

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

NINETEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 9411



Introduced by Representatives Bryan B. Revilla, Lani Mercado-Revilla, Ramon Jolo B. Revilla III, Ferdinand Alexander A. Marcos, Ralph Wendel P. Tulfo, Dean Asistio, Faustino "Inno" A. Dy V, and Ivan Howard A. Guintu

**AN ACT
REQUIRING THE DISCLOSURE OF CERTAIN NUTRITION INFORMATION FOR
STANDARD MENU ITEMS IN FOOD ESTABLISHMENTS**

Explanatory Note

Article 2, 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. Non-communicable diseases abound in the country, with many of their underlying causes preventable.

Among the growing health concerns in the Philippines that merit congressional action is obesity, defined by the World Health Organization as an abnormal or excessive fat accumulation that may impair health. According to a survey conducted by the Department of Science and Technology's Food and Nutrition Research Institute in 2019, approximately 27 million Filipinos are overweight and obese. Among adolescents, the prevalence rate of overweight and obesity has increased from 4.9 percent in 2003 to 11.6 percent in 2018.

Obesity affects people from all walks of life. According to the American Heart Association, obesity directly influences such cardiovascular risk factors as Type 2 diabetes, hypertension, dyslipidemia, and sleep problems. It increases the risks of developing cardiovascular disease and dying from it.

Food and nutrient intake play a key role in battling obesity. Scholars say that diet is a fundamental risk factor for obesity.¹ It is thus crucial to understand how making smart and informed food choices can help prevent overweight and obesity. In the Philippines,

¹ Mozzafarian, Dariush. (2017). "Food, obesity, and diabetes – are all calories created equal?" https://academic.oup.com/nutritionreviews/article/75/suppl_1/19/2797600

alterations in the Filipino lifestyle brought about by urbanization or modernity, and even the pandemic, have affected the food habits of Filipino households.

In fact, approximately one in every three households reported eating meals or snacks outside their homes according to the DOST's Food Consumption Survey. No less than the former officer-in-charge of the Department of Health Undersecretary Maria Rosario Vergeire stated that fast food is among the contributory factors to the increase in the incidence of obesity among Filipinos.²

In this light, the bill seeks to address the issue of obesity and other health concerns of Filipinos by requiring certain retail food establishments to clearly indicate the calorie and other nutrient content of their food products on the menu. This will assist Filipinos in making an informed decision regarding their food choices.

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



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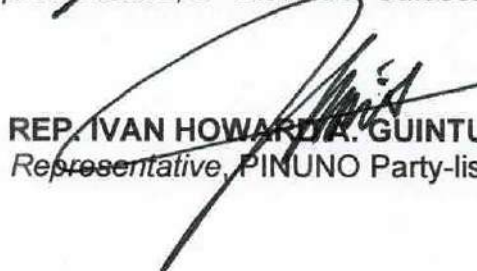
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²Philippine Daily Inquirer. 2022. <https://newsinfo.inquirer.net/1694528/obesitys-heavy-toll-millions-of-filipinos-now-at-greater-health-risks>.

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AN ACT
REQUIRING THE DISCLOSURE OF CERTAIN NUTRITION INFORMATION FOR
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SECTION 1. *Short Title.* – This Act shall be known as the "Nutrition Labeling Act."

SEC. 2. *Declaration of Policy.* – The State shall endeavor to protect and promote the right to health of the people and instill health consciousness among them. It is hereby declared the policy of the State to promote the overall well-being of every Filipino by ensuring the adequacy of their nutritional intake and by aiding them in the process of making an informed decision as regard to food choices. To this end, the State shall enhance its policies to combat non-communicable diseases and other health afflictions by promoting the proper nutrition of Filipinos of all ages.

SEC. 3. *Definition of Terms.* – For purposes of this Act, the following terms are hereby defined as follows:

- a. "Custom order" refers to a food order that is prepared in a specific manner based on an individual customer's request, which requires the covered establishment to deviate from its usual preparation of a standard menu item.
- b. "Customary market test" refers to the process whereby the acceptance of a food product by the consumer is tested.
- c. "Daily special" refers to a menu item that is prepared and offered for sale on a particular day, that is not routinely listed on a menu or menu board.
- d. "Menu" or "menu board" refers to the primary writing of the covered establishment from which a customer makes an order selection. Such may appear in the form of booklets, pamphlets, sheets of paper, or drive-through menu boards.

- e. "Restaurant or similar retail food establishment" refers to any retail establishment that offers for sale restaurant-type food.
- f. "Restaurant-type food" refers to food that is usually eaten on the premises, while walking away, or soon after arriving at another location and either (i) served in restaurants or other establishments in which food is served for immediate human consumption or which is sold for sale or use in such establishments or (ii) processed and prepared primarily in a retail establishment, ready for human consumption, and offered for sale to consumers but not for immediate human consumption in such establishment and which is not offered for sale outside such establishment.
- g. "Standard menu item" refers to a food that is routinely included on a menu or menu board such as food on display as well as self-service food.

SEC. 4. Covered Establishments. – Restaurants and similar retail food establishments selling restaurant-type food that are part of a chain with 20 or more fixed locations, doing business under the same name, and offering for sale substantially the same menu items are covered by the requirements of this Act. These include, but are not limited to, quick service and sit-down restaurants, food takeout facilities and delivery services, cafeterias, convenience stores, and coffee shops.

SEC. 5. Nutrition Labeling Requirements for Covered Establishments. – Covered establishments shall disclose in a clear and conspicuous manner the number of calories contained in the standard menu item, as usually prepared and offered for sale, in a nutrient content disclosure statement adjacent to the name of such item on the menu listing the same.

Covered food establishments shall also make available in a written form other nutrition information pertaining to menu items upon request by the customer. The menu or menu board shall clearly state the availability of said information.

The Department of Health (DOH), the Department of Trade and Industry (DTI), the Food and Drug Administration (FDA), and the Food and Nutrition Research Institute (FNRI) may conduct consultations with stakeholders and recommend to Congress additional nutrition information that needs to be included in nutrition labels.

SEC. 5. Exemptions. – This Act shall not apply to items that are not listed on a menu or a menu board such as condiments and other items placed on the table or counter for general use, daily specials, custom orders, and such other food that is part of a customary market test.

SEC. 6. Voluntary Compliance. – Retail food establishments not covered by this Act may voluntarily comply with Section 5 of this Act by registering to be subject to such requirements with the FDA.

SEC. 7. Penalties. – Any violation of the provisions of this Act shall render the food product misbranded under Republic Act No. 3720 or the “Food, Drug, and Cosmetic Act”, as amended, and shall be subject to actions and penalties available to the FDA under the same.

SEC. 8. Implementing Rules and Regulations. – Within ninety (90) days from the effectivity of this Act, the FDA, in coordination with the DTI, the DOH, the FNRI, and in consultation with relevant stakeholders, shall promulgate the necessary implementing rules and regulations of this Act for the implementation of this Act.

SEC. 9. Separability Clause. – If any portion or provision of this Act is declared unconstitutional, the remainder of this Act or any provisions not affected thereby shall remain in force and effect.

SEC. 10. Repealing Clause. – All laws, decrees, orders and rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SEC. 11. Effectivity Clause. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette.

Approved,