

FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



HOUSE OF REPRESENTATIVES
H. No. 5759

Introduced by Representative Teodorico T. Haresco

EXPLANATORY NOTE

Article II, Section 15, of the 1987 Constitution provides that "the State shall protect and promote the right to health of the people and instill health consciousness among them."

At present, the only existing law which somehow deals with the proper labeling of food is Republic Act No. 3720 also known as the Food, Drug and Cosmetic Act. However, there is a need for a law which specifically mandates the manufacturers, packagers, or distributors to indicate the nutritional value of food products on their labels.

To protect and promote the health of the consumers, there is an urgent need for proper labeling of nutritional contents in food products. The consuming public should be well-informed regarding the pertinent nutritional facts about the food they eat.

This bill, therefore, seeks to promote health consciousness among the public through proper labeling of nutritional contents in food products.

In view of the foregoing, the passage of this bill is earnestly sought.


TEODORICO T. HARESCO
Representative

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AN ACT
TO PRESCRIBE NUTRITION LABELING FOR FOOD PRODUCTS, AND
PROVIDING FRAMEWORK FOR ITS IMPLEMENTATION AND FOR OTHER
PURPOSES

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

1 **SECTION 1. Short Title.** - This Act shall be known as the "Philippine Nutrition
2 Labeling Act of 2011."

3 **SECTION 2. Declaration of Policy.** - It is hereby declared the policy of the State
4 to ensure that consumers have access to accurate information as to the nutritional contents
5 of food and food products to facilitate value comparison and promote a free market
6 economy.

7 **SECTION 3. Definition of Terms. –**

8 (a) The term "label" means any written, printed, or graphic matter affixed to any
9 consumer commodity or affixed to or appearing upon a package containing any
10 consumer commodity.

11 (b) The term "package" means any container or wrapping in which any
12 consumer commodity is enclosed for use in the delivery or display of that consumer
13 commodity to retail purchasers but does not include –

14 (1) Shipping containers or wrapping used solely for the transportation of
15 any consumer commodity in bulk or in quantity to manufacturers, packers, or
16 processors, or to wholesale or retail distributors thereof; or

17 (2) Shipping containers or outer wrappings used by retailers to ship and
18 deliver any commodity to retail customers if such containers and wrappings
19 bear no printed matter pertaining to any particular commodity.

(c) The term "food" means any material usually of plant or animal origin, containing or consisting of essential body nutrients that must be taken in or assimilated by a person as nourishment to maintain life and growth.

SECTION 4. Requirements of labeling. –

(a) The commodity shall bear a label specifying the identity of the commodity and the name and place of business of the manufacturer packer, or distributor.

(b) The separate label statement of nutritional content shall appear in conspicuous and easily legible type in distinct contrast by typography, layout, color, embossing, or molding with other matter on the package.

(c) The label shall also contain the following:

(1) number of servings or other units of measure per container;

(2) the total number of calories derived from any source and derived from the total fat;

(3) The amount of the following nutrients in each serving size or other unit of measurement of food –

"Total fat, saturated fat, cholesterol, sodium, total carbohydrates, complex carbohydrates, sugars, dietary fiber, and total protein";

(4) any vitamin, mineral, or other nutrient required to be placed on the label or labeling of food if it is determined that such information will assist consumers in maintaining healthy dietary practices.

(d) If a food contains insignificant amounts, as determined by the Bureau of Food and Drugs, of all the nutrients required to be listed in the label or labeling of food, the requirements of such shall not apply to such food if the label, labeling, or advertising of such food does not make any claim with respect to the nutritive value of such food.

(e) No packaged consumer commodity shall be distributed or caused to be distributed in commerce unless it conforms to the regulations set by this Act and established by the Bureau of Food and Drugs.

SECTION 5. Punishable Acts. -

(a) It shall be unlawful for any person engaged in the packaging or labeling of any consumer commodity for distribution in commerce, or for any person engaged in the distribution in commerce of any packaged or labeled consumer commodity, to distribute or to cause to be distributed in commerce any such commodity if such commodity is contained in a package, or if there is affixed to that commodity a label, which does

1 not conform to the provisions of this Act and of regulations promulgated under the authority
2 of this Act.

3 (b) This prohibition shall not apply to persons engaged in the business as
4 wholesale or retail distributors of consumer commodities except to the extent that
5 such persons (1) are engaged in the packaging or labeling of such commodities, or (2)
6 prescribe or specify by any means the manner in which such commodities are packaged or
7 labeled.

8 **SECTION 6. Sanctions. –**

9 After investigation, any of the following administrative penalties may be imposed:

10 a) the acceptance of a voluntary assurance of compliance or discontinuance from
11 respondent which may include any or all of the following terms and conditions:

12 (1) an assurance to comply with the provisions of this Act and its implementing
13 rules and regulations;

14 (2) an assurance to recall, replace, or refund the money value of products not
15 properly labeled which were already distributed in commerce;

16 b) the condemnation and seizure of the consumer product found to be hazardous to
17 health and safety;

18 c) the imposition of administrative fines in such amount as deemed reasonable by
19 the Secretary, which shall in no case be less than ten thousand pesos
20 (Php10,000) nor more than three hundred thousand pesos (Php300,000)
21 depending on the gravity of the offense, and an additional fine of not more than
22 one thousand pesos (Php 1,000.00) for each day of continuing violation.

23 **SECTION 7. Consumer Education.** - The Secretary of the Department of Health
24 with the Bureau of Food and Drugs shall carry out activities which educate consumers
25 about-

26 (1) the availability of nutrition information in the label or labeling of food, and

27 (2) the importance of that information in maintaining healthy dietary practices.

28 **SECTION 8. Separability Clause.** - If any provision, or part hereof, is held invalid
29 or unconstitutional, the remainder of the law or the provision not otherwise affected
30 shall remain valid and subsisting.

31 **SECTION 9. Repealing Clause.** - Any law presidential decree or issuance,

1 executive order, letter of instruction, administrative order, rule of regulation contrary
2 to, or inconsistent with the provisions of this Act is hereby repealed, modified, or
3 amended accordingly.

4 **SECTION 10. Effectivity Clause.** - This Act shall take effect fifteen (15) days after
5 publication in at least two (2) newspapers of general circulation.

6 *Approved,*