



Republic of the Philippines
House of Representatives
Quezon City

TWENTIETH CONGRESS

First Regular Session

House Bill No. 8284



Introduced by Representative Jernie Jett V. Nisay

EXPLANATORY NOTE

Unhealthy diets are a leading driver of noncommunicable diseases (NCDs) such as heart disease, diabetes, and cancer, which together account for the majority of preventable deaths in the Philippines. Pre-packed foods and non-alcoholic beverages high in sugar, sodium, saturated fat, trans fat, and calories are widely marketed, often through techniques that appeal to children and adolescents or indirectly influence parents to purchase for them. Consumers, however, face information asymmetry: nutrition labels are often difficult to interpret, while marketing strategies are designed to encourage, or even persuade their consumption regardless of health risks. There is thus a clear State duty under the Constitution to safeguard the right to health and adequate nutrition, by providing truthful information and protecting the public from harmful commercial practices.

Multiple peer-reviewed studies have consistently shown that higher consumption of ultra-processed foods is associated with increased risks of obesity, cardiovascular diseases, cancer, depression, asthma, gastrointestinal disorders, frailty, and premature mortality across diverse populations and study designs.¹ Complementary findings further suggest that ultra-processed food intake contributes to cancer and cardiometabolic multimorbidity, particularly through high consumption of animal-based products and sugary or artificially sweetened beverages.²

In the Philippine context, the Cebu Longitudinal Health and Nutrition Survey demonstrated that Filipino adolescents consuming higher percentages of daily calories from ultra processed foods (UPFs) showed increased body mass index, early onset of overweight, and elevated cardiometabolic risk markers.³ A qualitative study among

¹ Monteiro C.A., Cannon G., Lawrence M., Costa Louzada M.L., & Pereira Machado P., Ultra-processed foods, diet quality, and health using the NOVA classification system, Food and Agricultural Organization (FAO) of United Nations, Rome, 2019.

² Visioli F. et al., Ultra-processed foods and cancer, The Lancet Regional Health - Europe, 2024, 38: 100863.

³ Busse KR, Lee Mayol NR, Ammerman AS, Avery CL, Martin SL, Adair LS. Ultraprocessed Food Intake during the Transition to Adulthood Varies According to Sociodemographic Characteristics and Maternal Intake in Cebu, Philippines. J Nutr. 2024 Jul;154(7):2273-2283. doi: 10.1016/j.tjnut.2024.04.032. Epub 2024 Apr 30. PMID: 38697516; PMCID: PMC11282470.

¹ World Health Organization. (2022). Global Status Report on Physical Activity 2022.

² United Nations. (2015). Transforming Our World: The 2030 Agenda for Sustainable Development.

1 Filipino youth (18-20 years old) revealed frequent consumption of UPFs, with
2 respondents themselves linking such foods to heightened risks of diabetes,
3 hypertension, and kidney disease, even though they were unfamiliar with the technical
4 term “ultra-processed.”⁴ The Philippines data from the Global Diet Quality Project
5 (GDQP)⁵ show that 75% of the population consumed at least one category of unhealthy
6 food in the previous day or night. Specifically, 45% reported consuming soft drinks
7 (sodas, energy drinks, sports drinks). Meanwhile, 64% consumed more than one
8 sugary food or beverage, and 38% consumed more than one salty ultra-processed food.
9 Disaggregation by gender/urbanicity indicates higher consumption of unhealthy foods
10 among males and among urban residents. These figures highlight how widespread the
11 consumption of energy-dense, nutrient-poor foods is in the Philippines, posing a serious
12 risk in terms of obesity and diet-related non-communicable disease burden.

13
14 More alarming is the recent release of the Philippine Statistics Authority’s 2024 Causes
15 of Death in the Philippines,⁶ which highlights the country’s worsening NCD crisis, much
16 of which is linked to poor diets and the high consumption of unhealthy, ultra-processed
17 food. From January to December 2024, the top three causes of death were ischaemic
18 heart diseases, neoplasms, and cerebrovascular diseases, conditions strongly
19 associated with excessive intake of salt, sugar, and unhealthy fats. Ischaemic heart
20 diseases claimed 134,078 lives (19.1%), followed by 77,433 deaths from neoplasms
21 (11.0%) and 68,736 deaths from cerebrovascular diseases (9.8%). Pneumonia ranked
22 fourth with 47,026 deaths (6.7%), while diabetes mellitus, another diet-related NCD,
23 accounted for 43,944 deaths (6.3%). These figures paint a stark picture of how
24 unhealthy dietary patterns are directly contributing to the rise and persistence of deadly
25 NCDs in the country.

26
27 The WHO has identified that front-of-pack warning labels (FOPWLs), particularly simple
28 and interpretive warning labels, as one of its “Best Buys,” which is defined as a set of
29 highly cost-effective, evidence-based interventions and policy options that countries
30 can select from in order to most efficiently prevent and control NCDs and their risk
31 factors, in the prevention and control of NCDs.⁷ Octagon-shaped warning labels placed
32 prominently on the front of food packaging provide consumers with clear, accessible,
33 and science-based information about unhealthy Nutrient of Concern levels.
34 International evidence demonstrates that such measures empower consumers to make
35 healthier choices and encourage food manufacturers to reformulate products toward
36 better nutritional quality.⁸

37
38 This bill seeks to institutionalize a mandatory FOPWL system for the Philippines,
39 including the prohibition of marketing products that contain unhealthy Nutrient of

⁴ Busse KR, Dino ME, Martin SL, Lee Mayol NR, Bechayda SA, Adair LS, Ammerman AS. Awareness, experiences, and beliefs related to ultra-processed foods among young people in Cebu, Philippines. *Appetite*. 2024 Dec 1;203:107688. doi: 10.1016/j.appet.2024.107688. Epub 2024 Sep 20. PMID: 39307462; PMCID: PMC11537813.

⁵ Global Diet Quality Project. 2024. “DQQ Results Dataset 2021-2024.” Harvard Dataverse. <https://doi.org/doi:10.7910/DVN/KY3W8A>. Available at: dietquality.org.

⁶ Available at: <https://psa.gov.ph/statistics/vital-statistics/node/1684081033>.

⁷ World Health Organization, Manual to develop and implement front-of-pack nutrition labelling: guidance for countries on the selection and testing of evidence-informed front-of-pack nutrition labelling systems in the WHO European Region. Copenhagen: WHO Regional Office for Europe; 2020. Available at: <https://iris.who.int/bitstream/handle/10665/336988/WHO-EURO-2020-1519-41320-56234-eng.pdf>.

⁸ World Health Organization, Best Buys and Other Recommended Interventions for the Prevention and Control of Noncommunicable Diseases (Updated Appendix 3 of the Global NCD Action Plan 2013-2020) Geneva: WHO, 2017. Available at: <https://www.who.int/publications/i/item/WHO-NMH-NVI-17.9>

1 Concern levels to children or in settings where children are present, following global
2 best practices from countries such as Chile, Mexico, and Argentina, while tailoring
3 provisions to the Philippine context. This bill requires simple, clear warnings on
4 packaged foods, bans confusing nutrition claims, and restricts marketing on products
5 high in Nutrients of Concern. Recognizing the realities of the Philippine food sector, the
6 bill provides extended compliance timelines, technical support, and financial incentives
7 for micro, small, and medium enterprises (MSMEs) to ease the transition while ensuring
8 consumer protection is not compromised.

10 The passage of this bill will also ensure that the Philippines complies with its
11 international commitments to promote public health. These include the WHO Global
12 Action Plan for the Prevention and Control of NCDs 2013-2020 and its updated
13 appendices,⁹ the Political Declarations of the United Nations General Assembly on
14 NCDs,¹⁰ the Sustainable Development Goals, particularly SDG 3 (Ensure healthy lives
15 and promote well-being for all at all ages),¹¹ and the International Covenant on
16 Economic, Social and Cultural Rights (ICESCR, Article 12), which recognizes the right
17 of everyone to the highest attainable standard of physical and mental health.¹² By
18 implementing FOPWLs, the Philippines fulfills its obligations to adopt measures that
19 prevent NCDs and protect the health of its population.

21 Equally important, this measure is firmly anchored in the Constitution which declares
22 that the State shall protect and promote the right to health of the people and instill health
23 consciousness among them.¹³ This bill operationalizes this constitutional mandate by
24 empowering consumers with truthful nutritional information and by requiring industry
25 accountability in food labelling. At its core, this bill is a health measure. Accordingly, this
26 Act strengthens the mandates of the Department of Health (DOH) and the Food and
27 Drug Administration (FDA) by expressly empowering them to: (i) develop and adopt a
28 Nutrient Profile Model (NPM); (ii) prescribe, monitor, and enforce FOPWLs; (iii) regulate
29 marketing and digital advertising practices harmful to children; and (iv) ensure
30 independence from industry interference. This statutory reinforcement ensures that the
31 DOH and FDA are properly equipped to fulfill their public health mandates, free from
32 commercial conflicts of interest. In doing so, the measure promotes healthier food
33 environments and advances national efforts to reduce the burden of diet-related NCDs.

35 Finally, the integrity of this policy must be safeguarded. As emphasized by the WHO
36 and the United Nations, there exists an inherent conflict of interest between public
37 health objectives and the commercial interests of the food and beverage industry.¹⁴ A
38 2023 policy analysis documented that in the Philippines, the UPF industry has engaged
39 in policy interference, using lobbying, voluntary codes, and other strategies to delay or

⁹ World Health Organization, Global Action Plan for the Prevention and Control of NCDs 2013-2020, Geneva: WHO, 2013. Available at: <https://www.who.int/publications/i/item/9789241506230>

¹⁰ United Nations General Assembly, Political Declaration of the Third High-level Meeting of the General Assembly on the Prevention and Control of Non-communicable Diseases, A/RES/73/2 (2018), recognizing conflicts of interest with industry actors. Available at: https://apps.who.int/gb/ebwha/pdf_files/E152/B152_6-en.pdf.

¹¹ United Nations General Assembly, Transforming our world: the 2030 Agenda for Sustainable Development, A/RES/70/1 (2015), SGD 3. Available at: <https://docs.un.org/en/A/RES/70/1>.

¹² International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by the UN General Assembly in resolution 2200A (XXI), 1966; entered into force 1976. Ratified by the Philippines on June 7, 1974.

¹³ 1987 Philippine Constitution, Article II, Section 15.

¹⁴ United Nations General Assembly, Political Declaration of the Third High-level Meeting of the General Assembly on the Prevention and Control of Non-communicable Diseases, A/RES/73/2 (2018), recognizing conflicts of interest with industry actors. Available at: https://apps.who.int/gb/ebwha/pdf_files/E152/B152_6-en.pdf.

1 dilute nutrition regulations, thereby compounding the challenge of addressing diet-
2 related NCDs.¹⁵ Consistent with the national policy direction under the Code of Conduct
3 and Ethical Standards for Public Officials and Employees, or Republic Act No. 6713,
4 which calls for the highest standards of integrity in public service and warns against
5 private interests influencing government action, and in line with the Universal Health
6 Care Act, or Republic Act No. 11223, specifically Section 35 which mandates conflict of
7 interest declarations, transparency measures, and ethical safeguards in public health
8 policymaking, this bill expressly provides that food industry actors must not participate
9 in the policy-making, standard-setting and the implementation processes of FOPWLs.
10 Their role shall be limited to compliance. Public health policies must remain free from
11 undue influence to ensure that consumer welfare, and not commercial profit, guides the
12 regulation of food labelling.¹⁶

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14 In light of these urgent health concerns, and in keeping with the State's constitutional
15 duty to protect the health of its citizens, the immediate passage of this bill is earnestly
16 sought.

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REP. JERNIE JEFF V. NISAY
Pusong Pinoy Partylist

¹⁵ Huse, O., Reeve, E., Zambrano, P. et al. Understanding the corporate political activity of the ultra - processed food industry in East Asia: a Philippines case study. *Global Health* 19, 16 (2023). Available at: <https://doi.org/10.1186/s12992-023-00916-x>.

¹⁶ World Health Organization, Safeguarding against possible conflicts of interest in nutritional programmes: Draft approach for the prevention and management of conflicts of interest in the policy development and implementation of nutrition programmes at country level, Geneva: WHO, 2017. Available at: <https://iris.who.int/handle/10665/274165>.



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Introduced by Representative Jernie Jett V. Nisay

AN ACT
PROMOTING HEALTHY DIETS THROUGH FRONT-OF-PACKAGE WARNING
LABELS AND COMPREHENSIVE MARKETING RESTRICTIONS ON UNHEALTHY
FOOD AND BEVERAGES

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

CHAPTER I – GENERAL PROVISIONS

SECTION 1. Short Title.

This Act shall be known as the “Healthy Food Marketing and Labelling Act of 2025.”

SECTION 2. Declaration of Policy. It is hereby declared the policy of the State to uphold and promote the right of every Filipino, especially the Filipino children, to health and adequate nutrition by ensuring access to truthful, and evidence-based information, and shielding the public from the marketing practices of UPFs that contribute to unhealthy diets and NCDs.

To achieve the declared policy, this Act shall pursue the following objectives:

- a. Ensure the right to health and adequate nutrition through the promotion of healthy eating, providing simple, clear, and understandable nutritional information for packaged foods and non-alcoholic beverages to enable informed decision-making to promote healthy diet;
- b. To safeguard children’s rights to health and proper nutrition and to instill healthy food habits early in life;

- c. Warn consumers about excessive content of sugars, sweeteners, sodium, saturated fats, trans fats, and calories, based on clear, timely, adequate, complete, and truthful information in accordance with consumer protection principles to discourage consumption of products with excessive content of Nutrients of Concern;
- d. Empower consumers to make informed, independent, and health-promoting choices by addressing information asymmetry and countering confusing and conflicting description of nutritional content of pre-packaged food, resulting in manipulative e marketing practices, whether intentionally or unintentionally;
- e. Promote healthy diets to prevent malnutrition in all its forms and reduce diet-related noncommunicable diseases;
- f. Ensure that the formulation, adoption, and implementation of nutrition labelling policies are protected from any real, potential, or perceived interference or conflict of interest from the food and beverage industry;
- g. Provide technical and financial assistance to micro, small, and medium enterprises (MSMEs) to facilitate compliance with the requirements of this Act;
- h. Strengthen the institutional mandates of the Department of Health (DOH) and the Food and Drug Administration (FDA) as the primary health regulatory authorities of the State, empowering them to adopt, implement, and enforce science-based standards and protection measures against unhealthy food and beverage products;
- i. Establish strong and enforceable safeguards against harmful marketing practices, particularly those that target or unduly influence children and other vulnerable populations; and
- j. Affirm that, in the event of any conflict between fortification schemes, nutrition claims, or other regulatory allowances under existing laws and the mandatory front-of-package warning labels prescribed under this Act, the requirements of this Act shall prevail.

SECTION 3. Definition of Terms.

For the purposes of this Act:

- a. Beverage - refers to non-alcoholic beverages of any constitution (liquid, powder, concentrates, or similar form) that are pre-packaged and sealed in accordance with the FDA standards, that contain caloric and/or non-caloric sweeteners added by the manufacturers, and shall include, but not be limited to the following, as described in the Food Category System from Codes Alimentarius Food Category Descriptors (Codex Stan 192-1995, Rev. 2017 or the latest) as adopted by the FDA:
 - i. Sweetened juice drinks;

- ii. Sweetened tea;
- iii. All carbonated beverages;
- iv. Flavored water;
- v. Energy and sports drinks;
- vi. Other powdered drinks, which may or may not be classified as milk, juice, tea, and coffee;
- vii. Cereal and grain beverages; and
- viii. Other non-alcoholic beverages that contain added sugar.

b. Children - refer to persons under the age of eighteen (18) years old.

c. Digital Marketing - refers to commercial communication and promotional activity/ies using digital technology (e.g. internet-connected devices, online platforms, applications) that uses behavioral data, targeted and interactive techniques such as, but not limited to, influencer marketing, viral campaigns, or personalized content, delivered via computers, phones, tablets, gadgets, gaming consoles, and the like. Digital marketing shall also include acts as enumerated in Section 9 of this Act. Digital marketing is commonly deployed through these techniques as described, but not limited to:

- i. Influencer marketing: Use of individuals with considerable online presence to promote product or brand; reported to be particularly effective with child customers;
- ii. Branded environments and "advergames": Branded environments/games which create enjoyable experience for children through music, videos or games while promoting a brand and creating a positive brand affiliation; 'advergames' are particularly appealing to children and highly effective in influencing children's behavior without them knowing;
- iii. Native advertising: representation of advertisements as editorial content, by imitating the look and style of editorial content;
- iv. Viral marketing: instrumentalization of users to create and share user-generated marketing messages, incentivised by the brand to encourage this kind of brand promotion; and
- v. Sponsored search results: Sponsored search results appear at the top of the page, hence incentivising the user to prioritise them; identification of sponsored search results is challenging even for adults.

d. Front-of Pack Warning Labels (FOPWL) - refers to standardized, graphic, and text-based warning symbols required to be placed on the Main Face of packaged foods that exceed established thresholds of nutrient concern based on the NPM, designed to be easily visible, legible, and understandable by consumers at the point of purchase.

e. Main Face (Principal Display Panel) - that part of the label that is intended or is most likely to be displayed, presented, shown, or examined under normal and customary conditions of display for sale. For purposes of this Act, the term "Main

Face” shall have the same meaning as “Principal Display Panel” under FDA Administrative Order No. 2014-0030.

- f. Marketing - means any form of commercial communication, message, or activity designed to increase, or having the effect of increasing the recognition, appeal, and/or consumption of particular products and services. It may include anything that advertises or otherwise promotes a product or service.
- g. Marketing to Children - refers to any marketing, advertising, or promotional activity that is designed to appeal to, target, or influence children to consume, purchase, or choose certain products, whether directly or indirectly, or to which children are exposed to. This includes, but not limited to:
 - i. The use of children’s characters, animations, cartoons, celebrities, athletes, public officials, or mascots.
 - ii. Interactive elements such as visual-spatial games or digital downloads.
 - iii. Language, sounds, special effects, and colors typically associated with or appealing to children.
 - iv. Soundtracks composed of children's songs or performed by children's or adolescents' voices.
 - v. Representations of children or adolescents, or people/celebrities popular among them.
 - vi. Characters or presenters designed for children or adolescent audiences.
 - vii. Animated designs or characters, including those that personify food products.
 - viii. Promotions involving prizes, collectible gifts, or other incentives appealing to children.
 - ix. Sponsorship or promotion of sporting, cultural, or competitive activities .
 - x. Themes that are crafted to attract children's attention, including elements of fantasy, adventure, or playful humor, as well as games or interactive activities that are especially engaging or appealing to a young audience.
 - xi. Experiential or participatory marketing activities such as contests, cooking classes, workshops, educational tours, field trips, “junior crew” programs, among others, that familiarize or associate children with a brand or its operations.
 - xii. Any other technique that appeals to the developmental characteristics, emotional vulnerabilities, or interests of children and adolescents, and that promotes the consumption of products high in Nutrients of Concern.

This also includes marketing directed at all age groups, including parents, caregivers, or other adults when the intended or foreseeable end consumer of the product is a child.

- h. MSMEs - refers to micro, small, and medium enterprises as defined under Republic Act No. 9501, otherwise known as the “Magna Carta for MSMEs.”

- 1 i. Nutrients of Concern - refers to nutrients which, when consumed in excessive
2 amounts of reference values, are associated with increased risk of
3 noncommunicable diseases. These include free sugars, sodium, saturated fats,
4 trans fats, additives, caffeine, and calories. *Provided, That* trans fatty acids, or
5 trans fat, shall likewise be deemed a Nutrient of Concern under this Act,
6 consistent with and without prejudice to the prohibition on the manufacture,
7 importation, distribution, and sale of food products containing industrially
8 produced trans fat under Department of Health Administrative Order No. 2021-
9 0039, or any other subsequent issuances.
- 10
- 11 j. Pre-packed - refers to any food or beverage product placed in a package in
12 advance of sale, with or without the addition of water or other ingredients, and
13 which is ready for direct sale to the consumer or to a catering establishment, with
14 or without further processing or preparation required by the consumer. It includes
15 all processed or manufactured food and beverage products that are sealed or
16 labelled prior to being offered for retail sale, whether locally produced or
17 imported. This definition shall cover liquid and solid food forms, including
18 powders, concentrates, or frozen products.
- 19

20

21 **CHAPTER II – NUTRIENT PROFILE MODEL AND WARNING LABELS**

22

23 **SECTION 4. Nutrient Profile Model.**

24

- 25 a. Creation. Within six (6) months from the effectivity of this Act, the DOH, in
26 coordination with the National Nutrition Council of the Philippines (NNC), and
27 other relevant agencies, shall develop, adopt, and/or implement a Nutrient
28 Profile Model (NPM) as the scientific basis for determining thresholds of
29 Nutrients of Concern for FOPWL. *Provided, That*, If there is already an existing
30 NPM created by the DOH and the NNC, the existing NPM shall be updated to
31 reflect the minimum benchmarks provided under paragraphs (c) and (d) below.
- 32
- 33 b. Guiding Principle. The NPM shall be: (i) science-based; (ii) public health-
34 oriented; (iii) preventive in approach; (iv) adaptable to emerging evidence; and
35 (iv) accountable and transparent in methodology independent from any real or
36 perceived conflict of interest, including those involving the food, beverage, or
37 advertising industries.
- 38
- 39 c. Minimum Benchmark. The NPM to be promulgated by the DOH shall, at the very
40 least, conform to internationally recognized nutrient profiling standards
41 established by the World Health Organization (WHO), free from conflict of
42 interest, which classify foods and beverages according to critical thresholds for
43 free sugars, sodium, totals fats, and saturated fats. The Philippine NPM may
44 adopt stricter standards based on local scientific evidence, public health data,
45 and international best practices, but in no case shall it fall below these
46 internationally recognized minimum thresholds set by the WHO.

- 1
- 2 d. Single-Category and Comprehensive Coverage. The NPM must be multi-
- 3 purpose, comprehensive, and shall apply a single uniform category to all pre-
- 4 packed processed and foods and beverage products, without differentiation into
- 5 sub-categories that may weaken its protective effect, and shall comprehensively
- 6 cover all major Nutrients of Concern, including free sugars, sodium, saturated
- 7 fats, total fats, caffeine, and additives.
- 8
- 9 e. Automatic Application. Should the DOH fail to formulate and officially promulgate
- 10 the NPM within the six (6)-month period provided herein, the internationally
- 11 recognized nutrient profiling model established by the WHO as described in
- 12 paragraphs (c) and (d), by operation of law, be deemed adopted and in full force
- 13 and effect in the Philippines until such time as the DOH formally issues its own
- 14 NPM pursuant to this Act.
- 15
- 16 f. Thresholds. The NPM shall establish criteria and thresholds for foods and
- 17 beverages high in Nutrients of Concern, including but not limited to sugars,
- 18 sodium, saturated fats, and calories. The DOH may expand coverage to other
- 19 substances of public health concern.
- 20
- 21 g. Consultation Process. The DOH shall consult only independent public health
- 22 experts, academia, nutrition societies, civil society, and consumer groups, none
- 23 of which shall have direct or indirect financial, advisory, or institutional
- 24 connections with any health-harming industry, and the food and beverage
- 25 industry or its related front groups, in its creation of the NPM. *Provided*, That the
- 26 food and beverage industry stakeholders may only be required to submit
- 27 technical product data for compliance purposes, and shall not, under any
- 28 circumstance, participate in decision-making, policy formulation, or scientific
- 29 determination of thresholds in connection with this Act.
- 30
- 31 h. Periodic Review. The DOH, together with the FDA, shall review the NPM at least
- 32 once every three (3) years, or earlier upon compelling new scientific evidence or
- 33 global guidance, which must not be directly or indirectly produced, financed, or
- 34 influenced by the food and beverage industry. *Provided*, That such periodic
- 35 review shall be conducted exclusively with independent public health experts,
- 36 government agencies, and recognized scientific bodies, and shall in no case be
- 37 influenced, directly or indirectly, by any health-harming industry, including food
- 38 and beverage industry or its representatives.
- 39
- 40 i. Publication. The NPM shall be published in at least two (2) newspapers of
- 41 general circulation, and uploaded to the DOH and FDA websites.
- 42
- 43 j. Funding. The initial funding for the development of the NPM shall be charged to
- 44 the appropriations of the DOH, and subsequent funding for its review and update
- 45 shall be included in the regular appropriations of the DOH and FDA.
- 46

SECTION 5. Mandatory Front-of Pack Warning Labels (FOPWL).

- a. General Rule. All pre-packed food and beverages, whether manufactured domestically or imported, that are made available in the Philippines that reach or exceed the thresholds of Nutrients of Concern set by the NPM shall be required to display octagonal FOPWLs on the Main Face of the packaging.
- b. Specifications. The FDA, in consultation with and subject to the approval of the DOH, shall issue regulations prescribing the content, format, exact size, design, contrast, font, and placement of the FOPWLs, subject to the following minimum standards:
 - i. Consist of a black octagon with a white border containing the text "HIGH IN [NUTRIENT]" (e.g., "HIGH IN SUGAR," "HIGH IN SODIUM," "HIGH IN SATURATED FAT," "HIGH IN CALORIES," "HIGH IN TRANS FAT,"), in bold, and capitalized, followed by the text "Department of Health" printed below the octagon;
 - ii. Be in Filipino and/or English as prescribed by the FDA;
 - iii. Follow standardized size requirements such that each label occupies no less than twenty per cent (20%) of the area of the Main Face of the package;
 - iv. For small packages (≤ 10 sq. cm.), use a proportionally scaled-down design but never smaller than 1.5 cm² in area;
 - v. Be placed on the upper-right corner of the Main Face and not obscured by trademarks, logos, or other graphics or other elements;
 - vi. Be reproduced in high contrast without stylization, modification, or integration into product marketing;
 - vii. Shall be printed directly to the product packaging, and not merely to removable stickers, sleeves, or promotional materials; and
 - viii. No part of the FOPWL may be obliterated, obscured, folded, severed or become unreadable when the package is opened or closed or when a wrapper on the package is removed.
- c. Multiple Warnings. Products exceeding thresholds for more than one Nutrient of Concern shall display a separate octagonal warning label for each Nutrient of Concern exceeded, placed adjacent to one another, without overlap or crowding.
- d. Dark or Black Packaging. Where the packaging or principal display panel is dark-colored, black, or otherwise similar in color to the warning label, the label shall be adjusted to ensure maximum contrast and visibility, subject to the following rules:
 - i. A white or light-colored border shall be required around the octagon to ensure that the black symbol remains distinguishable;
 - ii. Alternatively, the FDA may require the use of a reversed color scheme (white octagon with black text) for products with dark packaging

- 1 backgrounds, provided that the symbol remains uniform and
2 standardized; and
- 3 iii. In no case shall a manufacturer use packaging design, patterns,
4 holograms, gradients, or other visual techniques intended to obscure,
5 camouflage, or reduce the visibility of the FOPWL.
- 6
- 7 e. Other Packaging Types. For multipacks, or irregularly-shaped containers, the
8 FDA shall prescribe special adaptations of the FOPWL, ensuring proportional
9 visibility and legibility, however, special adaptations must conform to the
10 following minimum requirements:
- 11
- 12 i. The FOPWL must always be placed on the upper part of the Main Face
13 of the package;
- 14 ii. Where space or shape limitations prevent the display of multiple adjacent
15 octagons, the FDA may require the use of a single octagon containing a
16 numeral (e.g., "2" or "3") in its center to indicate the number of Nutrients
17 of Concern for which the product exceeds thresholds, with corresponding
18 textual statements (e.g., "HIGH IN SUGAR," "HIGH IN SODIUM")
19 displayed immediately below the octagon; and
- 20 iii. In no case shall the FOPWL be placed on the back, side, bottom, or any
21 location not visible at the point of purchase.
- 22
- 23 f. Trade and Brand Restrictions. No trademark, logo, symbol, slogan, certification,
24 or brand element shall be placed within, adjacent to, or integrated into the
25 FOPWL.
- 26
- 27 g. Exempted Products. Products exempted from FOPWL include:
- 28
- 29 i. Unprocessed and minimally processed foods;
- 30 ii. Foods with a single ingredient, whether sold directly to the consumer or
31 not;
- 32 iii. Herbs, spices, coffee, tea, and vinegars without additives;
- 33 iv. Iodized salt; and
- 34 v. Drinking water and natural mineral water.
- 35

36 **SECTION 5-A. Imported Pre-Packed Food and Beverage Products.**

37

- 38 a. Coverage. All imported pre-packed food and beverage products that are
39 intended for sale, distribution, or commercial marketing within the
40 Philippines and that exceed the thresholds set by the NPM shall be
41 required to bear the prescribed FOPWLs in accordance with this Act.
- 42
- 43 b. Responsibility of Importers. Importers, distributors, and local agents of
44 foreign manufacturers shall be jointly and solidarily liable with the foreign
45 manufacturer for compliance with this Act. No imported product exceeding

1 the thresholds set by the NPM shall be released for commercial distribution
2 in the Philippines unless:

- 3
- 4 i. It already bears the prescribed FOPWL; or
- 5 ii. The importer repacks or causes the repackaging of the imported
6 product which should contain the prescribed FOPWL prior to retail
7 sale and/or distribution, subject to inspection and approval of the
8 FDA.
- 9
- 10 c. Customs Clearance. The Bureau of Customs (BOC), in coordination with
11 the FDA, shall not release any shipment of covered imported goods for
12 circulation without proof of compliance with the FOPWL requirements. The
13 FDA shall issue guidelines on the documentary inspection requirements to
14 be presented upon importation.
- 15
- 16 d. Language Requirement. FOPWLs on imported products shall be in English
17 or Filipino, consistent with the official specifications prescribed by the FDA,
18 and shall not be substituted by foreign-language labels that are not
19 comprehensible to the general Filipino consumer.
- 20
- 21 e. Repackaging or Relabelling. Importers may undertake repackaging or
22 relabelling activities within the Philippines solely for the purpose of affixing
23 the prescribed FOPWLs, *Provided, That:*
- 24
- 25 i. The importer shall declare such intent upon importation and submit
26 an undertaking, in a form prescribed by the BOC, that the shipment
27 will not enter commercial circulation until properly labelled;
- 28 ii. The shipment shall not be released for free circulation, but shall
29 instead be delivered under BOC custody to a bonded warehouse or
30 FDA-accredited repackaging facility;
- 31 iii. The repackaging process shall be conducted under FDA
32 supervision and inspection, in coordination with BOC;
- 33 iv. Only upon certification by the FDA that all units of the shipment have
34 been properly relabeled shall the BOC issue a clearance for release
35 into free circulation; and
- 36 v. Any diversion, premature release, or distribution of the shipment
37 prior to FDA certification shall constitute a grave violation of this Act.
- 38
- 39 f. Penalties. Importers, distributors, and local agents who violate this Section
40 shall be subject to the following, in addition to the penalties under Section
41 17:
- 42
- 43 i. First offense: Confiscation of the non-compliant shipment and an
44 administrative fine of not less than One Million Pesos

- 1 (PhP1,000,000.00) but not more than Two Million Pesos
2 (PhP2,000,000.00);
- 3 ii. Second offense: Confiscation of the shipment, a fine of not less than
4 Two Million Pesos (PhP2,000,000.00) but not more than Five Million
5 Pesos (PhP5,000,000.00), and suspension of import accreditation
6 with the BOC for a period of up to one (1) year;
- 7 iii. Third offense: Confiscation of the shipment, a fine of not less than
8 Five Million Pesos (PhP5,000,000.00) but not more than Ten Million
9 Pesos (PhP10,000,000.00), and permanent revocation of import
10 accreditation and license to operate; and
- 11 iv. Accessory Penalties: Publication of violators in a public registry,
12 blacklisting from future government procurement, and possible
13 deportation proceedings in case of foreign nationals directly
14 responsible for violations in accordance with existing laws.

15
16 **SECTION 6. Authority to Expand the Scope of FOPWLs.**

- 17
18 a. The DOH, in consultation with the FDA and other relevant agencies, is hereby
19 authorized to:
- 20
- 21 i. Expand the list of Nutrients of Concern subject to FOPWLs, based on
22 emerging and updated scientific evidence and international best practices
23 that are free from food and beverage industry interference, whether
24 directly or indirectly;
- 25 ii. Prescribe additional categories of products subject to FOPWL
26 requirements, including but not limited to foods and beverages containing
27 non-nutritive sweeteners, additives, or other substances of public health
28 concern;
- 29 iii. Update the design, placement, and language requirements of the warning
30 labels to enhance consumer understanding and effectiveness, *provided,*
31 *that* no update shall make the FOPWLs required under this Act to be less
32 protective than what is required; and
- 33 iv. Adjust Nutrient of Concern thresholds periodically in line with updated
34 nutrition science, World Health Organization (WHO) recommendations, or
35 national dietary guidelines.
- 36
- 37 b. In issuing, updating, or expanding FOPWL templates, the DOH shall consider
38 the recommendations of civil society organizations, consumer protection groups,
39 professional health associations, academic institutions, and other non-industry
40 stakeholders with recognized records in public health, nutrition, or consumer
41 rights advocacy.
- 42

43
44 **CHAPTER III – MARKETING AND ADVERTISING**

45
46 **SECTION 7. Total Prohibition on Unhealthy Food Marketing.**

- 1 a. It shall be unlawful for any person or entity to advertise, promote, or otherwise
2 represent, initiate, produce, publish, broadcast, disseminate, or cause to be
3 disseminated any marketing of foods or beverages required under this Act to
4 bear FOPWLs in any media or platform, regardless of target audience. The
5 absolute prohibition shall cover all forms of marketing, including, but not limited
6 to:
- 7
- 8 i. Broadcast, print, and outdoor media platforms;
9 ii. Digital marketing;
10 iii. Sponsorship of sports, music, cultural, or community events;
11 iv. Sponsorship, distribution, or advertising in schools, daycare centers,
12 playgrounds, or child-care facilities;
13 v. Cross-promotions with children's media, merchandise, or services;
14 vi. Any indirect marketing which reasonably creates the impression that the
15 product is suitable for children's consumption; and
16 vii. Indirect advertising through corporate social responsibility (CSR),
17 scholarships, or community donations carrying brand logos of covered
18 products of this Act.
- 19
- 20 b. No packaging or labelling of pre-packed food and beverages covered under this
21 Act may employ techniques appealing to children, which includes the use of
22 mascots, licensed characters, cartoon or animated characters, toys, games,
23 collectibles, contests, or child-attractive packaging.
- 24
- 25 c. Power to Compel Digital Platforms. Digital platforms must, upon FDA order, take
26 down or disable access to prohibited ads within twenty-four (24) hours. The
27 Department of Information and Communications Technology (DICT) and the
28 National Telecommunications Commission (NTC) shall assist the FDA in
29 monitoring and enforcing compliance, including through technological solutions.

30 **SECTION 8. Prohibition on Conflicting Claims.**

- 31
- 32
- 33 a. General Rule. No pre-packed food or beverage required to bear FOPWLs under
34 this Act shall display, in any form, health, nutritional, or related claims,
35 endorsements, certification, seal of approval, or representations that may create
36 confusion or conflict on consumers as to the nutritional quality of the product.
37 This includes any endorsement, certification, or "seal of approval" from
38 professional associations, trade organizations, government entities, or non-
39 governmental organizations, whether directly or indirectly, that suggests
40 healthfulness.
- 41
- 42 b. Prohibited Claims. The following, among others, shall be prohibited on products
43 required to bear FOPWLs under this Act:
- 44

- i. Claims of being “natural,” “healthy,” “nutritious,” or “beneficial to health,” or any positive message that entices purchase and/or consumption, whether expressed or implied;
 - ii. Nutrient content claims such as “low in fat,” “source of vitamins,” or “enriched with minerals,” “high in fiber,” when the product simultaneously exceeds thresholds for Nutrients of Concern;
 - iii. Comparative claims such as “better choice,” “healthier option,” or “light” versions, when the product still qualifies for FOPWL; and
 - iv. Any imagery, symbol, trademark, slogan, or branding device that suggests healthfulness or conveys the impression that the product does not pose a health risk.
- c. Hierarchy of Labelling. Any product exceeding thresholds for Nutrients of Concern under the NPM shall be prohibited from making any fortification claims, even if fortified in accordance with RA 8976. In case of conflict, the FOPWL requirement under this Act shall prevail as the higher public health protection measure.
- d. Relationship with the Food Safety Act. Pursuant to Republic Act No. 10611, which prohibits the manufacture, importation, advertisement, and sale of food that is misbranded, adulterated, or misleadingly labelled, all non-compliant products under this Act shall likewise be deemed misbranded food under RA 10611, without prejudice to additional sanctions and remedies therein.

CHAPTER IV – GOVERNANCE, MSME SUPPORT, AND PUBLIC PARTICIPATION

SECTION 9. Conflict of Interest Safeguards for Nutrition and Health Policy.

- a. All government agencies involved in the implementation of this Act, including but not limited to the DOH, the FDA, and the DTI, shall adopt and enforce policies and programs to protect public health policymaking from actual, potential, or perceived conflicts of interest with the food and beverage industry, including food industry front groups, whether directly or indirectly.
- b. In fulfilling their functions under this Act, agencies shall be guided by Article II, Section 15 of the 1987 Constitution, which mandates the State to protect and promote the right to health; Republic Act No. 3019 (Anti-Graft and Corrupt Practices Act); Republic Act No. 11223 (Universal Health Care Act), which upholds public health ethics and integrity in health governance; and other applicable laws, rules, and codes of conduct.
- c. Each concerned agency shall establish and implement institutional policies that:
 - i. Prohibit acceptance of gifts, sponsorships, or research funding from food and beverage industries or their affiliates;

- ii. Require disclosure of any past or present financial or institutional links with such industries apart from such disclosure as required in their Statement of Assets, Liabilities, and Net Worth (SALN);
 - iii. Provide clear procedures for recusal of officials and staff where conflicts arise;
 - iv. Set training and awareness programs for officials and staff on industry interference and conflict of interest;
 - v. Establish mechanisms for monitoring, reporting, and sanctioning violations of conflict-of-interest rules.
- d. Agencies shall ensure that nutrition research, dietary guidelines, and the NPM are developed free from industry influence, with resources drawn from independent public funding and not from entities engaged in the manufacture, marketing, or distribution of covered food and beverage products.
- e. All consultations, partnerships, and engagements with external stakeholders in relation to this Act shall be publicly disclosed, including the list of participating organizations and the nature of their contributions, to uphold transparency and accountability.

SECTION 10. Assistance to MSMEs. The DTI, in coordination with the DOH and FDA, shall develop programs to provide technical, financial, and capacity-building assistance to MSMEs for purposes of compliance with this Act, including support for relabeling, reformulation, and other compliance requirements.

SECTION 11. Lead Implementing Agency. The FDA shall be the lead implementing and enforcement agency of this Act. The DOH shall retain authority to develop and periodically update the NPMI and exercise policy oversight.

SECTION 12. Transitory Provisions.

a. Compliance Period.

- i. Large Enterprises. All large-scale manufacturers, importers, and distributors of covered products shall comply with the requirements of this Act, including the affixing of the mandatory FOPWLs, within six (6) months from the effectivity of this Act.
- ii. MSMEs. MSMEs shall be granted a longer compliance period of twenty-four (24) months from the effectivity of this Act, subject to technical and financial assistance from the DTI.

b. Phased Compliance Milestones. To prevent delays and ensure accountability, the following milestones shall be met:

- i. Within three (3) months from the effectivity of this Act - submission of prototype or sample packaging bearing the required FOPWLs for FDA review and approval;

- ii. Not later than six (6) months from the effectivity of this Act - full compliance by large enterprises, including withdrawal of non-compliant stock from the supply chain;
 - iii. Not later than twenty-four (24) months from effectivity of this Act - full compliance by MSMEs, including withdrawal of all non-compliant stock from the supply chain.
- c. Sale of Pre-Existing Inventory. Products manufactured, imported, or distributed prior to the compliance deadlines may be sold for up to three (3) months from the date full compliance is expected, *Provided, That*:
 - i. Such inventory was not deliberately stockpiled after the effectivity of this Act to evade compliance; and
 - ii. Retailers clearly display FDA-issued notices on the mandatory FOPWL requirements under Section 5 (b) of this Act until such time that packaging is compliant.
- d. Prohibited Acts During Transition. The following shall constitute violations of manufacturers of covered products during the transitory period:
 - i. Stockpiling or artificially inflating production of non-compliant packaging;
 - ii. False reporting or misrepresentation in prototypes;
 - iii. Failure to submit milestones required under Paragraph (b); and
 - iv. Marketing covered products, regardless of compliance deadlines.
- e. Monitoring and Reporting.

The FDA shall:

- i. Conduct random inspections and audits of prototypes; and
- ii. Issue quarterly public updates on industry compliance, naming entities that fail to meet milestones.

SECTION 12-A. Public Information and Education Campaign During the Transition Period. During the transition period provided under Section 14 of this Act, the DOH, through the FDA, shall jointly undertake a nationwide public information and education campaign to raise awareness among consumers, manufacturers, retailers, and other stakeholders on the objectives, requirements, and implications of the FOPWL system and marketing restrictions.

The campaign shall include, but not limited to:

- a. Dissemination of information on the meaning and interpretation of FOPWLs and the health risks associated with excessive consumption of food and beverages high in Nutrients of Concern;
- b. Publication of guidance materials, infographics, and digital content through official government websites, social media, and mass media platforms;

- c. Conduct of community-based information sessions in coordination with LGUs, civil society organizations, and educational institutions; and
- d. Issuance of advisories and press releases emphasizing consumer rights and the responsibilities of manufacturers and retailers under this Act.

For the effective implementation of this Section, the FDA may deputize or enter into agreements with other government agencies and instrumentalities, including but not limited to the DepEd, Commission on Higher Education (CHED), DILG, DTI, and the NNC, to assist in the conduct of information, education, and advocacy activities within their respective jurisdictions and constituencies.

The DOH and FDA shall allocate sufficient resources from their respective appropriations and may utilize the FOPWL Trust Fund established under Section 16-A hereof to support such information and education activities.

SECTION 13. Public Reporting Mechanism.

- a. Citizen Reporting Platform. The FDA shall, within six (6) months from the effectivity of this Act, establish, operate, and maintain a publicly accessible online reporting platform, available through web and mobile applications, that shall allow citizens, consumer groups, and civil society organizations to submit reports, complaints, or evidence of violations of this Act. The citizen reporting platform established under this Act shall be fully integrated into the existing complaint-handling and case-tracking systems of the FDA. The FDA shall promulgate implementing guidelines to consolidate and rationalize such mechanisms, prevent duplication of functions, and guarantee traceability of complaints and corresponding actions taken.
- b. Minimum Features. The platform shall:
 - i. Allow submission of photographs, videos, digital links, and documentary evidence;
 - ii. Provide real-time tracking of report status for the complainant;
 - iii. Generate an acknowledgment receipt automatically upon submission; and
 - iv. Be accessible in both English and Filipino, and designed for persons with disabilities.
- c. Timelines for FDA Action.
 - i. The FDA shall acknowledge receipt of citizen reports within seven (7) calendar days;
 - ii. Conduct a preliminary evaluation within fifteen (15) calendar days; and
 - iii. Issue a resolution, enforcement order, or dismissal within thirty (30) calendar days from receipt of the report, unless a longer period is justified in writing.

1 d. Public Transparency.

- 2
- 3 i. The FDA shall publish anonymized data on all reports received, including
- 4 the nature of the alleged violation, the status of action taken, and the
- 5 outcome of enforcement;
- 6 ii. A semi-annual Transparency Report shall be issued and published on the
- 7 FDA's official website, listing entities found in violation of this Act, the
- 8 penalties imposed, and the corrective actions undertaken; and
- 9 iii. All Transparency Reports shall be transmitted to Congress and the Office
- 10 of the President for oversight purposes.
- 11
- 12

13 **CHAPTER V – ENFORCEMENT AND PENALTIES**

14

15 **SECTION 14. Enforcement.**

16

- 17 a. Primary Jurisdiction. The FDA shall have primary and exclusive jurisdiction to
- 18 enforce the provisions of this Act, including the authority to monitor, investigate,
- 19 and sanction violations thereof.
- 20
- 21 b. Powers of the FDA. For the effective enforcement of this Act, the FDA shall have
- 22 the following powers and functions:
- 23
- 24 i. Conduct inspections, audits, and compliance monitoring of manufacturing
- 25 plants, import facilities, warehouses, distribution centers, retail outlets,
- 26 and digital platforms;
- 27 ii. Require the submission of reports, records, and other relevant
- 28 documentation from covered entities;
- 29 iii. Administer oaths, issue subpoenas duces tecum and *ad testificandum*,
- 30 and compel attendance of witnesses and production of documents in
- 31 connection with investigations;
- 32 iv. Issue compliance orders, cease-and-desist orders, and takedown orders,
- 33 whether ex parte or after summary proceedings, in cases of imminent or
- 34 continuing violations;
- 35 v. Seize, confiscate, or order the recall, withdrawal, or destruction of non-
- 36 compliant products, at the expense of the responsible entity;
- 37 vi. Direct digital platforms, broadcasters, and publishers to block, suspend,
- 38 or remove non-compliant advertising or promotional content, and to
- 39 disable offending accounts or services;
- 40 vii. Impose administrative fines and penalties as provided under Sections 17
- 41 and 18;
- 42 viii. Recommend to the Department of Justice (DOJ) the initiation of criminal
- 43 prosecution for violations that may constitute criminal offenses under
- 44 existing laws, including falsification, fraud, or obstruction of enforcement;
- 45 and

ix. Exercise such other powers as may be reasonably necessary to carry out the intent and purpose of this Act.

c. Inter-Agency Assistance. The FDA may call upon and deputize the Department of Health (DOH), Department of Trade and Industry (DTI), Department of Information and Communications Technology (DICT), National Telecommunications Commission (NTC), Department of Education (DepEd), Department of the Interior and Local Government (DILG), and other relevant agencies and local government units (LGUs) to assist in enforcement, monitoring, and compliance efforts.

d. Joint and Solidary Liability. Enforcement actions may be directed against any or all parties jointly and solidarily liable under Section 18. The FDA is authorized to implead manufacturers, importers, distributors, retailers, advertisers, endorsers, agencies, platforms, and corporate officers in a single proceeding.

e. Transparency and Reporting. The FDA shall publish semi-annual Transparency Reports containing, at minimum: (1) the number and type of inspections conducted; (2) violations found; (3) enforcement actions taken; (4) penalties imposed; and (5) names of violators. Such reports shall be made publicly accessible online and transmitted to Congress and the Office of the President for oversight purposes.

f. Citizen Participation. The FDA shall recognize and act upon citizen complaints submitted under Section 15, and may initiate enforcement proceedings *motu proprio* based on credible reports or evidence from the public.

g. Due Process. All enforcement actions shall observe due process, but preventive measures such as seizure, recall, or takedown orders may be issued *ex parte* in cases of imminent danger to public health, subject to post-action review within fifteen (15) days.

SECTION 14-A. Trust Fund. There is hereby created a FOPWL Trust Fund, to be administered by the FDA under DOH supervision. The Trust Fund shall be utilized exclusively to defray the expenses necessary for the faithful implementation of this Act, including, but not limited to:

- a. The strengthening of the enforcement and monitoring capabilities of the FDA and its deputized agencies;
- b. The establishment, operation, and maintenance of the public reporting and complaint mechanisms under Section 15 hereof;
- c. The conduct of information, education, and communication campaigns for public awareness;
- d. The undertaking of policy research, evaluation, and capacity-building initiatives; and

- 1 e. The provision of technical and financial assistance to MSMEs for purposes of
2 compliance with this Act.

3
4 The Trust Fund shall be sourced from the following:

- 5
6 a. Administrative fines and penalties collected under this Act;
7 b. Fees, charges, and other income derived from the implementation of this Act;
8 c. Grants, donations, and endowments from domestic or foreign sources that are
9 free from any conflict of interest, duly accepted by the DOH and FDA, subject to
10 pertinent accounting and auditing rules; and
11 d. Such other amounts as may be appropriated for this purpose in the General
12 Appropriations Act (GAA).

13
14 The FDA shall prepare and submit to the DOH, the Department of Budget and
15 Management (DBM), and the Commission on Audit (COA) an annual report detailing
16 the receipts, disbursements, and balances of the Trust Fund. All expenditures charged
17 against the Trust Fund shall be subject to regular post-audit by the COA.

18
19 **SECTION 14-B. Creation of the Marketing and Advertising Monitoring and**
20 **Enforcement Bureau (MAMEB).** There is hereby created within the FDA a Marketing
21 and Advertising Monitoring and Enforcement Bureau (MAMEB), which shall function as
22 the specialized enforcement arm responsible for the continuous surveillance and
23 enforcement of the marketing, advertising, and promotional restrictions prescribed
24 under this Act.

25
26 The MAMEB shall, under the direct supervision of the Director-General of the FDA:

- 27
28 a. Monitor traditional, digital, and emerging media platforms for possible violations
29 of this Act;
30 b. Maintain and update a registry of marketing and advertising violations,
31 enforcement actions, and resolutions thereof;
32 c. Coordinate with the DICT, the NTC, and other relevant agencies for the removal
33 or disabling of prohibited digital content;
34 d. Recommend the initiation of enforcement proceedings, imposition of
35 administrative sanctions, or institution of criminal complaints as may be
36 warranted; and
37 e. Submit quarterly monitoring and compliance reports to be incorporated in the
38 FDA's Transparency Report under Section 16 hereof.

39
40 The operational and administrative requirements of the MAMEB, including, but not
41 limited to staffing, training, equipment, and technological tools, shall be funded from the
42 FOPWL Trust Fund.

43
44 **SECTION 14-C. Authority to Augment Manpower.** In order to ensure the faithful and
45 efficient enforcement of the provisions of this Act, the FDA is hereby vested with
46 authority, subject to existing laws, rules, and regulations of the Civil Service
47 Commission (CSC), the DBM, and the COA, to augment its human and technical
48 resources as may be necessary to carry out its mandate herein.

For this purpose, the FDA is authorized to:

- a. Propose the creation of new plantilla positions, upon prior approval of the DBM, consistent with the prevailing organizational, staffing, and compensation standards of the national government;
- b. Engage the services of contractual or job order personnel, in accordance with CSC-COA-DBM Joint Circular No. 1, s. 2017, for the performance of highly technical, specialized, or project-based functions relating to policy development, enforcement, monitoring, or communication activities under this Act;
- c. Detail or accept the secondment of personnel from the DOH, the DICT, the DTI, or such other government agencies as may be necessary, consistent with rules on secondment under relevant CSC circulars; and
- d. Utilize the FOPWL Trust Fund for the engagement, training, and continuous capacity-building of personnel assigned to implement or support enforcement activities under this Act, subject to pertinent COA auditing and accounting regulations.

SECTION 15. Penalties.

- a. General Violations. Any manufacturer, importer, distributor, or advertiser that fails to comply with the provisions of this Act shall be liable for the following administrative fines and sanctions:
 - i. For the first offense, not less than Five Hundred Thousand Pesos (PhP500,000.00) but not more than One Million Pesos (PhP1,000,000.00) and an order of correction;
 - ii. For the second offense, not less than One Million Pesos (PhP1,000,000.00) but not more than Five Million Pesos (PhP5,000,000.00), and suspension of license to operate for a period not exceeding one (1) year; and
 - iii. For the third and subsequent offenses, not less than Five Million Pesos (PhP5,000,000.00) but not more than Ten Million Pesos (PhP10,000,000.00) and permanent revocation of license to operate.
- b. Aggravated Violations. The following shall automatically be considered aggravated violations subject to the maximum imposable fine and accessory penalties under this Act:
 - i. Marketing to Children of covered products in violation of Section 7 (b);
 - ii. Use of confusing or conflicting nutritional or health claims in violation of Section 8;
 - iii. Failure of digital platforms to remove or disable access to prohibited content within seventy-two (72) hours from receipt of FDA order;
 - iv. Repeat offenses within a five-year period;

- v. Retaliation against whistleblowers under under Section 15 (e); and
 - vi. Obscuring of FOPWLs in violation of Sections 5 (c), (d), (e), and (f).
- c. MSME-Specific Penalties. In recognition of the distinct capacities of MSMEs, violations committed by MSMEs shall be subject to the following fines:
- i. For the first offense, a fine of Fifty Thousand Pesos (PhP50,000.00) to One Hundred Thousand Pesos (PhP100,000.00), and an order of correction or compliance assistance;
 - ii. For the second offense, a fine of One Hundred Thousand Pesos (PhP100,000.00) to Two Hundred Fifty Thousand Pesos (PhP250,000.00), and temporary suspension of license or certification not exceeding six (6) months; and
 - iii. For the third and subsequent offenses, a fine of Two Hundred Fifty Thousand Pesos (PhP250,000.00) to Five Hundred Thousand Pesos (PhP500,000.00), and suspension or revocation of business permit or license to operate, as may be appropriate.

The FDA shall provide graduated compliance support and corrective guidance for MSMEs to facilitate adherence to the requirements of this Act prior to the imposition of punitive measures.

- d. Penalties for Sari-Sari Stores and Small Retail Establishments. In case where sari-sari stores or small neighborhood retail establishments are found selling or displaying non-compliant products in good faith, the FDA and concerned local government units (LGUs) shall prioritize education, compliance assistance, and issuance of warnings before the imposition of penalties. However, willful or repeated sale or promotion of non-compliant products after written warning shall subject such retailers to the following penalties:
- i. For the first offense, a written reprimand and mandatory attendance in an FDA or LGU-sponsored consumer protection seminar;
 - ii. For the second offense, a fine of Five Thousand Pesos (PhP5,000.00) to Twenty Thousand Pesos (PhP20,000.00), and temporary suspension of business permit for not more than fifteen (15) days; and
 - iii. For the third offense, a fine of Twenty Thousand Pesos (PhP20,000.00) to Fifty Thousand Pesos (PhP50,000.00), and suspension or revocation of business permit for up to thirty (30) days.
- e. Penalties for Sari-Sari Stores Displaying Sponsored Soft Drink or Beverage Signage. Any sari-sari store, retail stall, or small commercial establishment which, under a sponsorship or promotional arrangement with a food or beverage manufacturer, importer, or distributor, displays, exhibits, or maintains store signs, awnings, tarpaulins, or other marketing materials bearing the name, logo, color scheme, or trademark of a product covered under this Act shall be deemed to have participated in prohibited marketing under Section 7 hereof.

1
2 Provided, That where the signage or display was installed or provided by the
3 manufacturer, distributor, or its agent prior to the effectivity of this Act, the FDA
4 and the concerned local government unit (LGU) shall, within six (6) months from
5 effectivity, implement an education and transition campaign requiring removal or
6 modification of such signage.

7
8 Thereafter, the following penalties shall apply:

- 9
10 i. For the first offense, issuance of a written warning and a directive for
11 voluntary removal of the prohibited signage within fifteen (15) days;
12 ii. For the second offense, imposition of a fine of not less than Five
13 Thousand Pesos (PhP5,000.00) but not more than Twenty Thousand
14 Pesos (PhP20,000.00), and temporary suspension of the business permit
15 for not more than fifteen (15) days; and
16 iii. For the third and subsequent offenses, a fine of not less than Twenty
17 Thousand Pesos (PhP20,000.00) but not more than Fifty Thousand
18 Pesos (PhP50,000.00), and suspension or revocation of the business
19 permit for up to thirty (30) days, without prejudice to penalties imposed on
20 the sponsoring manufacturer or distributor under paragraph (a) of this
21 Section.

22
23 The FDA shall coordinate with local government units to ensure that advertising
24 permits and business signages for sari-sari stores are screened for compliance
25 with this Act, and that sponsoring entities, including beverage companies, shall
26 bear joint and solidary liability for the prohibited marketing arrangement.

- 27
28 f. Transitory Violations. In addition to the foregoing, the following violations specific
29 to the transitory period under Section 14 shall be subject to penalties:

- 30
31 i. Failure to Submit Prototypes. Non-submission shall be penalized with a
32 fine of not less than Twenty Thousand Pesos (PhP20,000.00) for MSMEs
33 and not less than Two Hundred Thousand Pesos (PhP200,000.00) for
34 large enterprises;
35 ii. Stockpiling. Any act of deliberately manufacturing, importing, or
36 distributing excessive quantities of non-compliant packaging after the
37 effectivity of this Act to evade compliance deadlines shall be penalized
38 with not less than One Hundred Thousand Pesos (PhP100,000.00) and
39 automatic confiscation of stockpiled goods;
40 iii. False Reporting or Misrepresentation. Any false, incomplete, or
41 misleading statement in prototypes, or reports shall be penalized with not
42 less than Two Hundred Thousand Pesos (PhP200,000.00) and
43 suspension of license to operate for up to six (6) months;
44 iv. Failure to Meet Milestones. Non-compliance with milestones under
45 Section 14 (b) shall be penalized with not less than Twenty Thousand
46 Pesos (PhP20,000.00) for MSMEs and not less than Two Hundred

- 1 Thousand Pesos (PhP200,000.00) for large enterprises, without prejudice
2 to higher penalties for repeated failures;
3 v. Failure to Include Interim Advertising Warnings. – Covered entities that
4 fail to include disclosure statements consistent with the FOPWL system
5 in advertising or promotional campaigns during the transition shall be
6 penalized with not less than Three Hundred Thousand Pesos
7 (PhP300,000.00).

8
9 g. Accessory Penalties. In addition to monetary fines, the FDA may impose the
10 following:

- 11
12 i. Confiscation or seizure of non-compliant products;
13 ii. Suspension or revocation of permits, licenses, or accreditations;
14 iii. Publication of violators in a publicly accessible FDA transparency report,
15 which may include the FDA website;
16 iv. Blacklisting of repeat violators from eligibility for government procurement
17 for a period not exceeding five (5) years; and
18 v. Restriction, suspension, or termination of advertising operations of digital
19 platforms that repeatedly fail to comply with takedown orders.
20

21 **SECTION 16. Joint and Solidary Liability.**

- 22
23 a. General Rule. All persons, natural or juridical, who directly or indirectly
24 participate in the manufacture, importation, distribution, marketing, advertising,
25 sponsorship, digital promotion, or sale of products covered under this Act shall
26 be jointly and solidarily liable for violations of Sections 7, 8, 9, 10, and 14 of this
27 Act and its implementing rules and regulations.
28
29 b. Scope of Liability. Without prejudice to individual administrative, civil, or criminal
30 liability, the following entities shall be deemed jointly and solidarily liable with
31 manufacturers or importers:
32
33 i. Distributors and retailers for the continued sale or distribution of non-
34 compliant products after the applicable compliance deadline or beyond
35 allowable inventory sell-off periods;
36 ii. Advertising agencies and media outlets for the creation, dissemination, or
37 placement of advertisements, promotions, or sponsorships in violation of
38 Sections 7, 8, and 9;
39 iii. Digital platforms and online intermediaries for failure to remove or disable
40 access to prohibited advertisements within seventy-two (72) hours of
41 receipt of an FDA order;
42 iv. Endorsers, influencers, and affiliate marketers who knowingly participate
43 in or profit from the promotion of covered products in contravention of
44 Sections 7, 8, and 9; and
45 v. Any other person or entity who, by act or omission, contributes to the
46 violation of this Act.

- 1
2 c. Transitory Violations. Joint and solidary liability shall likewise extend to the
3 following:
4
5 i. Stockpiling. Logistics providers, warehousing firms, distributors, or
6 retailers who knowingly participate in or conceal the deliberate stockpiling
7 of non-compliant packaging shall be jointly liable with manufacturers or
8 importers;
9 ii. False Reporting or Misrepresentation. Corporate officers, compliance
10 managers, or consultants who prepare, certify, or submit false,
11 incomplete, or misleading compliance reports shall be held jointly liable
12 with the submitting entity;
13 iii. Failure to Meet Milestones. Contractors, printers, packaging firms, or
14 advertising agencies responsible for implementing compliance milestones
15 (e.g., prototype labeling, awareness campaigns) shall be jointly liable if
16 such failures were attributable to their acts or omissions.
17
18 d. Presumption of Participation. The presence of a brand name, logo, or other
19 identifiable mark on a prohibited advertisement, promotional material, or
20 packaging shall constitute a prima facie presumption of participation by the brand
21 owner, its authorized distributors, and its advertising agents.
22
23 e. No Exemption by Contract. No indemnification clause, outsourcing arrangement,
24 or delegation of responsibility shall exempt any person or entity from liability
25 under this Act. Any such contractual stipulation shall be deemed void as against
26 public policy.
27
28 f. Accessory Penalties. In addition to monetary fines under Section 15, the
29 following accessory penalties may be imposed jointly or severally on liable
30 parties:
31
32 i. Suspension, cancellation, or revocation of business permits, licenses to
33 operate, or accreditation;
34 ii. Blacklisting from eligibility for government procurement for a period not
35 exceeding five (5) years;
36 iii. Disqualification of corporate officers from serving as directors, trustees,
37 or officers of any corporation engaged in the food and beverage industry
38 for a period not exceeding five (5) years; and
39 iv. Blocking, suspension, or restriction of access to digital platforms or
40 accounts repeatedly used to commit violations under this Act.
41
42

43 CHAPTER IV – FINAL PROVISIONS

44 SECTION 17. Implementing Rules. 45 46

- 1 a. Within ninety (90) days from the effectivity of this Act, the DOH and the FDA, in
2 consultation with the DTI, DICT, DepEd, NTC, civil society organizations,
3 consumer groups, public health experts, and the academe, shall promulgate the
4 necessary rules and regulations to carry out the provisions of this Act.
5
6 b. The IRR shall:
7
8 i. Prescribe the precise technical specifications of the FOPWLs, including
9 size, design, placement, and format;
10 ii. Operationalize the NPM, including thresholds for Nutrients of Concern
11 and procedures for periodic review;
12 iii. Establish monitoring, reporting, and enforcement mechanisms, including
13 procedures for FDA inspections, compliance audits, and issuance of
14 cease-and-desist orders;
15 iv. Define protocols for inter-agency coordination, particularly with DTI, DICT,
16 NTC, and DepEd; and
17 v. Provide mechanisms for MSME assistance, including subsidies, training,
18 and technical guidance.
19
20 c. The IRR shall be published in the Official Gazette and in at least two (2)
21 newspapers of general circulation and shall be filed with the Office of the National
22 Administrative Register (ONAR) of the UP Law Center.
23

24 **SECTION 18. Separability Clause.** If any provision of this Act is declared invalid or
25 unconstitutional, the remainder shall not be affected.
26

27 **SECTION 19. Repealing Clause.**
28

- 29 a. All laws, decrees, executive orders, or parts thereof inconsistent with this Act are
30 hereby repealed or amended accordingly. In particular, The following provisions
31 of Republic Act No. 8976 (RA 8976), otherwise known as the "Philippine Food
32 Fortification Act of 2000," and its corresponding Implementing Rules and
33 Regulations, are repealed insofar as inconsistent with this Act:
34
35 i. Section 5 of RA 8976 which authorizes the use of fortification claims on
36 food products, where such claims obscure or contradict the mandatory
37 display of FOPWLs;
38 ii. Section 7 of RA 8976 which permits the use of fortification logos or seals
39 in labelling and advertising, where such seals may confuse consumers
40 into perceiving a product high in Nutrients of Concern as healthy;
41 iii. Section 8 of RA 8976 which authorizes nutrition labelling provisions
42 inconsistent with the FOPWLs required under this Act; and
43 iv. All IRR provisions implementing RA 8976 that allow the continued use of
44 fortification claims, logos, or seals on products which, under the NPM,
45 exceed thresholds for Nutrients of Concern.
46

1 b. Accordingly, no product which exceeds the thresholds for Nutrients of Concern
2 under the NPM shall be permitted to make any fortification claim, carry a
3 fortification logo or seal, or otherwise represent itself as fortified in any manner
4 that contradicts the warning label system established under this Act.

5
6 c. This repeal is without prejudice to the continuation of fortification programs for
7 foods intended to address micronutrient deficiencies, provided that such
8 products do not simultaneously exceed thresholds for Nutrients of Concern
9 under the NPM.

10
11 **SECTION 20. Effectivity.** This Act shall take effect fifteen (15) days after its publication
12 in the Official Gazette or two newspapers of general circulation. The provisions of this
13 Act are hereby declared self-executing. The absence or non-issuance of the IRR
14 necessary for the full implementation of any provision of this Act shall not prevent the
15 effectivity or implementation of such provision or the Act as a whole. All agencies,
16 bureaus, offices, and instrumentalities of the government are hereby mandated to
17 perform their duties and functions in accordance with the provisions of this Act upon its
18 effectivity, even in the absence of the corresponding IRR.

19
20 Approved.