

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

House Bill No. 819



INTRODUCED BY REP. REYNOLDS MICHAEL T. TAN

EXPLANATORY NOTE

Noncommunicable diseases (NCDs) such as cancer, cardiovascular disease, diabetes, and chronic respiratory diseases account for 68% of the total deaths in the Philippines.¹ Obesity has been identified as a key risk factor for these NCDs.² In the Philippines, the prevalence of overweight and obesity among adolescents has increased from 4.9% in 2003 to 11.6% in 2018,³ with one out of every seven children aged 5 to 19 classified as overweight or obese⁴. Without interventions, more than 30% of Filipino adolescents are estimated to fall into this category by 2030.⁵

The obesogenic environment within the Philippines prevents Filipinos, especially children, from making healthy choices.⁶ Marketing strategies that disproportionately target children⁷—who are especially vulnerable to the influence of advertising and nutritional claims—impact their diets and health.⁸ Nutrition information on food labels is often difficult to access as they are printed on the back of product packaging, and even more difficult to understand—especially among consumers from lower-income households.⁹

It is the State’s duty to “protect and promote the right to health of the people and instill health consciousness among them.”¹⁰ The State must protect and promote the right of every Filipino to the enjoyment of the “highest attainable standard of health,”¹¹ and defend the right of children to proper care and nutrition, and “special protection from conditions that are prejudicial to their

¹ WHO (2019). *Prevention and control of noncommunicable diseases in the Philippines: The case for investment*, p. 1. Available at <https://www.who.int/docs/default-source/wpro---documents/countries/philippines/reports/prevention-and-control-of-noncommunicable-diseases-in-the-philippines---the-case-for-investment.pdf> (last accessed January 23, 2024).

² *Id.* at p. 4.

³ Department of Science and Technology – Food and Nutrition Research Institute (2021). *Expanded National Nutrition Survey 2021*. UNICEF, *Prevention of Overweight and Obesity in Children: Landscape Analysis and Priority Actions Philippines Brief*, available at <https://www.unicef.org/eap/media/8221/file/Prevention%20of%20Overweight%20and%20Obesity%20in%20Children.pdf>

⁴ *Id.*

⁵ UNICEF (2022). *Everybody Needs to Act to Curb Obesity*. Available at <https://www.unicef.org/philippines/press-releases/everybody-needs-act-curb-obesity> (last accessed January 23, 2024).

⁶ UNICEF (2021). *Prevention of Overweight and Obesity in Children: Landscape Analysis and Priority Actions Philippines Brief*. Available at <https://www.unicef.org/eap/media/8221/file/Prevention%20of%20Overweight%20and%20Obesity%20in%20Children.pdf> (last accessed January 23, 2024).

⁷ Research on children’s exposure to television advertisements indicates that high-sugar, high-salt, and high-fat foods are disproportionately more promoted than healthier alternatives during child-viewing hours. See FoodAct Asia (PH) Policy Brief (2022). *Tackling the Obesity Challenge: Urgent Steps to Regulate TV Food Marketing in the Philippines*.

⁸ UNICEF (2021). *Marketing of Unhealthy Foods and Non-alcoholic Beverages to Children*. Available at <https://www.unicef.org/media/116691/file/Marketing%20restrictions.pdf> (last accessed January 23, 2024).

⁹ Sinclair, et al. (2013). *Sociodemographic differences in the comprehension of nutritional labels on food products*.

¹⁰ Philippine Constitution, art. II (15).

¹¹ Convention on the Rights of the Child, art. 24(1).

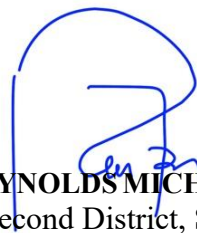
development.”¹² In meeting these duties, the State must strive to create a healthy environment that enables Filipinos, especially children, to make healthy food choices.

This proposed measure aims to address the foregoing issues, and fulfil the above-mentioned duties of the State, by:

- (1) Introducing front-of-pack warning labels to help Filipinos avoid food that exceed prescribed thresholds for energy, fat, sodium, and sugar; and
- (2) Regulating marketing on various media channels and in locations frequented by children to minimize the power of, and reduce the exposure of children to, marketing of food that exceed prescribed thresholds for energy, fat, sodium, and sugar.

Similar policies in other countries have shown promising results, with front-of-pack labels having been proven to reduce purchases of unhealthy food and beverages¹³ and marketing restrictions leading to a significant decrease in children's exposure to unhealthy food and beverage advertising.¹⁴

The proposed measure aligns with our shared vision of creating a *Healthy Pilipinas* where Filipinos can lead healthy lives. Thus, approval of this bill is earnestly sought.



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Second District, Samar

¹² Philippine Constitution, art. XV (3).

¹³ UNICEF (2021). *Front of Pack Nutrition Labelling*. Available at [https://www.unicef.org/media/116686/file/Front-of-Pack%20Nutrition%20Labelling%20\(FOPNL\).pdf](https://www.unicef.org/media/116686/file/Front-of-Pack%20Nutrition%20Labelling%20(FOPNL).pdf) (last accessed January 23, 2024).

¹⁴ UNICEF (2021). *Marketing of Unhealthy Foods and Non-alcoholic Beverages to Childre*. Available at <https://www.unicef.org/media/116691/file/Marketing%20restrictions.pdf> (last accessed January 23, 2024).

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INTRODUCED BY REP. REYNOLDS MICHAEL T. TAN

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 the House of Representatives of the Philippines in Congress assembled:

ARTICLE I. GENERAL PROVISIONS

SECTION 1. *Short title.* This Act shall be known as the “Healthy Food Marketing Environment Act”.

SECTION 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 therefore 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.

SECTION 3. *Objective.* This Act aims to:

- Guide the population in making informed food purchases and discourage Filipinos—especially children—from consuming food containing energy, fat, sodium, and sugar in excess of the prescribed maximum thresholds; and
- Minimize the power of, and reduce the exposure of children to, marketing of food and beverages containing energy, fat, sodium and sugar in excess of the prescribed maximum thresholds.

SECTION 4. *Definition of terms.* As used in this Act:

- “**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;¹⁵
- “**Calories**” refer to the unit of measurement used to determine the amount of energy that a food provides;
- “**Child**” refers to a person aged under 18 years old.

¹⁵ National Code of Marketing of Breastmilk Substitutes, Breastmilk Supplements and Other Related Products, Executive Order No. 51, § 4(a) (1986).

- 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 prepackaged food product is delivered or sold for purposes of distribution in commerce. Distributors include importers, exporters, traders, or wholesalers.
- 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 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 prepackaged 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 prepackaged food to inform consumers when a product contains excessive amounts of nutrients of concern;¹⁶
- m. **“Importer”** means the consignee or the Philippine agent or representative of a foreign owner or consignee of raw materials, ingredients, and/or finished prepackaged 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 prepackaged food required to have a warning label under this Act. This shall include any person who attaches one's own brand name to a prepackaged 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.¹⁷
- 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.

¹⁶ 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).

¹⁷ 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”** refer 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 prepackaged 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.¹⁸
- 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.¹⁹
- 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 prepackaged food.
- y. **“Prepackaged food”** refer to processed food prepared in advance and placed in a container, labelled and ready for sale or distribution, or for catering purposes.
- z. **“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.
- aa. **“Public space”** means a place accessible to the general public or a place for collective use, regardless of ownership or right to access.
- bb. **“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.
- cc. **“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;
- dd. **“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);
- ee. **“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.²⁰
- ff. **“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;
- gg. **“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;
- hh. **“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 (e.g., cow, goat, carabao, lamb, deer, etc.) 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.

¹⁸ Norma Oficial Mexicana 051/2020 [NOM 051/2020], Art. 3.38 (2020) (Mexico).

¹⁹ Food and Agriculture Organization of the United Nations & World Health Organization, *Codex Alimentarius: International Food Standards, Guidelines on Nutrition Labeling* as of 2021.

²⁰ 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*.

SECTION 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.

ARTICLE II. MAXIMUM VALUES OF NUTRIENTS OF CONCERN IN PREPACKAGED FOOD PRODUCTS

SECTION 6. *Maximum values of nutrients of concern for prepackaged 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 prepackaged food. Pending the development of a local NPM, the WHO Nutrient Profile Model for South-East Asia Region shall be used as the basis for such maximum values. The DOH may coordinate with the Department of Science and Technology – Food and Nutrition Research Institute (DOST-FNRI) in developing an NPM for the Philippines.

ARTICLE III. FRONT-OF-PACKAGE WARNING LABELS

SECTION 7. *Mandatory front-of-package warning labels.* No person shall sell, manufacture, import, or distribute prepackaged 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 6 of this Act.

SECTION 8. *Form, size, placement, and characteristics of the warning label.*

- a. The warning label shall be displayed in a manner prescribed by the FDA, in accordance with the following guidelines:
 - i. 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”If the product’s calories is in excess of the prescribed values the package must include the following warning label:
 - “HIGH IN CALORIES”
 - ii. If the product contains sweeteners, the package must include the following warning label:
 - “CONTAINS SWEETENERS, NOT RECOMMENDED FOR CHILDREN”.
 - iii. The warning label shall have the form of black octagons with a white edge and capital letters;
 - iv. 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;
 - v. The warning label 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;
 - vi. 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.
 - vii. 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.
 - viii. 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 prepackaged food distributed in the Philippines. In addition, the FDA is encouraged to release guidelines pertaining to the placement of products at the point of sale.

SECTION 9. *Prohibition against misleading claims.* It is absolutely prohibited for all prepackaged food required to have a warning label under Section 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; and
- c. Any other health and nutrition claim.

SECTION 10. *Misbranded.* A violation under Sections 7, 8, 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.

SECTION 11. *Exemptions.* Prepackaged 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, its implementing rules and regulations and other pertinent regulations.

ARTICLE IV. RESTRICTIONS ON THE MARKETING OF PREPACKAGED FOOD PRODUCTS REQUIRED TO HAVE A WARNING LABEL

SECTION 12. *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 employ child-directed marketing techniques for all prepackaged food required to have a warning label under Section 7 of this Act.
- b. All persons who sell, manufacture, distribute, or import prepackaged food that are required to have a warning label 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.

SECTION 13. *Reducing exposure of children to the marketing of prepackaged food required to have a warning label.* It is absolutely prohibited to market prepackaged food required to have a warning label under Section 7 of this Act in the following settings:

- a. In and within 250 meters from any point of the perimeter of child-centered settings; and
- 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).
- c. Between 6:00 a.m. to 10:00 p.m. for all programs and commercials broadcast on radio.

SECTION 14. *When communication is not considered marketing.* The following exhaustive list of communications and actions shall not be considered marketing of prepackaged food required to have a warning label under Section 7 of this Act even if likely to have an incidental promotional effect, provided they are reported to the DOH as required under Section 15 of this Act:

- a. Display of brand name, product name, and/or manufacturer's name on prepackaged 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.

SECTION 15. *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 prepackaged food required to have a warning label under Section 7 of this Act The DOH-HPB shall prescribe the manner and form of such report and shall provide sanctions for non-compliance.

ARTICLE V. IMPLEMENTATION

SECTION 16. *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 17 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 17 for the implementation of this Act.

SECTION 17. *National Task Force for a Healthy Food Marketing Environment.* To ensure inter-agency coherence and consistency in the implementation of Articles III and IV 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 prepackaged 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 23 and 24 of this Act are strictly complied with.

SECTION 18. 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 13(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 13(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 19 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 17(b)(iii) of this Act;
 - i. 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 7, 8, 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 7, 8, 9, and 12 of this Act;
 - v. Coordinate with the DOH to develop guidelines to enforce the prohibitions under Section 13(a) of this Act;
 - vi. Implement SBCC strategies and activities to promote the consumption of healthy food and beverages among Filipinos pursuant to Section 17(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 13(a) of this Act;
 - iii. Implement SBCC strategies and activities to promote the consumption of healthy food and beverages among Filipinos pursuant to Section 17(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 13(a) of this Act;
 - ii. Implement SBCC strategies and activities to promote the consumption of healthy food and beverages among Filipinos pursuant to Section 17(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 12(b) of this Act, *provided that* when the violation occurs in and within 250

- ii. Enforce the marketing prohibitions for broadcast radio under Section 13(c) of this Act;
- iii. Support LGUs to enact and implement ordinances or executive orders under Section 19 of this Act;

SECTION 19. *Local implementation.*

- a. LGUs, through appropriate issuances such as ordinances or executive orders, shall establish mechanisms to enforce the provisions under Sections 7, 8, 9, 12, and 13(a) of this Act, 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 23 and 24 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.

SECTION 20. *Role of the Ad Standards Council.* 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.

SECTION 21. *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 7, 8, 9, or 12 of this Act. The FDA shall develop guidelines to prescribe procedures and requirements for record-keeping.

SECTION 22. *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 prepackaged food covered by this Act.

SECTION 23. *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.

SECTION 24. *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.

SECTION 25. *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 17 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 24, 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.

SECTION 26. *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 prepackaged food 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 23 and 24 of this Act are strictly complied with.

ARTICLE VI. PENALTIES

SECTION 27. *Penalties.* The following penalties shall be imposed for each violation of the prohibitions in this Act:

- a. For violations of Sections 7, 8, 9, 12, and 13 of this Act, the following penalties shall be imposed:

Offender	First (1 st) offense	Second (2 nd) offense	Third (3 rd) offense
Large enterprise	Fine of not less than five hundred thousand pesos (Php 500,000)	Fine of not less than one million pesos (Php1,000,000) but not	Fine of not less than five million pesos (Php5,000,000) but

	but not more than one million pesos (Php 1,000,000)	more than five million pesos (Php 5,000,000)	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. 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.
- d. No person shall be subject to the penalties under this Section for having sold, offered for sale, or transferred prepackaged food that are not compliant with the provisions of Sections 7, 8, 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 prepackaged food were obtained, that said prepackaged food are not covered by the requirements under Sections 7 and 8 of this Act.

SECTION 28. *Other corrective actions.* In addition to the fines and penalties in Section 27, 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 prepackaged food that are considered misbranded under Section 10 of this Act, or items that constitute prohibited marketing under Sections 12 or 13 of this Act;
- b. Issuance of take-down orders against prohibited advertising, promotions, and sponsorship content under Sections 12 or 13 of this Act;
- c. Suspension, revocation, or cancellation of applicable licenses, registrations, and permits to operate for business establishments and operators or drivers of public utility vehicles;
- d. 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 prepackaged food that are considered misbranded under Section 10 of this Act;
- e. Closure of the establishment by LGUs having jurisdiction over premises where a violation of this Act has been committed.

SECTION 29. *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.

SECTION 30. *Liability of government officials and employees.* Public officials and employees who violate Section 23 or 24 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 VII. FINAL PROVISIONS

SECTION 31. *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.

SECTION 32. *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.

SECTION 33. *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.

SECTION 34. *Implementing rules and regulations (IRR).* The DOH, in consultation with the members of the NTF in Section 17, 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.

SECTION 35. *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.

SECTION 36. *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.

SECTION 37. *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.

SECTION 38. *Separability clause.* Should any provision of this Act be subsequently declared unconstitutional, the other provisions not so declared shall remain in full force and effect.

SECTION 39. *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,