

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

H. No. 3363



Introduced by Representative Estrellita "Ging" B. Suansing

EXPLANATORY NOTE

Shelf life is the time when a commodity may be kept without becoming unfit for use or spoiled for consumption. This applies to food, beverages, pharmaceutical drugs, chemicals, and many other perishable items. Thus, the practice of posting expiration dates on the commodities aforesaid became custom.

Specially for some food, health and safety issues are very important in determining shelf life. Bacterial contaminants are ever-present and food left not eaten for some time will often be invaded by substantial amounts of bacterial colonies, making it dangerous to eat as it can lead to food poisoning.

Corollary to this, **Republic Act (RA) 9711** or the "**Food and Drug Administration Act of 2009**", was enacted affirming the policy that State must enhance its regulatory capacity and strengthen its capability with regard to the inspection, licensing and monitoring of establishments and the registration and monitoring of health products.

Republic Act (RA) 7394 or "**The Consumer Act of the Philippines**" (April 13, 1992) ratifies the policy that the State protects the interest of the consumers; one of its objectives is the provision of information and education to facilitate sound choice and proper exercise of rights by the consumer in including labels on the products.

However, the two (2) aforementioned laws did not touch categorically on some of the staple food that Filipinos like to eat. Thus, this bill specifically aims to protect the consuming public, particularly the EGGS industry through the policy of grading, packing, marking and inspection of eggs; providing funds or assistance for the owners of breeding farms, hatcheries and stations used for the production of eggs; and to effectively regulate the international and domestic trade of dairy products.

The purpose of this measure is not new in international legislative bodies. In Canada and the United States of America, there are laws to regulate eggs. The Canada Agricultural Products Act, with its Eggs Regulations aspire to regulate Canada's egg industry by providing for expiration dates in the sale of eggs. This way, the Canadian government's commitment to food safety, in relation to the nutritional quality of food sold in their country is underscored.

In the United States of America, the government-approved way in food safety lies in a voluntary system of labeling; as there are only two (2) items required by federal law for labeling for purposes of expiration. They are infant formula and baby food. However, some (not all) states mandate the pulling of dairy products from store shelves on their expiration dates. Thus, Paul Van Landingham, EdD, a senior faculty member at the Center for Food and Beverage Management of Johnson & Wales University in Providence, R.I., warns that eggs are okay for three (3) to five (5) weeks after purchase (assuming you bought them before the "sell by" date). But their quality will deteriorate in a week's time, though still perfectly edible, until the period of expiration lapses.

The proposed bill provides that the Department of Health (DOH), in consultation with the Food and Drug Administration (FDA), shall establish a system of rules and regulations whereby the eggs produced for commercial purposes in the domestic and international fields shall be graded according to its quality, size and freshness, such as Phil. A, Phil. B, Phil. C and Phil. Premium.

This policy includes the posting of expiration dates on every box, tray and container of eggs that would be based on scientific process such as three (3) to five (5) week shelf-life period after purchase; assuming the eggs are bought before the "sell by" date and taking into consideration that egg quality goes down a grade in a week, but is still perfectly edible.

The bill in its quest to formulate an effective policy, also takes into account the inspection of eggs for commercial use by an inspector, duly certified by the FDA and to be conducted only at a government-registered egg station.

The health and safety of the consuming public and the treatment of rejected or contaminated eggs, as well as the establishment of a *regulatory enforcement unit* (REU) to oversee and implement the provisions hereof, all form part of the vision held by this bill.

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


Rep. ESTRELLITA "GING" B. SUANSING
1st District, Nueva Ecija

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

H. Bill No. **3363**

Introduced by Representative Estrellita "Ging" B. Suansing

AN ACT
REGULATING THE GRADING, PACKING, MARKING, INSPECTION AND EXPIRATION
OF EGGS FOR INTERNATIONAL AND DOMESTIC TRADE, PROVIDING SAFEGUARDS
THERE TO AND FOR OTHER PURPOSES

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

SECTION 1. Title of the Act. This Act shall be known as the "*Regulation of Egg Trade Act of 2013*".

SEC. 2. Declaration of Policy. Notwithstanding the provisions of **Republic Act No. 9711, "Food and Drug Administration (FDA) Act of 2009"**, it is the policy of the State to effectively regulate the international and domestic trade of dairy products and in the grading, packing, marking and inspection of eggs; providing funds or assistance for the owners of breeding farms, hatcheries and stations used for the production of eggs.

SEC. 3. Definition of Terms.

- a) Act -- means the "*Regulation of Egg Trade Act of 2013*";
- b) Administration -- means the Food and Drug Administration (FDA) in the Department of Health (DOH);
- c) Blood spot -- means a small particle of blood on the yolk or in the albumen of an egg;
- d) Box -- means a container made to contain twelve (12) pieces of eggs;
- e) Candling -- means examining the interior condition of an egg by rotating or causing the egg to rotate in front of or over a light source, enabling one to see what is inside an egg;
- d) Tray -- means a container that is made to contain twenty-four (24) pieces of eggs;

- e) Container -- means any case, box, tray with an overwrap, carton, or other receptacle made to contain more eggs than the containers above-mentioned;
- f) Contaminated -- with respect to a particular egg, connotes:
 - (i) containing a chemical, drug, food additive, heavy metal, industrial pollutant, ingredient, medicament, microbe, pesticide, poison, toxin or any other substance not permitted by, or in an amount in excess of limits prescribed under the *environmental laws of the Philippines*, the *Food and Drug Administration Act of 2009* and other relevant laws;
 - (ii) containing any substance that renders the egg inedible;
- g) Dirt -- means any egg yolk, manure, soil or foreign matter that can be readily removed from the shell of an egg;
- h) Domestic hen -- means a hen of the domestic chicken belonging to the species *Gallus Domesticus*;
- i) Dye mark -- means a mark consisting of a deposit of food color not exceeding 20 mm in diameter that is applied to the large end of an egg at a registered egg station;
- j) Edible -- means fit for use as human food;
- k) Egg -- means an egg of the domestic hen;
- l) Egg station -- means one or more rooms or buildings where eggs are prepared;
- m) Lot -- means a quantity of eggs that for any reason is considered separately from any other quantity of eggs for the purpose of inspection;
- o) Meat spot -- means a small particle of the oviduct of the domestic hen on the yolk or in the albumen of an egg; (*tache de chair*)
- p) Operator -- means the person who is responsible for the operation of a registered egg station;
- q) Producer -- means a person who ships, transports or sells eggs produced only on his own farm;
- r) Reject -- means an egg that is on examination at a registered egg station does not meet the requirements of any grade established by these Regulations;
- s) Size designation -- means Jumbo Size, Extra Large Size, Large Size, Medium Size, Small Size or Peewee Size;

- t) Stain -- means any substance on the shell of an egg, other than dirt or a dye mark or a design or an emblem stamped thereon;
- u) Under-grade -- means an egg that does not meet the requirements for the grade at which it is graded.

SEC. 4. Grading of Eggs. The Department of Health (DOH), in consultation with the Food and Drug Administration (FDA), shall establish a system of rules and regulations whereby the eggs produced for commercial purposes in the domestic and international fields shall be graded according to its quality, size and freshness, such as Phil. A, Phil. B, Phil. C and Phil. Premium.

SEC. 5. Grading. No person shall grade an egg unless the egg;

- (a) is free of any odor foreign to that of a normal egg;
- (b) is free of must or mold;
- (c) is of a color customary for an egg;
- (d) is free of any internal defect;
- (e) has not been in an incubator;
- (f) meets the requirements for the grades set out in the above-section;
- (g) is prepared in accordance with these Regulations;
- (h) is not contaminated;
- (i) is edible; and
- (j) meets all other requirements of the *Food and Drugs Administration Act of 2009* and other relevant laws.

SEC. 6. Expiration Dates. The DOH, in consultation with the FDA, shall formulate a policy of posting expiration dates on every box, tray and container of eggs that is based on scientific process such as three (3) to five (5) week shelf-life period after purchase; assuming the eggs are bought before the "sell by" date and taking into consideration that egg quality goes down a grade in a week but is still perfectly edible.

SEC. 7. Inspection. No person other than an inspector, duly certified by the *Administration*, shall grade eggs at a place other than a government-registered egg station.

SEC. 8. Health and Safety. Subject to the provisions of this Act, no person shall market eggs as food, in the domestic and international market unless the eggs

- (a) are prepared in accordance with these Regulations;
- (b) are not contaminated;
- (c) are edible; and
- (d) meet all other requirements of the *Food and Drugs Administration, Department of Health* and other qualified government agencies.

SEC. 9. *Reject or Contaminated Eggs.* Eggs that are deemed rejects or are contaminated by duly-certified inspectors may be marketed in the domestic or international market as animal food if they are

- (a) fit for use as animal food;
- (b) labelled with the words "Inedible egg — Not for Human Consumption";
- (c) prepared separately from eggs intended for use as food; and
- (d) where appropriate, treated to give them the appearance of being inedible.

SEC. 10. *Regulatory Enforcement Unit.* The DOH, in consultation with the FDA, shall establish a Regulatory Enforcement Unit (REU) for a period not exceeding one (1) year from the effectivity of this Act. It shall be composed of at least five (5) qualified personnel in every region who shall be directly under the control and supervision of the Deputy Director-General for Field Regulatory Operations and shall be administratively supported by the field offices. They shall:

- (a) Bear arms, wear official uniforms and insignias and shall be classified as law enforcement agents;
- (b) Serve and execute rulings, orders, and decisions of the Director-General of the FDA; and
- (c) Execute and serve search warrants and arrest warrants issued by the courts in connection with violations under this Act and related laws concerning the regulation of egg trade .

All law enforcement agents shall undergo the appropriate training to equip them with the necessary skills needed for this purpose. Their authority and functions shall be strictly limited to the implementation of this Act.

SEC. 11. *Penal Provisions.* – Any official or employee who shall knowingly release false or misleading information relative to the grading of eggs, posting of expiration dates, inspection, health and safety and reject or contaminated eggs under Sections 5, 6, 7, 8 and 9 of this Act, without justifiable reasons for such, shall be punished with imprisonment of not less than six (6) months, but not more than one (1) year or a fine of not less than Ten thousand pesos (P10,000.00), but not more than Twenty thousand pesos (P20,000.00), or both imprisonment and fine, including all the accessory penalties provided by law, at the discretion of the court.

Any official or employee of the government who shall knowingly, maliciously and intentionally allow the grading of eggs, posting of expiration dates, inspection without certification at a place other than a government-registered egg station, marketing of eggs prejudicial to the public, under Sections 5, 6, 7, 8 and 9 of this Act, without justifiable reasons for such, shall be punished with imprisonment of not less than six (6) months but not more than one (1) year or a fine of not less than Ten thousand pesos (P10,000.00) but not more than Twenty thousand pesos (P20,000.00), or both imprisonment and fine, including all the accessory penalties provided by law, at the discretion of the court.

Any official or employee of the government who shall knowingly, maliciously and intentionally engage in the wrongful grading of eggs, inspection and grading of eggs at a place other than a government-registered egg station and in the marketing of eggs prejudicial to the public, as provided in Sections 5, 6, 7, 8 and 9 of this Act, without justifiable reasons for such, shall be punished administratively with suspension from service, without pay, for at least six (6) months but not more than one (1) year. A subsequent offense shall be cause for a more severe penalty for the offending party, at the discretion of the court.

SEC. 12. *Implementing Rules and Regulations.* The DOH shall promulgate, in consultation with the FDA, the implementing rules and regulations of this Act within sixty (60) days after the passage of this Act.

SEC. 13. *Separability Clause.* - If any part, section or provision of this Act shall be declared invalid or unconstitutional, other provisions or parts thereof which are not affected thereby shall remain in full force and effect.

SEC. 14. *Repealing Clause.* -- All laws, decrees, executive orders and rules and regulations inconsistent herewith are hereby deemed repealed and modified accordingly.

SEC. 15. *Effectivity.* -- This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least one (1) newspaper of general circulation.

Approved,