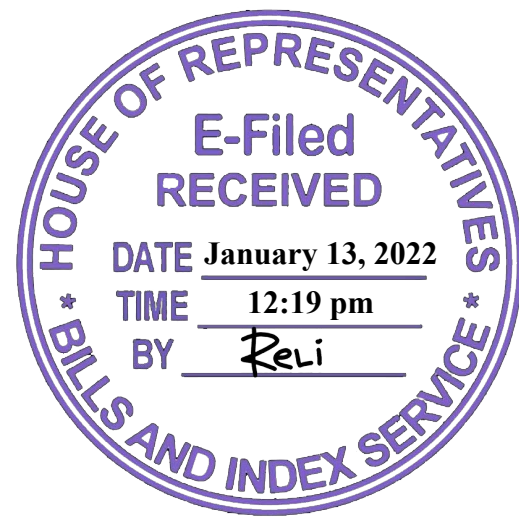


REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Third Regular Session

House Bill No. 10667



Introduced by **MAGDALO Party-List Representative**
HON. MANUEL DG. CABOCHAN III

EXPLANATORY NOTE

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

From January to June 2021, the top three causes of death in the country were ischemic heart diseases, cerebrovascular disease, and neoplasms.¹ During the first half of 2021, ischemic heart disease alone was the leading cause of death with 56.76 thousand cases or 18.7% of the total deaths in the country.² Its causes are high blood pressure, high cholesterol, and obesity, which are mainly contributed by the lack of a balanced diet and physical exercise. Among these, adult obesity is also alarmingly increasing among Filipinos. The rate of increase exhibited between 1995 and 2015 is at 5.4% for men and 3.7% for women.³

One of the main contributors for obesity is fast food which contains large quantities of sugars, fats, and carbohydrates and has less vitamins and minerals. Most of the fast food served to customers exceeds the normal levels of sugar and fats which are directly associated with unhealthy weight increase.⁴ The prolonged state of a person's obesity also greatly increases the risk of non-communicable disease such as

¹ PSA. Causes of Deaths in the Philippines (Preliminary): January to June 2021. Data retrieved from <https://psa.gov.ph/content/causes-deaths-philippines-preliminary-january-june-2021>. Dated August 20, 2021

² Ibid.

³ Business World. The Philippines is getting fat: Obesity rates increase as poor nutrition persists. Information retrieved from <https://www.bworldonline.com/the-philippines-is-getting-fat-obesity-rates-increase-as-poor-nutrition-persists/>. Dated March 31, 2021

⁴ World Obesity Federation. COVID-19 and Obesity: The 2021 Atlas. Data retrieved from <https://www.worldobesityday.org/assets/downloads/COVID-19-and-Obesity-The-2021-Atlas.pdf>. Dated March 2021

diabetes, cardiovascular disease, liver disease, and certain cancers. Fast food and other food service establishments, therefore, play a vital part in greatly reducing obesity.

The greatest wealth is our health and should be prioritized not only when sickness comes. Hence, this measure seeks to mandate restaurants and food service establishments in the country to post calorie counts and nutritional facts on their menus and menu boards to help consumers make informed healthy food choices.

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

A handwritten signature in black ink, appearing to read 'MANUEL DG. CABOCHAN III', with a stylized flourish at the end.

MANUEL DG. CABOCHAN III

Representative

Magdalo Para Sa Pilipino Party-List

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Introduced by **MAGDALO Party-List Representative**
HON. MANUEL DG. CABOCHAN III

AN ACT
REQUIRING THE DISCLOSURE OF NUTRITIONAL INFORMATION IN MENUS
OF FOOD SERVICE ESTABLISHMENTS

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 "Nutritional
2 Information Disclosure Act".

3
4 Sec. 2. *Declaration of Policy.*— The State shall protect and promote the right
5 of health of the people and instill health consciousness among them. In this light, it
6 shall recognize the need to disclose nutritional facts for food and beverages made
7 available to the public in order to sufficiently instill a sense of health consciousness
8 and provide informed health food choices among the populace.

9
10 Sec. 3. *Definition of Terms.*— For the purpose of this Act, the following shall
11 refer as:

12 (a) *Calorie content information* refers to the total number of calories per
13 standard menu item, as that item is usually prepared and offered for sale;

14 (b) *Covered food service establishment* refers to any food service
15 establishment that is one of a group of 5 or more food service
16 establishments doing business nationally, offering for sale substantially the

1 same menu items, in servings that are standardized for portion size and
2 content, that operate under common ownership or control, or as
3 franchised outlets of a parent business, or do business under the same
4 name;

5 (c) *Drive-thru* refers to an area where a customer may provide an order for
6 and receive standard menu items while occupying a motor vehicle;

7 (d) *Menu* refers to a written, printed list and/or pictorial display of a food item
8 or items, and their price(s), that are available for sale from a covered food
9 service establishment and shall include menus distributed or provided
10 outside of the establishment;

11 (e) *Menu board* refers to any list or pictorial display of a food item or items
12 and their price(s) posted in and visible within a covered food service
13 establishment or outside of a covered food service establishment for the
14 purpose of ordering from a drive-through window;

15 (f) *Standard menu item* refers to any individual food item, or combination of
16 food items, listed or displayed on a menu board or menu that is offered for
17 sale or sold by a covered food service establishment through a menu,
18 menu board, or display tag at least 180 days per calendar year;

19 (g) *Nutritional information* shall include, but not limited to, all of the following,
20 per menu item:

- 21 (i) Total number of calories;
- 22 (ii) Total number of grams of carbohydrates;
- 23 (iii) Total number of grams of saturated fat;
- 24 (iv) Total number of grams of protein; and
- 25 (v) Total number of milligrams of sodium.

26 (h) *Reasonable basis* refers to any reasonable means recognized by the
27 Department of Health (DOH) in determining nutritional information, as well
28 as calorie content information, for a menu item, as usually prepared and
29 offered for sale, including, but not limited to, nutrient databases,
30 professional, and laboratory analyses.

1 SEC. 4. *Menu Labeling.*— Covered food service establishments shall disclose,
2 in a clear and conspicuous manner, on their menus and menu boards the calorie
3 content information, which shall be displayed adjacent to the name of the standard
4 menu item, so as to be clearly associated with such item. In the case of display tags,
5 the calorie content information of the standard menu item identified on the display
6 tag shall be stated thereon.

7
8 For the other nutritional information of the standard menu items, as well as
9 the suggested daily caloric intake of the average Filipino as specified by the
10 Secretary of Health through the implementing rules and regulations to be issued
11 pursuant to this Act, covered food service establishments shall disclose the
12 information in a clear and conspicuous manner on a brochure that is made available
13 at the point of sale prior to or during the placement of an order. The same
14 information shall also be made accessible in the website of the covered food service
15 establishment, if available.

16
17 In the case of food sold at a salad bar, buffet line, cafeteria line, or similar
18 self-service facility, and for self-service beverages or food that is on display and that
19 is visible to customers, a covered food service establishment shall place adjacent to
20 each food offered a sign that lists calories per displayed food item or per serving.
21 The disclosure of calorie content information on a menu or menu board next to a
22 standard menu item that is a combination of at least two standard menu items on
23 the menu or menu board, shall, based upon all possible combinations for that
24 standard menu item, include both the minimum and maximum amount of calories for
25 the calorie count information. If there is only one possible total amount of calories,
26 then this total shall be disclosed.

27
28 The disclosure of calorie content information next to a standard menu item
29 that is intended to serve more than one individual, shall include the number of
30 individuals intended to be served by the standard menu item and the calorie content
31 information per individual serving.

32

1 The nutritional information and calorie content information required by this
2 section shall be determined on a reasonable basis. A reasonable basis determination
3 of nutritional information and calorie content information shall be required only once
4 per standard menu item, provided that portion size is reasonably consistent and the
5 covered food service establishment follows a standardized recipe and trains to a
6 consistent method of preparation.

7
8 *Sec. 5. Disclosure in Drive-thru Food Service Establishments.*— Any covered
9 food service establishment that has a drive-thru area and uses a menu board to
10 display or list standard menu items at the point of sale shall, for purposes of the
11 drive-thru area only, shall disclose the nutritional information in a clear and
12 conspicuous manner on a brochure that is available upon request, and shall
13 conspicuously display a notice at the point of sale that reads: "NUTRITION
14 INFORMATION IS AVAILABLE UPON REQUEST" or other similar statement that
15 indicates the disclosure of nutrition information is available upon request.

16
17 *Sec. 6. Non-compliance with Menu Labeling Requirement.*— The following
18 shall be considered non-compliance with menu labeling:

- 19 (a) The sale of any food or beverage item by covered establishments without
20 the required calorie content information, suggested daily calorie intake,
21 and availability of nutritional information displayed on the menu, menu
22 board, or display tag;
- 23 (b) The sale of any food or beverage item by covered establishments without
24 the availability of the required nutritional information for all standard menu
25 items;
- 26 (c) The declaration of calorie content information and nutritional information
27 without reasonable basis therefor; and
- 28 (d) The misbranding or erroneous disclosure of calorie content information and
29 nutritional information of standard menu items.

30
31 *Sec. 7. Penalties.*— The DOH, after notice and hearing, shall impose any or all
32 of the following administrative sanctions in cases of noncompliance:

1 (a) Suspension of business operations of the non-complying branch or
2 branches of the covered food service establishment for such period of time
3 as determined by the DOH; and

4 (b) A fine of not less than One Hundred Thousand Pesos (Php 100,000.00) for
5 the first violation; not more than Five Hundred Thousand Pesos (Php
6 500,000.00) for the second violation; and not more than One Million Pesos
7 (Php 1,000,000.00) for the third violation for every non-complying branch.
8

9 *Sec. 8. Implementing Rules and Regulations.*– The DOH, in consultation with
10 other concerned agencies, non-governmental organizations, private sector and
11 consumer groups involved in nutrition, shall within ninety (90) days from the
12 effectivity of this Act, promulgate the rules and regulations to effectively implement
13 the provisions of this Act.
14

15 *Sec. 9. Separability Clause.*– If any portion or provision of this Act is
16 subsequently declared invalid or unconstitutional, other provisions hereof which are
17 not affected thereby shall remain in full force and effect.
18

19 *Sec. 10. Repealing Clause.*– All other laws, acts, presidential decrees,
20 executive orders, presidential proclamations, issuances, rules and regulations, or
21 parts thereof which are contrary to or inconsistent with any of the provisions of this
22 Act are hereby repealed, amended or modified accordingly.
23

24 *Sec. 11. Effectivity.*– This Act shall take effect fifteen (15) days after its
25 publication in the *Official Gazette* or in any newspaper of general circulation.

Approved,