



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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 6625

Introduced by

Representative Edgar R. Erice

AN ACT
PROTECTING CHILDREN FROM UNHEALTHY FOOD MARKETING AND
PROVIDING PENALTIES FOR ITS VIOLATION AND FOR OTHER PURPOSES

EXPLANATORY NOTE

There is an alarming increase in overweight and obesity among Filipino children. In the Philippines, the prevalence of overweight and obesity among school-age children (5 to 10 years old) has increased from 5.7% in 2003 to 12.9% in 2023. Among adolescents (10-19 years old), the prevalence increased from 4.9% in 2003 to 12.5% in 2023. The figures are estimated to increase by 30% by 2030 if no actions are taken.¹ As they grow up, overweight or obese children are stigmatized and develop noncommunicable diseases such as cancer, cardiovascular disease, diabetes, and chronic respiratory diseases.²

The 2025 Child Nutrition Report – ‘Feeding Profit: How food environments are failing children’ – highlights how unhealthy food environments drive the global rise in overweight and obesity among children and adolescents.³ Filipino children live in an increasingly unhealthy food environment with low

¹ Department of Science and Technology – Food and Nutrition Research Institute, *National Nutrition Survey 2024*.

² UNICEF (June 2021), *Prevention of Overweight and Obesity in Children: Landscape Analysis and Priority Actions Philippines Brief*, available at <https://www.unicef.org/cap/media/8221/file/Prevention%20of%20overweight%20and%20obesity%20in%20children.pdf>.

³ United Nations Children’s Fund (UNICEF), *Feeding Profit. How food environments are failing children*. Child Nutrition Report 2025, UNICEF, New York, September 2025. Accessed at <https://www.unicef.org/media/174091/file/CNR%202025%20->

1 availability, accessibility, desirability, and affordability of healthy foods – and high availability,
2 affordability and promotion or marketing of unhealthy foods.

3
4 The State has an obligation to guarantee the proper care and nutrition of children.⁴ This involves
5 providing them with access to a wide range of health services including promotive and preventive
6 care relative to noncommunicable diseases under Republic Act 11223 or the Universal Health Care
7 Act. The State also has the duty to protect children from the harmful effects of irresponsible and
8 inappropriate marketing of unhealthy food and beverages so that they may be able to attain the
9 highest standard of health and promote a balanced diet for a healthy and vigorous life.⁵⁶

10
11 With the onset of accessibility to social media and other forms of multi-media, Filipino children
12 are at the mercy of targeted food and beverages marketing that are not healthful and contribute to
13 frequent visits to the hospital to seek medical attention for various ailments related to poor eating
14 habits.⁷ Admittedly, these marketing strategies prey on children's immature cognitive capabilities
15 and defenses leading to higher consumption of calorie-dense and ultra-processed food and
16 beverages that are rich in salt, sugar, and fat. Such diets are associated with accelerated increase
17 in rates of childhood obesity. Despite the clear negative impact of deceitful and exploitative
18 marketing of unhealthy food and beverages to children's health, there are yet no mechanisms to
19 regulate these activities. These insidiously harmful marketing and advertising tactics that are left
20 unchecked continue to influence children's eating habits and food preferences.⁸

21
22 Both the World Health Organization (WHO) and the United Nations Children's Fund (UNICEF)⁹,
23 which are focused on protecting the rights and welfare of children, support the regulation of the
24 exposure of children to unhealthy food marketing in view of its persuasive appeal.¹⁰

25
26 The current policy landscape, however, fails to realize this vision for children and leaves them
27 vulnerable to exploitation. In 2021, UNICEF assessed that the market for highly processed food
28 products including soft drinks, sweet snacks, and savory snacks is growing in the Philippines, with
29 demand driven by creative marketing strategies by the food manufacturing industry.¹¹ These
30 marketing strategies include the use of misleading nutrition, quality and health claims, product
31 reformulation to make items appear 'healthier', collaborations with movies, and giving away
32 prizes, among others, to target children. None of these strategies are regulated to address the harm
33 brought about by aggressive marketing of unhealthy food and beverages to children.

34
35 This bill seeks to fill a gap in public health policy: the lack of protection of children from the targeted

⁴ 1987 Philippine Constitution, Art. XV, Sec. 3(2).

⁵ Convention on the Rights of the Child (CRC), Article 3 (1), 24 (1)

⁶ Presidential Decree 603, s. 1974, Article 3 (4)

⁷ UNICEF (June 2021), *Unhealthy food marketing in digital media in the Philippines*. Available at [Unhealthy Digital Food Marketing - Philippines.pdf](#)

⁸ UNICEF (2021), *Unhealthy food marketing in digital media in the Philippines*, at pp. 3 to 4, available at <https://www.unicef.org/philippines/reports/unhealthy-food-marketing-children-philippines>.

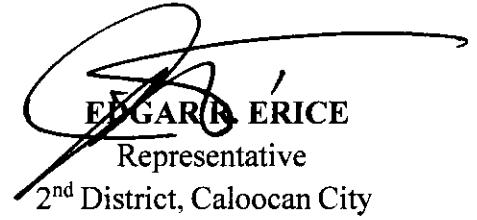
⁹ UNICEF (March 2021) *The market for highly processed food and drink in the Philippines*, accessible at *The Market for Highly Processed Food and Drink: Driving Children's Diets in the Philippines*, UNICEF Philippines.

¹⁰ WHO Regional Office for the Western Pacific (2020), *Regional action framework on protecting children from the harmful impact of food marketing in the Western Pacific, Manila, Philippines*, Licence: CC BY-NC-SA 3.0 IGO, accessible at [9789290619093-eng.pdf](#)

¹¹ UNICEF (2021). *The Market for Highly Processed Food and Drink: Driving Children's Diet in the Philippines*. available at [Philippines Briefing andl](#)

1 promotion of unhealthy foods and beverages. It hampers informed food choices and fosters an unhealthy
2 food environment. The proposed law aims to clearly define what foods are considered healthy or unhealthy,
3 implement measures to shield children from unrestricted promotion of unhealthy options, and involve
4 children more actively in their health decisions.

5
6 The immediate passage of this bill is earnestly sought.
7
8
9

10
11 
12 **EDGAR R. ERICE**
13 Representative
14 2nd District, Caloocan City
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AN ACT

**PROTECTING CHILDREN FROM UNHEALTHY FOOD MARKETING AND
PROVIDING PENALTIES FOR ITS VIOLATION AND FOR OTHER PURPOSES**

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 Environment Act*”.

SECTION 2. *Declaration of policy.* It is the policy of the State to protect and promote the right to health and instill health consciousness among the Filipino people, especially children. To this end, the State supports the right of every child to enjoy the highest attainable standard of health and healthy environments and defend its right to proper care and nutrition.

The State has adopted a national policy of health promotion and preventive care which guarantees Filipinos to access information on healthy food choices and avoid unhealthy foods and non-alcoholic beverages.

1
2 **SECTION 3. Objectives.** This Act seeks to:

- 3 a. reduce the exposure of children to marketing of unhealthy foods and brands associated
4 with unhealthy foods;
5 b. decrease the purchase of unhealthy food by and for children;
6 c. contribute to the prevention of and decrease in childhood overweight, obesity, and all
7 forms of malnutrition; and
8 d. guarantee children's right to adequate and nutritious food and the right to the highest
9 attainable standard of health.

10
11 **SECTION 4. Definition of terms.** As used in this Act:

- 12
13 a. **"Advertising"** means any form of commercial communication, recommendation,
14 message, or representation, with the aim, effect or likely effect of promoting the purchase,
15 consumption, recognition or attractiveness of a product, or the brand related to the product,
16 either directly or indirectly;
17
18 b. **"Brand"** means any distinctive feature like a name, term, design, or symbol that identifies
19 goods, distinguishing a product from those of other sellers'
20
21 c. **"Brand associated with an unhealthy food"** means a brand with an unhealthy food in its
22 product line, or a brand that is included on the packaging of an unhealthy food;
23
24 d. **"Child"** means a person aged under 18 years old or 18 years old and over but cannot fully
25 take care of themselves;
26
27 e. **"Child-directed marketing"** means all marketing targeting children, which includes, but
28 is not limited to, marketing that uses: images, sounds or language designed to appeal to
29 children such as cartoon characters, personalities or celebrities that target or address
30 children in their content (licensed or unlicensed), children actors or voices, or references
31 to school or play; toys or book giveaways, competitions or promotional giveaways, buy-
32 one-take one, discounts, and pricing bundle strategies of food and beverages not permitted
33 to be marketed to children under Section 5; themes designed to attract children (e.g. fantasy
34 or adventure); games or activities that are likely to be popular with children; or other similar
35 or analogous appeals identified by the DOH. Child-directed marketing also includes
36 marketing that is directed to a parent (or another adult) where the end-consumer is a child;¹²
37
38 f. **"Child-centered Settings"** means any location where public activities are held in which
39 children may participate, including but not limited to schools, educational establishments,
40 learning institutions, playgrounds, amusement parks, or other service centers or places
41 frequented by families and children, and other similar and analogous settings. When
42 necessary, the Department of Health (DOH), Early Childhood Care and Development

¹² 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.*

(ECCD) Council, and the Department of Education (DepEd) are authorized to identify other child-centered settings within the ambit of this Act;

- g. **“Codex Alimentarius”** refers to a collection of internationally recognized standards, codes of practice, guidelines, and other recommendations published by the Food and Agriculture Organization and World Health Organization of the United Nations relating to food, food production, food labeling, and food safety;
- h. **“Cross-border marketing”** refers to marketing as defined in this Act, 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;
- i. **“Food and beverages”** refers to 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”;
- j. **“Food and beverage industry”** means manufacturers, wholesale distributors, and importers of food and beverages that are not permitted to be marketed to children defined in this Act;
- k. **“Front-of-pack nutrition label (FOPNL)”** refers to the supplementary nutrition information on the main face of the packaging of prepackaged food to inform consumers, particularly children, when a product is classified as an unhealthy food;
- l. **“Health claim”** means any representation or combination of representations that creates an impression that a product is beneficial for health and well-being. A health claim includes but is not limited to:
 - a) a nutrient function claim that describes the physiological role of the nutrient in growth, development, and normal functions of the body;
 - b) any other function claim concerning specific beneficial effects of the consumption of foods or their constituents that relate to positive contribution to health, to the improvement of a function, or to modifying or preserving health; and
 - c) a reduction of disease risk claim relating to the consumption of a food or food constituent, in the context of the total diet, to the reduced risk of developing a disease or health-related condition;
- m. **“Manufacturer”** means a person who makes, mixes, cooks, packs, combines packaging, or modifies packaging of food and beverages not permitted to be marketed to children as defined in this Act. This shall include any person who attaches one's own brand name to a food and beverage product manufactured, assembled, or processed for them;

- 1 n. **“Marketing”** means any form of commercial communication of messages that are
2 designed to, or have the effect or likely effect of, increasing the recognition, appeal and/or
3 consumption of products and services, whether directly or indirectly. It includes but is not
4 limited to acts of advertising and promotions of a product or service including the
5 advertising of corporate social responsibility initiatives, and sponsorships;¹³
6
7 o. **“Message”** means the presentation of letters, images, artificial marks, photographs, motion
8 pictures, light, sound, or any other action that enables the general public to comprehend
9 the conveyed meaning;
10
11 p. **“Nutrient”** refers to any chemical substance normally consumed as a component of a food
12 that provides energy and/or is necessary for, or contributes to the growth, development,
13 and maintenance of health and life, and/or the absence of which will cause characteristic
14 chemical or physiological changes to occur;
15
16 q. **“Nutrient Profile Model”** refers to a government-developed tool used for classifying and
17 categorizing foods according to their nutritional composition and/or level of processing for
18 reasons related to the prevention of disease and the promotion of health;
19
20 r. **“Nutrition claim”** means any representation which states, suggests or implies that a food
21 has a particular nutritional property including but not limited to the energy value and to the
22 content of protein, fat and carbohydrates, as well as the content of vitamins and minerals.
23 The following do not constitute a nutrition claim:
24
25 a) the mention of substances in the list of ingredients;
26
27 b) the mention of nutrients as a mandatory part of nutrition labeling;
28
29 c) quantitative or qualitative declaration of certain nutrients or ingredients on the label
30 if required by national legislation;
31
32 s. **“Packaging”** means any box, bag, pouch, tube, bottle, packet, carton, tin, or other
33 container or wrapper for a product or set of products for sale as a retail unit; includes other
34 material or insertion that is attached to or included with the container or wrapper;
35
36 t. **“Prepackaged food”** refers to processed food prepared in advance, in the absence of the
37 customer, ready to be offered to customers, and placed in a container, labelled and ready
38 for sale or distribution to individuals or large groups;
39
40 u. **“Promotion”** means any commercial action, activity, or method with the aim, effect, or
41 likely effect of directly or indirectly promoting the purchase, consumption, recognition, or
42 attractiveness of a product, whether there is a reference to a product or brand, independent
43 of the means of dissemination;

¹³ 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.*

- 1
2 v. **“Public event”** means any activity that is open for public access and participation,
3 regardless of the identity of the organizer or coordinator of such activity. It includes but is
4 not limited to events such as sporting, music, and recreation events that target and attract
5 children;
6
7 w. **“Quality claim”** means any representation which states, suggests or implies that a food or
8 one of its constituents is of a certain favorable quality, whether verifiable or not; examples
9 include but are not limited to “best”, “quality”, “premium”, “real”, “original”, “style”; this
10 term (a) includes comparative quality claims; and (b) excludes information contained in
11 the nutrient labeling as required by national legislation;
12
13 x. **“Sponsorship”** means any form of contribution to any event, activity or individual with
14 the aim, effect or likely effect of promoting a food or beverage product either directly or
15 indirectly;¹⁴
16
17 y. **“Unhealthy food”** means a food that exceeds the nutrient thresholds set by the Department
18 of Health (DOH) based on the nutrient profile model (NPM).
19

20 **ARTICLE II**
21 **GENERAL FRAMEWORK ON THE MARKETING OF**
22 **FOODS AND BEVERAGES TO CHILDREN**
23

24 **SECTION 5. *Nutrient Profile Model (NPM).***
25

- 26 (a) The Department of Health (DOH) shall develop and adopt a nutrient profile model (NPM)
27 for classifying and categorizing food according to their nutrient composition and/or level
28 of processing. Pending the development of a local NPM, a conflict-free, evidence-based
29 NPM recommended by the World Health Organization shall be used as the basis for such
30 food classification.
31

32 The DOH shall be guided by the Philippine national dietary guidelines and applicable
33 regional nutrient profile models. Under this Act, the DOH shall not only create an NPM
34 but also regulate exposure of children to and the power of marketing of unhealthy food.
35

- 36 (b) The NPM shall be used to determine whether food and beverages are likely to be part of a
37 healthy diet as distinguished from those that are likely to contribute to excess consumption
38 of sugar, salt and fat and, are therefore, categorized as unhealthy food. Food and beverages
39 classified as unhealthy food shall be prohibited for marketing to children and shall be
40 accompanied by appropriate mandatory front-of-pack nutrition labels, among others,
41 within one (1) year from the date of effectivity of this Act.
42

¹⁴ 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.*

- (c) Without prejudice to the provisions above, the following categories of food and beverages are not permitted to be marketed to children at any time:
- i. chocolate and sugar confectionery, energy bars, and sweet toppings and desserts; *
 - ii. cakes, sweet biscuits and pastries and other sweet bakery products, and dry mixes for making such;*
 - iii. all types of candies, such as hard and chewy candy, chewing gum, marshmallows, and lollipops;**
 - iv. heavily salted snacks such as chips or *chichirya*;**
 - v. instant noodles;**
 - vi. jellies, ice crushes, slushies;**
 - vii. carbonated sugar sweetened beverages, alcoholic drinks, flavored mineral water, energy drinks, sports drinks, tea, coffee, powdered juice drinks;**
 - viii. any processed fruit or vegetable juice with added sugar of more than 20 grams or four teaspoons per serving;**
 - ix. beverages that contain non-sugar sweeteners;* and
 - x. any food or beverage product containing partially hydrogenated oils or with industrially-produced trans-fatty acid content of more than 2 g per 100 g of total oils and fats.*¹⁵

SECTION 6. *Prohibition on Child-directed Marketing of Unhealthy Food.*

- (a) It is absolutely prohibited to employ child-directed marketing techniques and strategies or to initiate, produce, publish, broadcast, or to disseminate any marketing that employs child-directed marketing techniques for food and beverages classified as unhealthy food and brands associated with an unhealthy food under Section 5 of this Act.
- (b) No person shall engage, participate in, or facilitate any sponsorship of food and beverages classified as unhealthy food and brands associated with an unhealthy food and prohibited to be marketed to children, nor engage, participate in, or facilitate any such sponsored event or activity that targets or may attract children. This prohibition shall apply to any person whether as a media or event organizer, venue owner, sportsperson, celebrity, artist, or other performer or supporter, as a provider or recipient of any sponsorship contribution, or intermediary that facilitates the sponsorship.

¹⁵ *WHO Regional Office for the Western Pacific (2016), WHO nutrient profile model for the Western Pacific Region: a tool to protect children from food marketing, accessible at <https://www.who.int/publications/item/9789290617853>. ** with some additions based on DepEd D.O. No 13-2017 (RED category of foods not allowed to be sold in schools)

1 (c) The Food and Drug Administration (FDA), DOH, and the Council for Welfare of Children
2 (CWC) shall formulate the guidelines and standards on prohibiting child-directed
3 marketing within one (1) year from the effectivity of this Act. Without in any way limiting
4 the prohibitions in Section 6 (a) and (b), the DOH may regularly publish a schedule of
5 forms, methods, and means of marketing that are considered child-directed marketing
6 under this Act, and other similar and analogous appeals to child-directed marketing
7 techniques, for the guidance of relevant stakeholders.
8

9 (d) Without prejudice to Section 6 (a) and (b), all entities involved in the marketing chain,
10 whether analog or digital, including digital media communication or e-commerce
11 platforms shall:
12

- 13 i. Monitor and remove or disable any prohibited child-directed marketing by means that
14 may be prescribed by the DOH;
- 15 ii. Establish an effective process and mechanism to receive complaints from individuals and
16 organizations for violations of this Section and to act on such complaints;
17
- 18 iii. Submit reports, in a manner and frequency prescribed by the DOH, of any prohibited
19 marketing herein denied, removed, disabled, or acted upon, as well as complaints received
20 from individuals or organizations;
21
- 22 iv. Preserve, submit or grant access to DOH to relevant documents, websites, webpages,
23 upon request of the DOH.
24

25 (e) The prohibitions and obligations under this section shall be implemented no later than one
26 (1) year from the effectivity of this Act. The following agencies shall enforce the provisions
27 of this section:

- 28 i. The FDA shall enforce prohibitions against child-directed marketing in traditional media
29 including but not limited to print publications, and shall also enforce such prohibitions in
30 digital, online and social media;
31
- 32 ii. Local Government Units (LGUs) shall enforce prohibitions against child-directed
33 marketing in outdoor environments, retail environments (including vending machines and
34 point-of-sale marketing), public spaces (including transportation terminals), public events,
35 and direct marketing in their respective jurisdictions;
36
- 37 iii. The Land Transportation Franchising and Regulatory Board (LTFRB) shall enforce
38 prohibitions against child-directed marketing in public utility vehicles;
39
- 40 iv. The Department of Trade and Industry (DTI) and LGUs shall enforce prohibitions against
41 child-directed marketing through sponsorship as described in Section 7 (b) *provided that*,
42 when the violation occurs in and within 250 meters from any point of the perimeter of
43 child-centered settings, Section 7 shall apply; and
44

1 v. All other violations against child-directed marketing in whatever medium that are not
2 otherwise enforced by other agencies or instrumentalities as provided in this Act shall be
3 enforced by the FDA.
4

5 (f) The Ad Standards Council (ASC) shall revise its standards, guidelines, codes of ethics,
6 and other rules and regulations in compliance with the provisions of this Act, no later
7 than one (1) year from its effectivity.
8

9 **SECTION 7. *Prohibition on Marketing of Unhealthy Food that Children may be Exposed to***
10 ***in Child-Centered Settings or Media.***
11

12 (a) It is absolutely prohibited to market food and beverages identified by the DOH as unhealthy
13 food and brands associated with an unhealthy food under Section 5 of this Act in any
14 manner in the following settings:
15

- 16 i. Within 250 meters from any point of the perimeter of child-centered settings;
17
18 ii. Between 6:00 a.m. to 10:00 p.m. for all programs, commercials, and films shown on
19 television;
20
21 iii. Between 6:00 am to 10:00 p.m. for all programs and commercials broadcast on radio; and
22
23 iv. Digital media and e-commerce platforms, such as but not limited to, social media platforms
24 and mobile application platforms.
25

26 (b) The prohibitions under this Section shall be implemented not later than two (2) years from
27 the effectivity of this Act. The following agencies shall be responsible for the enforcement
28 of the provisions of this section:
29

- 30 i. The DOH, Early Childhood Care and Development (ECCD) Council, Department of
31 Education (DepEd), FDA, and LGUs, as applicable, shall enforce the marketing
32 prohibitions within 250 meters from any point of the perimeter of child-centered-settings;
33
34 ii. The National Council for Children's Television (NCCT) shall enforce the marketing
35 prohibitions in broadcast television;
36
37 iii. The Department of Trade and Industry (DTI) shall enforce the marketing prohibitions for
38 digital and e-commerce platforms and broadcast radio.
39

40 **SECTION 8. *Prohibition against Nutrition, Quality and Health Claims on Unhealthy Food.***
41

42 (a) When a specific food or beverage is classified as an unhealthy food under this Act, it is
43 absolutely prohibited for such to contain any nutrition, quality and health claims or to be
44 marketed using a nutrition, quality or health claim.
45

- 1 (b) The prohibition under this Section shall be implemented not later than two (2) years from
2 the effectivity of this Act. The FDA shall enforce the prohibition in this Section.
3

4 **SECTION 9. *Mandatory Front-of-Pack Nutrition Labels (FOPNL).***
5

- 6 (a) Prepackaged food and beverages categorized as unhealthy food and prohibited from being
7 marketed to children shall be accompanied by appropriate mandatory front-of-pack
8 nutrition labels on the components that make such food or beverage unhealthy and harmful
9 to children's health under Section 5 of this Act.
10

- 11 (b) Within one (1) year from the date of effectivity of this Act, the DOH, together with FDA,
12 shall formulate and adopt a mandatory FOPNL system to regulate marketing of
13 prepackaged food and beverages classified as unhealthy food in whatever form and in all
14 platforms and ensure their compliance to the provisions of this Act. The development of a
15 mandatory FOPNL system shall be based on scientifically valid consumer research,
16 protected from food and beverage industry interference, free from conflicts of interest, and
17 are in line with the Codex Alimentarius guidelines.
18

19 **SECTION 10. *When Communication is Not Considered Marketing.*** The following list of
20 communications and actions shall not be considered marketing of food and beverages
21 notwithstanding any incidental promotional effect, provided they are reported to the DOH as
22 required under Section 11 of this Act:
23

- 24 a. Display of brand name, product name, and/or manufacturer's name on food and beverage
25 product packaging, without any marketing features on the package;
26
27 b. Dissemination or reporting of information on company practices that do not involve
28 contributions to other parties, where required for necessary business administration or for
29 mandated corporate reporting;
30
31 c. Legitimate journalistic, artistic, or academic expression of food and beverage content and
32 genuine social or political commentary, authored or created by named individuals engaged
33 in journalism, art, or the academe, for which no payment or any other consideration is made
34 by the food and beverage industry;
35
36 d. Product information provided to entities within the food and beverage industry trade, with
37 access only to persons/entities who need the information; and
38
39 e. Food and beverage manufacturers' newsletters intended for distribution within the food
40 and beverage industry and related business partners.
41

42 **SECTION 11. *Protecting children from data processing.*** The processing of personal data of
43 children for the development of marketing of prepackaged food products required to have a front
44 of pack nutrition label under Section 9 of this Act shall be prohibited.

1 Large digital platforms and search engines shall maintain and publicly disclose comprehensive
2 marketing repositories, allowing scientific research, civil society and competent authorities to
3 monitor all marketing sold on their service. These repositories shall include information such as
4 the identity of the marketing buyer, the period in which the marketing material was displayed,
5 the demographics of the target audience and information on how the marketing was viewed.

6
7 **SECTION 12. *Promoting Transparency in Food and Beverage Marketing.*** Within two (2) years
8 from the date of effectivity of this Act, large enterprises, as defined by the Department of Trade of
9 Industry (DTI), in the food and beverage industry shall submit an annual report to the DOH, copy
10 furnishing the FDA, detailing all expenditures relating to marketing of food and beverage products.
11 The DOH shall prescribe the manner and form of such report and shall provide sanctions for non-
12 compliance.

13
14 **SECTION 13. *Policy Against Industry Interference.*** This government shall ensure that policy
15 setting and implementation of laws that ultimately aim to reduce obesity and overweight are
16 protected from the commercial and other interests of the food and beverage industry that do not
17 align with the national health policy on health promotion and preventive care.

18
19 **SECTION 14. *Declaration Against Conflict of Interest.***

20
21 (a) All representatives of government agencies and organizations, including civil society, non-
22 government, grassroots, and international organizations, that take any part, directly or
23 indirectly, in the setting and implementing of policies and measures that are part of the
24 strategic framework of measures to promote health and preventive care or the reduction of
25 overweight and obesity shall be required to fully accomplish a signed declaration under
26 oath prepared by the DOH that states, among others, that they are not affiliated with the
27 food and beverage industry, and that they do not act on such industry's behalf or interests.
28 The signed and notarized copy of such declarations shall be made available to the public
29 primarily via the DOH website and other means to readily access such information.

30
31 (b) If said representative is conclusively found to have a conflict of interest, their appointment
32 or involvement shall be terminated.

33
34 **SECTION 15. *Multisectoral Coordination and Civil society Participation for Enforcement,***
35 ***Monitoring and Surveillance.***

36
37 (a) The State recognizes the role of civil society organizations and the private sector in
38 promoting public health and may engage civil society organizations and the private sector,
39 as long as they are not affiliated or related with the food and beverage industry and have
40 signed a declaration against conflict of interest described in Section 14, to provide
41 technical assistance in implementing and monitoring the provisions of this Act. The DOH
42 shall develop and implement programs to enable citizen participation in compliance with
43 this Act.

44
45 (b) Any citizen or organization may file an appropriate civil, criminal, or administrative action

1 in the proper courts or administrative body against any public officer who willfully or
2 grossly neglects the performance of a responsibility specifically enjoined by this Act and
3 its implementing rules and regulations, or against any member of the food and beverage
4 industry, including persons working on their behalf, who violates any provision of this Act
5 and its implementing rules and regulations. The court shall exempt such action from the
6 payment of filing fees and shall exempt the plaintiff from the filing of an injunction bond
7 for the issuance of preliminary injunction. The court may award reasonable attorney's fees,
8 moral damages, and litigation costs as appropriate. The administrative, civil, and criminal
9 actions allowed under this paragraph shall be cumulative and shall not preclude any other
10 person from filing a similar action.
11

12 **SECTION 16. *International Cooperation and Provision on Technical and Financial Assistance.***

13 The State recognizes that international and regional cooperation is an important component of
14 regulating cross-border marketing of food and beverages that harm children's health. For this
15 purpose, implementing agencies and its members may seek and receive technical and/or financial
16 assistance from international organizations, except those that belong to or are affiliated with the
17 food and beverage industry as defined herein, for the purpose of implementing the provisions or
18 pursuing the objectives of this Act, subject to existing laws, rules, and regulations.
19
20

21 **ARTICLE III**
22 **IMPLEMENTATION**
23

24 **SECTION 17. *Lead agency.*** The Department of Health (DOH) is tasked with ensuring the
25 implementation of the provisions of this Act, and shall have the power to issue other policies, rule,
26 regulations, and standards for the implementation of this Act. The DOH shall also convene and
27 lead the inter-agency council in Section 18 for the implementation of this Act.
28

29 **SECTION 18. *Council for Healthy Food Environment.***
30

31 (a) The Council for Healthy Food Environment shall be convened and chaired by the Secretary
32 of the DOH with the Director General of the FDA and the Executive Director of the CWC
33 sitting as vice chairpersons. Other members shall comprise of the following:
34

- 35 • National Nutrition Council (NNC)
- 36
- 37 • Department of Education (DepEd)
- 38
- 39 • Early Childhood Care and Development Council (ECCD Council)
- 40
- 41 • Department of Interior and Local Government (DILG)
- 42
- 43 • Department of Trade and Industry (DTI)
- 44
- 45 • Land Transportation and Franchise Regulatory Board (LTFRB)
- 46

- National Council for Children's Television (NCCT)

(b) The Council shall also consult with the National Council for Indigenous Peoples (NCIP) and the National Commission on Muslim Filipinos (NCMF). The Department Secretaries or Chairpersons may designate permanent and alternate authorized representatives to the Council.

(c) The Council may, as necessary, invite to its meetings and activities, other government agencies, NGOs, and individual experts, who have relevant mandates and/or expertise that may be useful to accomplish its functions under this Act.

(d) The Council shall create such offices to enable it to accept and hear complaints against individuals, corporations or such entities violating the provisions of this Act. It is primarily tasked to formulate an integrated national program for the protection of children against unhealthy food environments.

SECTION 19. *Local implementation.*

(a) LGUs, through appropriate issuances such as ordinances or executive orders, shall establish mechanisms to enforce the provisions of this Act within their jurisdictions and shall impose penalties for violations thereof. For this purpose, City and Municipal Nutrition Committees and local councils for the protection of children (LCPCs) shall regularly monitor the compliance of LGUs with the provisions of this Act.

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

ARTICLE IV PROMOTING HEALTHY DIETS

SECTION 20. *Institutionalization of Programs Promoting Healthy Diets and Lifestyles.* (a) National government agencies in the council shall establish and ensure the full implementation of all programs and projects that seek to promote healthy diets, the ultimate aims of which are to address overweight and obesity in children and eradicate malnutrition among them. These programs and projects include, but are not limited to, the following:

- i. *"Green Zone" program.* The DepEd, DOH, ECCD, and other national government agencies shall designate the child-centered settings as defined in this Act as "green zones," or zones where whole and minimally processed food and beverages, as well as clean and safe water, are readily available, accessible, and affordable. To this end, only individuals or entities that sell food and beverages not otherwise prohibited to be marketed to children under this Act shall be included as suppliers or concessionaries in these Green Zones.

- 1 ii. *Research and development program.* The National Task Force shall establish a research
2 and development program to be spearheaded by the NCCT. The NCCT, in coordination
3 with other national government agencies, shall undertake studies, among others, that
4 measure the impact of harmful food marketing to the lives of Filipinos and Filipino
5 children, with the goal of building evidence for policies that continually and gradually
6 reduce exposure to the harmful impacts of food and beverage marketing. The DepEd shall
7 allocate institutional research funding to support this program.
8
- 9 iii. *Social and behavioral change (SBC) program.* The DOH-HPB shall lead the development
10 and implementation of age and development-specific and culturally appropriate SBC
11 program to popularize the consumption of healthy diets among Filipinos and increase its
12 demand among them. The DOH-HPB shall ensure the dissemination of its messages across
13 all media forms and shall conduct regular evaluations of the impact of its SBC program.
14
- 15 iv. *Instruction on the harmful impact of food marketing as part of the school curriculum.* The
16 DepEd shall direct the inclusion of discussions on food marketing to children, as part of
17 the media and information literacy subject in senior high school.
18

19 The DOH and NNC shall also update its health promotion playbooks, job aids, manuals, and health
20 standards to include and recommend the implementation of measures that reduce the exposure of
21 children to the harmful impacts of food marketing and minimize their power.
22

23 24 **ARTICLE V** 25 **PENALTIES** 26

27 **SECTION 21. *Penalties.*** The following penalties shall be imposed for each violation of the
28 prohibitions in this Act:
29

- 30 a. Any entity considered as a large enterprise by the DTI, which violates Section 6, 7, or 8,
31 or fails to comply with the requirements in Section 6(d) of this Act, shall:
32
- 33 i. Pay a fine of not less than five hundred thousand pesos (PHP 500,000) but not
34 more than one million pesos (PHP 1,000,000), for the first offense;
35
- 36 ii. Pay a fine of not less than one million pesos (PHP1,000,000) but not more than
37 five million pesos (PHP 5,000,000), for the second offense;
38
- 39 iii. Suffer the penalty of imprisonment ranging from one (1) year but not more than
40 ten (10) years, for the third offense.
41
- 42 b. Any entity considered as micro, small, and medium-sized enterprises (MSMEs) by the DTI,
43 or are otherwise not considered large enterprises by the DTI, which violates Section 6, 7
44 or 8, or fails to comply with the requirements in Section 6(d) of this Act, shall:
45
- 46 i. Pay a fine of not less than one thousand pesos (PHP 1,000) but not more than five

- 1 thousand pesos (PHP 5,000) for the first offense;
- 2
- 3 ii. Pay a fine of not less than five thousand pesos (PHP 5,000) but not more than ten
- 4 thousand pesos (PHP 10,000) for the second offense;
- 5
- 6 iii. Pay a fine of not less than ten thousand pesos (PHP 10,000) but not more than
- 7 twenty thousand pesos (PHP 20,000) for the third offense.
- 8
- 9 c. Any natural person who violates Section 6, 7, or 8 of this Act shall:
- 10
- 11 i. Pay a fine of not more than ten thousand pesos (PHP10,000), for the first offense;
- 12
- 13 ii. Pay a fine of not more than fifty thousand pesos (PHP50,000.00), for the second
- 14 offense;
- 15
- 16 iii. Pay a fine of not more than one hundred thousand pesos (PHP100,000) or
- 17 imprisonment of not more than one (1) year, or both, at the discretion of the court,
- 18 for the third offense.
- 19
- 20 d. In addition to the foregoing fines and penalties, the following corrective actions, if not
- 21 initiated by the offenders themselves, shall be imposed by the appropriate authorities to
- 22 the entities that violate or fail to comply with the requisites of this Act:
- 23
- 24 i. Seizure and condemnation, destruction, and/or appropriate disposition of items of
- 25 prohibited marketing;
- 26
- 27 ii. Issuance of takedown orders against banned advertising, promotions, and
- 28 sponsorship content;
- 29
- 30 iii. Cancellation of applicable licenses, registrations, and permits to operate for
- 31 business establishments and operators or drivers of public utility vehicles;
- 32
- 33 iv. Closure of the food and beverage establishment by LGUs having jurisdiction over
- 34 premises where a violation of this Act has been committed.
- 35
- 36 e. A violation under Section 13 or 14 of this Act, committed by a government official or
- 37 employee, shall have the following penalties:
- 38
- 39 i. Public officials and employees within the jurisdiction of the Civil Service
- 40 Commission (CSC) shall be subject to administrative disciplinary action pursuant
- 41 to Rule XIV (Discipline) of the Omnibus Rules Implementing Book V of EO 292.
- 42
- 43 ii. Local elective officials shall be subject to administrative disciplinary action by the
- 44 Secretary of Interior and Local Government, or the Office of the President, as
- 45 appropriate, and provided by relevant laws, rules and regulations.
- 46

- 1 iii. Other government officials shall be subject to administrative disciplinary action by
2 the Office of the Ombudsman or the Office of the President, as provided by relevant
3 laws, rules, and regulations.
4

5 **SECTION 22. *Liability of Juridical and Other Persons.*** Should a violation of this Act be
6 committed by a juridical person in Section 21 (a) or (b), the Chair of the Board, the President, the
7 General Manager, or the partners and/or the persons directly responsible therefor shall be
8 penalized. If the offender is an alien, they shall be deported after service of sentence and/or
9 payment of fine without further deportation proceedings and shall be permanently barred from re-
10 entering the Philippines. In case a violation is committed by, or in the interest of, a foreign juridical
11 person duly licensed to engage in business in the Philippines, such license to engage in business
12 in the Philippines shall be immediately revoked.
13

14
15 **ARTICLE VI**
16 **FINAL PROVISIONS**
17

18 **SECTION 23. *Healthy Children Trust Fund.*** — A Healthy Children Trust Fund is hereby
19 created. All fines collected under Article V of this Act shall be held in favor of and deposited to
20 said trust fund account and shall be used exclusively for the implementation of the Philippines’
21 programs to combat overweight and obesity among children. The DOH shall be responsible for
22 the management and control of the Trust Fund.
23

24 **SECTION 24. *Compliance Monitoring.*** Not later than two (2) years after the date of the
25 effectivity of this Act, and annually thereafter, the DOH shall submit to the President of the
26 Philippines and to both Houses of Congress a monitoring report on the compliance of the food and
27 beverage industry with this Act and all related laws, rules, regulations, and ordinances. All reports
28 required under this Act shall be made available to the public primarily via the DOH website and
29 other means to readily access such information.
30

31 The DOH is hereby authorized to report to Congress any instance of delay or non-compliance by
32 the national agencies and LGUs herein of the timelines in implementing this Act. The DOH is also
33 authorized to demand accountability from such agencies or LGUs for failure to fulfill its duties
34 under this Act, without prejudice to other remedies or penalties and sanctions that are available or
35 may be imposed by law for such delay or non-compliance.
36

37 **SECTION 25. *Implementing Rules.*** The DOH, in consultation with the members of the Council
38 in Section 18, shall promulgate such rules and regulations necessary for the effective
39 implementation of this Act within six (6) months from the date of publication of this Act, provided
40 that in the event the implementing rules and regulations are not promulgated within the specified
41 period, the specific provisions of this Act shall immediately be executory.
42

43 **SECTION 26. *Appropriations.*** The amount necessary to implement the provisions of this Act
44 shall be charged against the current year’s appropriations of the concerned national government
45 agencies. Thereafter, such funds as may be necessary for the continued implementation of this Act
46 shall be included in the budgets of the concerned national government agencies under the annual

1 General Appropriations Act.

2
3 **SECTION 27. *Repealing clause.*** All laws, decrees, ordinances, administrative orders, rules and
4 regulations, or any part thereof, which are inconsistent with this Act are repealed or amended
5 accordingly.
6

7 **SECTION 28. *Separability clause.*** If any part or provision of this Act shall be subsequently
8 declared unconstitutional, invalid or inconsistent with other prevailing laws, the other provisions
9 or parts which are not affected shall remain in full force and effect.
10

11 **SECTION 29. *Effectivity.*** This Act shall take effect fifteen (15) days after its publication in the
12 Official Gazette or in at least two newspapers of general circulation.
13

14
15 *Approved,*
16
17