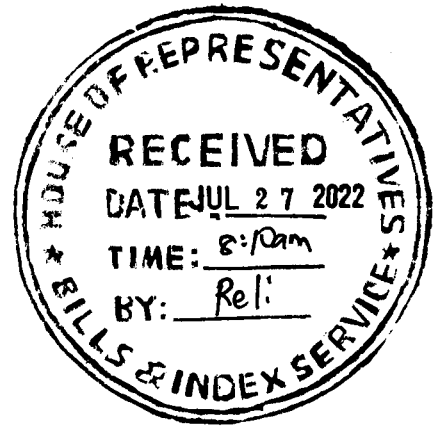


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2421



Introduced by **Representative Wilbert T. Lee**

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

EXPLANATORY NOTE

Article II, Section 15 of the 1987 Constitution mandates that “[t]he State shall protect and promote the right to health of the people and instill health consciousness among them.”

The busy work schedule across various industries in many urban areas in the country increased the consumption of away-from-home foods. This trend has been facilitated by the expansion of fast food and restaurant chains, which serve food that is easily available, inexpensive, but high in calories.¹ Last 4 March 2022, the Department of Health (DOH) World Health Organization (WHO), and the United Nations Children’s Fund (UNICEF) raised the alarm on growing obesity in the Philippines. They reported that around 27 million Filipinos are overweight and obese, based on the latest survey of the Department of Science and Technology’s Food and Nutrition Research Institute. For the past two decades, overweight and obesity among adults have almost doubled from 20.2% in 1998 to 36.6% in 2019. Similarly, the prevalence rates of overweight and obesity among adolescents have more than doubled from 4.9% in 2003 to 11.6% in 2018.²

Weight gain arises when increased calories are consumed than the allowed count depending on your Body Mass Index(BMI). Eating out, and eating extra calories while eating out, contribute disproportionately to the excess calorie intake that fuels the rise in the reported case of obesity. Obesity negatively affects one health as it increases the risks of diabetes, heart disease, stroke, some cancers, and other health problems.³

¹ Mohammad A. Et Al. (28 September 2018) *Fast food consumption and overweight/obesity prevalence in students and its association with general and abdominal obesity*. Journal of Preventive Medicine and Hygiene. E236–E240.

² Unicef (4 March 2022) *Everybody Needs to Act to Curb Obesity*. Accessed from: <https://www.unicef.org/philippines/press-releases/everybody-needs-act-curb-obesity> last 11 July 2022

³ Harvard School of Public Health (n.a) *Weight Problems Take a Hefty Toll on Body and Mind*. Retrieved last 13 July 2022 from: <https://www.hsph.harvard.edu/obesity-prevention-source/obesity-consequences/health-effects/#:~:text=Obesity%20and%20Cardiovascular%20Disease&text=As%20BMI%20increases%20C%20so%20do,Obesity%20and%20Coronary%20Artery%20Disease.>

While our existing system requires packaged foods to disclose nutritional facts, meals sold through food establishments contain no such disclosure. The health conscious has to estimate or guess at the nutritional content of meals taken in restaurants. Those who are less aware of the need for proper dieting are left oblivious of the nutritional values that they intake, which would potentially cause detrimental effects on their health in the long run.

To address the problems of obesity, unhealthy diet and inadequate nutrition among Filipinos, this bill mandates the public disclosure of caloric and nutritional information on menus of food service establishments. Nutrient content information provided at the time of food selection in food service establishments would enable consumers to make more informed and healthier food choices, promote health awareness and proper dieting, and assist consumers who are monitoring their diets or dealing with chronic diseases, such as cardiovascular disease and diabetes.

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



HON. WILBERT T. LEE
Representative
AGRI PARTYLIST

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

SEC. 1. *Short Title.* This Act shall be known as “Nutritional Information Disclosure Act of 2022”.

SEC. 2. *Declaration of Policy.* The State shall protect and promote the right of health of the people and instill health consciousness among them. As such, it recognizes the need to disclose nutritional facts for food and beverages made available to the public to sufficiently instill and allow them to make informed and healthier choices towards attaining better health outcomes.

SEC. 3. *Definition of Terms.* As used in this Act, the following terms are defined, as follows:

- a) Calorie content information – refers to the total number of calories per standard menu item, as that item is usually prepared and offered for sale;
- b) Covered food service establishment – refers to a food service establishment that is one of a group of 15 or more food service establishments doing business nationally, offering for sale substantially the same menu items, in servings that are standardized for portion size and content, that operate under common ownership or control, or as franchised outlets of a parent business, or do business under the same name;

- c) Drive-thru —refers to an area where a customer may provide an order for and receive standard menu items while occupying a motor vehicle;
- d) Menu — refers to a printed list or pictorial display of a food item or items, and their price(s), that are available for sale from a covered food service establishment and shall include menus distributed or provided outside of the establishment;
- e) Menu board – refers to any list or pictorial display of a food item or items and their price(s) posted in and visible within a covered food service establishment or outside of a covered food service establishment for the purpose of ordering from a drive-through window;
- f) Standard menu item — refers to any individual food item, or combination of food items, listed or displayed on a menu board or menu that is offered for sale or sold by a covered food service establishment through a menu, menu board, or display tag at least 180 days per calendar year;
- g) Nutritional information — includes, but is not limited to, all of the following, per menu item:
 - 1. Total number of calories
 - 2. Total number of grams of carbohydrates
 - 3. Total number of grams of saturated fat
 - 4. Total number of grams of protein
 - 5. Total number of milligrams of sodium
- h) Reasonable basis— refers to any reasonable means recognized by the Department of Health in determining nutritional information, as well as calorie content information, for a menu item, as usually prepared and offered for sale, including, but not limited to, nutrient databases, professional and laboratory analyses; and
- i) Department — refers to the Department of Health.

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

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

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

The disclosure of calorie content information next to a standard menu item that is intended to serve more than one individual, shall include the number of individuals intended to be served by the standard menu item and the calorie content information per individual serving. The nutritional information and calorie content information required by this section shall be determined on a reasonable basis. A reasonable basis determination of nutritional information and calorie content information shall be required only once per standard menu item, if portion size is reasonably consistent, and the covered food service establishment follows a standardized recipe and trains to a consistent method of preparation.

SEC. 5. *Disclosure in Drive-thru Food Service Establishments* A covered food service establishment that has a drive-thru area and uses a menu board to display or list standard menu items at the point of sale shall, for purposes of the drive-thru area only, disclose the nutritional information in a clear and conspicuous manner on a brochure that is available upon request, and shall conspicuously display a notice at the point of sale that reads; “NUTRITION INFORMATION IS AVAILABLE UPON REQUEST” or other similar statement that indicates the disclosure of nutrition information is available upon request.

SEC 6. *Disclosure in Drive-thru Food Service Establishments.* The following shall be considered non-compliance with menu labeling:

- a) The sale of any food or beverage item by covered establishments without the required calorie content information, suggested daily calorie intake, and availability of nutritional information displayed on the menu, menu board, or display tag;
- b) The sale of any food or beverage item by covered establishments without the availability of the required nutritional information for all standard menu items;
- c) The declaration of calorie content information and nutritional information without reasonable basis therefor; and

- d) The misbranding or erroneous disclosure of calorie content information and nutritional information of standard menu items

SEC. 7. *Penalties.* the Department, after due notice and hearing, shall impose any or all the following administrative sanctions in cases of noncompliance:

- a) Suspension of business operations of the non-complying branch or branches of the covered food service establishment for such period as determined by the Department; and
- b) A fine of not less than One Hundred Thousand Pesos (Php 100,000.00) for the first violation; not more than Five Hundred Thousand Pesos (Php 500,000.00) for the second violation; and not more than One Million Pesos (Php 1,000,000.00) for the third violation for every non-complying branch.

SEC. 8. *Implementing Rules and Regulations.* Within six (6) months from the date of effectivity of this Act, the Department of Health, in consultation with other concerned agencies, non-governmental organizations, private sector and consumer groups involved in nutrition, shall promulgate the necessary implementing rules and regulations to implement the provisions of this Act.

Sec. 9. *Separability Clause.* If any part or provision of this Act shall be declared unconstitutional or invalid, other provisions hereof which are not affected thereby shall continue to be in full force and effect.

Sec. 10. *Repealing Clause.* All laws, presidential decrees, executive orders, rules and regulations, other issuances, and parts thereof, which are inconsistent with the provisions of this Act, are hereby repealed or modified accordingly.

Sec. 11. *Effectivity.* This Act shall take effect fifteen (15) days following its publication in three (3) newspapers of general circulation.

Approved,