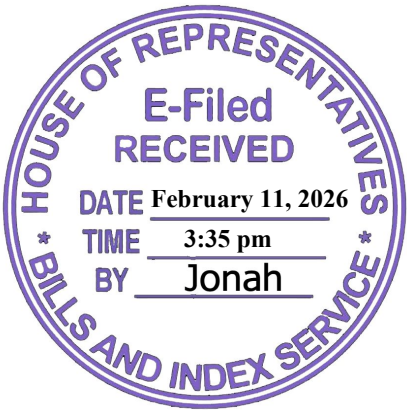


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 7756



Introduced by Representative Paolo Henry M. Marcoleta

EXPLANATORY NOTE

At least one in every three Filipinos die from non-communicable diseases (NCDs), such as coronary heart diseases (CHDs), cerebrovascular disease, diabetes mellitus, and hypertensive disease. CHDs account for 17.1% of the total registered deaths and remain to be the leading cause of death among Filipinos.¹

The country's lack of effective labelling system makes Filipinos more vulnerable to NCDs due to increased consumption of unhealthy food products. Nutrition information labels on food packaging are complex and difficult for many consumers to understand, particularly those of lower socioeconomic status.² To protect health and instill health consciousness, legislation mandating front-of-package warning labels (FOPWL) is needed. FOPWL will help Filipinos make informed food choices and avoid unhealthy products, especially for those at risk of NCDs.³

Hence, this representation seeks the passage of this measure.

PAOLO HENRY M. MARCOLETA
Representative, SAGIP Partylist

¹ Philippine Statistics Authority. 2024 Causes of Death in the Philippines (Provisional as of 30 September 2024)
² Paraje, G. et.al. Front-of-pack labeling in Chile: Effects on employment, real wages, and firms' profits after three years of its implementation. *Nutrients*. (2022)
³ Hock, K, Acton, R, et.al. Experimental study of front-of-package nutrition label's efficacy on perceived healthfulness of sugar-sweetened beverages among youth in six countries. *Preventive Medicine Reports*. (2021)

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HOUSE BILL NO. 7756

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AN ACT
REQUIRING FRONT-OF-PACKAGE WARNING LABELS FOR
PREPACKAGED FOOD AND NON-ALCOHOLIC BEVERAGES TO
GUIDE FILIPINOS IN AVOIDING UNHEALTHY FOOD AND TO
PROMOTE CHILDREN’S RIGHT TO HEALTH

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

ARTICLE I. GENERAL PROVISIONS

SECTION 1. *Short Title.* – This Act shall be known as the “*Front-of-Package Warning Label Act.*”

SEC. 2. *Declaration of Policy.* – It is the policy of the State to protect and promote the right to health of all Filipinos, instill health consciousness among them and to defend the right of children to proper care and nutrition. It is likewise the policy of the state to protect consumers from trade malpractices and from substandard or hazardous products. Towards these ends, the State recognizes the need to enable Filipinos to make informed food choices and avoid food that are high in fats, sodium, and sugar through easy-to-read warning labels on prepackaged food.

SEC. 3. *Objectives.* – This Act seeks to:

- a. Guide the population in making informed food purchases and discourage people from consuming food with fat, sodium, and sugar content in excess of the prescribed maximum thresholds;
- b. Reduce the risk of overweight and obesity; and

- 1 c. Prevent deaths due to non-communicable diseases caused by dietary risk
2 factors.

3
4 **SEC. 4. *Definition of Terms.*** – For the purposes of this Act, the following terms
5 shall be defined as follows:

6
7 a. *Breastmilk Substitutes* means any food being marketed or otherwise
8 represented as a partial or total replacement for breastmilk, whether or not
9 suitable for that purpose;

10
11 b. *Calories* refer to the unit of measurement used to determine the amount of
12 energy that a food provides;

13
14 c. *Complementary Nutritional Information* may state, suggest, or imply that
15 a food or beverage possesses particular nutritional properties, especially,
16 but not limited to its energy value, protein, fat, carbohydrates, dietary fiber
17 content, critical nutrients, vitamins, minerals, and even assertions of
18 fortification;

19
20 d. *Food* refers to any substance or product, whether processed, partially
21 processed, or unprocessed that is intended for human consumption. It
22 includes drinks, chewing gum, water and other substances that were used
23 as an ingredient or a component in the manufacture, preparation, or
24 treatment of food, such as oils and fats, whether sold alone or incorporated
25 in processed food and/or prepackaged food;

26
27 e. *Front-of-Package Warning Label (FOPWL)* refers to the supplementary
28 nutrition information on the main face of the packaging of prepackaged
29 food to inform consumers when a product contains excessive amounts of
30 nutrients of concern;

31
32 f. *Main face* refers to the part of the packaging where the sales name and the
33 brand or logo, if any, are recorded in their most relevant forms;

34
35 g. *Micro, small, and medium enterprise (MSME)* refers to food businesses as
36 defined within the classification of industries by the Department of Trade
37 and Industry;

38
39 h. *Nutrient Profile Model* refers to a tool used to classify or rank foods
40 according to their nutritional composition for reasons related to the
41 prevention of disease and promotion of health;

42
43 i. *Nutrients* refer to any chemical substance normally consumed as a
44 component of a food that: 1) provides energy; and/or 2) is necessary for,
45 or contributes to the growth, development, and maintenance of health and

1 life; and/or 3) the absence of which will cause characteristic chemical or
2 physiological changes to occur;

- 3
- 4 j. *Nutrients of concern* refer to those nutrients that when ingested above the
5 maximum values are considered as risk factors associated with NCDs;
6 these include but are not limited to sugars, sodium, saturated fats, total
7 fats, and calories;
- 8
- 9 k. *Prepackaged food* refer to processed food prepared in advance and placed
10 in a container, labelled and ready for sale or distribution, or for catering
11 purposes;
- 12
- 13 l. *Saturated fatty acid (SFA)* refers to fatty acids that contain the maximum
14 number of hydrogens possible, and no carbon-carbon double bonds.
15 Saturated fatty acids are classified as short chain (1-5 carbons), medium
16 chain (6-12 carbons), and long chain (13-21 carbons) and very long chain
17 (contains 22 and more carbons) according to the carbon chain length;
- 18
- 19 m. *Sodium* refers to a chemical element that exists naturally in food,
20 associated with other molecular residues or atoms as an ionic bond,
21 forming chemical salts. It is of great importance since it helps to maintain
22 the water and base acid balance of any organism, constituting its most
23 common compound, sodium chloride or what is usually called table salt.
24 Likewise, we find other sodium salts that are of industrial origin, such as
25 monosodium glutamate (flavor enhancer); sodium benzoate, sodium
26 acetate, sodium bicarbonate (acidity regulators and preservatives); sodium
27 hydroxide, sodium carbonate (acidity regulator); sodium erythorbate
28 (antioxidant), among others. One gram of 'table salt' contains 400mg of
29 sodium (1 gram of sodium is equivalent to 2.5 grams of table salt);
- 30
- 31 n. *Sugar* refers to sucrose, fructose, or glucose obtained from the industrial
32 processing of sugar cane, sugar beet, hard yellow corn, and their mixtures,
33 among others, in the form of a crystallized solid product or syrup used as
34 an ingredient in food products;
- 35
- 36 o. *Total fat* refers to the total amount of fat in a food product. This includes
37 the saturated fat, trans-fat, monounsaturated, and polyunsaturated fat in a
38 food product;
- 39

40 **SEC. 5. Scope and Application.** - This Act shall apply to all food business
41 operators of prepackaged food produced, manufactured, imported, distributed,
42 supplied, and advertised or marketed in the territory of the Philippines.

ARTICLE II. FRONT-OF-PACKAGE WARNING LABELS

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

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

- a. The packaging must include one warning label for each nutrient in excess of prescribed values, namely:
 - “HIGH IN SUGAR”;
 - “HIGH IN SODIUM”;
 - “HIGH IN SATURATED FAT”;
 - “HIGH IN TOTAL FAT”;
- b. If the product's calories is in excess of the prescribed values the package must include the following warning label:
 - “HIGH IN CALORIES”
- c. If the product contains sweeteners, the package must include the following warning label:
 - “CONTAINS SWEETENERS, NOT RECOMMENDED FOR CHILDREN”
- d. The warning label shall have the form of black octagons with a white edge and capital letters;
- e. The size of each warning label shall never be less than five percent (5%) of the area of the main face of the packaging;
- f. 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;

- 1 g. It must be located on the top right edge of the product's main face. If the
2 shape of the product is round or cylindrical, it must be on the top center of
3 the main face. For products in which the main face of the packaging is
4 equal to or less than ten (10) square centimeters, it will contain a single
5 octagon that will show inside of it how many nutrients of concern above
6 the thresholds the product has. The warning label shall be 15% of the front
7 of the package.
- 8
- 9 h. If the product has more than one warning label, they must be placed
10 adjacent to each other on the product's main face.
- 11
- 12 i. For packages with multiple products, the outer packaging, as well as each
13 individual package inside must also include the warning label.
- 14

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

19

20 **SEC. 8.** *Maximum Values.* – The maximum values of the nutrients of
21 concern shall be based on the nutrient profile model developed by the Department
22 of Health. Pending the development of a local NPM, the Pan American Health
23 Organization Nutrient Profile Model shall be used as the basis for such maximum
24 values.

25

26 The DOH may coordinate with the Department of Science and Technology –
27 Food and Nutrition Research Institute (DOST-FNRI) in developing an NPM for the
28 Philippines.

29

30 **SEC. 9.** *Exemptions.* – Prepackaged food for special therapeutic dietary uses
31 that are formulated for a particular physiological condition or as partial replacement
32 for meals, and culinary ingredients which typically consist of only one nutrient in
33 high purity (cooking oils, table sugars, common table salt, etc.) shall follow their
34 respective labeling requirements and shall be exempted from the obligation to
35 incorporate a warning label. Breastmilk substitutes shall likewise be exempted from
36 this Act and shall follow the guidelines promulgated by Executive Order No. 51,
37 series of 1986, its implementing rules and regulations and other pertinent
38 regulations.

39

40 **SEC. 10.** *Prohibitions on misleading packaging and other promotional*
41 *features.* – Prepackaged food, as well as non-alcoholic beverages, required to have
42 a warning label under Section 6 of this Act shall not have any element of feature
43 that:

44

- 45 a. Provide complementary nutritional information;
- 46

- b. Logotypes or phrases stating the sponsorship or endorsements of scientific societies, civil associations or other relevant actors; and
- c. Other health and nutrition claims.

ARTICLE III. ENFORCEMENT

SEC. 11. *Certificate of Product Registration.* – The FDA shall not issue a Certificate of Product Registration (CPR) or renew an existing CPR to any food manufacturer, distributor, and importer whose product does not comply with Sections 6, 7, and 10 of this Act.

SEC. 12. *Inspection Powers and Record-Keeping.* – The FDA, through its authorized agents, shall have the power to inspect the premises and records of food manufacturers, to determine compliance with this Act. The FDA shall issue inspection procedures and guidelines on record-keeping.

SEC. 13. *Enforcement for Traditional Markets and Food Service Establishments.* – Local government units (LGUs), through an appropriate issuance and in coordination with the FDA and Department of Trade and Industry (DTI), shall establish a mechanism to enforce the provisions of this Act on prepackaged food produced and marketed in traditional markets and food service establishments within their jurisdiction and shall impose penalties for violations thereof.

SEC. 14. *Consumer Complaints.* – The FDA may commence an investigation motu proprio, upon petition, or upon letter-complaint from any consumer for violations of this Act. Upon finding by the FDA of prima facie violation of any provisions of this Act, it may motu proprio or upon a verified complaint, commence formal administrative action against the food business operator or any person who appears responsible.

The procedure in the commencement and processing of consumer complaints mentioned in this Section shall follow the existing rules and regulations of the FDA.

SEC. 15. *Multisectoral Coordination and Civil Society Participation for Enforcement, Monitoring, and Surveillance.* –

- (a) The State recognizes the role of civil society organizations and the private sector in promoting public health. The DOH, FDA, and DOST-FNRI may engage civil society organizations and the private sector, as long as they are not affiliated or related to the food and beverage industry, to provide technical assistance in implementing and monitoring the provisions of this Act. The DOH shall develop and implement programs to enable citizen participation in compliance with this Act.

- 1
- 2 (b) Any citizen or civil society, non-government, and grassroots organization
- 3 is hereby authorized to file an appropriate civil, criminal, or administrative
- 4 action in the proper courts or administrative body against any public
- 5 officer who willfully or grossly neglects the performance of a
- 6 responsibility specifically enjoined by this Act and its implementing rules
- 7 and regulations, or against any member of the food and beverage industry,
- 8 including persons working on their behalf, who violates any provision of
- 9 this Act and its implementing rules and regulations. The court shall
- 10 exempt such action from the payment of filing fees and shall exempt the
- 11 plaintiff from the filing of an injunction bond for the issuance of
- 12 preliminary injunction. In the event that the plaintiff shall prevail, the
- 13 court shall award reasonable attorney's fees, moral damages, and litigation
- 14 costs as appropriate. The administrative, civil, and criminal actions
- 15 allowed under this paragraph shall be cumulative and shall not preclude
- 16 any other person from filing a similar action.
- 17

18 **SEC. 16. *Prohibited Acts.*** – Any violation of Section 6, 7, and 10 of this Act,

19 shall render the product misbranded under Republic Act No. 9711. Pursuant to

20 Section 11 of Republic Act No. 3720 as amended by Republic Act No. 9711, the

21 following acts are prohibited:

22

- 23 a. The manufacture, importation, exportation, sale, offering for sale,
- 24 distribution, transfer, non-consumer use, promotion, advertising, or
- 25 sponsorship of any food product that is adulterated, unregistered or
- 26 misbranded;
- 27
- 28 b. The adulteration or misbranding of any food product.
- 29

30 Any future amendments to the previously mentioned laws will also apply

31 accordingly.

32

33 **SEC. 17. *Penalties.*** – The following penalties shall be imposed on any person

34 or food business operator found to have committed any of the prohibited acts stated

35 in Section 17 of this Act:

36

- 37 a. Imprisonment ranging from one (1) year but not more than ten (10) years
- 38 or a fine of not less than fifty thousand pesos (P50,000) but not more than
- 39 five hundred thousand pesos (P500,000), or both, at the discretion of the
- 40 court;
- 41
- 42 b. If the offender is a manufacturer, importer, or distributor of any food
- 43 product, imprisonment of at least five (5) years but not more than ten (10)
- 44 years and a fine of at least five hundred thousand pesos (P500,000) but not
- 45 more than five million pesos (P5,000,000) shall be imposed;
- 46

- 1 c. An additional fine of one percent (1%) of the economic value / cost of the
2 violative product or violation, or one thousand pesos (P1,000), whichever
3 is higher shall be imposed for each day of continuing violation;
4
- 5 d. No person shall be subject to the penalties under this section for having
6 sold, offered for sale or transferred food products in violation of Section
7 17 if such sale, distribution or transfer, was made in good faith. A sale,
8 distribution, or transfer is presumed to be made in good faith if the seller
9 or distributor has obtained, in writing, a guaranty from the person or food
10 business operator from whom the food products were obtained, that said
11 food products are not covered by the requirements under Section 6 and 7
12 of this Act;
13

14 Should the offense be committed by a juridical person, the Chairman of the
15 Board of Directors, the president, general manager, or the partners and/or the persons
16 directly responsible therefor shall be penalized.
17

18 Should the offense be committed by a foreign national, he/she shall, in addition
19 to the penalties prescribed, be deported without further proceedings after service of
20 sentence.
21

22 In conjunction with the penalties in this section, the Director-General of the
23 FDA may exercise powers as provided by Republic Act No. 3720 as amended by
24 Republic Act No. 9711 and Republic Act No. 10611.
25

26 Any future amendments to the previously mentioned laws will also apply
27 accordingly.
28

29 **SEC. 18. *Other Penalties.*** – In addition to the foregoing fines and penalties, the
30 following sanctions may also be imposed:
31

- 32 a. The disapproval of an application, suspension, revocation or cancellation
33 of an existing Certificate of Product Registration or any authorization;
34 and/or
35
- 36 b. Seizure and condemnation, destruction, recall, and/or appropriate
37 disposition of non-compliant food products by the FDA as provided under
38 their mandate.
39

40 **SEC. 19. *Compliance by Micro, Small, and Medium Enterprises.*** – The DTI,
41 in coordination with other relevant government agencies and stakeholders shall
42 develop and implement programs to assist micro, small, and medium-sized food
43 business operators of prepackaged food.
44

45
46 **ARTICLE IV. MISCELLANEOUS PROVISIONS**

1
2
3 **SEC. 20. *Consumer Information, Education, and Communication.*** – Health and
4 nutrition literacy including the importance of nutrition labeling, proper usage and
5 rationale of the use of FOPWL and other food product labels, and the risks of
6 overconsuming foods that are high in fats, sodium, and sugar shall be disseminated
7 and promoted through a nationwide information, education, and communication
8 campaign. The DOH shall spearhead the campaign, in cooperation with other
9 concerned government agencies and LGUs. The DOH shall coordinate with the
10 Department of Education to conduct child-specific educational campaigns on
11 nutrition labeling in Philippine schools.
12

13 **SEC. 21. *Implementing Rules and Regulations (IRR).*** – Within sixty (60) days
14 from the effectivity of this Act, the DOH through the Health Promotion Bureau
15 (HPB), together with other relevant government agencies and stakeholders shall
16 develop the IRR for this Act. Non-issuance of the IRR shall not prevent the
17 implementation of this Act upon its effectivity.
18

19 **SEC. 22. *Transitory Provisions.*** – The provisions set forth in this Act shall be
20 complied with within a term not exceeding six (6) months from the effectivity date.
21

22 **SEC. 23. *Monitoring and Evaluation.*** – The DOH, through the FDA, shall
23 report annually or as necessary, to the President and the Congressional Committees
24 on Health, Agriculture and Food, and Trade and Industry on the implementation of
25 this Act.
26

27 **SEC. 24. *Appropriations.*** The initial amount necessary for the implementation
28 of this Act shall be charged against the current appropriation of all concerned
29 agencies. Thereafter, concerned agencies shall allocate such funds that may be
30 necessary for the continuous implementation of this Act and shall include such sums
31 in the annual General Appropriations Act (GAA) under the respective budgets of all
32 concerned agencies.
33

34 **SEC. 25. *Conflict of Interest.*** – Pursuant to the fundamental objective of this
35 Act to advance public health, the implementation and enforcement of this Act and
36 the development of related policies shall promote multi-sectoral coordination while
37 safeguarding against potential conflict of interest.
38

39 **SEC. 26. *Separability Clause.*** – If any part or provision of this Act is held
40 invalid or unconstitutional, the remaining parts or provisions not affected shall
41 remain in full force and effect.
42

43 **SEC. 27. *Repealing Clause.*** – All laws, decrees, executive orders, and rules
44 and regulations contrary to or inconsistent with the provisions of this Act are hereby
45 repealed or amended accordingly.
46

1 **SEC. 28. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after
2 its publication in the Official Gazette or in any newspaper of general circulation.

3
4 *Approved,*