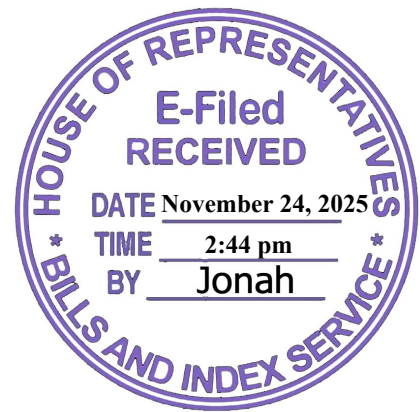




Republic of the Philippines
House of Representatives
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 6327



Introduced by: Rep. Esmael G. Mangudadatu

EXPLANATORY NOTE

The right to know what any Filipino ingests is protected under R.A. No. 7394 or the Consumer Act of the Philippines, which mandates that businesses provide accurate information to consumers to protect them from health hazards and deceptive practices. The Consumer Act requires information on health and safety, and while the specific requirement for clear nutrition facts and warning labels is an ongoing discussion, the spirit of this law obligates businesses to provide information that allows consumers to make sound choices

The penchant for consumption of pork and or those containing pork and/or pork-derived additives, whether locally produced or sourced from abroad, is one of the main drivers of the Filipino food industry. From pork meat, lard, and additives sourced from any anatomy of a swine, any of these ingredients tend to be added in pre-packed or commercially sold ready-to-eat or fresh-from-the-stove foods being offered in the market.

However, although a dominant majority of the Filipino nation include pork in their diet, at least 6.42% or approximately 6,981,710 (PSA, 2020) of the total Philippine population bar pork or any ingredient derived from pork in their diet, either due to personal preferences, religious belief, or for health reasons.

This bill, which seeks for the inclusion of prominent labels on foods containing pork or pork-derived additives, therefor, aims to further strengthen the Consumer Act of the Philippines by mandating businesses engaged in commercial mass food production, sale, and/or distribution to protect the right of every Filipino to know what he/she ingests in order to facilitate sound choice and the proper exercise of the rights of the consumer, be it for health reasons or as a matter of religious belief or personal preference.


ESMAEL G. MANGUDADATU



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HOUSE BILL NO. 6327

AN ACT
MANDATING FOR THE VIVID LABELING ON THE PACKAGING OF FOODS CONTAINING PORK
OR PORK-DERIVED ADDITIVES AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

Introduced by: Rep. Esmael G. Mangudadatu

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

SECTION 1. SHORT TITLE. This Act shall be known and hereinafter be referred to as the “Pork Ingredient and Additive Labeling Law” of the Republic of the Philippines.

SECTION 2. DECLARATION OF POLICY. It is hereby declared the policy of the State to protect the right of every Filipino to know what he/she ingests to facilitate sound choice and the proper exercise of the rights of the consumer, be it for health reasons or as a matter of religious profession and practice. Toward this end, the State undertakes to further strengthen existing laws related to prepacked food labeling, rules and regulations by including the addition of a prominent label for foods containing pork or pork-derived additives to provide information and to protect non-pork-eating consumers from accidental ingestion of foods containing pork or pork-derived additives.

SECTION 3. DEFINITION OF TERMS. For the purpose of this Act, the term:

1. **Bulk Food Materials** refers to raw materials, ingredients and food additives that are packed in wholesale containers or packages either for food industry use, for further processing or institutional use, or food service or catering business, or generally not intended for commercial distribution.
2. **Container** means any form of packaging material, which completely or partially encloses the food and includes wrappers. A container may enclose the food as a single item or several units or types of prepackaged food when such is presented for sale to the consumer.
3. **Food** means any processed substance, which is intended for human consumption and includes drinks and beverages for human beings and any substance which has been used as an ingredient in the manufacture, preparation or treatment of prepacked foods being sold to consumers.
4. **Food Additive** means any substance not normally consumed as a food by itself and not normally used as a typical ingredient of the food, whether or not it has nutritive value, of which the intentional addition in the manufacturing, preparation, processing, treatment, packaging, transport or holding of such food results, or may be reasonably expected to directly or indirectly result, in it or its by-products becoming a component of or otherwise affecting the characteristics of such food.

5. **Information Panel** means the part of the label immediately contiguous to the principal display panel and, in the case of rectangular, cylindrical, or four-sided (tetra-pack) containers, any of the sides adjacent to the principal display panel except the bottom side which serves as the base of the package.
6. **Ingredient** means any substance, including food additive, used as a component in the manufacture or preparation of food and presented in the final product, be it in its original or modified form.
7. **Labeling/Label** means any written, printed or graphic matter upon any food article or any of its containers or wrappers, or accompanying the packaged food.
8. **Prepackaged** means packaged or made up in advance in a container ready for sale or consumption to consumer, or for catering purposes.
9. **Principal Display Panel** means the part of the labeling which, either through design or general use, is presented or shown to the consumer under customary condition of display for retail sale.
10. **Processed Food** means the product resulting from the application of physical, chemical, or biological processes to a primary food commodity intended either for direct sale to the consuming public, for direct use as an ingredient in the manufacture of food, or for further processing.

SECTION 4. COVERAGE. This Act is applicable to all factory-produced or processed bulk food materials and prepacked foods that are either locally manufactured or imported, and introduced or to be introduced in the Philippine market either for the consumers' direct ingestion, for catering or food services businesses, for further processing, or as an ingredient to other foods intended either for end-user consumption or to be marketed to consumers in the Philippines.

SECTION 5. PORK OR PORK-DERIVED ADDITIVE INGREDIENT LABELS. All domestic food or bulk food materials manufacturing, processing, or distribution business in the Philippines, including distributors of imported foods and bulk food materials, whose products contain pork or any pork-derived additive as ingredient/s to the manufactured, processed, or prepacked foods or bulk food materials that are intended for marketing in the Philippines are hereby mandated to allot in their respective product's labeling a highly visible and graphic product information that shall have two (2) components: 1) an image of a swine or swine's head; and 2) a textual information indicating that the food contains pork or pork-derived additives.

- a. The informative graphics shall be printed on not less than five percent (5%) on the surface of the product label's principal display panel and not less than ten percent (10%) on the information panel, or prominently at the bottom of principal display panel in the case of bulk food materials or other food items that are exempted under Department of Health's Administrative Order No. 2014-0030 that provides for revised rules and regulations governing the labeling of prepacked food products.
- b. Nothing shall be printed or applied on a location where it is likely to obscure or cover, in part or in whole, the graphic information.
- c. The graphic information shall be printed or inscribed on the food package or container in a color which contrasts conspicuously with the background of the package or its labels. The printing of the graphic information shall be done using current available technology for purposes of providing vivid and realistic infographics without the use of any border, frame, or any design that will effectively lessen the size of the warning.
- d. The textual information shall have the following specifications:
 - i. For foods that incorporated pork as an ingredient, the textual information shall be "With Pork" and "May Sangkap na Karneng Baboy."
 - ii. For foods that used pork-derived additives, the textual information shall be "With Pork-Derived Additives" and "May Sangkap na Hango sa Baboy".
 - iii. The accompanying text shall be printed in Filipino on the principal display panel and English on the information panel. In the case of other containers or labeling where there is only one (1) external surface area, the accompanying text will alternately be in English or Filipino.
- e. The importers and/or distributors of imported foods or bulk food materials are responsible in identifying the presence of pork and/or pork-derived additives in the food

products that they sell to the Philippine market. As such, must make the necessary arrangements within their respective firms and/or with the food or bulk food material manufacturer, processor, or producer to meet the infographics as contemplated in Section 5(a), (b), (c), and (d).

- f. Businesses engaging in food services that serve foods with pork or pork-derived ingredients are mandated to vividly include the herein contemplated infographics on their respective menu booklet, menu display, or recipe tags.

SECTION 6. PROHIBITION ON THE DISPLAY AND SALE OF NON-COMPLIANT PORK- OR PORK-DERIVED ADDITIVES-BEARING PREPACKED FOODS. One year upon the effectivity of Act, no person or legal entity is allowed to sell or commercially distribute or display any pork- or pork-derived additive-bearing prepacked food product without ensuring that the labeling and packaging meet the requirements under Section 5 of this Act.

SECTION 7. LIABILITY OF MANUFACTURERS, PRODUCERS, IMPORTERS, AND DISTRIBUTORS. Manufacturers, producers, importers, and distributors of food products containing pork or pork-derived additives as ingredient/s shall be directly liable for any violations of the provisions of this Act. Owners of restaurants, fast food chains, catering firms, and other food service businesses that do not comply to Section 5(f) of this Act shall be directly liable as well.

In the case of a business entity or establishment, the chairperson of the Board of Directors, the president, manager and the corporate officials thereof, owner in the case of a sole proprietorship, and partners in the case of a partnership shall be directly responsible therefore and shall be made accountable when such officials directly participated in violating any provision of this Act. Agents/representatives of the said manufacturers, producers, importers, and distributors who commit any violation of the provisions of this Act and its implementing rules shall be jointly and severally liable with the manufacturers, importers, and distributors.

SECTION 8. PENALTIES FOR NONCOMPLIANCE. a) The following penalties shall individually apply to manufacturers, producers, and, in case of imported foods, importers and primary domestic distributors of non-compliant food products as well as their direct agents/representatives for any violation of Sections 5 and 6 insofar as they are responsible for either providing food labels or packaging or causing the distribution and retail sale that are in violation of this Act:

1. On the first offense, a fine of not more than two hundred thousand pesos (P200,000.00);
2. On the second offense, a fine of not more than five hundred thousand pesos (P500,000.00); and
3. On the third offense, a fine of not more than one million pesos (P1,000,000.00) or imprisonment of not more than five (5) years, or both, at the discretion of the court: *Provided*, That the business permits and licenses, in the case of a business entity or establishment shall be revoked or cancelled.

If the guilty officer is a foreign national, he shall be deported after service of sentence and/or payment of applicable fines without need of further deportation proceedings and shall be permanently barred from re-entering the Philippines.

Each warehouse withdrawal or importation into the Philippine customs territory of non-compliant pork- or pork-derived-additives-bearing prepacked foods, regardless of size, for sale to the market, after the compliance date shall constitute one (1) offense. An additional penalty of one hundred thousand pesos (P100,000.00) per day shall be imposed for each day the violation continues after having received the order from the Department of Trade and Industry (DTI) notifying the company of the infraction.

b) The following penalties shall individually apply to owners of restaurants, fast food chains, catering firms, and other food service businesses that do not comply to Section 5(f) of this Act and to retailers/sellers of non-compliant pork- or pork-derived-additives-bearing prepacked foods as well as their agents/ representatives for any violation of Sections 5 and 6 of this Act

insofar as they are involved in the display, offering for sale, and selling of foods that are non-compliant:

1. On the first offense, a fine of not more than ten thousand pesos (P10,000.00);
2. On the second offense, a fine of not more than fifty thousand pesos (P50,000.00); and
3. On the third offense, a fine of not more than one hundred thousand pesos (P100,000.00) or imprisonment of not more than one (1) year, or both, at the discretion of the court. The business permits and licenses, in the case of a business entity or establishment shall be revoked or cancelled.

Each day that non-compliant food packages are found in the retail establishments of the retailers or that the prescribed labels/tags missing from restaurant menu booklets, display, or recipe tags after the compliance date shall constitute one (1) offense. An additional penalty of five thousand pesos (P5,000.00) per day shall be imposed for each day the violation continues after having received the order from the DTI notifying the business entity of the infraction.

SECTION 9. STRICT COMPLIANCE AND INSPECTIONS. – Absolutely no extensions of time to comply with the provisions of this Act shall be granted to concerned food manufacturers, producers, importers, distributors, and food service businesses or any other affected party.

SECTION 10. IMPLEMENTING AGENCIES. The Food and Drug Administration (FDA) is hereby tasked with the responsibility of regularly coordinating with the Department of Trade and Industry (DTI) and the Bureau of Customs (BOC) with regards to the registered and new food products currently available or entering the domestic market that contain pork or pork-derived additives as ingredients.

Upon full effectivity of this Act, the FDA, DTI, and BOC are tasked with the responsibility of conducting regular inspections on all concerned business establishments to ascertain the compliance of the concerned establishments to Section 5 of this Act.

The DTI shall hear complaints filed by any organization or any private citizen, corporation or organization, for any violation of this Act, and after notice and hearing, impose administrative fines of not more than one million pesos (P1,000,000.00) for any violation of this Act, the proceeds of which will be used for health promotion campaigns on food intakes of the Department of Health.

The imposition of the administrative fines shall take into consideration the annual gross sales, capital investment and employee size of the manufacturers, importers and distributors, and in the case of retailers and sellers, their total assets.

SECTION 11. IMPLEMENTING RULES AND REGULATIONS. Within sixty (60) calendar days from its approval, the Food and Drug Administration in consultation with the Department of Trade and Industry, Bureau of Customs, Department of Agriculture, Department of Justice, National Commission on Muslim Filipinos, and two (2) representatives from the business sector shall formulate the necessary rules and regulations for the effective implementation of this Act; *Provided*, That the non-issuance of the IRR shall not prevent the coming into force of this Act.

SECTION 12. REPEALING CLAUSE. All laws, rules, and regulations contrary to the provisions of this Act are hereby repealed, amended, or modified accordingly.

SECTION 13. EFFECTIVITY. This Act shall take effect 15 (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved.