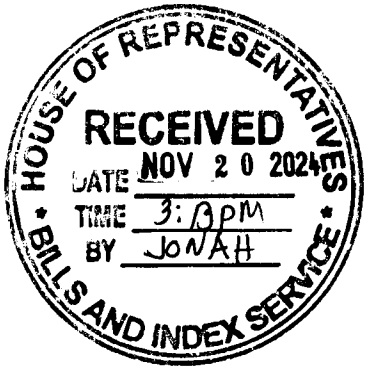
Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



NINETEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 11123

Introduced by **Representative Jaime R. Fresnedi**

EXPLANATORY NOTE

This bill seeks to create a healthy food marketing environment by requiring front-of-package warning labels for food high in fat, sodium, or sugar and regulating the marketing of such food to children. The root causes of diet-related non-communicable diseases (NCDs) and childhood obesity may be addressed by directly targeting the environmental factors that influence unhealthy eating behaviors. This proposed legislation seeks to shift public behavior and industry practices toward healthier choices by regulating the marketing of unhealthy food, particularly to children, and ensuring that consumers are provided with clear, understandable nutritional information. It is hoped that the enactment of this bill into law will reduce the prevalence of obesity and diet-related diseases like diabetes, heart disease, and hypertension but also fosters a long-term cultural change in how food is marketed and consumed in the Philippines. This proactive approach will help prevent these health issues from continuing to escalate, thereby improving the overall health and well-being of future generations.

The 1987 Constitution of the Philippines recognizes the fundamental right to health and the State's obligation to protect and promote the well-being of its citizens. Section 15, Article II declares that *"the State shall protect and promote the right to health of the people and instill heath consciousness among them."* Additionally, Section 12, Article XIII states that *"the State shall adopt an integrated and comprehensive approach to health development."* This bill upholds these constitutional principles by taking concrete steps to reduce consumption of unhealthy food by directly tackling the environmental factors contributing to poor dietary habits and unhealthy food marketing, which disproportionately affect children and families.

Despite these guarantees from the Constitution, the rates of childhood obesity and diet-related diseases continue to increase in the country. Filipino children are constantly exposed to marketing tactics promoting food that are high in sugar, saturated fats, sodium, and calories, contributing to unhealthy eating habits. From 2019 to 2022, the prevalence of overweight and obesity among children aged 5 to 10 years old has significantly increased from 10.4% to 14%, and among adolescents aged 10 to 19 years old, it increased from 10.7% to 13%[1]. These troubling trends not only jeopardize children's physical health but also hinder their academic performance[2], self-esteem, and overall quality of life.

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[1] UNICEF - Philippine food environment is failing children (https://www.unicef.org/philippines/press-releases/philippine-food-environment-failing-children#:~:text=Among%20children%20aged%205%20to,2019%20to%2013%25%20in%202022.)

[2] Angela S. Anderson, Deborah J. Good, Increased body weight affects academic performance in university students, Preventive Medicine Reports, Volume 5, 2017, Pages 220-223, ISSN 2211-3355, https://doi.org/10.1016/j.pmedr.2016.12.020. (https://www.sciencedirect.com/science/article/pii/S2211335516301723)

The core objective of this bill is not merely to combat obesity or non-communicable diseases, but to transform the broader food marketing environment. By ensuring that unhealthy food products are clearly labeled and their marketing to children is strictly regulated, this bill creates a framework in which healthier food options can thrive. This, in turn, will naturally lead to a decline in diet-related diseases as a secondary benefit.

The experience of other countries, such as Chile, which implemented a similar law in 2016, has shown the effectiveness of front-of-package warning labels and marketing restrictions in improving public health. After Chile's policy change, there were substantial reductions in the consumption of products with high levels of sugar, calories, and sodium. Additionally, many companies reformulated their products to avoid warning labels, leading to improved nutritional profiles across various food categories.[3]

Furthermore, international studies have shown that mandatory front-of-package warning labels are more effective in encouraging healthier consumer choices and prompting industry reformulation compared to voluntary approaches. Clear and interpretative labels help consumers quickly identify unhealthy products and make more informed choice, which is especially important for families and children who may not fully understand standard nutritional information.[4]

The implementation of such regulations in Chile did not have a negative impact on the economy. In fact, studies found no significant changes in employment, real wages, or company profits in the food sector, despite a decline in sales of unhealthy food. This evidence underscores that the health benefits of such measures far outweigh any potential economic concerns.

The Philippines, as a signatory to international agreements like the International Covenant on Economic, Social, and Cultural Rights (ICESCR), has an obligation to promote the highest attainable standard of health. This bill is fully aligned with those international commitments, as it aims to reduce the consumption of food linked to non-communicable diseases and foster a healthier food environment for all Filipinos.

The *Healthy Food Marketing Environment Act* is a practical measure which is essential towards creating a sustainable and health-conscious food environment in the Philippines. By setting standards for food labeling and marketing practices, this bill empowers consumers to make informed choices and encourages the food industry to offer healthier products.

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

JAIME R. FRESNEDI
Representative
Lone District, Muntinlupa City

[3] Paraje, G.; Montes de Oca, D.; Wlasiuk, J,M.; Canales, M.; Popkin, B.M. Front-of-Pack Labeling in Chile: Effects on Employment, Real Wages, and Firms' Profits after Three Years of Its Implementation. *Nutrients* **2022,** 14, 295. https://www.mdpi.com/2072-6643/14/2/295

[4] Ganderats-Fuentes, M.; Morgan, S. Front-of-Package Nutrition Labeling and Its Impact on Food Industry Practices: A Systematic Review of the Evidence. *Nutrients* **2023,** *15,* 2630. https://www.mdpi.com/2072-6643/15/11/2630

Republic of the Philippines
HOUSE OF REPRESENTATIVES
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NINETEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 11123

Introduced by **Representative Jaime R. Fresnedi**

AN ACT
TO CREATE A HEALTHY FOOD MARKETING ENVIRONMENT BY REQUIRING FRONT-OF-PACKAGE WARNING LABELS FOR FOOD HIGH IN FAT, SODIUM, OR SUGAR AND REGULATING THE MARKETING OF SUCH FOOD TO CHILDREN

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

ARTICLE I. GENERAL PROVISIONS

Section 1. *Title.* – This Act shall be known as the "*Healthy Food Marketing Environment Act*".

SEC. 2. *Declaration of Policy.* – It is the policy of the State to protect and promote the right to health of all Filipinos and instill health consciousness among them. It is likewise the policy of the State to protect and promote the right of every child to the enjoyment of the highest attainable standard of health and to defend their right to proper care and nutrition, which includes the right to healthy environments.

The State recognizes the need to enable all Filipinos to make informed food choices and avoid food and beverages that are harmful to one's health in line with its policy to protect consumers from trade malpractices and substandard or hazardous food products.

The State also recognizes the urgent need to protect children from obesogenic food environments that promote the sale and marketing of unhealthy food and beverages, such as foods high in saturated and trans fat, sodium, and sugar.

SEC. 3. *Objective.* – This Act aims to:

a. Guide the population in making informed food purchases and discourage Filipinos—especially children—from consuming food containing calories, fat, sodium, and sugar in excess of the prescribed maximum thresholds; and

b. Regulate the power of, and reduce the exposure of children to, marketing of food and beverages containing calories, fat, sodium and sugar in excess of the prescribed maximum thresholds.

SEC. 4. *Definition of Terms.* – As used in this Act:

a. **"Breastmilk substitutes"** refers to any food being marketed or otherwise represented as a partial or total replacement for breastmilk, whether or not suitable for that purpose;[1]

b. **"Calories"** refer to the unit of measurement used to determine the amount of energy that a food provides;

c. **"Child"** refers to a person aged under 18 years old.

d. **"Child-directed marketing"** refers to all marketing targeted to children, which includes, but is not limited to, marketing that uses: images, sounds or language designed to appeal to children such as cartoon characters, personalities or celebrities that target or address children in their content (licensed or unlicensed), children actors or voices, or references to school or play; toys or book giveaways, competitions or promotional giveaways, buy-one-take one, discounts, and pricing bundle strategies; themes designed to attract children (e.g. fantasy or adventure); games or activities that are likely to be popular with children; or other similar or analogous appeals. Child-directed marketing also includes marketing that is directed to a parent (or another adult) where the end-consumer is a child.

e. **"Child-centered settings"** refers to any location that is frequented by families and children because of activities, attractions, or infrastructure targeted or directed to children, including but not limited to schools, educational establishments, learning institutions, playgrounds, amusement parks, or other service centers or places frequented by families and children, and other similar and analogous settings.

f. **"Cross-border marketing"** refers to marketing which originates within the territory of the Philippines and enters or could be received in another territory, as well as that which originates outside the territory of the Philippines and is received or accessible within the territory.

g. **"Complementary nutritional information"** refers to any information that may state, suggest, or imply that a food or beverage possesses particular nutritional properties, especially, but not limited to its energy value, protein, fat, carbohydrates, dietary fiber content, critical nutrients, vitamins, minerals, including assertions of fortification.

h. **"Distributor"** refers to any person to whom a pre-packaged food product is delivered or sold for purposes of distribution in commerce. Distributors include importers, exporters, traders, or wholesalers.

[1] National Code of Marketing of Breastmilk Substitutes, Breastmilk Supplements and Other Related Products, Executive Order No. 51, § 4(a) (1986).

i. **"Educational establishment"** refers to any establishment, including but not limited to schools, learning institutions, play schools, sports camps, youth development facilities, and other places, where a child as defined in this Act engages in activities that contribute to their overall growth and development through any means of instruction.

j. **"Food and beverages"** means food and food products as defined by the Food and Drug Administration (FDA) Act of 2009 or Republic Act No. 9711, *Provided,* That any reference to "food" in this Act means "food and beverages".

k. **"Food and beverage industry"** means manufacturers, wholesale distributors, and importers of pre-packaged food required to have a warning label defined in this Act.

l. **"Front-of-package warning label (FOPWL)"** refers to the supplementary nutrition information on the main face of the packaging of pre-packaged food to inform consumers when a product contains excessive amounts of nutrients of concern;[2]

m. **"Importer"** means the consignee or the Philippine agent or representative of a foreign owner or consignee of raw materials, ingredients, and/or finished pre-packaged food at the time of such entry of such article in the Philippines.

n. **"Health claim"** means any representation or combination of representations that creates an impression that a product is beneficial for health and well-being.

o. **"Main face"** refers to the part of the packaging that is intended to be displayed, where the sales name and the brand or logo, if any, are recorded in their most relevant forms.

p. **"Manufacturer"** means a person who makes, mixes, cooks, packs, combines packaging or modifies packaging of pre-packaged food required to have a warning label under this Act. This shall include any person who attaches one's own brand name to a pre-packaged food product manufactured, assembled, or processed for them.

q. **"Marketing"** means any form of commercial communication of messages that are designed to, or have the effect or likely effect of, increasing the recognition, appeal and/or consumption of particular products and services, whether directly or indirectly. It includes but is not limited to acts of advertising and promotions of a product or service including the advertising of corporate social responsibility initiatives, and sponsorships.[3]

r. **"Message"** means the presentation of letters, images, artificial marks, photographs, motion pictures, light, sound, or any other action that enables the general public to comprehend the conveyed meaning.

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[2] WHO, GUIDING PRINCIPLES AND FRAMEWORK MANUAL FOR FRONT-OF-PACK LABELLING FOR PROMOTING HEALTHY DIETS 11 (2019); FAO& WHO, CODEX ALIMENTARIUS (INTERNATIONAL FOOD STANDARDS) 11 CXG 2-1985 (2021); PAHO, FRONT-OF-PACKAGE LABELING (AS A POLICY TOOL FOR THE PREVENTION OF NONCOMMUNICABLE DISEASES IN THE AMERICAS) 9 (2020).

[3] ASEAN and UNICEF (2022), [DRAFT] *Minimum standards and guidelines on actions to protect children from the harmful impact of marketing of food and non-alcoholic beverages in the ASEAN region.*

s. **"Micro, small, and medium enterprise (MSME)"** refers to food business operators as defined within the classification of industries by the Department of Trade and Industry.

t. **"Nutrient"** refers to any chemical substance normally consumed as a component of a food that: (1) provides energy; and/or (2) is necessary for, or contributes to the growth, development, and maintenance of health and life; and/or (3) the absence of which will cause characteristic chemical or physiological changes to occur;

u. **"Nutrient Profile Model"** refers to a tool used to classify or rank pre-packaged or processed food according to their nutritional composition for reasons related to the prevention of disease and the promotion of health;

v. **"Nutrients of concern"** refer to those nutrients that when ingested above the maximum values are considered as risk factors associated with non-communicable diseases; these include but are not limited to sugars, sodium, saturated fats, total fats, and calories.[4]

w. **"Nutrition claim"** means any representation which states, suggests or implies that a food has particular nutritional properties including but not limited to the energy value and to the content of protein, fat and carbohydrates, as well as the content of vitamins and minerals. *Provided,* That (1) the mention of substances in the list of ingredients; (2) the mention of nutrients as a mandatory part of nutrition labelling; (3) quantitative or qualitative declaration of certain nutrients or ingredients on the label if required by national legislation do not constitute nutrition claims.[5]

x. **"Point-of-sale"** refers to a kiosk, counter, cashier, or any specific, definite, and limited area, where an individual can purchase or otherwise obtain pre-packaged food.

y. **"Pre-packaged food product"** refers to processed food products prepared in advance and placed in a container, labelled and ready for sale or distribution, or for catering purposes.

z. **"Processed food product"** refers to products resulting from the application of physical, chemical, or biological processes to a "primary food commodity" intended for direct sale to the consumer, for direct use as an ingredient in the manufacture of food or for further processing.

aa. **"Public event"** means any activity that is open for public access and participation, regardless of the identity of the organizer or coordinator of such activity. It includes but is not limited to events such as sporting, music, and recreation events that target and attract children.

bb. **"Public space"** means a place accessible to the general public or a place for collective use, regardless of ownership or right to access.

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[4] Norma Oficial Mexicana 051/2020 [NOM 051/2020], Art. 3.38 (2020) (Mexico).

[5] Food and Agriculture Organization of the United Nations & World Health Organization, *Codex Alimentarius: International Food Standards, Guidelines on Nutrition Labeling* as of 2021.

cc. **"Public transport"** means any vehicle used for carriage of members of the public, usually for reward or commercial gain, including taxis and vehicles for hire.

dd. **"Saturated fatty acid (SFA)"** refers to fatty acids that contain the maximum number of hydrogens possible, and no carbon-carbon double bonds. Saturated fatty acids are classified as short chain (1-5 carbons), medium chain (6-12 carbons), and long chain (13-21 carbons) and very long chain (contains 22 and more carbons) according to the carbon chain length;

ee. **"Sodium"** refers to a chemical element that exists naturally in food, associated with other molecular residues or atoms as an ionic bond, forming chemical salts. It is of great importance since it helps to maintain the water and base acid balance of any organism, constituting its most common compound, sodium chloride or what is usually called table salt. Likewise, we find other sodium salts that are of industrial origin, such as monosodium glutamate (flavor enhancer); benzoate, sodium acetate, sodium bicarbonate (acidity regulators and preservatives); sodium hydroxide, sodium carbonate (acidity regulator); sodium erythorbate (antioxidant), among others. One gram of 'table salt' contains 400mg of sodium (1 gram of sodium is equivalent to 2.5 grams of table salt);

ff. **"Sponsorship"** means any form of contribution to any event, activity or individual with the aim, effect or likely effect of promoting a food or beverage product either directly or indirectly.[6]

gg. **"Sugar"** refers to sucrose, fructose, or glucose obtained from the industrial processing of sugar cane, sugar beet, hard yellow corn, and their mixtures, among others, in the form of a crystallized solid product or syrup used as an ingredient in food products;

hh. **"Total fat"** refers to the total amount of fat in a food product. This includes the saturated fat, trans-fat, monounsaturated, and polyunsaturated fat in a food product;

ii. **"Trans fatty acid (TFA)"** refers to all fatty acids with a double bond in the trans configuration, regardless of whether they are produced industrially or come from ruminant sources. Naturally occurring trans fats, like those coming from ruminant sources such as cows, goats, carabaos, lambs, deer and such similar animals are perfectly safe and healthy for humans. Industrially produced trans fats, both coming from hydrogenation and those formed through high heat, are the ones that are toxic and should be removed from the food supply.

SEC. 5. *General Rule on Statutory Construction.* – This Act shall be construed strictly in favor of improving the health of Filipinos, especially children, and decreasing the rate of obesity and overweight among them. Any doubt in the interpretation of the provisions of this Act shall be resolved in favor of the State policy to protect public health.

Nothing in this Act shall be construed as limiting the powers of local government units (LGUs) under the general welfare clause of Republic Act No. 7160 or the Local Government Code.

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[6] ASEAN and UNICEF (2022), [DRAFT] *Minimum standards and guidelines on actions to protect children from the harmful impact of marketing of food and non-alcoholic beverages in the ASEAN region.*

ARTICLE II. FRONT-OF-PACKAGE WARNING LABELS

SEC. 6. *Mandatory Front-of-Package Warning Labels.* – No person shall sell, manufacture, import, export, or distribute pre-packaged food without a front-of-package warning label as prescribed in this Act, when the final composition of the product contains nutrients of concern that exceed the maximum values prescribed under Section 8 of this Act.

SEC. 7. *Form, Size, Placement, and Characteristics of the Warning Label.* – When the final composition of the pre-packaged food product contains critical nutrients or calories in excess of the maximum values under Section 8 of this Act, the packaging shall display a warning label as prescribed by the FDA, in accordance with the following guidelines:

a. The packaging must include one warning label for each nutrient of concern in excess of prescribed values, namely:

    - "HIGH IN SUGAR";
    - "HIGH IN SODIUM";
    - "HIGH IN SATURATED FAT";
    - "HIGH IN TOTAL FAT";

b. If the product's calories is in excess of the prescribed values the package must include the following warning label:

    - "HIGH IN CALORIES".

c. If the product contains sweeteners, the package must include the following warning label:

    - "CONTAINS SWEETENERS, NOT RECOMMENDED FOR CHILDREN".

d. The warning label shall have the form of black octagons with a white edge and capital letters;

e. The size of each warning label shall never be less than five percent (5%) of the total area of the main face of the packaging;

f. The warning labels shall form part of the packaging and its full visibility and integrity must not be susceptible to being damaged, concealed, obstructed or changed by any package design, feature, or mechanism, or covered by any other markings;

g. The warning label must be located on the top right edge of the product's main face. If the shape of the product is round or cylindrical, it must be on the top center of the main face. For products in which the main face of the packaging is equal to or less than ten (10) square centimeters, it will contain a single octagon that will show inside of it how many nutrients of concern above the thresholds the product has. The warning label shall be 15% of the total area of the front of the package.

h. If the food or beverage has more than one warning label, they must be placed adjacent to each other on the product's main face.

i. For packages with multiple products, the outer packaging, as well as each individual package inside must also include the warning label.

The provisions established in this Section are applied in addition to the existing rules and regulations governing the labeling of pre-packaged food distributed in the Philippines.[7] In addition, the FDA is encouraged to release guidelines pertaining to the placement of products at the point of sale.

SEC. 8. *Maximum Values of Nutrients of Concern for Pre-packaged Food.* – The Department of Health (DOH) shall develop or adopt a nutrient profile model (NPM) to determine the maximum values of energy, sugar, sodium, saturated fat, total fat, and other nutrients for pre-packaged food. Pending the development of a local NPM, the Pan American Health Organization NPM shall be used as the basis for such maximum values.

SEC. 9. *Prohibition against Misleading Claims and Child-Directed Marketing in the Packaging.* – It is absolutely prohibited for all pre-packaged food required to have a warning label under Section 6 and 7 of this Act to contain:

a. Complementary nutritional information;

b. Logotypes or phrases stating the sponsorship or endorsements of scientific societies or civil associations;

c. Any other health and nutrition claim; and

d. Any advertisement or promotional feature that qualifies as child-directed marketing as defined in this Act.

SEC. 10. *Misbranding.* – A violation under Sections 6, 7, or 9 of this Act shall render the product misbranded under Republic Act No. 9711. Pursuant to Section 11 of Republic Act No. 3720 as amended by Republic Act No. 9711, the following acts are prohibited:

a. The manufacture, importation, exportation, sale, offering for sale, distribution, transfer, non-consumer use, promotion, advertising, or sponsorship of any food that is adulterated, unregistered or misbranded;

b. The adulteration or misbranding of any food.

SEC. 11. *Prohibition against Concealment or Obstruction of Warning Labels.* – Pre-packaged food products required to have a warning label under Section 6 and 7 shall be displayed with the warning labels in full view for the consumers in retail stores. The concealment or obstruction of the warning labels in retail stores, whether partial or whole, is prohibited.

[7] Department of Health, Revised Rules and Regulations Governing the Labeling of Prepackaged Food Products Further Amending Certain Provisions of Administrative Oder No. 88-B s. 1984 or the "Rules and Regulations Governing the Labeling of Prepackaged Food Products Distributed in the Philippines," and For Other Purposes (2014).

Any concealment or obstruction of view of warning labels herein shall be considered as a deceptive act or practice under Republic Act No. 7394 or the Consumer Act of the Philippines and is considered a prohibited act therein.

SEC. 12. *Exemptions.* – Pre-packaged food for special therapeutic dietary uses that are formulated for a particular physiological condition or as partial replacement for meals, and culinary ingredients which typically consist of only one nutrient in high purity (such as cooking oils, table sugars, common table salt, etc.) shall follow their respective labeling requirements and shall be exempted from the obligation to incorporate a nutritional warning label. Breastmilk substitutes shall likewise be exempted from this Act and shall follow the guidelines promulgated by Executive Order No. 51, series of 1986 (the Philippine Milk Code), its implementing rules and regulations and other pertinent regulations.

ARTICLE III. RESTRICTIONS ON THE MARKETING OF PRE-PACKAGED FOOD PRODUCTS REQUIRED TO HAVE A WARNING LABEL

SEC. 13. *Minimizing the Power of Child-Directed Marketing.* –

a. It is absolutely prohibited to employ child-directed marketing or to initiate, produce, publish, broadcast, or disseminate any marketing that employs child-directed marketing techniques for all pre-packaged food required to have a warning label under Section 6 of this Act. This prohibition includes, but is not limited to, such child-directed marketing in the following settings:

    i. Outdoor environments (such as billboards);

    ii. Retail environments (such as vending machines and in points-of-sale), especially child-directed marketing within the direct line of sight of children in groceries, supermarkets, and retail stores engaged in the sale of pre-packaged food products in small-scale and commercial quantities;

    iii. Public spaces (such as public transportation terminals and utility vehicles); and

    iv. Digital media and e-commerce platforms, such as, but not limited to, social media platforms and mobile application platforms.

b. All persons who sell, manufacture, distribute, or import pre-packaged food that are required to have a warning label herein are likewise prohibited from engaging in sponsorship as defined in this Act. This prohibition shall also apply to any person who receives or facilitates such sponsorship, including but not limited to, the media or event organizer, venue owner, team owner, sportsperson, celebrity, artist, or other performer.

c. The DOH is hereby authorized to identify and regularly publish a schedule of forms, methods, and means of marketing that are considered child-directed marketing under this Act, and other similar and analogous appeals to child-directed marketing techniques for the guidance of relevant stakeholders.

SEC. 14. *Reducing Exposure of Children to the Marketing of Pre-packaged Food Products required to have a Warning Label.* – It is absolutely prohibited to market pre-packaged food products required to have a warning label under Section 6 of this Act in the following settings:

a. In and within 250 meters from any point of the perimeter of child-centered settings;

b. Between 6:00 a.m. to 10:00 p.m. for all programs, commercials, and films shown in television with a rating other than R-18 by the Movie and Television Review and Classification Board (MTRCB); and

c. Between 6:00 a.m. to 10:00 p.m. for all programs and commercials broadcast on radio.

SEC. 15. *When Communication is not considered Marketing.* – The following exhaustive list of communications and actions shall not be considered marketing of pre-packaged food products required to have a warning label under Section 6 of this Act even if likely to have an incidental promotional effect. *Provided,* That they are reported to the DOH as required under Section 16 of this Act:

a. Display of brand name, product name, and/or manufacturer's name on pre-packaged food product packaging, without any marketing features on the package;

b. Dissemination or reporting of information on company practices that do not involve contributions to other parties, where required for necessary business administration or for mandated corporate reporting;

c. Legitimate journalistic, artistic, or academic expression of food and beverage content and genuine social or political commentary, authored or created by named individuals engaged in journalism, art, or the academe, for which no payment or any other consideration is made by the food and beverage industry;

d. Product information provided to entities within the food and beverage industry trade, with access only to persons/entities who need the information; and

e. Manufacturers and distributors' newsletters destined for distribution within the food and beverage industry and related business partners.

SEC. 16. *Promoting Transparency in Food and Beverage Marketing.* – Within two (2) years from the date of effectivity of this Act, large enterprises (as defined by the Department of Trade of Industry) in the food and beverage industry shall submit an annual report to the Department of Health – Health Promotion Bureau (HPB), copy furnishing the FDA-CFRR, detailing all expenditures relating to the marketing of pre-packaged food products required to have a warning label under Section 6 of this Act The DOH-HPB shall prescribe the manner and form of such report and shall provide sanctions for non-compliance.

ARTICLE IV. IMPLEMENTATION

SEC. 17. *Lead Agency.* – The DOH shall oversee and ensure the implementation of the provisions of this Act in coordination with the agencies that shall comprise the inter-agency task force in Section 18 of this Act, and shall have the power to issue other policies, rules, regulations, and standards for such implementation. In line with this mandate, the DOH shall convene and lead the inter-agency task force in Section 18 for the implementation of this Act.

SEC. 18. *National Task Force for a Healthy Food Marketing Environment.* – To ensure inter-agency coherence and consistency in the implementation of Articles II and III of this Act, a National Task Force (NTF) for a Healthy Food Marketing Environment is hereby created.

a. The NTF shall be composed of the following persons and/or heads of the following offices, to wit:

DOH	Chairperson
FDA	Vice Chairperson
CWC	Vice Chairperson
Department of Education (DepEd)	Member
Department of Trade and Industry	Member
Department of the Interior and Local Government	Member
Land Transportation Franchising and Regulatory Board	Member
Early Childhood Care and Development (ECCD) Council	Member
National Council for Children's Television	Member

The Department Secretaries or Chairpersons may designate permanent and alternate authorized representatives to the NTF.

b. The NTF shall:

   i. Coordinate and align programs, strategies, and activities to enforce the provisions of this Act, as applicable;

   ii. Monitor and evaluate implementation of this Act;

   iii. Develop and regularly implement a nationwide social and behavior change communication (SBCC) campaign to promote the consumption of healthy food and beverages, increase health and nutrition literacy among Filipinos, emphasize the risks of overconsuming foods that are high in fats, sodium, and sugar, and discourage the consumption of pre-packaged food required to have a warning label; and

   iv. Develop and implement programs and activities to build the capacity of the NTF members to fulfil their mandates and functions under this Act.

c. The NTF may, as necessary, coordinate and collaborate with other government agencies, civil society and non-government organizations, and individual experts that have relevant mandates and/or expertise that may be useful to accomplish its functions under this Act. *Provided,* That Sections 24 and 25 of this Act are strictly complied with.

SEC. 19. – *Powers and Functions of the Members of the National Task Force for a Health Food Marketing Environment.* –

a. The DOH shall:

   i. Regularly convene the NTF as chairperson and coordinate with its members to develop and implement strategies and activities to enforce the provisions of this Act;

   ii. Regularly publish a schedule of forms, methods, and means of marketing that are considered child-directed marketing as defined under this Act, and other similar and analogous appeals to child-directed marketing techniques;

   iii. Coordinate with the FDA, ECCD, DTI-CFRR, and LGUs, as applicable, to enforce the marketing prohibitions in and within 250 meters from any point of the perimeter of child-centered settings under Section 14(a) of this Act;

   iv. Identify other child-centered settings as defined under this Act, in coordination with the Department of Education and ECCD Council;

   v. Develop guidelines to enforce the prohibitions under Section 14(a) of this Act, in coordination with the FDA and CWC;

   vi. Develop and implement programs, strategies, and activities to promote healthy food and beverages, in coordination with the DILG for local implementation under Section 20 of this Act and with the DepEd for implementation within schools;

   vii. Implement SBCC strategies and activities to promote the consumption of healthy food and beverages among Filipinos pursuant to Section 18(b)(iii) of this Act;

   viii. Oversee the development of programs and activities to build the capacity of the NTF members to fulfil their mandates and functions under this Act in accordance with Section, in coordination with the NTF members and other relevant stakeholders;

b. The FDA, through the Center for Food Regulation and Research shall:

   i. Assist the DOH in convening the NTF, as vice chairperson;

   ii. Enforce the prohibitions relating to warning labels under Section 6, 7, and 9 of this Act;

   iii. Develop guidelines to prescribe procedures and requirements for record-keeping of food and beverage manufacturers to comply with this Act;

   iv. Enforce compliance with Sections 6, 7, 9, and 13 of this Act;

v. Coordinate with the DOH to develop guidelines to enforce the prohibitions under Section 14(a) of this Act;

vi. Implement SBCC strategies and activities to promote the consumption of healthy food and beverages among Filipinos pursuant to Section 18(b)(iii) of this Act;

c. The CWC shall:

i. Assist the DOH in convening the NTF, as vice chairperson;

ii. Coordinate with the DOH to develop guidelines to enforce the prohibitions under Section 14(a) of this Act;

iii. Implement SBCC strategies and activities to promote the consumption of healthy food and beverages among Filipinos pursuant to Section 18(b)(iii) of this Act, especially for children;

d. The DepEd shall:

i. Coordinate with schools and local government units to enforce the marketing prohibitions in and within 250 meters from any point of the perimeter of child-centered settings under Section 14(a) of this Act;

ii. Implement SBCC strategies and activities to promote the consumption of healthy food and beverages among Filipinos pursuant to Section 18(b)(iii) of this Act, within schools, such as but not limited to developing curriculum materials on food marketing to children, as part of the media and information literacy subject, and nutritional warnings.

e. The DTI shall:

i. Enforce prohibitions against child-directed marketing through sponsorship under Section 13(b) of this Act. *Provided,* That when the violation occurs in and within 250 meters from any point of the perimeter of child-centered settings, Section 14 shall apply and be enforced by the FDA, ECCD, and LGUs, as applicable;

ii. Enforce the marketing prohibitions for retail environments under Section 13 (a)(ii) of this Act;

iii. Enforce the marketing prohibitions for digital and e-commerce platforms under Section 13(a)(iv) of this Act;

iv. Enforce the marketing prohibitions for broadcast radio under Section 14(c) of this Act;

v. Support LGUs to enact and implement ordinances or executive orders under Section 20 of this Act.

f. The DILG shall:

    i. Support LGUs to enact and implement ordinances or executive orders under Section 20 of this Act.

g. The LTFRB shall:

    i. Enforce prohibitions against child-directed marketing under Section 13(a)(iii) of this Act in public utility vehicles;

h. The ECCD Council shall:

    i. Enforce the marketing prohibitions in and within 250 meters from any point of the perimeter of child-centered settings under Section 14(a) of this Act, in coordination with the DOH;

    ii. Coordinate with the DOH for the identification of other child-centered settings as defined under this Act; and

i. The NCCT shall:

    i. Enforce the marketing prohibitions for broadcast television under Section 14(b) of this Act.

SEC. 20. *Local Implementation.* –

a. LGUs, through appropriate issuances such as ordinances or executive orders, shall establish mechanisms to enforce the provisions under Sections 6, 7, 9, 13, and 14(a) of this Act, as applicable, within their jurisdictions and shall impose penalties for violations thereof. For this purpose, local health boards (LHBs) and local councils for the protection of children (LCPCs) shall regularly monitor the compliance of LGUs with the provisions of this Act.

b. All LGUs are enjoined to form Local Task Forces for Healthy Food Marketing Environment to implement the provisions of this Act, and shall mobilize local law enforcement to apprehend violators of this Act and to institute the appropriate criminal proceedings therefor. Such task forces shall be led by a local office with expertise on childhood nutrition and/or health promotion, and shall include youth and civil society representation, which representation shall strictly comply with Sections 24 and 25 of this Act. The LTF shall submit reports to the NTF of any prohibited marketing herein denied, removed, disabled, or acted upon, as well as complaints received from individuals or organizations, annually beginning from the implementation of the prohibitions of this Act.

c. LGUs may mobilize the Special Health Fund under Republic Act No. 11223 or the Universal Healthcare Act, among other resources available, to implement local projects, programs, and activities consistent with this Act.

SEC. 21. *Role of the Ad Standards Council and Other Entities.* –

a. The Ad Standards Council (ASC) shall revise its standards, guidelines, codes of ethics, and other rules and regulations in compliance with the provisions of this Act, no later than one (1) year from its effectivity.

b. Without prejudice to other provisions of this Act, all entities involved in the marketing chain, whether analog or digital, including digital media or e-commerce platforms shall:

    i. Monitor and remove or disable any prohibited marketing upon notice by the NTF that a violation of this Act may have occurred;

    ii. Establish an effective process and mechanism to receive and act on complaints from individuals and organizations for violations of this Act as may be required by NTF, and report to the NTF actions taken on said complaints; and

    iii. Preserve relevant documents, websites, webpages, upon request of the NTF.

SEC. 22. *Inspection Powers and Record Keeping.* – The FDA through its registered agents shall have the power to inspect the premises and records of manufacturers and distributors to determine compliance with the provisions of Sections 6, 7, 9, or 10 of this Act. The FDA shall develop guidelines to prescribe procedures and requirements for record-keeping.

SEC. 23. *Compliance by Micro, Small, and Medium Enterprises (MSMEs).* – The DTI, in coordination with other relevant government agencies and stakeholders, shall develop and implement programs to assist micro, small, and medium-sized food business operators of pre-packaged food covered by this Act.

SEC. 24. *Policy against Industry Interference.* – Government, including institutions and instrumentalities of the State at the national and sub-national levels and to persons working in government or engaged by government to work on its behalf, shall ensure that policy setting and implementation of laws that ultimately aim to promote the right to health of all Filipinos, especially children, are protected from the commercial and other vested interests of the food and beverage industry.

SEC. 25. *Declaration against Conflict of Interest.* – All representatives of government agencies and organizations, including civil society, non-government, grassroots, and international organizations, that take any part, directly or indirectly, in the setting and implementing of policies and measures that are part of the strategic framework of measures to reduce overweight and obesity shall be required to fully accomplish a signed declaration under oath prepared by the DOH that states, among others, that they are not affiliated with the food and beverage industry, and that they do not act on such industry's behalf or interests. The signed and notarized copy of such declarations shall be made available to the public primarily via the DOH website and other means to readily access such information.

SEC. 26. *Multisectoral Coordination and Civil Society Participation for Enforcement, Monitoring and Surveillance.* –

a. The State recognizes the role of civil society organizations and the private sector in promoting public health. The NTF members in Section 18 herein may engage civil society organizations and the private sector, as long as they are not affiliated or related with the food and beverage industry and have signed a declaration against conflict of interest described in Section 25, to provide technical assistance in implementing and monitoring the provisions of this Act. The DOH shall develop and implement programs to enable citizen participation in compliance with this Act.

b. Any citizen or civil society, non-government, and grassroots organization is hereby authorized to file an appropriate civil, criminal, or administrative action in the proper courts or administrative body against any public officer who willfully or grossly neglects the performance of a responsibility specifically enjoined by this Act and its implementing rules and regulations, or against any member of the food and beverage industry, including persons working on their behalf, who violates any provision of this Act and its implementing rules and regulations. The court shall exempt such action from the payment of filing fees and shall exempt the plaintiff from the filing of an injunction bond for the issuance of preliminary injunction. In the event that the plaintiff shall prevail, the court shall award reasonable attorney's fees, moral damages, and litigation costs as appropriate. The administrative, civil, and criminal actions allowed under this paragraph shall be cumulative and shall not preclude any other person from filing a similar action.

c. The DOH shall develop and publicize mechanisms for filing anonymous complaints, including the provision of hotlines and whistleblower complaints, to encourage citizen participation in the compliance monitoring and surveillance of this Act.

SEC. 27. *International Cooperation and Provision on Technical and Financial Assistance.* –

a. The State recognizes that international and regional cooperation is an important component of regulating cross-border marketing of pre-packaged food products required to have a warning label.

b. For this purpose, NTF members may seek and receive technical and/or financial assistance from international organizations, except those that belong to or are affiliated with the food and beverage industry as defined herein, for the purpose of implementing the provisions or pursuing the objectives of this Act, subject to existing laws, rules, and regulations. *Provided,* That Sections 24 and 25 of this Act are strictly complied with.

ARTICLE V. PENALTIES

SEC. 28. *Penalties.* – The following penalties shall be imposed for each violation of the prohibitions in this Act:

a. For violations of Sections 6, 7, 9, 13, and 14 of this Act, the following penalties shall be imposed:

Offender	First (1st) offense	Second (2nd) offense	Third (3rd) offense
Large enterprise	Fine of not less than five hundred thousand pesos (Php 500,000) but not more than one million pesos (Php 1,000,000)	Fine of not less than one million pesos (Php1,000,000) but not more than five million pesos (Php 5,000,000)	Fine of not less than five million pesos (Php5,000,000) but not more than ten million pesos (Php 10,000,000)
MSMEs or any other enterprise not considered as a large enterprise by the DTI	Fine of not less than five thousand pesos (Php 5,000) but not more than ten thousand pesos (Php 10,000)	Fine of not less than ten thousand pesos (Php 10,000) but not more than twenty thousand pesos (Php 20,000)	Fine of not less than twenty thousand pesos (Php 20,000) but not more than fifty thousand pesos (Php 50,000) for the third offense.
Natural person	Fine of not more than five thousand pesos (P5,000)	Fine of not less than five thousand pesos (Php 50,000) but not more than ten thousand pesos (Php 10,000)	Fine of not less than ten thousand pesos (Php 10,000) but not more than twenty thousand pesos (Php 10,000) or imprisonment of not more than one (1) year, or both, at the discretion of the court

b. An additional fine of one percent (1%) of the economic value or cost of the violative product or one thousand pesos (P1,000), whichever is higher, shall be imposed for each day of the continuing violation.

c. A fine of not less than one thousand pesos (Php 1,000) nor more than one hundred fifty thousand pesos (P150,000.00), plus the additional fine of not more than one thousand pesos (Php 1,000) for each day of continuing violation shall be imposed against any trader, retailer and/or their agent, found to have committed the prohibited act under Section 11 of this Act.

d. The penalties imposed in this Section shall be without prejudice to other remedies or penalties and sanctions that are available or may be imposed by law.

e. No person shall be subject to the penalties under this Section for having sold, offered for sale, or transferred pre-packaged food products that are not compliant with the provisions of Sections 6, 7, or 9, if such sale, distribution or transfer, was

made in good faith. A sale, distribution, or transfer is presumed to be made in good faith if the seller or distributor has obtained, in writing, a guaranty from the person or food business operator from whom the pre-packaged food were obtained, that said pre-packaged food are not covered by the requirements under Sections 6 and 7 of this Act.

SEC. 29. *Other Corrective Actions.* – In addition to the fines and penalties in Section 28, the following corrective actions, if not initiated by the offenders themselves, shall be imposed by the appropriate authorities to the offenders:

a. Seizure and condemnation, destruction, recall, and/or appropriate disposition of pre-packaged food products that are considered misbranded under Section 9 of this Act, or items that constitute prohibited marketing under Sections 9 (d), 13 or 14 of this Act;

b. The issuance of a Cease-and-Desist Order (CDO) which shall specify that the trader or retailer and/or their agents shall cease and desist from concealment or obstruction of view of warning labels under Section 11 of this Act and that they shall be required to submit a report of compliance therewith within a reasonable time;

c. A submission of a voluntary assurance of discontinuance of concealment or obstruction of warning labels under Section 11 of this Act;

d. Issuance of take-down orders against prohibited advertising, promotion, and sponsorship content under Sections 13 or 14 of this Act;

e. Suspension, revocation, or cancellation of applicable licenses, registrations, and permits to operate for business establishments and operators or drivers of public utility vehicles; including the submission of a recommendation to the LGU concerned, through proper channels, for the cancellation or suspension of licenses, registrations, and permits;

f. The withholding of any permit, license, authority, or registration pending from the appropriate agency or entity;

g. Disapproval of an application for the issuance or renewal of a Certificate of Product Registration (CPR) by the FDA, including suspension, revocation, or cancellation of an existing CPR, for pre-packaged food products that are considered misbranded under Section 9 of this Act;

h. Closure of the establishment by LGUs having jurisdiction over premises where a violation of this Act has been committed; and

i. Censure.

SEC. 30. *Liability of Juridical and Other Persons.* –

a. Should a violation of this Act be committed by a juridical person, the Chair of the Board, the President, the General Manager, or the partners and/or the persons directly responsible therefor shall be penalized.

b. If the offender is an alien, they shall be deported after service of sentence and/or payment of fine without further deportation proceedings and shall be permanently barred from re-entering the Philippines.

c. In case a violation is committed by, or in the interest of, a foreign juridical person duly licensed to engage in business in the Philippines, such license to engage in business in the Philippines shall be immediately revoked.

SEC. 31. *Liability of Government Officials and Employees.* – Public officials and employees who violate Section 24 or 25 of this Act, or who deliberately or knowingly fail to fulfill their responsibilities under this Act, shall be subject to administrative disciplinary action pursuant to relevant laws, rules, and regulations.

ARTICLE VI. FINAL PROVISIONS

SEC. 32. *Healthy Food Marketing Environment Trust Fund.* – A Healthy Food Marketing Environment Trust Fund is hereby created. All fines collected pursuant to the enforcement of this Act shall be used exclusively for its implementation and to fund other measures to promote a healthy food marketing environment. The DOH shall be responsible for the management and control of the Trust Fund.

SEC. 33. *Compliance Monitoring.* – Not later than three (3) years after the date of the effectivity of this Act, and annually thereafter, the DOH shall submit to the President of the Philippines and to both Houses of Congress a monitoring report on the compliance of the food and beverage industry with this Act and all related laws, rules, regulations, and ordinances. All reports required under this Act shall be made available to the public primarily via the DOH website and other means to readily access such information.

The DOH is hereby authorized to report to Congress any instance of delay or non-compliance by the national agencies and LGUs herein of the timelines in implementing this Act. The DOH is also authorized to demand accountability from such agencies or LGUs for failure to fulfill its duties under this Act, without prejudice to other remedies or penalties and sanctions that are available or may be imposed by law for such delay or non-compliance.

SEC. 34. *Impact Assessment.* – The DOH shall conduct an impact assessment every three (3) years to evaluate the effectiveness of the enforcement of this Act, health, behavioral, and social outcomes, and other matters relevant to implementation of this Act. The DOH shall include in its budget the conduct of the assessment.

SEC. 35. *Implementing Rules and Regulations (IRR).* – The DOH, in consultation with the members of the NTF in Section 18, shall promulgate such rules and regulations necessary for the effective implementation of this Act within six (6) months from the date of publication of this Act. The IRR shall cover, among others, the phases of implementation. *Provided,* That non-issuance of the IRR shall not prevent the implementing agencies from enforcing this Act upon its effectivity.

SEC. 36. *Transitory Provision.* – Existing industries, businesses, manufacturers, distributors, and other stakeholders affected by the implementation of this Act shall be given six (6) months from the effectivity of this Act to comply with its requirements.

SEC. 37. *Appropriations.* – The amount necessary to implement the provisions of this Act shall be charged against the current year's appropriations of the concerned national government agencies. Thereafter, such funds as may be necessary for the continued implementation of this Act shall be included in the budgets of the concerned national government agencies under the annual General Appropriations Act.

SEC. 38. *Repealing Clause.* – All laws, decrees, ordinances, administrative orders, rules and regulations, or any part thereof, which are inconsistent with this Act are repealed or amended accordingly.

SEC. 39. *Separability Clause.* – If, for any reason, any part, section or provision of this Act is held invalid or unconstitutional, other provisions not affected thereby shall remain in full force and effect.

SEC. 40. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette and at least two (2) newspapers of national circulation.

Approved,