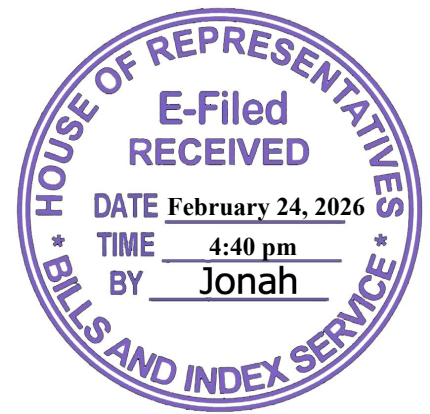


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session
House Bill No. **8065**



Introduced by: Congressman **BIENVENIDO M. ABANTE, JR.**

AN ACT
ELIMINATING INDUSTRIALLY PRODUCED TRANS-FATTY ACIDS IN THE
FOOD SUPPLY BY PROHIBITING PARTIALLY HYDROGENATED OILS AND
LIMITING TRANS-FATTY ACIDS IN PREPACKAGED FOODS, FOOD
SERVICE ESTABLISHMENTS, AND STREET FOOD SALE, INCLUDING
AMBULANT VENDING, AND PROVIDING FOR COMPLIANCE MEASURES,
ENFORCEMENT, AND PENALTIES

EXPLANATORY NOTE

Life and the human body are precious gifts, entrusted to us for care and stewardship. Protecting our health is both a personal responsibility and a societal duty, as preventable risks can affect not only individuals but also the community at large. Scripture affirms, "*Beloved, I wish above all things that thou mayest prosper and be in health, even as thy soul prospereth*" (3 John 1:2, KJV), highlighting the timeless principle that human well-being is of utmost value. In line with this principle, the State has a duty to implement measures that safeguard public health¹, including the elimination of industrially produced trans-fatty acids from the food supply. One clear example of this moral and societal responsibility is the regulation of industrial trans-fatty acids (iTFA), substances in the food supply that pose significant, preventable risks to cardiovascular health.

Industrial trans-fatty acids are strongly linked to an increased risk of coronary heart disease (CHD) and other non-communicable diseases, with no known nutritional benefits.² A 2021 review highlighted that consuming 5 grams of trans fats daily raises cardiovascular disease risk by 29%, while even a 2% energy intake from trans fats is associated with a 23% higher incidence of CHD.¹ According to both controlled trials and observational studies, **TFA consumption from partially hydrogenated oils** adversely affects multiple cardiovascular risk factors and significantly contributes to elevated CHD risk.¹ The negative effects of iTFAs on heart health are undeniable, and it is widely accepted that lowering LDL cholesterol by any means reduces the risk of coronary heart disease.¹ Although prior regulatory efforts

¹ Art. XIII, Sec. 11 of the 1987 Constitution.

² M. A. Firdaus & Sunita Mishra, Industrial Trans-Fatty Acid Intake Associated with Coronary Heart Disease Risk: A Review, *Journal of Nutrition & Food Sciences* 11 (2021).

have targeted prepackaged processed foods, exposure also occurs through food prepared in restaurants and other food service establishments, where oils and fats may be used repeatedly and heated multiple times. Most industrial trans-fatty acids in the food supply come from partially hydrogenated oils (PHO), industrial fats used across food supply chains and in many products, which further shows why eliminating PHO and limiting iTFA are essential public health measures.³

Ensuring that foods are safe for consumption, especially those prepared outside the home, requires reliable, measurable methods to assess and manage exposure to harmful trans fats, periodic laboratory testing of frying oils is particularly important because restaurants and food service establishments typically do not provide nutrition panels for non-prepackaged foods; compliance must therefore be verified through objective, standardized assessments applied to inputs (oils and fats) and validated by established analytical methods. At the same time, to avoid undue burden on street food vendors and ambulant vendors, the bill adopts simplified, feasible compliance for street foods, centered on procurement controls and basic documentation (e.g., receipts, supplier specifications, and packaging labels), with targeted sampling and testing reserved for high-risk cases. The bill directs the Food and Drug Administration (FDA) to prescribe official testing procedures and requires Local Government Units (LGUs) to incorporate testing and record checks into routine food safety inspections, consistent with their statutory responsibility over restaurants and public eating places.⁴

This bill eliminates industrial sources of trans-fatty acids across the food supply chain by: (1) prohibiting partially hydrogenated oils (PHO) and oils and fats blended with PHO; (2) setting a mandatory maximum limit of trans-fatty acids in oils and fats used for food manufacture and food service; (3) applying the same standard to prepackaged foods and to non-prepackaged foods served in food service settings, including street foods, restaurants and similar establishments through input controls; and (4) authorizing periodic laboratory testing of restaurant frying oils under FDA-prescribed analytical methods and chain-of-custody safeguards, to ensure auditability and uniform enforcement.

To strengthen consumer protection and prevent misleading marketing, the bill prohibits “**trans fat free**” or “**0 g trans fat**” claims and requires the disclosure of trans-fat content in nutrition labeling for prepackaged foods. These measures advance the State’s policy to protect consumers against hazards to health and safety and against deceptive or misleading advertising, and ensure that food labels and marketing do not mislead consumers in any material respect, thereby enabling informed consumer choice.

Finally, the bill strengthens enforceability by anchoring administrative and preventive measures in the existing FDA law framework and by providing statutory

³ Global Health Advocacy Incubator. (2021). Partially hydrogenated oil (PHO) market mapping: Identifying sources of industrially produced trans-fatty acids in the food supply. https://assets.advocacyincubator.org/uploads/2021/08/PHO_market_mapping.pdf.

⁴ RA 10611, Food Safety Act of 2013.

penalties for covered food business operators. The Supreme Court has affirmed⁵ that FDA enforcement mechanisms, such as the power to order seizure and hold misbranded food products in custody pending hearing, are valid police power measures intended to protect public health and safety, and that administrative inspections and related preventive actions in this setting may be permissible when grounded on law and accompanied by procedural safeguards.

In view of the foregoing, the immediate passage of this bill is earnestly sought.



BIENVENIDO M. ABANTE, JR.

⁵ Venus Commercial Co., Inc. v. Department of Health, et al. G.R. No. 240764 Nov. 18, 2021.

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ENFORCEMENT, AND PENALTIES

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

SECTION 1. Short Title. — This Act shall be known as the “**Industrial Trans-Fat Elimination Act**”.

SEC. 2. Declaration of Policy. — It is the policy of the State to protect and promote the right to health and to ensure safe food by eliminating industrial sources of trans-fatty acids in the food supply. The State shall adopt a science- and risk-based, coordinated food safety regulatory approach, ensure truthful food information to consumers, and strengthen enforcement across the food supply chain, including food service establishments.

SEC. 3. Coverage. — This Act shall apply to all persons and food business operators involved in the manufacture, processing, preparation, repacking, importation, trading, distribution, sale, offering for sale, marketing/advertising, and service of food in the Philippines, including but not limited to:

- (a) manufacturers, traders, importers, and distributors of raw materials, ingredients, oils, and fats; and
- (b) restaurants, catering establishments, school canteens, commissaries, bakeries, food kiosks, and other food service establishments, whether serving prepackaged or non-prepackaged foods; and
- (c) street food vendors and ambulant vendors engaged in street food sale, including mobile or pushcart vending, market-side vending, and similar informal food service operations.

SEC. 4. Definition of Terms. — As used in this Act:

- (a) *Trans-Fatty Acids (TFA)* refer to unsaturated fatty acids that contain one or more carbon-carbon double bonds in the trans configuration.
- (b) *Industrially-Produced TFA (IP-TFA)* refers to trans-fatty acids formed through industrial processing of oils and fats, including but not limited to partial hydrogenation, as further defined by the FDA through the Implementing Rules and Regulations (IRR).
- (c) *Naturally-Occurring TFA* refer to trans-fatty acids naturally present in meat and dairy products derived from ruminant animals, resulting from natural biological processes.
- (d) *Partially Hydrogenated Oil (PHO)* refers to any oil or fat that has undergone partial hydrogenation, resulting in the formation or presence of industrially-produced trans-fatty acids, as further defined in the IRR.
- (e) *Prepackaged* refers to processed food made up in advance in a container, labeled and ready for sale to the consumer or for catering purposes.
- (f) *Processed Food Products* refer to food subjected to some degree of processing such as milling, drying, concentrating, canning, or addition of ingredients which changes partially or completely the physico-chemical and/or sensory characteristics of the food's raw material.
- (g) *Food Service Establishment* refers to any food business that prepares, cooks, fries, bakes, or serves food for consumption on-site or off-site, including restaurants, caterers, canteens, commissaries, and similar establishments, including street food sales and ambulant vending when food is prepared and/or served for immediate consumption.
- (h) *Inspection, Misbranding, and Official Control* shall have the meanings provided under the Food Safety Act, including that "inspection" includes examination of documents and finished product testing, and "official control" includes inspections, audits, sampling and testing, and recall.
- (i) *Street Food* refers to ready-to-eat food and beverages, such as but not limited to *fish balls, squid balls, kikiam, kwek-kwek, kalamares, and gulaman*, prepared and/or sold in streets or other public places for immediate consumption, whether prepared in whole or in part at the point of sale.
- (j) *Street Food Vendor / Ambulant Vendor* refers to any person who sells, offers for sale, prepares, cooks, fries, bakes, assembles, or serves Street Food, whether from a mobile cart, pushcart, bicycle, motorcycle, stall without

permanent fixed facilities, or by carrying food for sale, and includes similar ambulant vending arrangements.

SEC. 5. *Prohibition of PHO and High-TFA Oils and Fats.* -- It shall be unlawful to manufacture, process, prepare, repack, import, trade, distribute, sell, offer for sale, or use in any food for the Philippine market:

- (a) PHO, whether consumed alone or used as an ingredient or raw material;
- (b) oils and fats blended with PHO; and
- (c) oils and fats with TFA content of more than two grams (2g) per one hundred grams (100g) or one hundred milliliters (100ml) of total fat, as applicable, as determined through FDA-prescribed methods.

SEC. 6. *Prohibited Foods; Application to Prepackaged and Non-Prepackaged Foods.*

- (a) Prepackaged processed foods. — No prepackaged processed food product shall be manufactured, imported, distributed, or sold if it:
 - (1) contains PHO; or
 - (2) exceeds the TFA limit under Section 5(c).
- (b) Food service establishments and other non-prepackaged foods. — No food service establishment, including street food vendors and ambulant vendors, shall prepare, cook, fry, bake, or serve any food using:
 - (1) PHO;
 - (2) oils and fats blended with PHO; or
 - (3) oils and fats exceeding the TFA limit under Section 5(c).

Compliance for non-prepackaged foods shall be determined primarily through input controls (procurement, storage, and use of oils/fats and ingredients), records, and testing required under this Act and its IRR.

SEC. 7. *Prohibited Label Claims and Marketing.* — Any “Trans Fat Free,” “TFA-Free,” “0 g Trans Fat,” “No Transfat,” or any similar claim that states or suggests that a processed food product does not contain TFA shall be prohibited on labels and in marketing/advertising of processed food products offered in the Philippine market.

SEC. 8. *Mandatory Disclosure for Prepackaged Foods.* — For prepackaged processed food products, the TFA content shall be declared in the Nutrition Information/Nutrition Facts panel of the label in accordance with applicable FDA labeling rules and the latest FDA labeling guidelines.

SEC. 9. *Product Registration and Documentary Requirements.* Initial applications for product registration of covered prepackaged processed food products, whether local or imported, shall include:

- (a) technical specifications of raw materials indicating specific oil(s) and/or fat(s) used and the processing undertaken; and

- (b) a recent (within twelve [12] months) certificate of analysis of the finished product from an accredited laboratory reflecting the TFA content per 100g or 100ml of total fat, reference methods of analysis, and the limit of detection for the method used.

SEC. 10. *Authority for Periodic Laboratory Testing of Restaurant Frying Oils; Risk-Based Schedule.*

- (a) Mandatory periodic testing. — Food service establishments that use oils/fats for frying and other high-heat cooking processes, as may be determined by the IRR, shall submit such oils/fats, including used frying oils to periodic laboratory testing to determine compliance with Section 5(c).
- (b) Risk-based frequency. — The DOH, through the FDA, in coordination with the DILG and LGUs, shall prescribe a minimum risk-based testing frequency and sampling plan, considering, among others: volume of operations, vulnerable populations served (e.g., schools, hospitals), oil turnover rate, and prior violations.
- (c) Official methods and evidentiary safeguards. — The FDA shall prescribe official methods of analysis, limit of detection, sampling and chain-of-custody protocols, and acceptable laboratories, including FDA-recognized and/or PAB/PAO-accredited laboratories, to ensure reliability and uniform enforcement.
- (d) Records. — Food service establishments shall keep and present upon inspection: certificates of analysis, oil/fat purchase specifications, and disposal/change-out logs, as may be required by the IRR.
- (e) Street food vendors; simplified compliance. — For street food vendors and ambulant vendors, compliance with Section 5(c) shall, as a general rule, be enforced through risk-based inspection of input controls and records (including purchase receipts or supplier certifications for oils/fats used), spot checks, and other feasible verification measures as may be provided in the IRR, without prejudice to targeted sampling and testing in high-risk cases.

SEC. 11. *Implementing Agencies; Coordinated Enforcement.*

- (a) DOH/FDA. — The DOH shall be responsible for the safety of processed and prepackaged foods, including monitoring functions, and shall act through the FDA for standards implementation, methods of analysis, product registration controls, and administrative enforcement for covered products.
- (b) LGUs. — LGUs shall be responsible for food safety in food businesses including restaurants and public eating places, including street food sale and ambulant vending, and shall enforce food safety standards and regulations where food is produced, processed, prepared, and/or sold within their territorial jurisdiction, including compliance with Sections 5, 6(b), and 10 of this Act.

- (c) DILG. — The DILG, in collaboration with the DA and DOH and other agencies, shall supervise the enforcement of food safety and sanitary rules and regulations as well as inspection and compliance of business establishments within local jurisdictions.
- (d) Capacity building. — The DA and DOH shall capacitate LGUs and provide technical assistance in the implementation of their food safety functions, including training for inspection, sampling, and evidence handling.

SEC. 12. *Inspection, Official Control, and Preventive Measures.* — The FDA and LGUs, within their respective jurisdictions and consistent with law, shall conduct inspections and official control activities, including document examination, audits, sampling and testing, and recall/market withdrawal. Inspection and official control shall be understood consistent with the Food Safety Act definitions.

SEC. 13. *Administrative Sanctions (FDA).* — For FDA-regulated establishments and products, and where there is a finding of prohibited actions and determination of persons liable thereto, after notice and hearing, the FDA may impose administrative sanctions including cancellation or suspension of authorizations, fines, and destruction or appropriate disposition of the subject health product and/or closure of the establishment, consistent with existing FDA law.

SEC. 14. *Criminal Liability and Seizure Authority.* —

- (a) Without prejudice to penalties under other laws, violations involving covered FDA-regulated products may be prosecuted and penalized under the FDA Act and related laws, including higher penalties for manufacturers, importers, or distributors, and continuing violation fines.
- (b) Health products found in violation may be seized and held in custody pending proceedings, without hearing or court order, when the FDA Director-General has reasonable cause to believe they may cause injury or prejudice to the consuming public, consistent with existing law and jurisprudence.

SEC. 15. *Penalties.* — Any person who violates any provision of this Act, as a food business operator, shall be penalized as follows:

- (a) First conviction — A fine of not less than Fifty Thousand Pesos (₱50,000.00) but not more than One Hundred Thousand Pesos (₱100,000.00), and suspension of the appropriate authorization for one (1) month.
- (b) Second conviction — A fine of not less than One Hundred Thousand Pesos (₱100,000.00) but not more than Two Hundred Thousand Pesos (₱200,000.00), and suspension of the appropriate authorization for three (3) months.

- (c) Third conviction — A fine of not less than Two Hundred Thousand Pesos (₱200,000.00) but not more than Three Hundred Thousand Pesos (₱300,000.00), and suspension of the appropriate authorization for six (6) months.
- (d) If the violation results in slight physical injury — A fine of not less than Two Hundred Thousand Pesos (₱200,000.00) but not more than Three Hundred Thousand Pesos (₱300,000.00), and suspension of the appropriate authorization for six (6) months. The offender shall also pay the hospitalization and rehabilitation cost of the injured person.
- (e) If the violation results in less serious or serious physical injury — A fine of not less than Two Hundred Thousand Pesos (₱200,000.00) but not more than Three Hundred Thousand Pesos (₱300,000.00), and suspension of the appropriate authorization for one (1) year. The offender shall also pay the hospitalization and rehabilitation cost of the injured person.
- (f) If the violation results in death — Imprisonment of not less than six (6) months and one (1) day but not more than six (6) years and one (1) day, and a fine of not less than Three Hundred Thousand Pesos (₱300,000.00) but not more than Five Hundred Thousand Pesos (₱500,000.00), and permanent revocation of the appropriate authorization to operate a food business.
- (g) No appropriate authorization — If the offender does not have the appropriate authorization, the imposable fines shall be doubled.
- (h) Government personnel — If the offender is government personnel, in addition to the penalties prescribed herein, the offender shall be subjected to the appropriate civil service laws.
- (i) Alien — If the offender is an alien, the offender shall be summarily deported after payment of fine and service of sentence, and perpetually barred from entering the country.
- (j) Corporate accountability — Any director, officer, or agent of a corporation who authorizes, orders, or performs any act constituting in whole or in part a violation of this Act, and who has knowledge or notice of noncompliance received by the corporation from the concerned agency, shall be subjected to the penalties under this Section.

SEC. 16. *Transition Period.* — A transition period not exceeding two (2) years from effectivity of the IRR shall be provided for product reformulation, procurement changes in food service establishments, and label transition for prepackaged foods. The IRR shall include phased compliance based on risk and MSME capacity, provided that PHO as an ingredient shall be eliminated within the transition period.

SEC. 17. *Implementing Rules and Regulations.* — Within one hundred eighty (180) days from effectivity, the DOH, through the FDA, in coordination with the DA, DILG, and LGUs, shall promulgate the IRR to carry out this Act, including

- (a) standards and methods of analysis and LOD;
- (b) risk-based testing frequency and sampling for food service establishments;
- (c) inspection and evidence-handling protocols;
- (d) accreditation/recognition of laboratories; and
- (e) coordination and reporting mechanisms.
- (f) specific compliance pathways for street foods, including minimum documentation for oils/fats used, feasible inspection checklists, and risk-based sampling protocols for street food vendors and ambulant vendors.

SEC. 18. *Separability Clause.* — If any provision of this Act is declared unconstitutional or invalid, the remainder not affected thereby shall remain in full force and effect.

SEC. 19. *Repealing Clause.* — All laws, executive issuances, rules and regulations, or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 20. *Effectivity.* — This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.