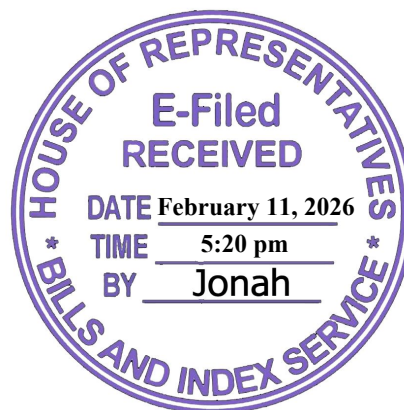


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

20th CONGRESS
First Regular Session

HOUSE BILL NO. 7777



Introduced by. **REP. JUAN CARLOS "ARJO" C. ATAYDE**

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

EXPLANATORY NOTE

There is a concerning and ongoing increase in the prevalence of overweight and obesity among Filipino children and adolescents. Among school-age children aged five (5) to ten (10) years old, the rate of overweight and obesity rose from 5.7% in 2003 to 12.9% in 2023. Similarly, among adolescents aged ten (10) to nineteen (19) years old, the prevalence increased from 4.9% to 12.5% over the same period. If left unaddressed, these figures are projected to increase by as much as thirty percent (30%) by 2030.¹

Childhood overweight and obesity have profound and far-reaching consequences. Children who grow up overweight or obese are more susceptible to stigma and discrimination, and they are at a higher risk of developing serious non-communicable diseases, such as cardiovascular disease, diabetes, cancer, and chronic respiratory conditions. These health risks impose a growing burden on families, the healthcare system, and the national economy.²

In the Philippines, children are increasingly exposed to environments where healthy food is less available, less accessible, less desirable, and less affordable, while unhealthy food and beverages are widely available, aggressively marketed, and easily purchased. Ultra-processed products high in sugar, salt, and fat dominate children's food choices, largely due to their promotion through various media and digital platforms.

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/eap/media/8221/file/Prevention%20of%20Overweight%20and%20Obesity%20in%20Children.pdf>.

Under Republic Act No. 11223, or the Universal Health Care Act, the State is mandated to ensure the proper care and nutrition of all Filipinos, including children, and to provide promotive and preventive health services against non-communicable diseases. This duty is reinforced by the State's obligation to protect children from practices that undermine their health and well-being, including irresponsible and inappropriate marketing of food and beverages that contribute to poor dietary habits.

Filipino children are increasingly exposed to targeted marketing of unhealthy food and beverages on social media, digital platforms, and multimedia content. These marketing strategies exploit children's limited cognitive ability to discern persuasive intent, encouraging them to consume calorie-dense, nutrient-poor, and ultra-processed products. This leads to unhealthy eating habits and early-onset obesity and diet-related diseases.

Despite the harm caused, the Philippines lacks a comprehensive regulatory framework to protect children from aggressive and misleading promotion of unhealthy food and beverages. UNICEF has observed the rapid expansion of the market for highly processed foods, such as soft drinks, sweet snacks, and savory snacks, driven by sophisticated and unregulated marketing tactics. These include misleading health and nutrition claims, product reformulation to create a false impression of healthfulness, tie-ins with popular films and characters, and promotional giveaways, all designed to appeal to children.

This bill addresses a critical gap in public health and child protection. It establishes clear standards for classifying foods and beverages as healthy or unhealthy, regulates and restricts the marketing of unhealthy products to children, and promotes a food environment that supports informed, healthy choices. This measure advances the State's constitutional and statutory duty to safeguard the health, nutrition, and welfare of Filipino children.

Given the urgent and growing threat posed by childhood obesity and unhealthy food environments, the immediate passage of this bill is earnestly sought.


REP. JUAN CARLOS "ARJO" C. ATAYDE

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AN ACT PROTECTING CHILDREN FROM UNHEALTHY FOOD MARKETING
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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.

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

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

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

a. “**Advertising**” means any form of commercial communication, recommendation, message, or representation, with the aim, effect or likely effect of promoting the

- 1 purchase, consumption, recognition or attractiveness of a product, or the brand related
2 to the product, either directly or indirectly;
- 3 b. **“Brand”** means any distinctive feature like a name, term, design, or symbol that
4 identifies goods, distinguishing a product from those of other sellers’
- 5 c. **“Brand associated with an unhealthy food”** means a brand with an unhealthy food
6 in its product line, or a brand that is included on the packaging of an unhealthy food;
- 7 d. **“Child”** means a person aged under 18 years old or 18 years old and over but cannot
8 fully take care of themselves;
- 9 e. **“Child-directed marketing”** means all marketing targeting children, which includes,
10 but is not limited to, marketing that uses: images, sounds or language designed to appeal
11 to children such as cartoon characters, personalities or celebrities that target or address
12 children in their content (licensed or unlicensed), children actors or voices, or
13 references to school or play; toys or book giveaways, competitions or promotional
14 giveaways, buy-one-take one, discounts, and pricing bundle strategies of food and
15 beverages not permitted to be marketed to children under Section 5; themes designed
16 to attract children (e.g. fantasy or adventure); games or activities that are likely to be
17 popular with children; or other similar or analogous appeals identified by the DOH.
18 Child-directed marketing also includes marketing that is directed to a parent (or another
19 adult) where the end-consumer is a child;³
- 20 f. **“Child-centered Settings”** means any location where public activities are held in
21 which children may participate, including but not limited to schools, educational
22 establishments, learning institutions, playgrounds, amusement parks, or other service
23 centers or places frequented by families and children, and other similar and analogous
24 settings. When necessary, the Department of Health (DOH), Early Childhood Care and
25 Development (ECCD) Council, and the Department of Education (DepEd) are
26 authorized to identify other child-centered settings within the ambit of this Act;
- 27 g. **“Codex Alimentarius”** refers to a collection of internationally recognized standards,
28 codes of practice, guidelines, and other recommendations published by the Food and
29 Agriculture Organization and World Health Organization of the United Nations relating
30 to food, food production, food labeling, and food safety;
- 31 h. **“Cross-border marketing”** refers to marketing as defined in this Act, which originates
32 within the territory of the Philippines and enters or could be received in another
33 territory, as well as that which originates outside the territory of the Philippines and is
34 received or accessible within the territory;
- 35 i. **“Food and beverages”** refers to food and food products as defined by the FDA Act of
36 2009 or Republic Act No. 9711, *provided that* any reference to “food” in this Act means
37 “food and beverages”;
- 38 j. **“Food and beverage industry”** means manufacturers, wholesale distributors, and
39 importers of food and beverages that are not permitted to be marketed to children
40 defined in this Act;
- 41 k. **“Front-of-pack nutrition label (FOPNL)”** refers to the supplementary nutrition
42 information on the main face of the packaging of prepackaged food to inform
43 consumers, particularly children, when a product is classified as an unhealthy food;
- 44 l. **“Health claim”** means any representation or combination of representations that
45 creates an impression that a product is beneficial for health and well-being. A health
46 claim includes but is not limited to:

³ 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 a) a nutrient function claim that describes the physiological role of the nutrient in
2 growth, development, and normal functions of the body;
- 3 b) any other function claim concerning specific beneficial effects of the consumption
4 of foods or their constituents that relate to positive contribution to health, to the
5 improvement of a function, or to modifying or preserving health; and
- 6 c) a reduction of disease risk claim relating to the consumption of a food or food
7 constituent, in the context of the total diet, to the reduced risk of developing a
8 disease or health-related condition;
- 9 m. **“Manufacturer”** means a person who makes, mixes, cooks, packs, combines
10 packaging, or modifies packaging of food and beverages not permitted to be marketed
11 to children as defined in this Act. This shall include any person who attaches one's own
12 brand name to a food and beverage product manufactured, assembled, or processed for
13 them;
- 14 n. **“Marketing”** means any form of commercial communication of messages that are
15 designed to, or have the effect or likely effect of, increasing the recognition, appeal
16 and/or consumption of products and services, whether directly or indirectly. It includes
17 but is not limited to acts of advertising and promotions of a product or service including
18 the advertising of corporate social responsibility initiatives, and sponsorships;⁴
- 19 o. **“Message”** means the presentation of letters, images, artificial marks, photographs,
20 motion pictures, light, sound, or any other action that enables the general public to
21 comprehend the conveyed meaning;
- 22 p. **“Nutrient”** refers to any chemical substance normally consumed as a component of a
23 food that provides energy and/or is necessary for, or contributes to the growth,
24 development, and maintenance of health and life, and/or the absence of which will
25 cause characteristic chemical or physiological changes to occur;
- 26 q. **“Nutrient Profile Model”** refers to a government-developed tool used for classifying
27 and categorizing foods according to their nutritional composition and/or level of
28 processing for reasons related to the prevention of disease and the promotion of health;
- 29 r. **“Nutrition claim”** means any representation which states, suggests or implies that a
30 food has a particular nutritional property including but not limited to the energy value
31 and to the content of protein, fat and carbohydrates, as well as the content of vitamins
32 and minerals. The following do not constitute a nutrition claim:
- 33 a) the mention of substances in the list of ingredients;
- 34 b) the mention of nutrients as a mandatory part of nutrition labeling;
- 35 c) quantitative or qualitative declaration of certain nutrients or ingredients on the
36 label if required by national legislation;
- 37 s. **“Packaging”** means any box, bag, pouch, tube, bottle, packet, carton, tin, or other
38 container or wrapper for a product or set of products for sale as a retail unit; includes
39 other material or insertion that is attached to or included with the container or wrapper;
- 40 t. **“Prepackaged food”** refers to processed food prepared in advance, in the absence of
41 the customer, ready to be offered to customers, and placed in a container, labelled and
42 ready for sale or distribution to individuals or large groups;
- 43 u. **“Promotion”** means any commercial action, activity, or method with the aim, effect,
44 or likely effect of directly or indirectly promoting the purchase, consumption,
45 recognition, or attractiveness of a product, whether there is a reference to a product or
46 brand, independent of the means of dissemination;
- 47 v. **“Public event”** means any activity that is open for public access and participation,

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

15 **ARTICLE II**
16 **GENERAL FRAMEWORK ON THE MARKETING OF**
17 **FOODS AND BEVERAGES TO CHILDREN**
18

19 **SECTION 5. Nutrient Profile Model (NPM).** (a) The Department of Health (DOH) shall
20 develop and adopt a nutrient profile model (NPM) for classifying and categorizing food
21 according to their nutrient composition and/or level of processing. Pending the development of
22 a local NPM, a conflict-free, evidence-based NPM recommended by the World Health
23 Organization shall be used as the basis for such food classification.
24

25 The DOH shall be guided by the Philippine national dietary guidelines and applicable regional
26 nutrient profile models. Under this Act, the DOH shall not only create an NPM but also regulate
27 exposure of children to and the power of marketing of unhealthy food.
28

29 (b) The NPM shall be used to determine whether food and beverages are likely to be part of a
30 healthy diet as distinguished from those that are likely to contribute to excess consumption of
31 sugar, salt and fat and, are therefore, categorized as unhealthy food. Food and beverages
32 classified as unhealthy food shall be prohibited for marketing to children and shall be
33 accompanied by appropriate mandatory front-of-pack nutrition labels, among others, within
34 one (1) year from the date of effectivity of this Act.
35

36 (c) Without prejudice to the provisions above, the following categories of food and beverages
37 are not permitted to be marketed to children at any time:
38

- 39 i. chocolate and sugar confectionery, energy bars, and sweet toppings and desserts; *
- 40 ii. cakes, sweet biscuits and pastries and other sweet bakery products, and dry mixes for
41 making such;*
- 42 iii. all types of candies, such as hard and chewy candy, chewing gum, marshmallows,
43 and
44 lollipops;**
- 45 iv. heavily salted snacks such as chips or *chichirya*;**
- 46 v. instant noodles;**
- 47 vi. jellies, ice crushes, slushies;**

⁵ 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*.

- 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.*⁶

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.

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

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

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

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

⁶ *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/i/item/9789290617853>; ** with some additions based on DepEd D.O. No 13-2017 (RED category of foods not allowed to be sold in schools)

- i. The FDA shall enforce prohibitions against child-directed marketing in traditional media including but not limited to print publications, and shall also enforce such prohibitions in digital, online and social media;
- ii. Local Government Units (LGUs) shall enforce prohibitions against child-directed marketing in outdoor environments, retail environments (including vending machines and point-of-sale marketing), public spaces (including transportation terminals), public events, and direct marketing in their respective jurisdictions;
- iii. The Land Transportation Franchising and Regulatory Board (LTFRB) shall enforce prohibitions against child-directed marketing in public utility vehicles;
- iv. The Department of Trade and Industry (DTI) and LGUs shall enforce prohibitions against child-directed marketing through sponsorship as described in Section 7 (b) *provided that*, when the violation occurs in and within 250 meters from any point of the perimeter of child-centered settings, Section 7 shall apply; and
- v. All other violations against child-directed marketing in whatever medium that are not otherwise enforced by other agencies or instrumentalities as provided in this Act shall be enforced by the FDA.

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

SECTION 7. *Prohibition on Marketing of Unhealthy Food that Children may be Exposed to in Child-Centered Settings or Media.* (a) It is absolutely prohibited to market food and beverages identified by the DOH as unhealthy food and brands associated with an unhealthy food under Section 5 of this Act in any manner in the following settings:

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

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

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

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

(a) When a specific food or beverage is classified as an unhealthy food under this Act, it is

absolutely prohibited for such to contain any nutrition, quality and health claims or to be marketed using a nutrition, quality or health claim.

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

SECTION 9. *Mandatory Front-of-Pack Nutrition Labels (FOPNL)*. (a) Prepackaged food and beverages categorized as unhealthy food and prohibited from being marketed to children shall be accompanied by appropriate mandatory front-of-pack nutrition labels on the components that make such food or beverage unhealthy and harmful to children's health under Section 5 of this Act.

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

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

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

SECTION 11. *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 front of pack nutrition label under Section 9 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 12. *Promoting Transparency in Food and Beverage Marketing*. Within two (2)

1 years from the date of effectivity of this Act, large enterprises, as defined by the Department
2 of Trade of Industry (DTI), in the food and beverage industry shall submit an annual report to
3 the DOH, copy furnishing the FDA, detailing all expenditures relating to marketing of food
4 and beverage products. The DOH shall prescribe the manner and form of such report and shall
5 provide sanctions for non-compliance.

6
7 **SECTION 13. *Policy Against Industry Interference.*** This government shall ensure that policy
8 setting and implementation of laws that ultimately aim to reduce obesity and overweight are
9 protected from the commercial and other interests of the food and beverage industry that do
10 not align with the national health policy on health promotion and preventive care.

11
12 **SECTION 14. *Declaration Against Conflict of Interest.*** (a) All representatives of government
13 agencies and organizations, including civil society, non-government, grassroots, and
14 international organizations, that take any part, directly or indirectly, in the setting and
15 implementing of policies and measures that are part of the strategic framework of measures to
16 promote health and preventive care or the reduction of overweight and obesity shall be required
17 to fully accomplish a signed declaration under oath prepared by the DOH that states, among
18 others, that they are not affiliated with the food and beverage industry, and that they do not act
19 on such industry's behalf or interests. The signed and notarized copy of such declarations shall
20 be made available to the public primarily via the DOH website and other means to readily
21 access such information.

22
23 (b) If said representative is conclusively found to have a conflict of interest, their appointment
24 or involvement shall be terminated.

25
26 **SECTION 15. *Multisectoral Coordination and Civil society Participation for Enforcement,***
27 ***Monitoring and Surveillance.*** (a) The State recognizes the role of civil society organizations
28 and the private sector in promoting public health and may engage civil society organizations
29 and the private sector, as long as they are not affiliated or related with the food and beverage
30 industry and have signed a declaration against conflict of interest described in Section 14, to
31 provide technical assistance in implementing and monitoring the provisions of this Act. The
32 DOH shall develop and implement programs to enable citizen participation in compliance with
33 this Act.

34
35 (b) Any citizen or organization may file an appropriate civil, criminal, or administrative action
36 in the proper courts or administrative body against any public officer who willfully or grossly
37 neglects the performance of a responsibility specifically enjoined by this Act and its
38 implementing rules and regulations, or against any member of the food and beverage industry,
39 including persons working on their behalf, who violates any provision of this Act and its
40 implementing rules and regulations. The court shall exempt such action from the payment of
41 filing fees and shall exempt the plaintiff from the filing of an injunction bond for the issuance
42 of preliminary injunction. The court may award reasonable attorney's fees, moral damages,
43 and litigation costs as appropriate. The administrative, civil, and criminal actions allowed under
44 this paragraph shall be cumulative and shall not preclude any other person from filing a similar
45 action.

46
47 **SECTION 16. *International Cooperation and Provision on Technical and Financial***
48 ***Assistance.*** The State recognizes that international and regional cooperation is an important
49 component of regulating cross-border marketing of food and beverages that harm children's
50 health. For this purpose, implementing agencies and its members may seek and receive

1 technical and/or financial assistance from international organizations, except those that belong
2 to or are affiliated with the food and beverage industry as defined herein, for the purpose of
3 implementing the provisions or pursuing the objectives of this Act, subject to existing laws,
4 rules, and regulations.

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7 **ARTICLE III**
8 **IMPLEMENTATION**
9

10 **SECTION 17. *Lead agency.*** The Department of Health (DOH) is tasked with ensuring the
11 implementation of the provisions of this Act, and shall have the power to issue other policies,
12 rule, regulations, and standards for the implementation of this Act. The DOH shall also convene
13 and lead the inter-agency council in Section 18 for the implementation of this Act.
14

15 **SECTION 18. *Council for Healthy Food Environment.*** (a) The Council for Healthy Food
16 Environment shall be convened and chaired by the Secretary of the DOH with the Director
17 General of the FDA and the Executive Director of the CWC sitting as vice chairpersons. Other
18 members shall comprise of the following:
19

- 20 • National Nutrition Council (NNC)
21 • Department of Education (DepEd)
22 • Early Childhood Care and Development Council (ECCD Council)
23 • Department of Interior and Local Government (DILG)
24 • Department of Trade and Industry (DTI)
25 • Land Transportation and Franchise Regulatory Board (LTFRB)
26 • National Council for Children’s Television (NCCT)
27

28 (b) The Council shall also consult with the National Council for Indigenous Peoples (NCIP)
29 and the National Commission on Muslim Filipinos (NCMF). The Department Secretaries or
30 Chairpersons may designate permanent and alternate authorized representatives to the Council.
31

32 (c) The Council may, as necessary, invite to its meetings and activities, other government
33 agencies, NGOs, and individual experts, who have relevant mandates and/or expertise that may
34 be useful to accomplish its functions under this Act.
35

36 (d) The Council shall create such offices to enable it to accept and hear complaints against
37 individuals, corporations or such entities violating the provisions of this Act. It is primarily
38 tasked to formulate an integrated national program for the protection of children against
39 unhealthy food environments.
40

41 **SECTION 19. *Local implementation.*** (a) LGUs, through appropriate issuances such as
42 ordinances or executive orders, shall establish mechanisms to enforce the provisions of this
43 Act within their jurisdictions and shall impose penalties for violations thereof. For this purpose,
44 City and Municipal Nutrition Committees and local councils for the protection of children
45 (LCPCs) shall regularly monitor the compliance of LGUs with the provisions of this Act.
46

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

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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:

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

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

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ARTICLE V
PENALTIES

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

- a. Any entity considered as a large enterprise by the DTI, which violates Section 6, 7, or 8, or fails to comply with the requirements in Section 6(d) of this Act, shall:
 - i. Pay a fine of not less than five hundred thousand pesos (PHP 500,000) but not more than one million pesos (PHP 1,000,000), for the first offense;
 - ii. Pay a fine of not less than one million pesos (PHP1,000,000) but not more than five million pesos (PHP 5,000,000), for the second offense;

- 1 iii. Suffer the penalty of imprisonment ranging from one (1) year but not more
2 than ten (10) years, for the third offense.
3
- 4 b. Any entity considered as micro, small, and medium-sized enterprises (MSMEs) by the
5 DTI, or are otherwise not considered large enterprises by the DTI, which violates
6 Section 6, 7 or 8, or fails to comply with the requirements in Section 6(d) of this Act,
7 shall:
8 i. Pay a fine of not less than one thousand pesos (PHP 1,000) but not more than
9 five thousand pesos (PHP 5,000) for the first offense;
10 ii. Pay a fine of not less than five thousand pesos (PHP 5,000) but not more than
11 ten thousand pesos (PHP 10,000) for the second offense;
12 iii. Pay a fine of not less than ten thousand pesos (PHP 10,000) but not more than
13 twenty thousand pesos (PHP 20,000) for the third offense.
14
- 15 c. Any natural person who violates Section 6, 7, or 8 of this Act shall:
16 i. Pay a fine of not more than ten thousand pesos (PHP10,000), for the first
17 offense;
18 ii. Pay a fine of not more than fifty thousand pesos (PHP50,000.00), for the second
19 offense;
20 iii. Pay a fine of not more than one hundred thousand pesos (PHP100,000) or
21 imprisonment of not more than one (1) year, or both, at the discretion of the
22 court, for the third offense.
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- 24 d. In addition to the foregoing fines and penalties, the following corrective actions, if not
25 initiated by the offenders themselves, shall be imposed by the appropriate authorities
26 to the entities that violate or fail to comply with the requisites of this Act:
27 i. Seizure and condemnation, destruction, and/or appropriate disposition of items
28 of prohibited marketing;
29 ii. Issuance of takedown orders against banned advertising, promotions, and
30 sponsorship content;
31 iii. Cancellation of applicable licenses, registrations, and permits to operate for
32 business establishments and operators or drivers of public utility vehicles;
33 iv. Closure of the food and beverage establishment by LGUs having jurisdiction
34 over 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 i. Public officials and employees within the jurisdiction of the Civil Service
39 Commission (CSC) shall be subject to administrative disciplinary action
40 pursuant to Rule XIV (Discipline) of the Omnibus Rules Implementing Book V
41 of EO 292.
42 ii. Local elective officials shall be subject to administrative disciplinary action by
43 the Secretary of Interior and Local Government, or the Office of the President,
44 as appropriate, and provided by relevant laws, rules and regulations.
45 iii. Other government officials shall be subject to administrative disciplinary action
46 by the Office of the Ombudsman or the Office of the President, as provided by
47 relevant laws, rules, and regulations.
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49 **SECTION 22. *Liability of Juridical and Other Persons.*** Should a violation of this Act be
50 committed by a juridical person in Section 21 (a) or (b), the Chair of the Board, the President,

1 the General Manager, or the partners and/or the persons directly responsible therefor shall be
2 penalized. If the offender is an alien, they shall be deported after service of sentence and/or
3 payment of fine without further deportation proceedings and shall be permanently barred from
4 re-entering the Philippines. In case a violation is committed by, or in the interest of, a foreign
5 juridical person duly licensed to engage in business in the Philippines, such license to engage
6 in business in the Philippines shall be immediately revoked.

7 8 9 **ARTICLE VI** 10 **FINAL PROVISIONS** 11

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

17
18 **SECTION 24. *Compliance Monitoring.*** Not later than two (2) years after the date of the
19 effectivity of this Act, and annually thereafter, the DOH shall submit to the President of the
20 Philippines and to both Houses of Congress a monitoring report on the compliance of the food
21 and beverage industry with this Act and all related laws, rules, regulations, and ordinances. All
22 reports required under this Act shall be made available to the public primarily via the DOH
23 website and other means to readily access such information.

24
25 The DOH is hereby authorized to report to Congress any instance of delay or non-compliance
26 by the national agencies and LGUs herein of the timelines in implementing this Act. The DOH
27 is also authorized to demand accountability from such agencies or LGUs for failure to fulfill
28 its duties under this Act, without prejudice to other remedies or penalties and sanctions that are
29 available or may be imposed by law for such delay or non-compliance.

30
31 **SECTION 25. *Implementing Rules.*** The DOH, in consultation with the members of the
32 Council in Section 18, shall promulgate such rules and regulations necessary for the effective
33 implementation of this Act within six (6) months from the date of publication of this Act,
34 provided that in the event the implementing rules and regulations are not promulgated within
35 the specified period, the specific provisions of this Act shall immediately be executory.

36
37 **SECTION 26. *Appropriations.*** The amount necessary to implement the provisions of this Act
38 shall be charged against the current year's appropriations of the concerned national government
39 agencies. Thereafter, such funds as may be necessary for the continued implementation of this
40 Act shall be included in the budgets of the concerned national government agencies under the
41 annual General Appropriations Act.

42
43 **SECTION 27. *Repealing clause.*** All laws, decrees, ordinances, administrative orders, rules
44 and regulations, or any part thereof, which are inconsistent with this Act are repealed or
45 amended accordingly.

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47 **SECTION 28. *Separability clause.*** If any part or provision of this Act shall be subsequently
48 declared unconstitutional, invalid or inconsistent with other prevailing laws, the other
49 provisions or parts which are not affected shall remain in full force and effect.
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SECTION 29. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two newspapers of general circulation.

Approved,

