



Republic of the Philippines
House of Representatives
Batasan Hills, Quezon City



Eighteenth Congress
First Regular Session

HOUSE BILL NO. **5389**

Introduced by: Representative Florencio Gabriel G. Noel

EXPLANATORY NOTE:

The 2013 National Nutrition Survey revealed that 30.0% of 9,076 Filipino adults aged 20.0 years and above with complete socio-demographic, socio-economic, anthropometric, clinical, and health and dietary data were overweight or obese.¹ This is possible due to the lack of mindfulness of Filipinos on the nutritional content of the food they intake. In the country, it is highly impossible to identify the nutritional value of the food being sold in restaurants because of the absence of nutritional content in menus, which results in Filipinos lack of knowledge of the nutritional contents they are about to consume.

The staggering number of obese and overweight shows how Filipinos are not made aware of the nutritional content of the food they consume. This bill seeks to address this issue. The state must tackle this nutritional problem by mandating all establishments selling food to post the nutritional content of their menu.

This proposed action will allow Filipinos to be mindful of their nutritional intake and aims to decrease number of overweight and obese people in the country.

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


Florencio Gabriel "Bem" G. Noel
An Waray Partylist Representative

¹ Factors Associated with Overweight and Obesity among Adults 20.0 Years and Over: Results from the 2013 National Nutrition Survey, Philippines accessed at: <http://philjournalsci.dost.gov.ph/83-vol-148-no-1-march-2019/903-factors-associated-with-overweight-and-obesity-among-adults-20-0-years-and-over-results-from-the-2013-national-nutrition-survey-philippines-2>



Republic of the Philippines
House of Representatives
Batasan Hills, Quezon City

Eighteenth Congress
First Regular Session

HOUSE BILL NO. 5389

Introduced by: Representative Florencio Gabriel G. Noel

AN ACT
MANDATING THE POSTING OF NUTRITIONAL INFORMATION ON MENU
ITEMS OF FOOD SERVICE ESTABLISHMENTS

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

Section 1. Short Title. - This Act shall be known as the "Mandatory Nutrition Labeling by Food Service Establishments Act of 2019".

Sec. 2. Declaration of Policy. - The World Health Organization has now recognized obesity to be epidemic. The Food and Nutrition Research Institute of the Department of Science and Technology stated that the problem of obesity is increasing in an alarming rate in the Philippines where seven (7) out of ten (10) women and one (1) out of ten (10) men are affected thereby. The modern conveniences brought about by technology have encouraged decreased physical activity coupled with an increase of unhealthy eating patterns.

It has always been the policy of the State to protect and promote the right to health of the people and instill health consciousness among them. Toward this end, it is hereby declared the policy of the State to encourage consumer education by making conveniently available nutrition information of menu items sold by covered food service establishments.

Sec. 3. Definition of Terms. - As used in this Act, the following terms are defined as follows:

- a) Covered Food Service Establishment - Any food service establishment which belong to a group of ten (10) or more food service establishments that operate under common ownership or are individually franchised, whether nationally or internationally, or do business under the same name;
- b) Menu - Is a list or pictorial display of a food item or items and their prices. This includes take-out menus and may include promotional signages, posters, and other similar items within the establishment, including those positioned at or prior to drive-through windows;
- c) Menu Item - Is an individual food or beverage item, or combination of items, that is listed or displayed on a menu board or menu, depicted on any other list of pictorial display, that includes prices and is visible with the food service establishment; and
- d) Department - The Department of Health

Sec. 4. Calorie labeling. -

- a) Calorie information for menu items. - Covered food service establishments shall post on menu boards and menus the calorie content values (in kilocalories) of each menu item next to the listing of said menu item. The term "calories" or "cal" shall appear as a heading above a column listing the calorie content value of each menu item, or adjacent to the calorie content value for each menu item, in the same or larger typeface as the calorie content values for individual menu items.
 - 1. Menu boards. - On menu boards, calorie content values shall be posted in a size and typeface at least as large as the name of the menu item or price, whichever is larger.
 - 2. Menus. - On printed menus, calorie content values shall be legible and shall be printed in a size and typeface at least as large as the name or price of the menu item.
- b) Range of calorie content values with different flavors and varieties. - For menu items that come in different flavors and varieties but that are listed as a single menu item, the range of calorie content values showing the minimum to maximum numbers of calories for all flavors or varieties of that item shall be listed on menu boards and menus for each size offered for sale.

Sec. 5. Calculation of calorie content values. - The mandated calorie count information must reflect the standard preparation of each menu item as served to the consumer. The calorie count must be based on a certifiable analysis of the menu item, which may include laboratory testing, use of nutrient databases or any other reliable procedure of analysis. Calorie labels are to be rounded off to the nearest ten (10) calories for calorie counts above fifty (50) and to the nearest five (5) calories for calorie counts at or below fifty (50).

Sec. 6. Penalties. - The failure of any covered food service establishment to comply with the provisions of this Act and its Implementing Rules and Regulations within one (1) year from the effectivity hereof shall subject the same to the following penalties:

- a) First (1st) Violation - A fine of One Million Five Hundred Thousand Pesos (P1,500,000.00) with a warning to comply with the provisions of this Act within one (1) year from the discovery of the covered institution's failure to comply;
- b) Second (2nd) Violation - A fine of Two Million Pesos (P2,000,000.00) with a second warning to comply with the provisions of this Act within one (1) year from the discovery of the covered institution's failure to comply with the first warning; and
- c) Third (3rd) Violation - A fine of Two Million Five Hundred Thousand Pesos (P2,500,000.00) with a final warning to comply with the provisions of this Act within one (1) year from the discovery of the covered institution's failure to comply with the second warning and possible revocation of business permit to operate within the concerned local government unit.

The fines imposed under this provision shall be paid to the Department, which shall utilize the same to initiate and execute campaigns relating to nutrition education in public schools.

Sec. 7. Implementing Rules and Regulations. - The Department, in coordination with the Department of Interior and Local Government, Department of Finance, Bureau of Internal Revenue, and the Department of Labor and Employment, shall issue the necessary implementing rules and regulations within ninety (90) days from the approval of this Act.

Sec. 8. Repealing Clause. - All laws, decrees, orders, rules and regulations, or portions thereof, inconsistent with this Act are hereby repealed or modified accordingly.

Sec. 9. Separability Clause. - Should any part or provision of this Act be declared unconstitutional or invalid, other parts or provisions hereof not otherwise affected thereby shall remain in full force and effect.

Sec. 10. Effectivity. - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,