

TWENTIETH CONGRESS)
OF THE REPUBLIC OF THE PHILIPPINES)
First Regular Session)

HOUSE OF REPRESENTATIVES

House Bill No. 10036



Introduced by Representative KARL FERNANDEZ LEGAZPI

AN ACT
TO CREATE A HEALTHY FOOD ENVIRONMENT BY REQUIRING FRONT-OF-
PACKAGE WARNING LABELS FOR FOOD HIGH IN FAT, SODIUM, OR SUGAR AND
REGULATING THE MARKETING OF SUCH FOOD TO CHILDREN

EXPLANATORY NOTE

Noncommunicable diseases (NCDs) such as cancer, cardiovascular disease, diabetes, and chronic respiratory diseases account for 68% of the total deaths in the Philippines.¹ Obesity has been identified as a key risk factor for these NCDs.² In the Philippines, the prevalence of overweight and obesity among children 5-10 years old has increased from 5.7% in 2003 to 12.9% in 2023.³ Among adolescents, the prevalence increased from 4.9% in 2003 to 12.5% in 2023.⁴ With these 2023 levels, the country is not on track to achieve the targets of the Philippine Plan of Action for Nutrition 2023-2028 for overweight and obesity. Without interventions, more than 30% of Filipino adolescents are estimated to fall into this category by 2030.⁵

Filipinos have become more vulnerable to NCDs because of the increased availability and consumption of prepackaged food products that contain unhealthy types of fat or are high in sodium or sugar⁶, together with marketing strategies that disproportionately target children⁷, who are especially vulnerable, to the influence of advertising and nutritional claims.⁸ This is compounded by the fact that the country does not have an effective labelling system. Nutrition information on food labels is often difficult to access as they are printed on the back of product packaging, and even more difficult to understand—especially among consumers from lower-

¹WHO (2019). *Prevention and control of noncommunicable diseases in the Philippines: The case for investment*, p. 1. Available at <https://www.who.int/docs/default-source/wpro---documents/countries/philippines/reports/prevention-and-control-of-noncommunicable-diseases-in-the-philippines---the-case-for-investment.pdf> (last accessed January 23, 2024).

² *Id.* at p. 4.

³[1] Department of Science and Technology – Food and Nutrition Research Institute (2023). Trends and Tracking of Nutrition Targets, available at https://enutrition.fnri.dost.gov.ph/uploads/9_2023_NNS_TRENDS%20AND%20TRACKING%20OF%20NUTRITION%20TARGETS.pdf (last accessed July 14, 2025).

⁴ *Id.*

⁵ UNICEF (2022). *Everybody Needs to Act to Curb Obesity*. Available at <https://www.unicef.org/philippines/press-releases/everybody-needs-act-curb-obesity> (last accessed January 23, 2024).

⁶Tracy Kuo Lin, et al., *The effect of sugar and processed food imports on the prevalence of overweight and obesity in 172 countries*, 14 GLOBAL HEALTH 35, 2018.

⁷ Research on children's exposure to television advertisements indicates that high-sugar, high-salt, and high-fat foods are disproportionately more promoted than healthier alternatives during child-viewing hours. See FoodAct Asia (PH) Policy Brief (2022). *Tackling the Obesity Challenge: Urgent Steps to Regulate TV Food Marketing in the Philippines*.

⁸Tracy Kuo Lin, et al., *The effect of sugar and processed food imports on the prevalence of overweight and obesity in 172 countries*, 14 GLOBAL HEALTH 35, 2018.

income households.⁹ This obesogenic environment within the Philippines prevents Filipinos, especially children, from making informed food choices.¹⁰

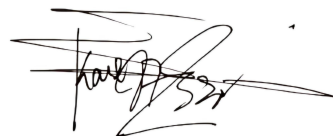
It is the State's duty to "protect and promote the right to health of the people and instill health consciousness among them."¹¹ The State must protect and promote the right of every Filipino to the enjoyment of the "highest attainable standard of health,"¹² and in fulfillment of the best interests of the child, defend the right of children to proper care and nutrition, and "special protection from conditions that are prejudicial to their development."¹³ In meeting these duties, the State must strive to create a healthy environment that enables Filipinos, especially children, to make healthy food choices.

This proposed measure aims to address the foregoing issues, and fulfil the above-mentioned duties of the State, by:

- (1) Introducing mandatory front-of-package warning labels (FOPWL) to help Filipinos avoid food that exceed prescribed thresholds for energy, fat, sodium, and sugar; and
- (2) Regulating all forms of marketing including those in locations frequented by children, to minimize the power of, and reduce the exposure of children to, marketing of food that exceed prescribed thresholds for energy, fat, sodium, and sugar.

Similar policies in other countries have shown promising results, with FOPWL having been proven to reduce purchases of food and beverages with excessive amounts of nutrients of concern¹⁴ and marketing restrictions leading to a significant decrease in children's exposure to advertising of the same.¹⁵

The proposed measure aligns with our shared vision of creating a healthier Philippines where Filipinos can lead healthy lives. Thus, approval of this bill is earnestly sought.



KARL FERNANDEZ LEGAZPI
Pinoy Workers Party List

⁹ Sinclair, et al. (2013). *Sociodemographic differences in the comprehension of nutritional labels on food products*.

¹⁰ UNICEF (2021). *Prevention of Overweight and Obesity in Children: Landscape Analysis and Priority Actions Philippines Brief*. Available at <https://www.unicef.org/cap/media/8221/file/Prevention%20of%20Overweight%20and%20Obesity%20in%20Children.pdf> (last accessed January 23, 2024).

¹¹ Philippine Constitution, art. II (15).

¹² Convention on the Rights of the Child, art. 24(1).

¹³ Philippine Constitution, art. XV (3).

¹⁴ UNICEF (2021). *Front of Pack Nutrition Labelling*. Available at [https://www.unicef.org/media/116686/file/Front-of-Pack%20Nutrition%20Labelling%20\(FOPNL\).pdf](https://www.unicef.org/media/116686/file/Front-of-Pack%20Nutrition%20Labelling%20(FOPNL).pdf) (last accessed January 23, 2024).

¹⁵ UNICEF (2021). *Marketing of Unhealthy Foods and Non-alcoholic Beverages to Children*. Available at <https://www.unicef.org/media/116691/file/Marketing%20restrictions.pdf> (last accessed January 23, 2024).

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REGULATING THE MARKETING OF SUCH FOOD TO CHILDREN

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 of all Filipinos, and instill health consciousness among them. It is likewise the policy of the State to protect and promote the right of every child to the enjoyment of the highest attainable standard of health and to defend their right to proper care and nutrition, which includes the right to healthy environments.

The State therefore recognizes the need to enable all Filipinos to make informed food choices and avoid food and beverages that are harmful to one’s health in line with its policy to protect consumers from trade malpractices and substandard or hazardous food products.

The State also recognizes the urgent need to protect children from obesogenic food environments that promote the sale and marketing of food that are high in fats, sodium, and sugar.

The State likewise recognizes the vital contribution of workers employed in the food manufacturing, processing, distribution, retail, logistics, advertising, and related industries to the national economy.

In implementing this Act, the State shall ensure that compliance measures are undertaken in a just, reasonable, and phased manner that protects employment, supports enterprise transition, and promotes decent work. Appropriate technical assistance, capacity-building, and transition support shall be provided, particularly for micro, small, and medium enterprises (MSMEs) and their workers, to facilitate compliance with the requirements of this Act while safeguarding jobs and livelihoods.

SECTION 3. Objective. This Act aims to:

- a. Guide the population in making informed food purchases and discourage Filipinos—especially children and people living with or at risk of non-communicable diseases—from consuming food containing energy, fat, sodium, and sugar in excess of the prescribed maximum thresholds; and
- b. Minimize the power of, and reduce the exposure of children to, marketing of food and beverages containing energy, fat, sodium and sugar in excess of the prescribed maximum thresholds.

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

- 2 a. **“Breastmilk substitutes”** refers to any food being marketed or otherwise represented
3 as a partial or total replacement for breastmilk, whether or not suitable for that purpose;
- 4 b. **“Calories”** refer to the unit of measurement used to determine the amount of energy
5 that a food provides;
- 6 c. **“Child”** refers to persons below eighteen (18) years of age, or any person eighteen (18)
7 years of age or over but who are unable to fully take care of themselves or protect
8 themselves because of a physical or mental disability or condition;
- 9 d. **“Child-directed marketing”** refers to all marketing targeted to or to which children
10 are exposed to, which includes, but is not limited to, marketing that uses: images,
11 sounds or language designed to appeal to children such as cartoon characters,
12 personalities or celebrities that target or address children in their content (licensed or
13 unlicensed), children actors or voices, or references to school or play; toys or book
14 giveaways, competitions or promotional giveaways, buy-one-take one, discounts, and
15 pricing bundle strategies; themes designed to attract children (e.g. fantasy or
16 adventure); games or activities that are likely to be popular with children; or other
17 similar or analogous appeals. Child-directed marketing also includes marketing that is
18 directed to a parent (or another adult) where the end-consumer is a child.
- 19 e. **“Child-centered settings”** refers to any location that is frequented by families and
20 children because of activities, attractions, or infrastructure targeted or directed to
21 children, including but not limited to schools, educational establishments, learning
22 institutions, playgrounds, amusement parks, or other service centers or places
23 frequented by families and children, and other similar and analogous settings.
- 24 f. **“Cross-border marketing”** refers to marketing which originates within the territory
25 of the Philippines and enters or could be received in another territory, as well as that
26 which originates outside the territory of the Philippines and is received or accessible
27 within the territory.
- 28 g. **“Complementary nutritional information”** refers to any information that may state,
29 suggest, or imply that a food or beverage possesses particular nutritional or health
30 properties, especially, but not limited to its energy value, protein, fat, carbohydrates,
31 dietary fiber content, critical nutrients, vitamins, minerals, including assertions of
32 fortification.
- 33 h. **“Distributor”** refers to any person to whom a prepackaged food product is delivered
34 or sold for purposes of distribution in commerce. Distributors include importers,
35 exporters, traders, or wholesalers.
- 36 i. **“Educational establishment”** refers to any establishment, including but not limited to
37 schools, learning institutions, play schools, sports camps, youth development facilities,
38 and other places, where a child as defined in this Act engages in activities that
39 contribute to their overall growth and development through any means of instruction.
- 40 j. **“Food and beverage industry”** means manufacturers, wholesale distributors, and
41 importers of prepackaged food.
- 42 k. **“Front-of-package warning label (FOPWL)”** refers to the simplified nutrition
43 information system on the main face of the packaging of prepackaged food products
44 that warn consumers when a product contains excessive amounts of nutrients of
45 concern as prescribed in Section 6 of this Act;
- 46 l. **“Importer”** means the consignee or the Philippine agent or representative of a foreign
47 owner or consignee of raw materials, ingredients, and/or finished prepackaged food at
48 the time of such entry of such article in the Philippines.
- 49 m. **“Health claim”** means any representation that states, suggests, or implies that a
50 relationship exists between a food or a constituent of that food and health.
- 51 n. **“Main face”** refers to the part of the packaging that is intended to be displayed, where
52 the sales name and the brand or logo, if any, are recorded in their most relevant forms.
- 53 o. **“Manufacturer”** means a person who makes, mixes, cooks, packs, combines
54 packaging or modifies packaging of prepackaged food required to have a warning label
55 under this Act. This shall include any person who attaches one's own brand name to a
56 prepackaged food product manufactured, assembled, or processed for them.

- p. **“Marketing”** means any form of commercial communication of messages, including those distributed by digital means, that are designed to, or have the effect or likely effect of, increasing the recognition, appeal and/or consumption of particular 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.
- q. **“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.
- r. **“Micro, small, and medium enterprise (MSME)”** refers to food business operators as defined within the classification of industries by the Department of Trade and Industry (DTI).
- s. **“Nutrient”** refers to any chemical substance normally consumed as a component of a food that: (1) provides energy; and/or (2) is necessary for, or contributes to the growth, development, and maintenance of health and life; and/or (3) the absence of which will cause characteristic chemical or physiological changes to occur;
- t. **“Nutrient Profile Model”** refers to a tool used to classify or rank foods according to their nutritional composition for reasons related to the prevention of disease and the promotion of health;
- u. **“Nutrients of concern”** refer to those nutrients that when ingested above the maximum values are considered as risk factors associated with non-communicable diseases; these include but are not limited to sugars, sodium, saturated fats, total fats, and calories.
- v. **“Nutrition claim”** means any representation which states, suggests or implies that a food has particular nutritional properties 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. Provided, that (1) the mention of substances in the list of ingredients; (2) the mention of nutrients as a mandatory part of nutrition labelling; (3) quantitative or qualitative declaration of certain nutrients or ingredients on the label if required by national legislation do not constitute nutrition claims.
- w. **“Point-of-sale”** refers to a kiosk, counter, cashier, or any specific, definite, and limited area, where an individual can purchase or otherwise obtain prepackaged food.
- x. **“Prepackaged food product”** refers to any substance, which is intended for human consumption and includes non-alcoholic drinks for human beings, and chewing gum, resulting from the application of physical, chemical, or biological processes to a “primary food commodity”, that is prepared in advance and placed in a container, labelled and ready for sale or distribution, or for catering purposes.
- y. **“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.
- z. **“Public space”** means a place accessible to the general public or a place for collective use, regardless of ownership or right to access.
- aa. **“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.
- bb. **“Saturated fat”** refers to fatty acids that contain the maximum number of hydrogens possible, and no carbon-carbon double bonds. Saturated fats are classified as short chain (1-5 carbons), medium chain (6-12 carbons), and long chain (13-21 carbons) and very long chain (contains 22 and more carbons) according to the carbon chain length;
- cc. **“Sodium”** refers to a chemical element that exists naturally in food, associated with other molecular residues or atoms as an ionic bond, forming chemical salts. It is of great importance since it helps to maintain the water and base acid balance of any organism, constituting its most common compound, sodium chloride or what is usually called table salt. Likewise, there are other sodium salts that are of industrial origin, such as monosodium glutamate (flavor enhancer); benzoate, sodium acetate, sodium bicarbonate (acidity regulators and preservatives); sodium hydroxide, sodium carbonate (acidity regulator); sodium erythorbate (antioxidant), among others. One

- 1 gram of 'table salt' contains 400mg of sodium (1 gram of sodium is equivalent to 2.5
2 grams of table salt);
- 3 dd. **“Sponsorship”** means any form of contribution to any event, activity or individual
4 with the aim, effect or likely effect of promoting a food or beverage product either
5 directly or indirectly.
- 6 ee. **“Sugar”** refers to all monosaccharides and disaccharides other than polyols. Most
7 commonly regulated is “free sugar” which refers to monosaccharides and disaccharides
8 added to food and beverages by the manufacturer, cook, and/or consumer plus sugars
9 that are naturally present in honey, syrups and juices;
- 10 ff. **“Sweetener”** refers to a substance, whether caloric or non-caloric, intentionally added
11 to a food product to impart sweetness. Caloric sweetener refers to a substance that is
12 sweet and includes sucrose, fructose, and glucose that produce a certain sweetness.
13 Non-caloric sweetener refers to a substance that is artificially or chemically processed
14 that produces a certain sweetness. These are substances which can be directly added to
15 beverages such as aspartame, sucralose, saccharin, acesulfame potassium, neotame,
16 cyclamates and other non-nutritive sweeteners approved by the Codex Alimentarius
17 and adopted by the FDA;
- 18 gg. **“Total fat”** refers to the total amount of fat in a food product. This includes the
19 saturated fat, trans-fat, monounsaturated, and polyunsaturated fat in a food product.
20

21 **SECTION 5. General Rule on Statutory Construction.** This Act shall be construed
22 strictly in favor of improving the health of Filipinos, especially children, decreasing the rate of
23 obesity and overweight, and reducing the morbidity and mortality due to non-communicable
24 diseases among them.

25 Nothing in this Act shall be construed as limiting the powers of local government units (LGUs)
26 under the general welfare clause of Republic Act No. 7160 or the Local Government Code.
27

28 **ARTICLE II. FRONT-OF-PACKAGE WARNING LABELS**

29

30 **SECTION 6. Mandatory front-of-package warning labels (FOPWL).** No person shall
31 sell, manufacture, import, export, or distribute prepackaged food without a FOPWL as prescribed
32 in this Act, when the final composition of the product contains nutrients of concern that exceed
33 the maximum values prescribed under Section 8 of this Act.

34 **SECTION 7. Form, size, placement, and characteristics of the warning label.** When
35 the final composition of the prepackaged food product contains critical nutrients or calories in
36 excess of the maximum values under Section 8 of this Act, the packaging shall display a warning
37 label as prescribed by the FDA, in accordance with the following guidelines:

- 38 a. The packaging must include one warning label for each nutrient of concern in excess
39 of prescribed values, namely:
- 40 i. “HIGH IN SUGAR”;
- 41 ii. “HIGH IN SODIUM”;
- 42 iii. “HIGH IN SATURATED FAT”;
- 43 iv. “HIGH IN TOTAL FAT”;
- 44
- 45 b. If the product’s calories is in excess of the prescribed values the package must include
46 the following warning label:
- 47 i. “HIGH IN CALORIES”.
- 48
- 49 c. If the product contains sweeteners, the package must include the following warning
50 label:
- 51 i. “CONTAINS SWEETENERS, NOT RECOMMENDED FOR
52 CHILDREN”.
- 53 d. The warning label for a and b of this section shall have the form of black octagons with
54 a white edge and capital letters;

- e. The warning label for c of this section shall have the form of a black rectangle with a white edge and with capital letters;
- f. The size of each warning label shall never be less than five percent (5%) of the total area of the main face of the packaging. For products in which the main face of the packaging is equal to or less than ten (10) square centimeters, it will contain a single octagon that will show inside of it how many nutrients of concern above the thresholds the product has. The warning label shall be fifteen (15%) of the total area of the front of the package.;
- g. The warning labels shall form part of the packaging and their full visibility and integrity must not be susceptible to being damaged, concealed, obstructed or changed by any package design, feature, or mechanism, or covered by any other markings;
- h. The warning label must be located on the top right edge of the product's main face. If the shape of the product is round or cylindrical, it must be on the top center of the main face.
- i. If the product has more than one warning label, they must be placed adjacent to each other on the product's main face.
- j. For packages with multiple products, the outer packaging, as well as each individual package inside must also include the warning label.

The provisions established in this Section are applied in addition to the existing rules and regulations governing the labeling of prepackaged food distributed in the Philippines.

SECTION 8. Maximum values of nutrients of concern for prepackaged food. The Department of Health (DOH) shall develop or adopt a nutrient profile model (NPM) to determine the maximum values of energy, sugar, sodium, saturated fat, total fat, and other nutrients for prepackaged food. 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 maximum values.

SECTION 9. Prohibition against misleading claims, other promotional features in the packaging. It is absolutely prohibited for all prepackaged food required to have a warning label under Section 6 of this Act to contain:

- a. Complementary nutritional information;
- b. Logotypes or phrases stating the sponsorship or endorsements of scientific societies or civil associations or other relevant actors;
- c. Any other health and nutrition claim; and
- d. Any advertisement or promotional feature that qualifies as child-directed marketing as defined in this Act.

SECTION 10. Misbranding. A violation under Sections 6, 7, or 9 of this Act shall render the product misbranded under Republic Act No. 9711. Pursuant to Section 11 of Republic Act No. 3720 as amended by Republic Act No. 9711, the following acts are prohibited:

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

SECTION 11. Prohibition against concealment or obstruction of warning labels. Prepackaged food products required to have a warning label under Section 6 shall be displayed with the warning labels in full view for the consumers in retail stores. The concealment or obstruction of the warning labels in retail stores, whether partial or whole, is prohibited.

Any concealment or obstruction of view of warning labels herein shall be considered as a deceptive act or practice under Republic Act No. 7394 or the Consumer Act of the Philippines and is considered a prohibited act therein.

SECTION 12. Exemptions. Prepackaged food for special therapeutic dietary uses that are formulated for a particular physiological condition or as partial replacement for meals, and culinary ingredients which typically consist of only one nutrient in high purity (such as cooking oils, table sugars, common table salt, etc.) shall follow their respective labeling requirements and shall be exempted from the obligation to incorporate FOPWL. Breastmilk substitutes shall likewise be exempted from this Act and shall follow the guidelines promulgated by Executive Order No. 51, series of 1986 (the Philippine Milk Code), its implementing rules and regulations and other pertinent regulations.

ARTICLE III. RESTRICTIONS ON THE MARKETING OF PREPACKAGED FOOD PRODUCTS REQUIRED TO HAVE A WARNING LABEL

SECTION 13. Minimizing the power of child-directed marketing.

- a. It is absolutely prohibited to employ child-directed marketing or to initiate, produce, publish, broadcast, or disseminate any marketing that employs child-directed marketing techniques for all prepackaged food required to have a warning label under Section 6 of this Act. This prohibition includes, but is not limited to, such child-directed marketing in the following settings:
 - i. Television, broadcast radio and print media;
 - ii. Outdoor environments (such as billboards);
 - iii. Retail environments (such as vending machines, points-of-sale, groceries, supermarkets, retail stores, and malls);
 - iv. Public spaces (such as public transportation terminals, public utility vehicles, parks, schools, evacuation centers);
 - v. Digital media and e-commerce platforms, such as, but not limited to, social media platforms and mobile application platforms; and
 - vi. Public events (such as shows and activities, or in entertainment venues).
- b. All persons who sell, manufacture, distribute, or import prepackaged food that are required to have a warning label herein are likewise prohibited from engaging in sponsorship as defined in this Act. This prohibition shall also apply to any person who receives or facilitates such sponsorship, including but not limited to, the media or event organizer, venue owner, team owner, sportsperson, celebrity, artist, or other performer.
- c. The DOH, in coordination with the Council for the Welfare of Children (CWC), is hereby authorized to identify and 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. Omission from the list does not exempt any marketing activity from the scope of prohibited conduct, provided that it meets the criteria set out in this Act.

SECTION 14. Reducing exposure of children to the marketing of prepackaged food products required to have a warning label. It is absolutely prohibited to market prepackaged food products required to have a warning label under Section 6 of this Act in the following settings:

- a. In and within 250 meters from any point of the perimeter of child-centered settings;
- b. Between 6:00 a.m. to 10:00 p.m. for all programs, commercials, and films shown in television with a rating other than SPG, in the case of television shows, or R-18, in the case of movies, by the Movie and Television Review and Classification Board (MTRCB); and
- c. Between 6:00 a.m. to 10:00 p.m. for all programs and commercials broadcast on radio.

SECTION 15. When communication is not considered marketing. The following exhaustive list of communications and actions shall not be considered marketing of prepackaged food products required to have a warning label under Section 6 of this Act even if likely to have an incidental promotional effect, provided they are reported to the DOH as required under Section 17 of this Act:

- a. Display of brand name, product name, and/or manufacturer's name on prepackaged food 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. Manufacturers and distributors' newsletters destined for distribution within the food and beverage industry and related business partners.

SECTION 16. 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 warning label under Section 6 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 17. Promoting transparency in food and beverage marketing. In addition to any guidelines that the FDA may develop, all prepackaged food products required to have a warning label under Section 6 of this Act shall adhere to the following marketing guidelines:

- a. Prepackaged products featured in marketing materials must display the warning labels consistently with their appearance on the actual products, as specified under Section 7 of this Act;
- b. In all kinds of visual media, warning labels must be clearly visible, at all times, on the bottom right corner. The size of each warning label shall never be less than five percent (5%) of the total display area; and
- c. For radio and auditory media, warnings should be communicated in a clear, prominent, and easily understandable manner.

Within two (2) years from the date of effectivity of this Act, large enterprises (as defined by the DTI) in the food and beverage industry shall submit an annual report to the Lead Agency, copy furnishing the FDA-Center for Food Regulation Research (FDA-CFRR), detailing all expenditures relating to the marketing of prepackaged food products required to have a warning label under Section 6 of this Act. The Lead Agency shall prescribe the manner and form of such report and shall provide sanctions for non-compliance.

ARTICLE IV. IMPLEMENTATION

SECTION 18. Lead Agency. The DOH shall oversee and ensure the implementation of the provisions of this Act in coordination with the agencies that shall comprise the inter-agency task force in Section 19 of this Act, and shall have the power to issue other policies, rules, regulations, and standards for such implementation. In line with this mandate, the DOH shall convene and lead the inter-agency task force in Section 19 for the implementation of this Act.

SECTION 19. National Task Force for a Healthy Food Environment. To ensure inter-agency coherence and consistency in the implementation of Articles II and III of this Act, a National Task Force (NTF) for a Healthy Food Environment is hereby created.

- a. The NTF shall be composed of the following persons and/or heads of the following offices, to wit:

DOH	Chairperson
FDA	Vice Chairperson
National Nutrition Council (NNC)	Vice Chairperson
CWC	Member
Department of Education (DepEd)	Member
Department of Trade and Industry (DTI)	Member
Department of the Interior and Local Government (DILG)	Member
Land Transportation Franchising and Regulatory Board (LTFRB)	Member
Early Childhood Care and Development (ECCD) Council	Member
National Council for Children's Television (NCCT)	Member

The Department Secretaries or Chairpersons may designate permanent and alternate authorized representatives to the NTF.

- b. The NTF shall:
- i. Coordinate and align programs, strategies, and activities to enforce the provisions of this Act, as applicable;
 - ii. Monitor and evaluate implementation of this Act;
 - iii. Develop and regularly implement a nationwide social and behavior change communication (SBCC) campaign to promote the consumption of healthy food and beverages, increase health and nutrition literacy among Filipinos, emphasize the risks of overconsuming foods that are high in fats, sodium, and sugar, and discourage the consumption of prepackaged food required to have a warning label; and
 - iv. Develop and implement programs and activities to build the capacity of the NTF members to fulfil their mandates and functions under this Act.
- c. The NTF may, as necessary, coordinate and collaborate with other government agencies, civil society and non-government organizations, and individual experts that have relevant mandates and/or expertise that may be useful to accomplish its functions under this Act, provided, that Sections 25 and 26 of this Act are strictly complied with.

SECTION 20. Powers and functions of the members of the National Task Force for a Healthy Food Environment.

- a. The DOH shall:
- i. Regularly convene the NTF as chairperson and coordinate with its members to develop and implement strategies and activities to enforce the provisions of this Act;
 - ii. Designate a member of the NTF to serve as the Secretariat;
 - iii. Regularly publish a schedule of forms, methods, and means of marketing that are considered child-directed marketing as defined under this Act, and other similar and analogous appeals to child-directed marketing techniques;
 - iv. Coordinate with the FDA, ECCD Council, DTI, DepEd and LGUs, as applicable, to enforce the marketing prohibitions in and within 250 meters from any point of the perimeter of child-centered settings under Section 14(a) of this Act;

- v. Identify other child-centered settings as defined under this Act, in coordination with the DepEd and ECCD Council;
 - vi. Develop guidelines to enforce the prohibitions under Section 14(a) of this Act, in coordination with the FDA and CWC;
 - vii. Develop and implement programs, strategies, and activities to promote healthy diets, in coordination with the DILG for local implementation under Section 21 of this Act and with the DepEd for implementation within schools;
 - viii. Implement SBCC strategies and activities to promote the consumption of healthy food and beverages among Filipinos pursuant to Section 19(b)(iii) of this Act;
 - ix. Oversee the development of programs and activities to build the capacity of the NTF members to fulfil their mandates and functions under this Act in accordance with Section 19, in coordination with the NTF members and other relevant stakeholders;
- b. The FDA, through the Center for Food Regulation and Research shall:
- i. Assist the DOH in convening the NTF, as vice chairperson;
 - ii. Enforce the prohibitions relating to warning labels under Section 6, 7, 9, and 10 of this Act;
 - iii. Develop guidelines to prescribe procedures and requirements for record-keeping of food and beverage manufacturers to comply with this Act;
 - iv. Enforce compliance with Sections 6, 7, 9, 13 and 17 of this Act;
 - v. Coordinate with the DOH to develop guidelines to enforce the prohibitions under Section 14(a) of this Act;
 - vi. Implement SBCC strategies and activities to promote the consumption of healthy food and beverages among Filipinos pursuant to Section 19(b)(iii) of this Act;
- c. The CWC shall:
- i. Coordinate with the DOH to develop guidelines to enforce the prohibitions under Section 14(a) of this Act;
 - ii. Implement SBCC strategies and activities to promote the consumption of healthy food and beverages among Filipinos pursuant to Section 19(b)(iii) of this Act, especially for children;
- d. The NNC shall:
- i. Assist the DOH in convening the NTF, as vice chairperson;
 - ii. Recommend improvements to the policy to strengthen implementation;
 - iii. Assist all members of the NTF in creating SBCC strategies and activities to promote the consumption of healthy food and beverages among Filipinos pursuant to Section 19(b)(iii) of this Act;
 - iv. Provide technical assistance in the development of SBCC strategies and activities to promote the consumption of healthy food and beverages among Filipinos pursuant to Section 19(b)(iii) of this Act, especially for children;
- e. The DepEd shall:
- i. Coordinate with schools and local government units to enforce the marketing prohibitions in and within 250 meters from any point of the perimeter of child-centered settings under Section 14(a) of this Act;
 - ii. Implement SBCC strategies and activities to promote the consumption of healthy food and beverages among Filipinos pursuant to Section 19(b)(iii) of this Act, within schools, such as but not limited to developing curriculum materials on food marketing to children, as part of the media and information literacy subject, and FOPWL.
- f. The DTI shall:

- i. Enforce compliance with Section 11 of this Act;
 - ii. Enforce prohibitions against child-directed marketing through sponsorship under Section 13(b) of this Act, provided that when the violation occurs in and within 250 meters from any point of the perimeter of child-centered settings, Section 14 shall apply and be enforced by the FDA, ECCD, and LGUs, as applicable;
 - iii. Enforce the marketing prohibitions for retail environments under Section 13 (a)(iii) of this Act;
 - iv. Enforce the marketing prohibitions for digital and e-commerce platforms under Section 13(a)(v) of this Act;
 - v. Enforce the marketing prohibitions for broadcast radio under Section 14(c) of this Act;
 - vi. Support LGUs to enact and implement ordinances or executive orders under Section 21 of this Act.
 - g. DILG shall:
 - i. Support LGUs to enact and implement ordinances or executive orders under Section 21 of this Act;
 - h. The LTFRB shall:
 - i. Enforce prohibitions against child-directed marketing under Section 13(a)(iv) of this Act in public utility vehicles;
 - i. The ECCD Council shall:
 - i. Enforce the marketing prohibitions in and within 250 meters from any point of the perimeter of child-centered settings under Section 14(a) of this Act, in coordination with the DOH; and
 - ii. Coordinate with the DOH for the identification of other child-centered settings as defined under this Act.
 - j. The NCCT shall:
 - i. Set standards for child-friendly television programming, and can work with broadcasters and relevant agencies to promote child-sensitive media and encourage compliance with the marketing prohibitions for broadcast television under Section 14(b) of this Act.

SECTION 21. Local Implementation.

- a. LGUs, through appropriate issuances such as ordinances or executive orders, shall establish mechanisms to enforce the provisions under Sections 6, 7, 9, 13, and 14(a) of this Act, as applicable, within their jurisdictions and shall impose penalties for violations thereof. For this purpose, local health boards (LHBs) and local councils for the protection of children (LCPCs) shall regularly monitor the compliance of LGUs with the provisions of this Act.
- b. All LGUs are enjoined to form Local Task Forces for Healthy Food Marketing Environment to implement the provisions of this Act, and shall mobilize local law enforcement to apprehend violators of this Act and to institute the appropriate criminal proceedings therefor. Such task forces shall be led by a local office with expertise on childhood nutrition and/or health promotion, and shall include youth and civil society representation, which representation shall strictly comply with Sections 25 and 26 of this Act. The LTF shall submit reports to the NTF of any prohibited marketing herein denied, removed, disabled, or acted upon, as well as complaints received from individuals or organizations, annually beginning from the implementation of the prohibitions of this Act.
- c. LGUs may mobilize the Special Health Fund under Republic Act No. 11223 or the Universal Healthcare Act, among other resources available, to implement local projects, programs, and activities consistent with this Act.

1 **SECTION 22. Role of the Ad Standards Council (ASC) and other entities.**

- 2
- 3 a. The ASC shall revise its standards, guidelines, codes of ethics, and other rules and
- 4 regulations in compliance with the provisions of this Act, no later than one (1) year
- 5 from its effectivity.
- 6 b. Without prejudice to other provisions of this Act, all entities involved in the marketing
- 7 chain, whether analog or digital, including digital media or e-commerce platforms
- 8 shall:
- 9 i. Monitor and remove or disable any prohibited marketing upon notice by the
- 10 NTF that a violation of this Act may have occurred;
- 11 ii. Establish an effective process and mechanism to receive and act on
- 12 complaints from individuals and organizations for violations of this Act as
- 13 may be required by NTF, and report to the NTF actions taken on said
- 14 complaints; and
- 15 iii. Preserve relevant documents, websites, webpages, upon request of the NTF.
- 16

17 **SECTION 23. Inspection powers and record keeping.** The FDA through its registered

18 agents shall have the power to inspect the premises and records of manufacturers and distributors

19 to determine compliance with the provisions of Sections 6, 7, 9, and 10 of this Act. The FDA shall

20 develop guidelines to prescribe procedures and requirements for record-keeping.

21

22 **SECTION 24. Compliance by micro, small, and medium enterprises (MSMEs).** The

23 DTI, in coordination with other relevant government agencies and stakeholders, shall develop and

24 implement programs to assist micro, small, and medium-sized food business operators of

25 prepackaged food covered by this Act.

26

27 The DTI and DOLE shall likewise develop transition support programs to protect workers whose

28 employment may be affected by the implementation of this Act, including skills upgrading,

29 enterprise adjustment assistance, and employment facilitation measures, consistent with the State

30 policy of promoting decent work while advancing public health.

31

32 **SECTION 25. Policy against industry interference.** Government, including institutions

33 and instrumentalities of the State at the national and sub-national levels and to persons working in

34 government or engaged by government to work on its behalf, shall ensure that policy setting and

35 implementation of laws that ultimately aim to promote the right to health of all Filipinos, especially

36 children, are based on best available evidence free from conflict of interest and protected from the

37 commercial and other vested interests of the food and beverage industry.

38

39 **SECTION 26. Declaration against conflict of interest.** All representatives of

40 government agencies and organizations, including civil society, non-government, grassroots, and

41 international organizations, that take any part, directly or indirectly, in the setting and

42 implementing of policies and measures that are part of the strategic framework of measures to

43 reduce overweight and obesity shall be required to fully accomplish a signed declaration under

44 oath prepared by the DOH that states, among others, that they are not affiliated with the food and

45 beverage industry, and that they do not act on such industry's behalf or interests. The signed and

46 notarized copy of such declarations shall be made available to the public primarily via the DOH

47 website and other means to readily access such information.

48

49 **SECTION 27. Multisectoral coordination and civil society participation for**

50 **enforcement, monitoring and surveillance.**

51

- 52 a. The State recognizes the role of civil society organizations and the private sector in
- 53 promoting public health. The NTF members in Section 19 herein may engage civil
- 54 society organizations and the private sector, as long as they are not affiliated or related
- 55 with the food and beverage industry and have signed a declaration against conflict of
- 56 interest described in Section 26, to provide technical assistance in implementing and

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

19

20 **SECTION 28. International cooperation and provision on technical and financial**
21 **assistance.**

- 22
- 23 a. The State recognizes that international and regional cooperation is an important
24 component of regulating cross-border marketing of prepackaged food products
25 required to have a warning label.
- 26 b. For this purpose, NTF members may seek and receive technical and/or financial
27 assistance from international organizations, except those that belong to or are affiliated
28 with the food and beverage industry as defined herein, for the purpose of implementing
29 the provisions or pursuing the objectives of this Act, subject to existing laws, rules, and
30 regulations, provided that, Sections 25 and 26 of this Act are strictly complied with

31

32 **ARTICLE V. PENALTIES**

33

34 **SECTION 29. Penalties.** The following penalties shall be imposed for each violation of
35 the prohibitions in this Act:

- 36 a. For violations of Sections 6, 7, 9, 10, 13, and 14 of this Act, the following penalties
37 shall be imposed:

Offender	First (1 st) offense	Second (2 nd) offense	Third (3 rd) offense
Large enterprise	Fine of not less than five hundred thousand pesos (Php 500,000) but not more than one million pesos (Php 1,000,000)	Fine of not less than one million pesos (Php1,000,000) but not more than five million pesos (Php 5,000,000)	Fine of not less than five million pesos (Php5,000,000) but not more than ten million pesos (Php 10,000,000)
MSMEs or any other enterprise not considered as a large enterprise by the DTI	Fine of not less than five thousand pesos (Php 5,000) but not more than ten thousand pesos (Php 10,000)	Fine of not less than ten thousand pesos (Php 10,000) but not more than twenty thousand pesos (Php 20,000)	Fine of not less than twenty thousand pesos (Php 20,000) but not more than fifty thousand pesos (Php 50,000) for the third offense.

Natural person	Fine of not more than five thousand pesos (P5,000)	Fine of not less than five thousand pesos (Php 5,000) but not more than ten thousand pesos (Php 10,000)	Fine of not less than ten thousand pesos (Php 10,000) but not more than twenty thousand pesos (Php 20,000) or imprisonment of not more than one (1) year, or both, at the discretion of the court
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- b. An additional fine of one percent (1%) of the economic value or cost of the violative product or one thousand pesos (Php1,000), whichever is higher, shall be imposed for each day of the continuing violation.
- c. A fine of not less than one thousand pesos (Php 1,000) nor more than one hundred fifty thousand pesos (Php150,000.00), plus the additional fine of not more than one thousand pesos (Php 1,000) for each day of continuing violation shall be imposed against any trader, retailer and/or their agent, found to have committed the prohibited act under Section 11 of this Act.
- d. The penalties imposed in this Section shall be without prejudice to other remedies or penalties and sanctions that are available or may be imposed by law.
- e. No person shall be subject to the penalties under this Section for having sold, offered for sale, or transferred prepackaged food products that are not compliant with the provisions of Sections 6, 7, or 9 of this Act, if such sale, distribution or transfer, was made in good faith. A sale, distribution, or transfer is presumed to be made in good faith if the seller or distributor has obtained, in writing, a guaranty from the person or food business operator from whom the prepackaged food were obtained, that said prepackaged food are not covered by the requirements under Sections 6 and 7 of this Act.

SECTION 30. Other corrective actions. In addition to the fines and penalties in Section 29, the following corrective actions, if not initiated by the offenders themselves, shall be imposed by the appropriate authorities to the offenders:

- a. Seizure and condemnation, destruction, recall, and/or appropriate disposition of prepackaged food products that are considered misbranded under Section 10 of this Act, or items that constitute prohibited marketing under Sections 9 (d), 13 or 14 of this Act;
- b. The issuance of a Cease and Desist Order (CDO) which shall specify that the trader or retailer and/or their agents shall cease and desist from concealment or obstruction of view of warning labels under Section 11 of this Act and that they shall be required to submit a report of compliance therewith within a reasonable time;
- c. A submission of a voluntary assurance of discontinuance of concealment or obstruction of warning labels under Section 11 of this Act;
- d. Issuance of take-down orders against prohibited advertising, promotion, and sponsorship content under Sections 13 or 14 of this Act;
- e. Suspension, revocation, or cancellation of applicable licenses, registrations, and permits to operate for business establishments and operators or drivers of public utility vehicles; including the submission of a recommendation to the LGU concerned, through proper channels, for the cancellation or suspension of licenses, registrations, and permits;
- f. The withholding of any permit, license, authority, or registration pending from the appropriate agency or entity;
- g. Disapproval of an application for the issuance or renewal of a Certificate of Product Registration (CPR) by the FDA, including suspension, revocation, or cancellation of

- 1 an existing CPR, for prepackaged food products that are considered misbranded under
2 Section 10 of this Act;
- 3 h. Closure of the establishment by LGUs having jurisdiction over premises where a
4 violation of this Act has been committed; and
- 5 i. Censure.

6

7 **SECTION 31. Liability of juridical and other persons.**

8

- 9 a. Should a violation of this Act be committed by a juridical person, the Chair of the
10 Board, the President, the General Manager, or the partners and/or the persons directly
11 responsible therefor shall be penalized.
- 12 b. If the offender is an alien, they shall be deported after service of sentence and/or
13 payment of fine without further deportation proceedings and shall be permanently
14 barred from re-entering the Philippines.
- 15 c. In case a violation is committed by, or in the interest of, a foreign juridical person duly
16 licensed to engage in business in the Philippines, such license to engage in business in
17 the Philippines shall be immediately revoked.
- 18

19 **SECTION 32. Liability of government officials and employees.** Public officials and
20 employees who violate Section 25 or 26 of this Act, or who deliberately or knowingly fail to fulfill
21 their responsibilities under this Act, shall be subject to administrative disciplinary action pursuant
22 to relevant laws, rules, and regulations.

23

24 **ARTICLE VI. FINAL PROVISIONS**

25

26 **SECTION 33. Healthy Food Environment Trust Fund.** A Healthy Food Environment
27 Trust Fund is hereby created. All fines collected pursuant to the enforcement of this Act shall be
28 used exclusively for its implementation and to fund other measures to promote a healthy food
29 environment. The DOH shall be responsible for the management and control of the Trust Fund.

30

31 **SECTION 34. Compliance monitoring.** Not later than three (3) years after the date of the
32 effectivity of this Act, and annually thereafter, the DOH shall submit to the President of the
33 Philippines and to both Houses of Congress a monitoring report on the compliance of the food and
34 beverage industry with this Act and all related laws, rules, regulations, and ordinances. All reports
35 required under this Act shall be made available to the public primarily via the DOH website and
36 other means to readily access such information.

37

38 All members of the NTF are required to submit an annual report of their accomplishments to the
39 DOH. The DOH is hereby authorized to report to Congress any instance of delay or non-
40 compliance by the national agencies and LGUs herein of the timelines in implementing this Act.
41 The DOH is also authorized to demand accountability from such agencies or LGUs for failure to
42 fulfill its duties under this Act, without prejudice to other remedies or penalties and sanctions that
43 are available or may be imposed by law for such delay or non-compliance.

44

45 **SECTION 35. Impact assessment.** The DOH shall conduct an impact assessment every
46 three (3) years to evaluate the effectiveness of the enforcement of this Act, health, behavioral, and
47 social outcomes, and other matters relevant to implementation of this Act. The DOH shall include
48 in its budget the conduct of the assessment.

49

50 **SECTION 36. Implementing rules and regulations (IRR).** The DOH, in consultation
51 with the members of the NTF in Section 19, shall promulgate such rules and regulations necessary
52 for the effective implementation of this Act within six (6) months from the date of publication of
53 this Act. The IRR shall cover, among others, the phases of implementation, provided that, non-
54 issuance of the IRR shall not prevent the implementing agencies from enforcing this Act upon its
55 effectivity.

56

1 **SECTION 37. Transitory provision.** Existing industries, businesses, manufacturers,
2 distributors, and other stakeholders affected by the implementation of this Act shall be given six
3 (6) months from the effectivity of this Act to comply with its requirements.
4

5 **SECTION 38. Appropriations.** The amount necessary to implement the provisions of this
6 Act shall be charged against the current year’s appropriations of the concerned national
7 government agencies. Thereafter, such funds as may be necessary for the continued
8 implementation of this Act shall be included in the budgets of the concerned national government
9 agencies under the annual General Appropriations Act.
10

11 **SECTION 39. Repealing clause.** All laws, decrees, ordinances, administrative orders,
12 rules and regulations, or any part thereof, which are inconsistent with this Act are repealed or
13 amended accordingly.
14

15 **SECTION 40. Separability clause.** Should any provision of this Act be subsequently
16 declared unconstitutional, the other provisions not so declared shall remain in full force and effect.
17

18 **SECTION 41. Effectivity.** This Act shall take effect fifteen (15) days after its publication
19 in the Official Gazette and at least two (2) newspapers of national circulation.
20

21 *Approved,*