

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 0341



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

EXPLANATORY NOTE

The main thrust of this bill is to regulate the sale, marketing and promotions of soda or sweetened drinks in containers over 16 ounces to fight obesity and diabetes.

The Philippines as a decent society – which already bans smoking in public parks in the name of public health and now tries to bar artificial trans fats from food served in restaurants, should now stop sales of large sodas and other sugary drinks, in a bid to battle obesity. The government is within its right to restrict behavior to protect health based on the constitutional fiat, particularly Section 15, Article II of the 1987 Constitution which provides that *“the State shall protect and promote the right to health of the people and instill consciousness among them”*.

The relationship between soft drink consumption and body weight is so strong that researchers calculate that for each additional soda consumed, the risk of obesity increases 1.6 times.

A study conducted by the Department of Science and Technology (DoST) shows that obesity is now on the rise among Filipino adults ages 20 and up, and threatens to increase the number of people having degenerative diseases like heart disease, hypertension and diabetes mellitus. The increase was discovered in 2008 when it registered a trend in the study conducted by the DoST's Food and Nutrition Research Institute. Based on the study, there were about 20 out of 100 adults of both sexes who were overweight 1998. The figure then increased to 24 and 27 out of 100 in 2003 and 2008, respectively. In the 2008 survey, 2.7% Filipino adults aged 20 years and over are suffering from impaired fasting glucose, while hyperglycemia or high fasting blood sugar (FBS) level is 4.8%. The prevalence of hypertension among adults is 25%, increasing with age starting from age 40-49 years. Overweight, when left unattended, may result in many chronic degenerative diseases like heart diseases, hypertension, and diabetes mellitus.

A bottle of regular 8-ounce soda is loaded with five heaping tablespoons of sugar and authorities are now saying that a can of soda contains about 10 teaspoons of sugar. Any health provider would simply recommend that adults consume less than six teaspoons of sugar a day while kids, only three teaspoons. Health authorities have warned that excessive intake of soda—which some say is habituating—can send one's blood sugar shooting up. Habitual soda guzzling can increase risks of type 2 diabetes, heart disease and even cancer. Harvard researchers report that people who drink at least 12 ounces of soda daily are 50% more likely to develop a condition that can lead to coronary artery disease, stroke and diabetes. It is also said that just one can of soda a

The government should now step in with regulations to guide consumers away from potentially harmful food and drinks to stop the onslaught of obesity and diabetes in the country.

In this regard, retail outlets, dispensers and other mode of selling these soda products should not be allowed to dispense or serve soda in containers over 16 ounces. Trade regulations must be imposed, marketing and promotions must be stricter in its implementation. In the same way that some sectors want warnings on the packaging of cigarettes and other tobacco products, it is high time that similar warnings and appropriate state regulations for soda is in the offing.

Immediate approval of this bill is earnestly sought.


ATTY. MAGTANGGOL T. GUNIGUNDO I

Republic of the Philippines
HOUSE OF REPRESENTATIVES
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FIFTEENTH CONGRESS
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HOUSE BILL NO. 0241

Introduced by ATTY. MAGTANGGOL T. GUNIGUNDO I

AN ACT
REGULATING THE SALE, MARKETING AND PROMOTIONS OF SODA
PRODUCTS AND OTHER SWEETENED DRINKS WHICH ARE ABOVE 16
OUNCES PER BOTTLE/CONTAINER, AND FOR OTHER PURPOSES

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

Section 1. Short Title. – This Act shall be known as “**Soda Regulation Act of 2012**”.

Section 2. Declaration of State Policies. – It is the policy of the State to protect the populace from hazardous products and promote the right to health and instill health consciousness among them.

Section 3. Purposes - It is the main thrusts of this Act to:

- a. Promote a healthful environment;
- b. Inform the public of the health risks associated with excessive soda drinking like the onslaught of obesity and diabetes;
- c. Regulate soda advertisements and sponsorships;
- d. Regulate the labeling of soda products.

Section 4. Prohibition on Sale of Soda, Softdrinks or Sweetened Drinks 16 ounces or above per bottle/container. – Sale of soda, softdrinks or sweetened drinks that are more than 16 ounces per bottle or container is absolutely prohibited.

Section 5. Prohibition on Advertisements and Sales Promotions for Soda, Softdrinks or Sweetened Drinks 16 ounces or above per bottle/container. – No advertisements, techniques or schemes intended for broad consumer participation that contains promises of gain such as prizes in cash or in kind as reward for the purchase of a soda, softdrink or sweetend drink which is more than 16 ounces per bottle or container in a contest, gametournament and other similar competitions which involve determination of winners and which utilize mass media or other forms of communication, including the internet, to disseminate information of the same shall be allowed.

Section 6. Prohibition on Giving of Samples and Donations of Soda Products more than 16 ounces per bottle or container. – There shall be no

Section 7. Mandatory Posting of Factual Contents and Nutritional Claims in the Container/Label. – All manufacturers of soda products, softdrinks, or sweetened drinks shall post the factual health contents and nutritional claims, especially its sugar content, in the label of the product's container or bottle. Each container shall have a clear, conspicuous and easily readable and understandable message in Filipino printed on it, or on a label with the following word as its heading, **"IMPORTANT NOTICE"**, or their equivalent.

Section 8. Mandatory Labeling on the Container of Soda Products. – In addition to the health warnings on the factual health content signage in all containers or bottles of soda products or sweetened drinks that are provided to consumers shall contain, on one side panel the following statement in a clear, legible and conspicuous manner: **"DRINKING SODA CAUSES OBESITY AND DIABETES."** The statement shall occupy an area of not less than ten percent (10%) of such side panel and shall appear in contrast by color, typography or layout with all the other printed material on the side panel.

Section 9. Penalty. – Any person who violate the provisions of this Act or the rules and regulations issued pursuant to this Act shall be punished, upon conviction, by a penalty of **1 year to 6 years imprisonment**, or a fine of not less than **10,000 pesos or not more than 100,000 pesos**, or both. Should the offense be committed by a juridical person, the Chairman of the Board of Directors, the president, general manager, or the partners or persons directly responsible thereof, retailers and peddlers shall be penalized. Any license, permit or authority issued by any government agency to any violator shall be automatically revoked.

Section 10. Implementing Rules and Regulations.– The Department of Health, in consultation with the Department of Trade and Industry and the Department of Science and Technology, shall issue the necessary rules and regulations for this Act within sixty (60) days from its effectivity.

Section 11. Repealing Clause. – The provisions of this Act are hereby deemed separable. If any provision thereof be declared invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions which shall remain in full force and effect.

Section 12. Repealing Clause. – All laws, decrees, executive orders, rules and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 13. Effectivity. – This Act shall take effect fifteen (15) days following its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,