

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

Twentieth Congress
First Regular Session



House Bill No. **6834**

**Introduced by AKBAYAN Representatives PERCIVAL V. CENDAÑA,
JOSE MANUEL TADEO "CHEL" I. DIOKNO, and DADAH KIRAM ISMULA and
Dinagat Islands Representative KAKA BAG-AO**

AN ACT
CREATING A HEALTHY FOOD 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

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 children 5-10 years old has increased from 5.7% in 2003 to 12.9% in 2023.³ Among adolescents, the prevalence increased from 4.9% in 2003 to 12.5% in 2023.⁴ With these 2023 levels, the country is not on track to achieve the targets of the Philippine Plan of Action for Nutrition 2023-2028 for overweight and obesity. Without interventions, more than 30% of Filipino adolescents are estimated to fall into this category by 2030.⁵

Filipinos have become more vulnerable to NCDs because of the increased availability and consumption of prepackaged food products that contain unhealthy

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 (2023). *Trends and Tracking of Nutrition Targets*, available at https://enutrition.fnri.dost.gov.ph/uploads/9_2023_NNS_TRENDS%20AND%20TRACKING%20OF%20NUTRITION%20TARGETS.pdf (last accessed July 14, 2025).

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).

types of fat or are high in sodium or sugar⁶, together with marketing strategies that disproportionately target children⁷—who are especially vulnerable to the influence of advertising and nutritional claims.⁸ This is compounded by the fact that the country does not have an effective labelling system. 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

This obesogenic environment within the Philippines prevents Filipinos, especially children, from making informed food choices.¹⁰

It is the State's duty to “protect and promote the right to health of the people and instill health consciousness among them.”¹¹ The State must protect and promote the right of every Filipino to the enjoyment of the “highest attainable standard of health,”¹² and in fulfillment of the best interests of the child, defend the right of children to proper care and nutrition, and “special protection from conditions that are prejudicial to their development.”¹³ 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 mandatory front-of-package warning labels (FOPWL) to help Filipinos avoid food that exceed prescribed thresholds for energy, fat, sodium, and sugar; and
- (2) Regulating all forms of marketing including those 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 FOPWL having been proven to reduce purchases of food and beverages with excessive

⁶ Tracy Kuo Lin, et al., *The effect of sugar and processed food imports on the prevalence of overweight and obesity in 172 countries*, 14 GLOBAL HEALTH 35, 2018.

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 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).

¹¹ Philippine Constitution, art. II (15).

¹² Convention on the Rights of the Child, art. 24(1).

¹³ Philippine Constitution, art. XV (3).

amounts of nutrients of concern¹⁴ and marketing restrictions leading to a significant decrease in children's exposure to advertising of the same.¹⁵

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



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¹⁴ 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).

¹⁵ 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).

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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 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 food that are high in fats, sodium, and sugar.

SECTION 3. Objective. This Act aims to:

- a. Guide the population in making informed food purchases and discourage

- 1 Filipinos—especially children and people living with or at risk of non-
2 communicable diseases—from consuming food containing energy, fat,
3 sodium, and sugar in excess of the prescribed maximum thresholds; and
4 b. Minimize the power of, and reduce the exposure of children to, marketing
5 of food and beverages containing energy, fat, sodium and sugar in excess
6 of the prescribed maximum thresholds.

7
8 **SECTION 4. Definition of Terms.** As used in this Act:

- 9 a. **“Breastmilk substitutes”** refers to any food being marketed or
10 otherwise represented as a partial or total replacement for breastmilk,
11 whether or not suitable for that purpose;
12 b. **“Calories”** refer to the unit of measurement used to determine the
13 amount of energy that a food provides;
14 c. **“Children”** refers to persons below eighteen (18) years of age, or any
15 person eighteen (18) years of age or over but who are unable to fully take
16 care of themselves or protect themselves because of a physical or mental
17 disability or condition;
18 d. **“Child-directed marketing”** refers to all marketing targeted to or to
19 which children are exposed to, which includes, but is not limited to,
20 marketing that uses: images, sounds or language designed to appeal to
21 children such as cartoon characters, personalities or celebrities that
22 target or address children in their content (licensed or unlicensed),
23 children actors or voices, or references to school or play; toys or book
24 giveaways, competitions or promotional giveaways, buy-one-take one,
25 discounts, and pricing bundle strategies; themes designed to attract
26 children (e.g. fantasy or adventure); games or activities that are likely to
27 be popular with children; or other similar or analogous appeals. Child-
28 directed marketing also includes marketing that is directed to a parent
29 (or another adult) where the end-consumer is a child.
30 e. **“Child-centered settings”** refers to any location that is frequented by
31 families and children because of activities, attractions, or infrastructure
32 targeted or directed to children, including but not limited to schools,
33 educational establishments, learning institutions, playgrounds,
34 amusement parks, or other service centers or places frequented by
35 families and children, and other similar and analogous settings.
36 f. **“Cross-border marketing”** refers to marketing which originates within
37 the territory of the Philippines and enters or could be received in another
38 territory, as well as that which originates outside the territory of the
39 Philippines and is received or accessible within the territory.
40 g. **“Complementary nutritional information”** refers to any information
41 that may state, suggest, or imply that a food or beverage possesses
42 particular nutritional or health properties, especially, but not limited to
43 its energy value, protein, fat, carbohydrates, dietary fiber content, critical
44 nutrients, vitamins, minerals, including assertions of fortification.
45 h. **“Distributor”** refers to any person to whom a prepackaged food product
46 is delivered or sold for purposes of distribution in commerce. Distributors
47 include importers, exporters, traders, or wholesalers.

- 1 i. **“Educational establishment”** refers to any establishment, including
2 but not limited to schools, learning institutions, play schools, sports
3 camps, youth development facilities, and other places, where a child as
4 defined in this Act engages in activities that contribute to their overall
5 growth and development through any means of instruction.
- 6 j. **“Food and beverage industry”** means manufacturers, wholesale
7 distributors, and importers of prepackaged food.
- 8 k. **“Front-of-package warning label (FOPWL)”** refers to the simplified
9 nutrition information system on the main face of the packaging of
10 prepackaged food products that warn consumers when a product contains
11 excessive amounts of nutrients of concern as prescribed in Section 6 of
12 this Act;
- 13 l. **“Importer”** means the consignee or the Philippine agent or
14 representative of a foreign owner or consignee of raw materials,
15 ingredients, and/or finished prepackaged food at the time of such entry
16 of such article in the Philippines.
- 17 m. **“Health claim”** means any representation that states, suggests, or
18 implies that a relationship exists between a food or a constituent of that
19 food and health.
- 20 n. **“Main face”** refers to the part of the packaging that is intended to be
21 displayed, where the sales name and the brand or logo, if any, are
22 recorded in their most relevant forms.
- 23 o. **“Manufacturer”** means a person who makes, mixes, cooks, packs,
24 combines packaging or modifies packaging of prepackaged food required
25 to have a warning label under this Act. This shall include any person who
26 attaches one's own brand name to a prepackaged food product
27 manufactured, assembled, or processed for them.
- 28 p. **“Marketing”** means any form of commercial communication of
29 messages, including those distributed by digital means, that are designed
30 to, or have the effect or likely effect of, increasing the recognition, appeal
31 and/or consumption of particular products and services, whether directly
32 or indirectly. It includes but is not limited to acts of advertising and
33 promotions of a product or service.
- 34 q. **“Message”** means the presentation of letters, images, artificial marks,
35 photographs, motion pictures, light, sound, or any other action that
36 enables the general public to comprehend the conveyed meaning.
- 37 r. **“Micro, small, and medium enterprise (MSME)”** refers to food
38 business operators as defined within the classification of industries by
39 the Department of Trade and Industry (DTI).
- 40 s. **“Nutrient”** refer to any chemical substance normally consumed as a
41 component of a food that: (1) provides energy; and/or (2) is necessary for,
42 or contributes to the growth, development, and maintenance of health
43 and life; and/or (3) the absence of which will cause characteristic chemical
44 or physiological changes to occur;
- 45 t. **“Nutrient Profile Model”** refers to a tool used to classify or rank foods
46 according to their nutritional composition for reasons related to the
47 prevention of disease and the promotion of health;

- 1 u. **“Nutrients of concern”** refer to those nutrients that when ingested
2 above the maximum values are considered as risk factors associated with
3 non-communicable diseases; these include but are not limited to sugars,
4 sodium, saturated fats, total fats, and calories.
- 5 v. **“Nutrition claim”** means any representation which states, suggests or
6 implies that a food has particular nutritional properties including but not
7 limited to the energy value and to the content of protein, fat and
8 carbohydrates, as well as the content of vitamins and minerals. Provided,
9 that (1) the mention of substances in the list of ingredients; (2) the
10 mention of nutrients as a mandatory part of nutrition labelling; (3)
11 quantitative or qualitative declaration of certain nutrients or ingredients
12 on the label if required by national legislation do not constitute nutrition
13 claims.
- 14 w. **“Point-of-sale”** refers to a kiosk, counter, cashier, or any specific,
15 definite, and limited area, where an individual can purchase or otherwise
16 obtain prepackaged food.
- 17 x. **“Prepackaged food product”** refers to any substance, which is
18 intended for human consumption and includes non-alcoholic drinks for
19 human beings, and chewing gum, resulting from the application of
20 physical, chemical, or biological processes to a “primary food commodity”,
21 that is prepared in advance and placed in a container, labelled and ready
22 for sale or distribution, or for catering purposes.
- 23 y. **“Public event”** means any activity that is open for public access and
24 participation, regardless of the identity of the organizer or coordinator of
25 such activity.
- 26 z. **“Public space”** means a place accessible to the general public or a place
27 for collective use, regardless of ownership or right to access.
- 28 aa. **“Public transport”** means any vehicle used for carriage of members of
29 the public, usually for reward or commercial gain, including taxis and
30 vehicles for hire.
- 31 bb. **“Saturated fat”** refers to fatty acids that contain the maximum number
32 of hydrogens possible, and no carbon-carbon double bonds. Saturated fats
33 are classified as short chain (1-5 carbons), medium chain (6-12 carbons),
34 and long chain (13-21 carbons) and very long chain (contains 22 and more
35 carbons) according to the carbon chain length;
- 36 cc. **“Sodium”** refers to a chemical element that exists naturally in food,
37 associated with other molecular residues or atoms as an ionic bond,
38 forming chemical salts. It is of great importance since it helps to maintain
39 the water and base acid balance of any organism, constituting its most
40 common compound, sodium chloride or what is usually called table salt.
41 Likewise, there are other sodium salts that are of industrial origin, such
42 as monosodium glutamate (flavor enhancer); benzoate, sodium acetate,
43 sodium bicarbonate (acidity regulators and preservatives); sodium
44 hydroxide, sodium carbonate (acidity regulator); sodium erythorbate
45 (antioxidant), among others. One gram of 'table salt' contains 400mg of
46 sodium (1 gram of sodium is equivalent to 2.5 grams of table salt);
- 47 dd. **“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.
- ee. **“Sugar”** refers to all monosaccharides and disaccharides other than polyols. Most commonly regulated is “free sugar” which refers to monosaccharides and disaccharides added to food and beverages by the manufacturer, cook, and/or consumer plus sugars that are naturally present in honey, syrups and juices;
- ff. **“Sweetener”** refers to a substance, whether caloric or non-caloric, intentionally added to a food product to impart sweetness. Caloric sweetener refers to a substance that is sweet and includes sucrose, fructose, and glucose that produce a certain sweetness. Non-caloric sweetener refers to a substance that is artificially or chemically processed that produces a certain sweetness. These are substances which can be directly added to beverages such as aspartame, sucralose, saccharin, acesulfame potassium, neotame, cyclamates and other non-nutritive sweeteners approved by the Codex Alimentarius and adopted by the FDA;
- 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.

SECTION 5. General Rule on Statutory Construction. This Act shall be construed strictly in favor of improving the health of Filipinos, especially children, decreasing the rate of obesity and overweight, and reducing the morbidity and mortality due to non-communicable diseases 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 and uphold the best interests of the child.

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. FRONT-OF-PACKAGE WARNING LABELS

SECTION 6. Mandatory front-of-package warning labels (FOPWL). No person shall sell, manufacture, import, export, or distribute prepackaged food without a FOPWL as prescribed in this Act, when the final composition of the product contains nutrients of concern that exceed the maximum values prescribed under Section 8 of this Act.

SECTION 7. Form, size, placement, and characteristics of the warning label. When the final composition of the prepackaged food product contains critical nutrients or calories in excess of the maximum values under Section 8 of this Act, the packaging shall display a warning label as prescribed by the FDA, in accordance with the following guidelines:

- a. The packaging must include one warning label for each nutrient of

concern in excess of prescribed values, namely:

- i. "HIGH IN SUGAR";
- ii. "HIGH IN SODIUM";
- iii. "HIGH IN SATURATED FAT";
- iv. "HIGH IN TOTAL FAT";

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

- i. "HIGH IN CALORIES".

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

- i. "CONTAINS SWEETENERS, NOT RECOMMENDED FOR CHILDREN".

d. The warning label for items (a) and (b) of this Section shall have the form of black octagons with a white edge and capital letters;

e. The warning label for item (c) of this Section shall have the form of a black rectangle with a white edge and with capital letters;

f. 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. 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 fifteen (15%) of the total area of the front of the package.;

g. The warning labels shall form part of the packaging and their 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;

h. 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.

i. 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.

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

k. Warning labels as indicated in items (a) to (c) of this Section may also be translated in vernacular language, if possible.

1 The provisions established in this Section are applied in addition to the
2 existing rules and regulations governing the labeling of prepackaged food
3 distributed in the Philippines. In addition, the FDA is encouraged to release
4 guidelines pertaining to the placement of products at the point of sale.
5

6 **SECTION 8. Maximum values of nutrients of concern for prepackaged**
7 **food.** The Department of Health (DOH) shall develop or adopt a nutrient profile
8 model (NPM) to determine the maximum values of energy, sugar, sodium,
9 saturated fat, total fat, and other nutrients for prepackaged food. Pending the
10 development of a local NPM, a conflict-free, evidence-based NPM recommended
11 by the World Health Organization shall be used as the basis for such maximum
12 values.
13

14 **SECTION 9. Prohibition against misleading claims, other promotional**
15 **features in the packaging.** It is absolutely prohibited for all prepackaged food
16 required to have a warning label under Section 6 of this Act to contain:

- 17 a. Complementary nutritional information;
- 18
- 19 b. Logotypes or phrases stating the sponsorship or endorsements of
20 scientific societies or civil associations;
- 21
- 22 c. Any other health and nutrition claim; and
- 23
- 24 d. Any advertisement or promotional feature that qualifies as child-
25 directed marketing as defined in this Act.
26

27 **SECTION 10. Misbranding.** A violation under Sections 6, 7, or 9 of this Act shall
28 render the product misbranded under Republic Act No. 9711. Pursuant to Section
29 11 of Republic Act No. 3720 as amended by Republic Act No. 9711, the following
30 acts are prohibited:

- 31 a. The manufacture, importation, exportation, sale, offering for sale,
32 distribution, transfer, non-consumer use, promotion, advertising, or
33 sponsorship of any food that is adulterated, unregistered or misbranded;
34
- 35 b. The adulteration or misbranding of any food.
36

37 **SECTION 11. Prohibition against concealment or obstruction of warning**
38 **labels.** Prepackaged food products required to have a warning label under Section
39 6 shall be displayed with the warning labels in full view for the consumers in retail
40 stores. The concealment or obstruction of the warning labels in retail stores,
41 whether partial or whole, is prohibited.
42

43 Any concealment or obstruction of view of warning labels herein shall be
44 considered as a deceptive act or practice under Republic Act No. 7394 or the
45 Consumer Act of the Philippines and is considered a prohibited act therein.
46

47 **SECTION 12. Exemptions.** Prepackaged food for special therapeutic dietary

1 uses that are formulated for a particular physiological condition or as partial
2 replacement for meals, and culinary ingredients which typically consist of only one
3 nutrient in high purity (such as cooking oils, table sugars, common table salt, etc.)
4 shall follow their respective labeling requirements and shall be exempted from the
5 obligation to incorporate FOPWL. Breastmilk substitutes shall likewise be
6 exempted from this Act and shall follow the guidelines promulgated by Executive
7 Order No. 51, series of 1986 (the Philippine Milk Code), its implementing rules
8 and regulations and other pertinent regulations.

9
10 **ARTICLE III. RESTRICTIONS ON THE MARKETING OF**
11 **PREPACKAGED FOOD PRODUCTS REQUIRED TO HAVE A WARNING**
12 **LABEL**
13

14 **SECTION 13. Minimizing the power of child-directed marketing.** The
15 DOH, in coordination with the Council for the Welfare of Children (CWC), is
16 hereby authorized to identify and regularly publish a schedule of forms, methods,
17 and means of marketing that are considered child-directed marketing under this
18 Act, and other similar and analogous appeals to child-directed marketing
19 techniques for the guidance of relevant stakeholders. Omission from the list does
20 not exempt any marketing activity from the scope of prohibited conduct, provided
21 that it meets the criteria set out in this Act.

22
23 **SECTION 14. Reducing exposure of children to the marketing of**
24 **prepackaged food products required to have a warning label.** It is
25 absolutely prohibited to market prepackaged food products required to have a
26 warning label under Section 6 of this Act in the following settings:

- 27 a. In and within 250 meters from any point of the perimeter of child-
28 centered settings;
29
30 b. Between 6:00 a.m. to 10:00 p.m. for all programs, commercials, and
31 films shown in television with a rating other than SPG, in the case of
32 television shows, or R-18, in the case of movies, by the Movie and
33 Television Review and Classification Board (MTRCB); and
34
35 c. Between 6:00 a.m. to 10:00 p.m. for all programs and commercials
36 broadcast on radio.
37

38 **SECTION 15. When communication is not considered marketing.** The
39 following exhaustive list of communications and actions shall not be considered
40 marketing of prepackaged food products required to have a warning label under
41 Section 6 of this Act even if likely to have an incidental promotional effect,
42 provided they are reported to the DOH as required under Section 17 of this Act:

- 43 a. Display of brand name, product name, and/or manufacturer's name on
44 prepackaged food product packaging, without any marketing features
45 on the package;
46
47 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 16. Protecting children from data processing. The processing of personal data of children for the development of marketing of prepackaged food products required to have a warning label under Section 6 of this Act shall be prohibited.

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

SECTION 17. Promoting transparency in food and beverage marketing. In addition to any guidelines that the FDA may develop, all prepackaged food products required to have a warning label under Section 6 of this Act shall adhere to the following marketing guidelines:

- a. Prepackaged products featured in marketing materials must display the warning labels consistently with their appearance on the actual products, as specified under Section 7 of this Act;
- b. In all kinds of visual media, warning labels must be clearly visible, at all times, on the bottom right corner. The size of each warning label shall never be less than five percent (5%) of the total display area;
- c. For radio and auditory media, warnings should be communicated in a clear, prominent, and easily understandable manner.

Within two (2) years from the date of effectivity of this Act, large enterprises (as defined by the DTI) in the food and beverage industry shall submit an annual report to the Lead Agency, copy furnishing the FDA-Center for Food Regulation

1 Research (FDA-CFRR), detailing all expenditures relating to the marketing of
2 prepackaged food products required to have a warning label under Section 6 of
3 this Act. The Lead Agency shall prescribe the manner and form of such report and
4 shall provide sanctions for non-compliance.

6 **ARTICLE IV. IMPLEMENTATION**

8 **SECTION 18. Lead Agency.** The DOH shall oversee and ensure the
9 implementation of the provisions of this Act in coordination with the agencies that
10 shall comprise the inter-agency task force in Section 19 of this Act, and shall have
11 the power to issue other policies, rules, regulations, and standards for such
12 implementation. In line with this mandate, the DOH shall convene and lead the
13 inter-agency task force in Section 19 for the implementation of this Act.

15 **SECTION 19. National Task Force for a Healthy Food Environment.** To
16 ensure inter-agency coherence and consistency in the implementation of Articles
17 II and III of this Act, a National Task Force (NTF) for a Healthy Food Environment
18 is hereby created.

- 20 a. The NTF shall be composed of the following persons and/or heads of the
21 following offices, to wit:
- 22 i. DOH - Chairperson
 - 23 ii. FDA - Vice Chairperson
 - 24 iii. National Nutrition Council (NNC) - Vice Chairperson
 - 25 iv. CWC - Member
 - 26 v. Department of Education (DepEd) - Member
 - 27 vi. Department of Trade and Industry (DTI) - Member
 - 28 vii. Department of the Interior and Local Government (DILG) -
29 Member
 - 30 viii. Land Transportation Franchising and Regulatory Board (LTFRB)
31 - Member
 - 32 ix. Early Childhood Care and Development (ECCD) Council - Member
 - 33 x. National Council for Children's Television (NCCT) – Member
 - 34 xi. Two (2) representatives from civil society organizations

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

- 39 b. The NTF shall perform the following:
- 40 i. Coordinate and align programs, strategies, and activities to
41 enforce the provisions of this Act, as applicable;
 - 42 ii. Monitor and evaluate implementation of this Act;
 - 43 iii. Develop and regularly implement a nationwide social and
44 behavior change communication (SBCC) campaign to promote the
45 consumption of healthy food and beverages, increase health and
46
47

1 nutrition literacy among Filipinos, emphasize the risks of
2 overconsuming foods that are high in fats, sodium, and sugar, and
3 discourage the consumption of prepackaged food required to have
4 a warning label; and
5

6 iv. Develop and implement programs and activities to build the
7 capacity of the NTF members to fulfil their mandates and
8 functions under this Act.
9

10 c. The NTF may, as necessary, coordinate and collaborate with other
11 government agencies, civil society and non-government organizations,
12 and individual experts that have relevant mandates and/or expertise
13 that may be useful to accomplish its functions under this Act, provided,
14 that Sections 25 and 26 of this Act are strictly complied with.
15

16 **SECTION 20. Powers and functions of the members of the National Task**
17 **Force for a Healthy Food Environment.**
18

19 a. The DOH shall:

20 i. Regularly convene the NTF as chairperson and coordinate with its
21 members to develop and implement strategies and activities to
22 enforce the provisions of this Act;
23

24 ii. Designate a member of the NTF to serve as the Secretariat;
25

26 iii. Regularly publish a schedule of forms, methods, and means of
27 marketing that are considered child-directed marketing as defined
28 under this Act, and other similar and analogous appeals to child-
29 directed marketing techniques;
30

31 iv. Coordinate with the FDA, ECCD Council, DTI, DepEd and LGUs,
32 as applicable, to enforce the marketing prohibitions in and within
33 250 meters from any point of the perimeter of child-centered
34 settings under Section 14(a) of this Act;
35

36 v. Identify other child-centered settings as defined under this Act, in
37 coordination with the DepEd and ECCD Council;
38

39 vi. Develop guidelines to enforce the prohibitions under Section 14(a)
40 of this Act, in coordination with the FDA and CWC;
41

42 vii. Develop and implement programs, strategies, and activities to
43 promote healthy diets, in coordination with the DILG for local
44 implementation under Section 21 of this Act and with the DepEd
45 for implementation within schools;
46

47 viii. Implement SBCC strategies and activities to promote the

1 consumption of healthy food and beverages among Filipinos
2 pursuant to Section 19(b)(iii) of this Act;
3

- 4 ix. Oversee the development of programs and activities to build the
5 capacity of the NTF members to fulfil their mandates and
6 functions under this Act in accordance with Section 19, in
7 coordination with the NTF members and other relevant
8 stakeholders;
9

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

- 11 i. Assist the DOH in convening the NTF, as vice chairperson;
12
13 ii. Enforce the prohibitions relating to warning labels under Section
14 6, 7, 9, and 10 of this Act;
15
16 iii. Develop guidelines to prescribe procedures and requirements for
17 record-keeping of food and beverage manufacturers to comply with
18 this Act;
19
20 iv. Enforce compliance with Sections 6, 7, 9, 13 and 17 of this Act;
21
22 v. Coordinate with the DOH to develop guidelines to enforce the
23 prohibitions under Section 14(a) of this Act;
24
25 vi. Implement SBCC strategies and activities to promote the
26 consumption of healthy food and beverages among Filipinos
27 pursuant to Section 19(b)(iii) of this Act;
28

29 c. The CWC shall:

- 30 i. Assist the DOH in convening the NTF, as vice chairperson;
31
32 ii. Coordinate with the DOH to develop guidelines to enforce the
33 prohibitions under Section 14(a) of this Act;
34
35 iii. Implement SBCC strategies and activities to promote the
36 consumption of healthy food and beverages among Filipinos
37 pursuant to Section 19(b)(iii) of this Act, especially for children;
38

39 d. The NNC shall:

- 40 i. Recommend improvements to the policy to strengthen
41 implementation;
42
43 ii. Assist all members of the NTF in creating SBCC strategies and
44 activities to promote the consumption of healthy food and
45 beverages among Filipinos pursuant to Section 19(b)(iii) of this
46 Act;
47

- 1 iii. Provide technical assistance in the development of SBCC
2 strategies and activities to promote the consumption of healthy
3 food and beverages among Filipinos pursuant to Section 19(b)(iii)
4 of this Act, especially for children;
5
- 6 e. The DepEd shall:
7 i. Coordinate with schools and local government units to enforce the
8 marketing prohibitions in and within 250 meters from any point
9 of the perimeter of child-centered settings under Section 14(a) of
10 this Act;
11
- 12 ii. Implement SBCC strategies and activities to promote the
13 consumption of healthy food and beverages among Filipinos
14 pursuant to Section 19(b)(iii) of this Act, within schools, such as
15 but not limited to developing curriculum materials on food
16 marketing to children, as part of the media and information
17 literacy subject, and FOPWL.
18
- 19 f. The DTI shall:
20 i. Enforce compliance with Section 11 of this Act;
21
- 22 ii. Enforce the marketing prohibitions for retail environments under
23 Section 13 of this Act;
24
- 25 iii. Enforce the marketing prohibitions for broadcast radio under
26 Section 14 of this Act;
27
- 28 iv. Support LGUs to enact and implement ordinances or executive
29 orders under Section 21 of this Act.
30
- 31 g. The DILG shall:
32 i. Support LGUs to enact and implement ordinances or executive
33 orders under Section 21 of this Act;
34
- 35 h. The LTFRB shall:
36 i. Enforce prohibitions against child-directed marketing under
37 Section 13 of this Act in public utility vehicles;
38
- 39 i. The ECCD Council shall:
40 i. Enforce the marketing prohibitions in and within 250 meters from
41 any point of the perimeter of child-centered settings under Section
42 14(a) of this Act, in coordination with the DOH;
43
- 44 ii. Coordinate with the DOH for the identification of other child-
45 centered settings as defined under this Act;
46
- 47 j. The NCCT shall:

- i. Set standards for child-friendly television programming, and can work with broadcasters and relevant agencies to promote child-sensitive media and encourage compliance with the marketing prohibitions for broadcast television under Section 14(b) of this Act.
- k. The representatives from civil society organizations shall:
 - i. Participate in the meetings and activities of the NTF; and
 - ii. Support the advocacy activities of the NTF

SECTION 21. Local Implementation.

- a. LGUs, through appropriate issuances such as ordinances or executive orders, shall establish mechanisms to enforce the provisions under Sections 6, 7, 9, 13, and 14(a) of this Act, as applicable, within their jurisdictions and shall impose penalties for violations thereof. For this purpose, local health boards (LHBs) and local councils for the protection of children (LCPCs) shall regularly monitor the compliance of LGUs with the provisions of this Act.
- b. All LGUs are enjoined to form Local Task Forces for Healthy Food Marketing Environment to implement the provisions of this Act, and shall mobilize local law enforcement to apprehend violators of this Act and to institute the appropriate criminal proceedings therefor. Such task forces shall be led by a local office with expertise on childhood nutrition and/or health promotion, and shall include youth and civil society representation, which representation shall strictly comply with Sections 25 and 26 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 22. Role of the Ad Standards Council (ASC) and other entities.

- a. The ASC shall revise its standards, guidelines, codes of ethics, and other rules and regulations in compliance with the provisions of this Act, no later than one (1) year from its effectivity.
- b. Without prejudice to other provisions of this Act, all entities involved in the marketing chain, whether analog or digital, including digital media or e-commerce platforms shall:
 - i. Monitor and remove or disable any prohibited marketing upon

1 notice by the NTF that a violation of this Act may have occurred;

2
3 ii. Establish an effective process and mechanism to receive and act
4 on complaints from individuals and organizations for violations of
5 this Act as may be required by NTF, and report to the NTF actions
6 taken on said complaints; and

7
8 iii. Preserve relevant documents, websites, webpages, upon request of
9 the NTF.

10
11 **SECTION 23. Inspection powers and record keeping.** The FDA through its
12 registered agents shall have the power to inspect the premises and records of
13 manufacturers and distributors to determine compliance with the provisions of
14 Sections 6, 7, 9, and 10 of this Act. The FDA shall develop guidelines to prescribe
15 procedures and requirements for record-keeping.

16
17 **SECTION 24. Compliance by micro, small, and medium enterprises**
18 **(MSMEs).** The DTI, in coordination with other relevant government agencies and
19 stakeholders, shall develop and implement programs to assist micro, small, and
20 medium-sized food business operators of prepackaged food covered by this Act.

21
22 **SECTION 25. Policy against industry interference.** Government, including
23 institutions and instrumentalities of the State at the national and sub-national
24 levels and to persons working in government or engaged by government to work
25 on its behalf, shall ensure that policy setting and implementation of laws that
26 ultimately aim to promote the right to health of all Filipinos, especially children,
27 are based on best available evidence free from conflict of interest and protected
28 from the commercial and other vested interests of the food and beverage industry.

29
30 **SECTION 26. Declaration against conflict of interest.** All representatives of
31 government agencies and organizations, including civil society, non-government,
32 grassroots, and international organizations, that take any part, directly or
33 indirectly, in the setting and implementing of policies and measures that are part
34 of the strategic framework of measures to reduce overweight and obesity shall be
35 required to fully accomplish a signed declaration under oath prepared by the DOH
36 that states, among others, that they are not affiliated with the food and beverage
37 industry, and that they do not act on such industry's behalf or interests. The
38 signed and notarized copy of such declarations shall be made available to the
39 public primarily via the DOH website and other means to readily access such
40 information.

41
42 **SECTION 27. Multisectoral coordination and civil society participation**
43 **for enforcement, monitoring and surveillance.**

44 a. The State recognizes the role of civil society organizations and the
45 private sector in promoting public health. The NTF members in Section
46 19 herein may engage civil society organizations and the private sector,
47 as long as they are not affiliated or related with the food and beverage

1 industry and have signed a declaration against conflict of interest
2 described in Section 26, to provide technical assistance in implementing
3 and monitoring the provisions of this Act. The DOH shall develop and
4 implement programs to enable citizen participation in compliance with
5 this Act.
6

7 b. Any citizen or civil society, non-government, and grassroots
8 organization is hereby authorized to file an appropriate civil, criminal,
9 or administrative action in the proper courts or administrative body
10 against any public officer who willfully or grossly neglects the
11 performance of a responsibility specifically enjoined by this Act and its
12 implementing rules and regulations, or against any member of the food
13 and beverage industry, including persons working on their behalf, who
14 violates any provision of this Act and its implementing rules and
15 regulations. The court shall exempt such action from the payment of
16 filing fees and shall exempt the plaintiff from the filing of an injunction
17 bond for the issuance of preliminary injunction. In the event that the
18 plaintiff shall prevail, the court shall award reasonable attorney's fees,
19 moral damages, and litigation costs as appropriate. The administrative,
20 civil, and criminal actions allowed under this paragraph shall be
21 cumulative and shall not preclude any other person from filing a similar
22 action.
23

24 c. The DOH shall develop and publicize mechanisms for filing anonymous
25 complaints, including the provision of hotlines and whistleblower
26 complaints, to encourage citizen participation in the compliance
27 monitoring and surveillance of this Act.
28

29 **SECTION 28. International cooperation and provision on technical and** 30 **financial assistance.**

31 a. The State recognizes that international and regional cooperation is an
32 important component of regulating cross-border marketing of
33 prepackaged food products required to have a warning label.
34

35 b. For this purpose, NTF members may seek and receive technical and/or
36 financial assistance from international organizations, except those that
37 belong to or are affiliated with the food and beverage industry as defined
38 herein, for the purpose of implementing the provisions or pursuing the
39 objectives of this Act, subject to existing laws, rules, and regulations,
40 provided that, Sections 25 and 26 of this Act are strictly complied with.
41

42 **ARTICLE V. PENALTIES**

43 **SECTION 29. Penalties.** The following penalties shall be imposed for each 44 violation of the prohibitions in this Act:

45 a. For violations of Sections 6, 7, 9, 10, 13, and 14 of this Act, the following
46 penalties shall be imposed:
47

- i. For large enterprise
 - a. First (1st) offense: Fine of not less than five hundred thousand pesos (Php 500,000) but not more than one million pesos (Php 1,000,000)
 - b. Second (2nd) offense: Fine of not less than one million pesos (Php1,000,000) but not more than five million pesos (Php 5,000,000)
 - c. Third (3rd) offense: Fine of not less than five million pesos (Php5,000,000) but not more than ten million pesos (Php 10,000,000)
 - ii. MSMEs or any other enterprise not considered as a large enterprise by the DTI
 - a. First (1st) offense: Fine of not less than five thousand pesos (Php 5,000) but not more than ten thousand pesos (Php 10,000)
 - b. Second (2nd) offense: Fine of not less than ten thousand pesos (Php 10,000) but not more than twenty thousand pesos (Php 20,000)
 - c. Third (3rd) offense: 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.
 - iii. Natural person
 - a. First (1st) offense: Fine of not more than five thousand pesos (P5,000)
 - b. Second (2nd) offense: Fine of not less than five thousand pesos (Php 50,000) but not more than ten thousand pesos (Php 10,000)
 - c. Third (3rd) offense: Fine of not less than ten thousand pesos (Php 10,000) but not more than twenty thousand pesos (Php 10,000) or imprisonment of not more than one (1) year, or both, at the discretion of the court
- b. An additional fine of one percent (1%) of the economic value or cost of the violative product or one thousand pesos (P1,000), whichever is higher, shall be imposed for each day of the continuing violation.
- c. A fine of not less than one thousand pesos (Php 1,000) nor more than one hundred fifty thousand pesos (P150,000.00), plus the additional fine of not more than one thousand pesos (Php 1,000) for each day of continuing violation shall be imposed against any trader, retailer and/or their agent, found to have committed the prohibited act under Section 11 of this Act.
- d. The penalties imposed in this Section shall be without prejudice to other remedies or penalties and sanctions that are available or may be imposed by law.

- 1 e. No person shall be subject to the penalties under this Section for having
2 sold, offered for sale, or transferred prepackaged food products that are
3 not compliant with the provisions of Sections 6, 7, or 9 of this Act, if
4 such sale, distribution or transfer, was made in good faith. A sale,
5 distribution, or transfer is presumed to be made in good faith if the
6 seller or distributor has obtained, in writing, a guaranty from the
7 person or food business operator from whom the prepackaged food were
8 obtained, that said prepackaged food are not covered by the
9 requirements under Sections 6 and 7 of this Act.
10

11 **SECTION 30. Other corrective actions.** In addition to the fines and penalties
12 in Section 29, the following corrective actions, if not initiated by the offenders
13 themselves, shall be imposed by the appropriate authorities to the offenders:

- 14 a. Seizure and condemnation, destruction, recall, and/or appropriate
15 disposition of prepackaged food products that are considered
16 misbranded under Section 10 of this Act, or items that constitute
17 prohibited marketing under Sections 9 (d), 13 or 14 of this Act;
18
19 b. The issuance of a Cease and Desist Order (CDO) which shall specify
20 that the trader or retailer and/or their agents shall cease and desist
21 from concealment or obstruction of view of warning labels under Section
22 11 of this Act and that they shall be required to submit a report of
23 compliance therewith within a reasonable time;
24
25 c. A submission of a voluntary assurance of discontinuance of concealment
26 or obstruction of warning labels under Section 11 of this Act;
27
28 d. Issuance of take-down orders against prohibited advertising, and
29 promotion content under Sections 13 or 14 of this Act;
30
31 e. Suspension, revocation, or cancellation of applicable licenses,
32 registrations, and permits to operate for business establishments and
33 operators or drivers of public utility vehicles; including the submission
34 of a recommendation to the LGU concerned, through proper channels,
35 for the cancellation or suspension of licenses, registrations, and permits;
36
37 f. The withholding of any permit, license, authority, or registration
38 pending from the appropriate agency or entity;
39
40 g. Disapproval of an application for the issuance or renewal of a Certificate
41 of Product Registration (CPR) by the FDA, including suspension,
42 revocation, or cancellation of an existing CPR, for prepackaged food
43 products that are considered misbranded under Section 9 of this Act;
44
45 h. Closure of the establishment by LGUs having jurisdiction over premises
46 where a violation of this Act has been committed; and
47

- 1 i. Censure.

2
3 **SECTION 31. Liability of juridical and other persons.**

- 4 a. Should a violation of this Act be committed by a juridical person, the
5 Chair of the Board, the President, the General Manager, or the partners
6 and/or the persons directly responsible therefor shall be penalized.
7
8 b. If the offender is an alien, they shall be deported after service of
9 sentence and/or payment of fine without further deportation
10 proceedings and shall be permanently barred from re-entering the
11 Philippines.
12
13 c. In case a violation is committed by, or in the interest of, a foreign
14 juridical person duly licensed to engage in business in the Philippines,
15 such license to engage in business in the Philippines shall be
16 immediately revoked.
17

18 **SECTION 32. Liability of government officials and employees.** Public
19 officials and employees who violate Section 25 or 26 of this Act, or who deliberately
20 or knowingly fail to fulfill their responsibilities under this Act, shall be subject to
21 administrative disciplinary action pursuant to relevant laws, rules, and
22 regulations.
23

24 **ARTICLE VI. FINAL PROVISIONS**

25
26 **SECTION 33. Healthy Food Environment Trust Fund.** A Healthy Food
27 Environment Trust Fund is hereby created. All fines collected pursuant to the
28 enforcement of this Act shall be used exclusively for its implementation and to
29 fund other measures to promote a healthy food environment. The DOH shall be
30 responsible for the management and control of the Trust Fund.
31

32 **SECTION 34. Compliance monitoring.** Not later than three (3) years after the
33 date of the effectivity of this Act, and annually thereafter, the DOH shall submit
34 to the President of the Philippines and to both Houses of Congress a monitoring
35 report on the compliance of the food and beverage industry with this Act and all
36 related laws, rules, regulations, and ordinances. All reports required under this
37 Act shall be made available to the public primarily via the DOH website and other
38 means to readily access such information.
39

40 All members of the NTF are required to submit an annual report of their
41 accomplishments to the DOH. The DOH is hereby authorized to report to Congress
42 any instance of delay or non-compliance by the national agencies and LGUs herein
43 of the timelines in implementing this Act. The DOH is also authorized to demand
44 accountability from such agencies or LGUs for failure to fulfill its duties under
45 this Act, without prejudice to other remedies or penalties and sanctions that are
46 available or may be imposed by law for such delay or non-compliance.
47

1 **SECTION 35. Impact assessment.** The DOH shall conduct an impact
2 assessment every three (3) years to evaluate the effectiveness of the enforcement
3 of this Act, health, behavioral, social, and economic outcomes, and other matters
4 relevant to implementation of this Act. The DOH shall include in its budget the
5 conduct of the assessment.

6
7 **SECTION 36. Implementing rules and regulations (IRR).** The DOH, in
8 consultation with the members of the NTF in Section 19, shall promulgate such
9 rules and regulations necessary for the effective implementation of this Act within
10 six (6) months from the date of publication of this Act. The IRR shall cover, among
11 others, the phases of implementation, provided that, non-issuance of the IRR shall
12 not prevent the implementing agencies from enforcing this Act upon its effectivity.

13
14 **SECTION 37. Transitory provision.** Existing industries, businesses,
15 manufacturers, distributors, and other stakeholders affected by the
16 implementation of this Act shall be given six (6) months from the effectivity of this
17 Act to comply with its requirements.

18
19 **SECTION 38. Appropriations.** The amount necessary to implement the
20 provisions of this Act shall be charged against the current year's appropriations of
21 the concerned national government agencies. Thereafter, such funds as may be
22 necessary for the continued implementation of this Act shall be included in the
23 budgets of the concerned national government agencies under the annual General
24 Appropriations Act.

25
26 **SECTION 39. Repealing clause.** All laws, decrees, ordinances, administrative
27 orders, rules and regulations, or any part thereof, which are inconsistent with this
28 Act are repealed or amended accordingly.

29
30 **SECTION 40. Separability clause.** Should any provision of this Act be
31 subsequently declared unconstitutional, the other provisions not so declared shall
32 remain in full force and effect.

33
34 **SECTION 41. Effectivity.** This Act shall take effect fifteen (15) days after its
35 publication in the Official Gazette and at least two (2) newspapers of national
36 circulation.

37
Approved,