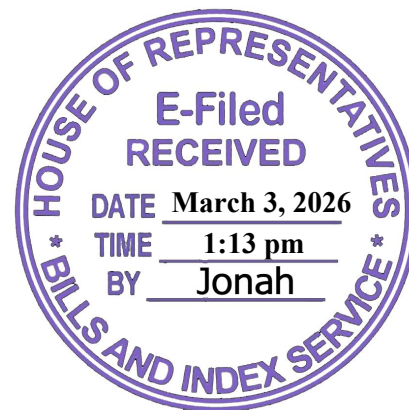




Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Twentieth Congress
First Regular Session

HOUSE BILL NO. 8245



Introduced by Representatives Ferdinand Martin G. Romualdez, Yedda Marie K. Romualdez, Andrew Julian K. Romualdez and Jude A. Acidre

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

EXPLANATORY NOTE

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

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

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>.

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

an increasingly unhealthy food environment with low availability, accessibility, desirability, and affordability of healthy foods – and high availability, affordability and promotion or marketing of unhealthy foods.

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

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

The State has an obligation to guarantee the proper care and nutrition of children.⁹ This involves providing them with access to a wide range of health services including promotive and preventive care to noncommunicable diseases under the Universal Health Care Act (Republic Act 11223). The State also has the duty to protect children from the harmful effects of irresponsible and inappropriate marketing of unhealthy food and beverages so that they may be able to attain the

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

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

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

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

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

⁹ 1987 Philippine Constitution, Art. XV, Sec. 3(2).

highest standard of health and promote a balanced diet for a healthy and vigorous life.¹⁰¹¹

The World Health Organization (WHO) and the United Nations Children's Fund (UNICEF)¹², both agencies focused on protecting the rights and welfare of children, support the regulation of the power of and exposure of children to unhealthy food marketing and its persuasive appeal.¹³

The current policy landscape, however, fails to realize this vision for children and leaves them vulnerable to exploitation. In 2021, UNICEF assessed that the market for highly processed food products including soft drinks, sweet snacks, and savory snacks is growing in the Philippines, with demand driven by creative marketing strategies by the food manufacturing industry.¹⁴ These marketing strategies include the use of misleading nutrition, quality and health claims, product reformulation to make items appear 'healthier', collaborations with movies, and giving away prizes, among others, to target children. None of these strategies are regulated to address the harm brought about by aggressive marketing of unhealthy food and beverages to children.

This bill seeks to fill a gap in public health policy: the lack of protection against the targeted promotion of unhealthy foods and beverages to children. It hampers informed food choices and fosters an unhealthy food environment. The law aims to clearly define what foods are considered healthy or unhealthy and to implement measures to shield children from unrestricted promotion of unhealthy options, involving children more actively in their health decisions.

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



FERDINAND MARTIN G. ROMUALDEZ



YEDDA MARIE K. ROMUALDEZ

¹⁰ Convention on the Rights of the Child (CRC), Article 3 (1), 24 (1)

¹¹ Presidential Decree 603, s. 1974, Article 3 (4)

¹² UNICEF (March 2021) *The market for highly processed food and drink in the Philippines*, accessible at [The Market for Highly Processed Food and Drink: Driving Children's Diets in the Philippines | UNICEF Philippines](#)

¹³ WHO Regional Office for the Western Pacific (2020), *Regional action framework on protecting children from the harmful impact of food marketing in the Western Pacific, Manila, Philippines*, Licence: CC BY-NC-SA 3.0 IGO, accessible at [9789290619093-eng.pdf](#)

¹⁴ UNICEF (2021). *The Market for Highly Processed Food and Drink: Driving Children's Diet in the Philippines*, available at [Philippines Briefing.indd](#)

A stylized handwritten signature in black ink, featuring a large, flowing 'A' and 'R'.

ANDREW JULIAN K. ROMUALDEZ

A stylized handwritten signature in black ink, featuring a large, flowing 'J' and 'A'.

JUDE A. ACIDRE



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Twentieth Congress
First Regular Session

HOUSE BILL NO. 8245

Introduced by Representatives Ferdinand Martin G. Romualdez, Yedda Marie K. Romualdez, Andrew Julian K. Romualdez and Jude A. Acidre

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

*Be it enacted by the Senate and 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, as part of a comprehensive suite of government efforts, aims 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 purchase, consumption, recognition or attractiveness of a product, or the brand related to the product, either directly or indirectly;

- b. **“Brand”** means a brand with an unhealthy food in its product line, or a brand that is displayed on the packaging of an unhealthy food;
- c. **“Brand associated with an unhealthy food”** means a brand with an unhealthy food in its product line, or a brand that is included on the packaging of an unhealthy food;
- d. **“Child”** means a person aged under 18 years old or 18 years old and over but cannot fully take care of themselves;
- e. **“Child-directed marketing”** means all marketing targeted to children, which includes, but is not limited to, marketing that uses: images, sounds or language designed to appeal to children such as cartoon characters, personalities or celebrities that target or address children in their content (licensed or unlicensed), children actors or voices, or references to school or play; toys or book giveaways, competitions or promotional giveaways, buy-one-take one, discounts, and pricing bundle strategies of food and beverages not permitted to be marketed to children under Section 5; themes designed to attract children (e.g. fantasy or adventure); games or activities that are likely to be popular with children; or other similar or analogous appeals identified by the DOH. Child-directed marketing also includes marketing that is directed to a parent (or another adult) where the end-consumer is a child;¹⁵
- f. **“Child-centered Settings”** means any location where public activities are held in which children may participate, including but not limited to schools, educational establishments, learning institutions, playgrounds, amusement parks, or other service centers or places frequented by families and children, and other similar and analogous settings. When necessary, the Department of

¹⁵ 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.*

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

- g. **“Codex Alimentarius”** refers to a collection of internationally recognized standards, codes of practice, guidelines, and other recommendations published by the Food and Agriculture Organization and World Health Organization of the United Nations relating to food, food production, food labeling, and food safety;
- h. **“Cross-border marketing”** refers to marketing as defined in this Act, which originates within the territory of the Philippines and enters or could be received in another territory, as well as that which originates outside the territory of the Philippines and is received or accessible within the territory;
- i. **“Food and beverages”** mean food and food products as defined by the FDA Act of 2009 or Republic Act No. 9711, *provided that* any reference to “food” in this Act means “food and beverages”;
- j. **“Food and beverage industry”** means manufacturers, wholesale distributors, and importers of food and beverages that are not permitted to be marketed to children defined in this Act;
- k. **“Front-of-pack nutrition label (FOPNL)”** refers to the supplementary nutrition information on the main face of the packaging of prepackaged food to inform consumers, particularly children, when a product is classified as an unhealthy food;
- l. **“Health claim”** means any representation or combination of representations that creates an impression that a product is beneficial for health and well-being. A health claim includes but is not limited to:
 - a) a nutrient function claim that describes the physiological role of the

- nutrient in growth, development, and normal functions of the body;
- b) any other function claim concerning specific beneficial effects of the consumption of foods or their constituents that relate to positive contribution to health, to the improvement of a function, or to modifying or preserving health; and
 - c) a reduction of disease risk claim relating to the consumption of a food or food constituent, in the context of the total diet, to the reduced risk of developing a disease or health-related condition;
- m. **“Manufacturer”** means a person who makes, mixes, cooks, packs, combines packaging, or modifies packaging of food and beverages not permitted to be marketed to children as defined in this Act. This shall include any person who attaches one's own brand name to a food and beverage product manufactured, assembled, or processed for them;
- n. **“Marketing”** means any form of commercial communication of messages that are designed to, or have the effect or likely effect of, increasing the recognition, appeal and/or consumption of products and services, whether directly or indirectly. It includes but is not limited to acts of advertising and promotions of a product or service including the advertising of corporate social responsibility initiatives, and sponsorships;¹⁶
- o. **“Message”** means the presentation of letters, images, artificial marks, photographs, motion pictures, light, sound, or any other action that enables the general public to comprehend the conveyed meaning;
- p. **“Nutrient”** refers to any chemical substance normally consumed as a component of a food that provides energy and/or is necessary for, or

¹⁶ 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.*

contributes to the growth, development, and maintenance of health and life, and/or the absence of which will cause characteristic chemical or physiological changes to occur;

- q. **“Nutrient Profile Model”** refers to a government-developed tool used for classifying and categorizing foods according to their nutritional composition and/or level of processing for reasons related to the prevention of disease and the promotion of health;
- r. **“Nutrition claim”** means any representation which states, suggests or implies that a food has a particular nutritional property including but not limited to the energy value and to the content of protein, fat and carbohydrates, as well as the content of vitamins and minerals. The following do not constitute a nutrition claim:
 - a) the mention of substances in the list of ingredients;
 - b) the mention of nutrients as a mandatory part of nutrition labeling;
 - c) quantitative or qualitative declaration of certain nutrients or ingredients on the label if required by national legislation;
- s. **“Packaging”** means any box, bag, pouch, tube, bottle, packet, carton, tin, or other container or wrapper for a product or set of products for sale as a retail unit; includes other material or insertion that is attached to or included with the container or wrapper;
- t. **“Prepackaged food”** refers to processed food prepared in advance, in the absence of the customer, ready to be offered to customers, and placed in a container, labelled and ready for sale or distribution to individuals or large groups;
- u. **“Promotion”** means any commercial action, activity, or method with the aim, effect, or likely effect of directly or indirectly promoting the purchase,

- consumption, recognition, or attractiveness of a product, whether there is a reference to a product or brand, independent of the means of dissemination;
- v. **“Public event”** means any activity that is open for public access and participation, regardless of the identity of the organizer or coordinator of such activity. It includes but is not limited to events such as sporting, music, and recreation events that target and attract children;
 - w. **“Public space”** means a place accessible to the public or a place for collective use, regardless of ownership or right to access;
 - x. **“Public transport”** means any vehicle used for carriage of members of the public, usually for reward or commercial gain, including taxis and vehicles for hire;
 - y. **“Quality claim”** means any representation which states, suggests or implies that a food or one of its constituents is of a certain favorable quality, whether verifiable or not; examples include but are not limited to “best”, “quality”, “premium”, “real”, “original”, “style”; this term (a) includes comparative quality claims; and (b) excludes information contained in the nutrient labeling as required by national legislation does not constitute quality claims;
 - z. **“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;¹⁷
 - aa. **“Unhealthy food”** means a food that exceeds the nutrient thresholds set by the Department of Health (DOH) based on the nutrient profile model (NPM).

ARTICLE II

¹⁷ 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*.

GENERAL FRAMEWORK ON THE MARKETING OF FOODS AND BEVERAGES TO CHILDREN

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

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

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

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

- i. chocolate and sugar confectionery, energy bars, and sweet toppings and desserts;*
- ii. cakes, sweet biscuits and pastries and other sweet bakery products, and dry mixes for making such;*
- iii. all types of candies, such as hard and chewy candy, chewing gum, marshmallows, and lollipops;**
- iv. heavily salted snacks such as chips or *chichirya*;**
- v. instant noodles;**
- vi. jellies, ice crushes, slushies;**
- vii. carbonated sugar sweetened beverages, alcoholic drinks, flavored mineral water, energy drinks, sports drinks, tea, coffee, powdered juice drinks;**
- viii. any processed fruit or vegetable juice with added sugar of more than 20 grams or four teaspoons per serving;**
- ix. beverages that contain non-sugar sweeteners;* and
- x. any food or beverage product containing partially hydrogenated oils or with industrially-produced trans-fatty acid content of more than 2 g per 100 g of total oils and fats.*¹⁸

SECTION 6. *Prohibition on Child-directed Marketing of Unhealthy Food.* (a) It is absolutely prohibited to employ child-directed marketing techniques and

¹⁸ *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)

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:

- 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. In and 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 no 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 no 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 to be

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 exhaustive list of communications and actions shall not be considered marketing of food and beverages even if likely to have an 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 destined for distribution within the food and 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) years from the date of effectivity of this Act, large enterprises, as defined by the Department of Trade and Industry (DTI), in the food and beverage industry shall submit an annual report to DOH, copy furnishing the FDA, detailing all expenditures relating to marketing of food and beverage products. The DOH shall prescribe the manner and form of such report and shall provide sanctions for non-compliance.

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

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

(b) If said representative is found to have a conflict of interest, his or her appointment or involvement shall be terminated unless said representative can remedy the reason leading to the conflict of interest within 60 days, such as divesting a significant financial investment.

SECTION 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 and may engage civil society organizations and the private sector, as long as they are not affiliated or related with the food and beverage industry and have signed a declaration against conflict of interest described in Section 14, 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.

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

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

international organizations, except those that belong to or are affiliated with the food and beverage industry as defined herein, for the purpose of implementing the provisions or pursuing the objectives of this Act, subject to existing laws, rules, and regulations.

ARTICLE III IMPLEMENTATION

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

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

- National Nutrition Council (NNC)
- Department of Education (DepEd)
- Early Childhood Care and Development Council (ECCD Council)
- Department of Interior and Local Government (DILG)
- Department of Trade and Industry (DTI)
- Land Transportation and Franchise Regulatory Board (LTFRB)

- National Council for Children’s Television (NCCT)

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

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

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

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

ARTICLE IV

PROMOTING HEALTHY DIETS

SECTION 20. *Institutionalization of Programs Promoting Healthy Diets and*

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

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

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;
 - iii. Suffer the penalty of imprisonment ranging from one (1) year but not more than ten (10) years, for the third offense.
- b. Any entity considered as micro, small, and medium-sized enterprises (MSMEs) by the DTI, or are otherwise not considered large enterprises 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 one thousand pesos (PHP 1,000) but not more than five thousand pesos (PHP 5,000) for the first offense;
 - ii. Pay a fine of not less than five thousand pesos (PHP 5,000) but not more than ten thousand pesos (PHP 10,000) for the second offense;
 - iii. Pay a fine of not less than ten thousand pesos (PHP 10,000) but not more than twenty thousand pesos (PHP 20,000) for the third offense.
- c. Any natural person who violates Section 6, 7, or 8 of this Act shall:
 - i. Pay a fine of not more than ten thousand pesos (PHP10,000), for the first offense;
 - ii. Pay a fine of not more than fifty thousand pesos (PHP50,000.00), for the second offense;
 - iii. Pay a fine of not more than one hundred thousand pesos (PHP100,000) or imprisonment of not more than one (1) year, or both, at the discretion of the court, for the third offense.
- d. In addition to the foregoing fines and penalties, the following corrective

actions, if not initiated by the offenders themselves, shall be imposed by the appropriate authorities to the entities that violate or fail to comply with the requisites of this Act:

- i. Seizure and condemnation, destruction, and/or appropriate disposition of items of prohibited marketing;
 - ii. Issuance of takedown orders against banned advertising, promotions, and sponsorship content;
 - iii. Cancellation of applicable licenses, registrations, and permits to operate for business establishments and operators or drivers of public utility vehicles;
 - iv. Closure of the food and beverage establishment by LGUs having jurisdiction over premises where a violation of this Act has been committed.
- e. A violation under Section 13 or 14 of this Act, committed by a government official or employee, shall have the following penalties:
- i. Public officials and employees within the jurisdiction of the Civil Service Commission (CSC) shall be subject to administrative disciplinary action pursuant to Rule XIV (Discipline) of the Omnibus Rules Implementing Book V of EO 292, as may be amended, modified, changed, added to, deleted from, or superseded by the enactment of any new law;
 - ii. Local elective officials shall be subject to administrative disciplinary action by the Secretary of Interior and Local Government, or the Office of the President, as appropriate, and provided by relevant laws, rules and regulations.

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

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

ARTICLE VI

FINAL PROVISIONS

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

SECTION 24. *Compliance Monitoring.* Not later than two (2) years after the date

of the effectivity of this Act, and annually thereafter, the DOH shall submit to the President of the Philippines and to both Houses of Congress a monitoring report on the compliance of the food and beverage industry with this Act and all related laws, rules, regulations, and ordinances. All reports required under this Act shall be made available to the public primarily via the DOH website and other means to readily access such information.

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

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

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

Act.

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

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

SECTION 29. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,