the 14th Congress and was referred to the Committee on Trade and Industry. It seeks to prohibit the storage, distribution and use of trans fatty acids in the preparation of food, drinks and beverages in restaurants, food chains and other similar food service facilities or establishments, including manufacturers of food products.

The Committee on Trade and Industry ordered the Department of Trade and Industry (DTI) for comments but did not schedule succeeding hearings for that matter.

The use of trans fat in food production and preparation has become a world menace today. According to medical experts, the excessive intake of trans fat by more than 0.5 % every day is fatal and does not only causes serious heart ailments and diabetes in adults but also causes obesity, hypertension, heart diseases and exposure to the 2 types of diabetes in children who are very fond of patronizing fast-food chain meals containing trans fat (*such as French fries, fried chicken, cookies, pop corns, processed junk foods, pastries among others*).

The phase-out of trans fat is immediate and must not be put off since a great number of Filipinos are now fond of fast-food meals.

It will not be difficult to shift to alternative ingredients that are now available in the market to substitute trans fat without sacrificing taste nor increasing cost of production.

Our 1987 Constitution (*Art 2, sec. 15*) mandates us to protect and promote the right of the people and instill health consciousness among them.

Some food providers and food chains have started the campaign but we need to institutionalize in order for other food providers/chains to follow suit.

The immediate passage of this bill is earnestly sought in order to stop the upsurge of heart ailments.


ATTY. MAGTANGGOL T. GUNIGUNDO I

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Diliman, Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 00000 218

Introduced by **ATTY. MAGTANGGOL T. GUNIGUNDO I**

AN ACT
PROHIBITING THE STORAGE, DISTRIBUTION AND USE
OF ARTIFICIAL TRANS FAT IN THE PREPARATION OF FOOD BY
FOOD SERVICE FACILITIES OR FOOD SERVICE
ESTABLISHMENTS AND MANUFACTURERS AND TO MANDATE
THE FOOD SERVICE FACILITIES OR FOOD SERVICE
ESTABLISHMENTS TO MAINTAIN ON SITE THE ORIGINAL
LABELS FOR ALL FOOD PRODUCTS OR DOCUMENTS INSTEAD
OF LABEL AND THE SUBMISSION OF DOCUMENT FOR FOODS
THAT ARE NOT LABELED

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

SECTION 1. Short Title – This act shall be known as the “**Trans Fat Prohibition Act of 2010**”.

SECTION 2. Declaration of Policy – It is the policy of the State, to protect and promote the health of the people consistent with the Constitution. Towards this end, the State shall provide measures in order to prevent the high risk of acquiring heart related diseases by banning the use of trans fatty acids in all manufactured foods and in preparation of food sold in food establishments.

SECTION 3. Definition of Terms –

a. “Artificial Trans fat” – refers to an unsaturated or fatty acid that is produced by the partial hydrogenation of plant oils and that contain 1 or more instances of atoms bonded in a trans configuration. (*The New England Journal of Medicine [NEJM] Vol. 354:1601-1613, April 13, 2006/Wikipedia free Encyclopedia*)

But for purposes of this Act, a food shall be deemed to contain trans fat if the food is labeled as, list as an ingredient, or has “shortening”, margarine, or any kind of “partially hydrogenated” vegetable oil. However, a food whose nutrition facts label or other documentation from the manufacturer lists the trans fat content of the food as less than 0.5 grams per serving shall not be deemed to contain artificial trans fat.

b. “Natural Trans Fat”- refers to Conjugated Linoleic Acid (CLA) and Vaccenic Acid, originate in rumen of animals. It is present mostly in meat and dairy foods, such as milk, yogurt and cheese.

- c. ***Trans Fat/Trans Fatty Acids*** – refers to a fatty acid that has been produced by hydrogenating an unsaturated fatty acid (*and so changing its shape*); found in processed foods such as margarine and fried foods and puddings and commercially baked goods and partially hydrogenated vegetable oils.
- d. ***Food Service Facility*** – refers to a place where food or drink is prepared for sale or service on the premises or elsewhere or any operation where food is served to or provided for the public, with or without charge.
- e. ***Food Service Establishments*** – refers to a food facility or food processing plant.
- f. ***Manufacturer*** – refers to a person or organization involved in food production.
- g. ***Board*** – refers to the board created under this act, which is composed of members from the Department of Health (DOH), Bureau of Food and Drugs (BFAD) and Department of Trade and Industry (DTI).

SECTION 4. Unlawful Act - It shall be unlawful for Food Service Facilities (FSF's)/Food Service Establishments (FSE's) and manufacturers to use trans fat in the preparation of food for storage, distribution or for selling.

FOODS CONTAINING ARTIFICIAL TRANS FAT

- (a) Artificial trans fat restricted. No foods containing artificial trans fat, as defined in this Act, shall be stored, distributed, held for service, used in preparation of any menu item, or served in any food service establishment except food that is being served directly to patrons in a manufacturer's original sealed package.
- (b) LABELS REQUIRED.
 - (1) Original labels. Food service establishments licensed under this Act shall maintain on site the original labels for all food products:
 - (A) that are, or that contain, fats, oils, or shortenings; and
 - (B) that are, when purchased by such food service establishments, required to have labels; and
 - (C) that are currently being stored, distributed, held for service, used in preparation of any menu items, or served by the food service establishment.
 - (2) Documentation instead of labels. Documentation acceptable to the board, from the manufacturers of such food products, indicating whether the food products contain vegetable shortening, margarine, or any kind of partially hydrogenated vegetable oil, or indicating trans fat content, may be maintained instead of original labels.
 - (3) Documentation required when food products are not labeled. If baked goods, or other food products that contain fats, oils, or shortenings, are not required to be labeled when purchased, food service establishments and mobile food commissaries shall obtain and maintain documentation acceptable to the board from the manufacturers of the food products, indicating whether the food products contain vegetable shortening, margarine, or any kind of partially hydrogenated vegetable oil, or indicating trans fat content.

SECTION 5. Creation of Board – There shall be a board composed of the members of the Department of Health (DOH), Bureau of Food and Drugs (BFAD) and Department of Trade and Industry (DTI).

SECTION 6. Duties of the Board – The board shall be responsible:

- a) To conduct information drive and lectures regarding trans fat awareness;
- b) To conduct inspection to FSF, FSE and Manufacturer's plants;
- c) To require the FSF, FSE and Manufacturers to submit their document which consist the ingredients of the manufactured food (*if the food cannot be labeled or opted to submit document instead of labeling the product*).

SECTION 7. Implementing Rules and Regulations. –The Department of Health (DOH) in coordination with the Bureau of Food and Drugs (BFAD) and Department of Trade and Industry (DTI), issue the necessary rules and regulations for the effective implementation of this Act not later than three (3) months from the effectivity of this law subject to the approval of the Committee on Health.

SECTION 8. Penal Provisions. - The following penalties shall apply:

- a) On the **first offense**, any person or any business entity or establishment storing or using trans fat in preparation of their food products that they serve and sold to public consumers shall be fined the amount of not more than Three hundred thousand pesos (*Php300,000.00*) or imprisonment of not more than one (1) year, or both, at the discretion of the court shall be imposed.
- b) On the **second offense**, a fine of Four hundred thousand pesos (*Php400,000.00*) or imprisonment of not more than two (2) years, or both, at the discretion of the court shall be imposed.
- c) On the **third offense**, in addition to a fine of not more than Five Hundred thousand pesos (*Php500,000.00*) or imprisonment of not more than three (3) years, or both at the discretion of the court, the business permits and licenses, in the case of a business entity or establishment shall be revoked or cancelled.

If the violator is a business entity or establishment, the owner, president, manager, or the most senior officers thereof shall be liable for the offense.

If the guilty officer is an alien, he shall summarily be deported after serving his sentence and shall be forever barred from re-entering from the Philippines.

SECTION 9. Appropriations - The amount necessary to carry out the provisions of this Act shall be included in the annual General Appropriations Act of the year following its enactment into law.

SECTION 10. Separability Clause – If any portion or provision of this act is declared void or unconstitutional, the remaining portions or provisions thereof shall not be affected by such declaration.

SECTION 11. Repealing Clause – All laws, decrees, orders, rules and regulations, other issuances, or parts thereof inconsistent with the provisions of this act are hereby repealed or modified accordingly.

SECTION 12. Effectivity Clause – This Act shall take effect fifteen days (15) days after its publication either in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,