

**Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City**

**EIGHTEENTH CONGRESS
First Regular Session**

House Bill No. 5319



**Introduced by Representatives
ESTRELLITA B. SUANSING AND HORACIO P. SUANSING, JR.**

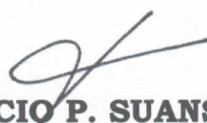
EXPLANATORY NOTE

Non-communicable diseases are estimated to account for 67% of deaths in the Philippines.¹ Cardiovascular diseases and diabetes mellitus are among the top ten leading causes of deaths of Filipinos, with the former ranking first.² Unhealthy diet is one of the many factors responsible for the high prevalence of such diseases. The program of the Department of Health promoting healthy lifestyle includes proper diet, among others, to prevent and control non-communicable diseases. Programs of the government such as these have led Filipino consumers becoming aware enough to read nutrition labels on the food and beverages they purchase. While it is encouraged to prepare healthy meals at home, the busy Filipino does not have time to do this, thus, most resort to either dining out, ordering out or just have food delivered to their homes, without knowing the nutritional content of the food they are buying.

Requiring the covered establishments to display nutritional information on their menus and menu boards will help Filipinos make an informed and healthier decision on their food choices. Moreover, customers with dietary restrictions (e.g., low carbohydrate diet or low sodium diet) will be able to dine in or take-out meals from covered establishments without fear of going over their nutrient limits.

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


REP. ESTRELLITA B. SUANSING
1st District, Nueva Ecija


REP. HORACIO P. SUANSING, JR.
2nd District, Sultan Kudarat

¹ World Health Organization – Non Communicable Diseases Country Profiles (Philippines) 2014

² Mortality: Top Ten (10) Leading Causes, Philippines, 2013, Department of Health website (www.doh.gov.ph) accessed June 4, 2018.

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AN ACT
MANDATING RESTAURANTS AND OTHER SIMILAR FOOD
ESTABLISHMENTS TO DISCLOSE AND DISPLAY NUTRITIONAL
INFORMATION OF FOOD AND BEVERAGES ON THEIR MENUS AND MENU
BOARDS

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

1 **SECTION 1. Short Title.** – This Act shall be known as the “Menu Labeling
2 Act.”
3

4 **SEC. 2. Declaration of Policy.** – It is hereby declared the policy of the State
5 to protect and promote the right to health of the people and instill health
6 consciousness among them. Towards this end, the State hereby mandates
7 restaurants and other similar food establishments to disclose and display
8 nutritional information of food and beverages on their menus and menu
9 boards to help Filipinos make an informed and healthier decision on their
10 food choices.
11

12 **SEC. 3. Definition of Terms.** – As used in this Act, the following terms shall
13 mean:

14 (a) *Restaurant or other similar food establishments* – a business
15 establishment that prepares and sells food and beverages directly to
16 consumers for immediate consumption;

17 (b) *Menu and menu boards* – the primary writing of the covered
18 establishment from which a customer makes an order selection. These
19 include, but are not limited to, breakfast, lunch, and dinner menus;
20 dessert menus; beverage menus; children’s menus; other specialty
21 menus; electronic menus; and online menus;

22 (c) *Standard menu item* – food that is routinely included on a menu or
23 menu board or routinely offered as a self-service food or food on display;

- 1 (d) *Self-service foods* – food that is available at a salad bar, buffet line,
2 cafeteria line, or similar self-service facility, including self-serve
3 beverages, that are served by customers themselves;
- 4 (e) *Food on display* – food that is visible to the customer before the
5 customer makes a selection, so long as there is not an ordinary
6 expectation of further preparation;
- 7 (f) *Custom order* – a food order that is prepared in a specific manner based
8 on an individual customer's request, which requires the restaurant or
9 other similar food establishment to deviate from its usual preparation
10 of a standard menu item;
- 11 (g) *Daily special* – a menu item that is prepared and offered for sale on a
12 particular day, that is not routinely listed on a menu or menu board or
13 offered by the restaurant or other similar food establishment, and that
14 is promoted by said restaurant or other similar food establishment as a
15 special item for that particular day;
- 16 (h) "*Offering for sale substantially the same menu items*" – means offering
17 for sale a significant proportion of menu items that use the same
18 general recipe and are prepared in substantially the same way with
19 substantially the same food components, even if the name of the menu
20 item varies.

21
22 **SEC. 4. Covered Establishments.** – Every restaurant or other similar food
23 establishment that is part of a chain with five (5) or more locations doing
24 business under the same name, regardless of the type of ownership, and
25 offering for sale substantially the same menu items shall comply with the
26 requirements set forth in this Act.

27
28 **SEC. 5. Disclosure of Nutritional Information.** – For each standard menu
29 items offered for sale, covered establishments shall disclose the corresponding
30 nutrient content, in a clear and conspicuous manner, provided herein:

- 31
32 (a) On the menu listing of the items for sale, adjacent to its name, so as to
33 be clearly associated therewith, the number of calories contained in
34 each serving size or other unit of measure of such item.
- 35
36 (b) In a written form available within the premises of the covered
37 establishment and as well as to the customer upon request, with a
38 prominent and clear statement of such availability on the menu board
39 the amount of the following nutrients contained in each serving size or
40 other unit of measure of such item:
- 41
42 i. Total calories;
43 ii. Calories from fat;
44 iii. Total fat;

- iv. Saturated fat;
- v. Trans fat;
- vi. Cholesterol;
- vii. Sodium;
- viii. Total carbohydrates;
- ix. Dietary fiber;
- x. Sugars; and
- xi. Protein.

SEC. 6. Statement Regarding the Significance of Calorie Information on Menus and Menu Boards. – The following statement, “2,000 calories a day is used for general nutrition advice, but calorie needs vary.” shall be posted prominently and in a clear and conspicuous manner to enable consumers to understand, in the context of a total daily diet, the significance of calorie information provided in menus and menu boards.

For menus and menu boards targeted to children, the following options may be used as a substitute for or in addition to the above statement:

- (a) “1,200 to 1,400 calories a day is used for general nutrition advice for children ages 4 to 8 years, but calorie needs vary.”; or
- (b) “1,200 to 1,400 calories a day is used for general nutrition advice for children ages 4 to 8 years and 1,400 to 2,000 calories a day for children ages 9 to 13 years, but calorie needs vary.”

SEC. 7. Self-service Menu Items. – In the case of standard menu items sold at a salad bar, buffet line, cafeteria line, or other similar self-service facility, and for self-service items that are on display, covered establishments shall place adjacent to each item a sign which states the nutritional content of each displayed item.

SEC. 8. Variable Menu Items. – In the case of variable menu items, disclosure of the caloric and nutrient content shall be made for each flavor or variety of said item. For variable standard menu items, however, whose ingredients are chosen or determined by the customers themselves, such disclosure shall be made separately for each ingredient, topping, add-on or variable component at a given quantity, whether in a posted list or adjacent to the container. There shall likewise be a visible statement of the availability of the written form described in Section 5 (b) of this Act.

SEC. 9. Online Menu Items. – Covered restaurants accepting online orders shall provide the required information through a menu or menu board uploaded on their websites.

1 **SEC. 10. *Non-applicability to Certain Food Items.*** – The nutritional
2 information disclosure is not required to be listed for condiments, daily
3 specials, custom orders, or temporary/seasonal menu items.
4

5 **SEC. 11. *Determination of Nutrient Content.*** – A covered establishment
6 must have a reasonable basis for its nutritional content disclosure, in the
7 form of nutrient databases, cookbooks that provide nutritional information,
8 laboratory analyses performed by laboratories accredited by the Food and
9 Drug Administration, and other reasonable means.
10

11 **SEC 12. *Disclosure of Compliance Certificate.*** – All covered establishments
12 are hereby directed to apply for and secure, as an additional requirement for
13 their operation, within twelve (12) months from the effectivity of this Act, a
14 Nutrition Disclosure Compliance Certificate (NDCC) from the Food and Drug
15 Administration (FDA). The NDCC shall be valid for a period of three (3) years
16 from the date of issuance and may be renewed at least thirty (30) days before
17 its expiration. The FDA may refuse to renew the NDCC of the covered
18 establishment found to be in violation of this Act.
19

20 Failure of any covered establishment to secure the NDCC shall be a
21 ground for the suspension or revocation of its license to operate.
22

23 **SEC 13. *Penalties.*** – Any person or juridical entity found to be in violation of
24 this Act shall be punished with a fine of not less than Twenty Thousand Pesos
25 (₱20,000.00) but not more than (₱100,000.00) at the discretion of the court:
26 *Provided*, That for any second or additional offenses, the maximum fine shall
27 be imposed.
28

29 **SEC 14. *Implementing Rules and Regulations.*** – Within sixty (60) days
30 from the effectivity of this Act, the Director General of the Food and Drug
31 Administration shall promulgate the necessary rules and regulations for the
32 effective implementation of this Act.
33

34 **SEC 15. *Separability Clause.*** – If any provision or part of this Act is declared
35 invalid or unconstitutional, the provisions not otherwise affected shall remain
36 valid and subsisting.
37

38 **SEC 16. *Repealing Clause.*** – All laws, decrees, orders, issuances, rules or
39 regulations contrary to, or inconsistent with, the provisions of this Act are
40 hereby repealed, modified or amended accordingly.
41

42 **SEC 16. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
43 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,