

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



HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. 2780

EXPLANATORY NOTE

Eating is an acknowledged Filipino passion. The entire archipelago boasts of regional delicacies showcasing the locale's richness and diversity in terms of food preparation, variety and taste.

Thus, there is a need to ensure that the food that is prepared on everybody's table is fit for human consumption. This brings us to the current dispute and controversy regarding genetically-modified organisms (GMOs) commonly associated with corn and other staple food. GMOs are genetically engineered organisms that contain genes borrowed from other organisms and introduced into the food supply. These GMOs are primarily used to aid in the resistance of crops against pests and other predatory insects thus, ensuring a rich harvest. This however entails the field introduction or release of GMOs in order to test their resilience and resistance in combating natural predators and insects that threaten expected bountiful harvest. Such release into the environment, however, might pose several threats or danger to the ecology. There is therefore a need to investigate or evaluate its effects on the ecology.

This measure seeks to mandate the labeling of food, food products and their derivatives (processed or not) and agricultural products like rice, corn and vegetables, among others, containing genetically modified organisms (GMOs) or those produced by genetic engineering technologies

Immediate passage of this bill is thus earnestly recommended.


RUFUS B. RODRIGUEZ

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AN ACT

REQUIRING THE MANDATORY LABELING OF FOOD, FOOD PRODUCTS AND THEIR DERIVATIVES (PROCESSED OR NOT) AND AGRICULTURAL PRODUCTS LIKE RICE, CORN AND VEGETABLES, AMONG OTHERS, CONTAINING GENETICALLY MODIFIED ORGANISMS (GMOs) OR THOSE PRODUCED BY GENETIC ENGINEERING TECHNOLOGIES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 3720 OTHERWISE KNOWN AS "THE FOOD, DRUGS AND COSMETICS ACT" AND REPUBLIC ACT NO. 7394 OTHERWISE KNOWN AS "THE CONSUMERS ACT OF THE PHILIPPINES" AND FOR OTHER PURPOSES

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

SECTION 1. Declaration of Policy – It is hereby declared that the State protect and promote the right to health of the people and to instill health consciousness among them. It shall also protect and advance the right of the people to a balanced and healthful ecology in accordance with the rhythm and harmony of nature, as it is the duty of the State to inform and warn the people of the well-documented health and environmental risks of GMOs.

Further, the State shall protect the people's right to information as enshrined in the Constitution. Consumers have a right to know whether the food, food products and their derivatives (processed or not) and agricultural products like rice, corn and vegetables, among others, that they purchase contain genetically modified organisms or are produced by genetically engineered technologies.

To this end, the State shall endeavor to provide Filipinos with safe and healthy food and agricultural products that will not put their health at risk and place the environment in jeopardy as a result of developments in food manufacturing that utilizes the process and products of genetic engineering technologies.

SECTION 2. *Mandatory Labeling of Food, Food Products and their Derivatives (processed or not) and Agricultural Products like rice, corn and vegetables, among others, containing GMOs.* – It is hereby declared that food, food products and their derivatives (processed or not) and agricultural products like rice, corn and vegetables, among others, containing genetically modified organisms as well as those produced by genetic engineering technologies shall be labeled in accordance with the provisions of this Act and the existing regulations issued by the Department of Health through the Food and Drug Authority. The Department of Health will be the implementing agency of this Act.

SECTION 3. *Threshold levels* - The tolerance level is 0.9 percent. Above the threshold level, a food is regarded as genetically modified. Hence, must be properly labelled. The threshold of 0.9 percent still allows for some unintended contamination of food with GM ingredients.

SECTION 4. *Minimum Labeling.* – Article 77 of Republic Act No. 7394, otherwise as the consumers Act of the Philippines, is hereby amended to read as follows:

"ART. 77. Minimum Labeling Requirements for Consumer products. – All consumer products domestically sold whether manufactured locally or imported shall indicate the following in their respective labels of packaging:

- a) its correct and registered trade name or brand name;
- b) its duly registered trademark;
- c) its duly registered business name;
- d) the address of the manufacturer, importer, re-packer of the consumer product in the Philippines;
- e) Its general make or active ingredients, **INDICATING PARTICULARLY WHETHER IT CONTAINS GENETICALLY-MODIFIED ORGANISMS OR IS A PRODUCT OF GENETIC ENGINEERING TECHNOLOGIES;**
- f) The net quantity of contents, in terms of weight, measure or numerical count rounded to at least the nearest tenths in the metric systems;
- g) Country of manufacture, if imported;
- h) If a consumer product is manufactured, refilled or repacked under license from a principal, the label shall so state the fact; and
- i) **IN THE CASE OF AGRICULTURAL PRODUCTS AS RICE, CORN AND VEGETABLES, AMONG OTHERS, WHETHER LOCALLY PRODUCED OR IMPORTED, THE LABEL SHOULD BE AFFIXED CONSPICUOUSLY IN ALL PACKAGING MATERIALS AND BULK CONTAINMENTS TO BE ACCOMPANIED BY A SWORN DECLARATION OF THE PRODUCER AS PROVIDED FOR BY THE PROVISIO LETTER E".**

The following may be required by the department in accordance with the rules and regulations they will promulgate under authority of this Act:

- a) whether it is flammable or inflammable;
- b) directions for use, if necessary;
- c) warning of toxicity, **AND ALLERGICITY CAUSED BY GMOs AND GENETIC ENGINEERING TECHNOLOGIES;**
- d) wattage, voltage or amperes; or
- e) process of manufacture used, **ESPECIALLY IF IT INVOLVES GENETIC ENGINEERING TECHNOLOGIES.**

"Any word, statement or other information required by or under authority of the preceding paragraph shall appear on the label or labeling with such conspicuousness as compared with other words statements, designs or devices therein, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use."

"The above requirements shall form an integral part of the label without danger of being erased or detached under ordinary handling of the products."

SECTION 5. Additional Labeling Requirements. – Article 84 of Republic Act No. 7394, otherwise known as the Consumers Act of the Philippines, is hereby amended to read as follows:

"ART. 84. Additional Labeling requirements for Food **AND FOOD PRODUCTS** – The following additional labeling requirements shall be imposed by the concerned department for food **AND FOOD PRODUCTS**:

- a) expiry or expiration date, where applicable;
- b) whether the consumer product is **NATURAL OR UNPROCESSED, WITH GENETICALLY-MODIFIED ORGANISMS OR PROCESSED USING GENETIC ENGINEERING TECHNOLOGIES**, semi-processed, fully processed, ready-to-cook, ready-to-eat, prepared food or just plain mixture;
- c) nutritive value, if any;

- d) whether the ingredients used are natural, [or] synthetic, **CONTAINING GENETICALLY-MODIFIED ORGANISMS OR PROCESSED FROM GENETIC ENGINEERING TECHNOLOGIES**, as the concerned department may deem necessary and reasonable."

SECTION 6. Misbranded Food – Section 15 of Republic Act No. 3720, otherwise known as The Food, Drug and Cosmetic Act of the Philippines, is hereby amended to read as follows:

"SEC. 15. Misbranded Food. – A food shall be deemed misbranded:

- a) if its labeling is false or misleading in any particular;
- b) it is offered for sale under the name of another food;
- c) if it is an imitation of another food, unless its label bears in types of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated

d) IF IT PURPORTS OR CLAIMS TO BE A NATURALLY-GROWN/FRESH FOOD OR FOOD PRODUCTS WHEN IT IS IN FACT CONTAINING GENETICALLY-MODIFIED ORGANISMS OR IS A PRODUCT OF GENETIC ENGINEERING TECHNOLOGIES;

E) [d)] if its container is so made, formed or filled as to be misleading;

F) [e)] if in package from unless it bears a label containing (1) the name and place of business of the manufacturer, packer, distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure, numerical count: Provided, That under clause (2) of this paragraph reasonable variations shall be permitted, and exemptions as to small packages

G) [f)] if any word, statement, or other information required by or under authority of this Act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling), and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions or purchase and use;

H)[g)] If it purports to be or is represented as a food for which a definition and standard of identity has been prescribed unless (1) it conforms to such definitions and standard, and (2) its label bears the name of the food specific in the definition and standard, in so far as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food;

I)[h)] If it purports to be or is represented as –

1. a food for which a standard of quality has been prescribed by regulations as provided by Section thirteen (SEC 13) and it falls below standard of fill of container applicable thereto, unless the label bears, in such manner and form as such regulations specify, a statement, that it falls below such standard; or

2. a food for which a standard of fill of container have been prescribed by regulations as provided by Section thirteen (SEC 13) and it falls below standard of fill of container applicable thereto, unless the label bears, in such manner and form as such regulations specify, statement that it falls below such standard.

J)[i)] if is not subject to the provisions of paragraph (g) if this section unless its label bears (1) the common or usual name of the food, if there be any, and (2) in case it is fabricated from two or more ingredients, the common or usual name if the food, if there be any, and (2) in case it is fabricated from two or more ingredients, the common or usual name of the ingredients; except that spices, flavorings and colorings, other than those sold as such, may be designated as spices, flavoring and colorings without naming each; Provided, That to the extent that compliance with the requirements of clause (2) of this paragraph is impracticable or deception or unfair competition, exemptions shall be established by regulations promulgated by the Secretary;

K)[j)] If it is not subject to the provisions of paragraph (g) of this section unless its

label bears the common or usual name of the food, if there be any, and (2) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings and colorings, other than those sold as such, may be designated as spices flavorings or colorings without naming each: Provided, That to the extent that compliance with the requirements of clause (2) of this paragraph is impracticable or deception or unfair competition, exemptions shall be established by regulation promulgated by the Secretary; L)(k)] If its bears or contains any artificial flavoring, artificial coloring, or chemical preservatives, unless it bears labeling stating that fact: Provided, That to the extent that compliance with the requirements of this paragraph or paragraphs (g) and (l) with respect to artificial coloring shall not apply in the case of butter, cheese or ice cream.

M) IF IT BEARS OR CONTAINS ANY GENETICALLY-MODIFIED ORGANISM (S) OR IS PRODUCED FROM GENETIC ENGINEERING TECHNOLOGIES, UNLESS IT BEARS LABELING STATING THAT FACT."

SECTION 7. *Inapplicability of Regulation-Making Exemptions.* – Due to the urgent and extreme public necessity and the need to keep the public adequately protected and to preserve the right of the consumers to choose, the power of the Secretary to make exemptions to the regulations as specified in the Consumer Act of the Philippines and the Food, Drugs and Cosmetic Act is hereby rendered inapplicable unless it can be shown that public order, public health and public safety is not placed in jeopardy with its actual application and implementation.

SECTION 8. *Penalties.* –Any person who knowingly distribute Plants, Food, Food Products and their derivatives (processed or not), and agricultural products as rice, corn and vegetables, among others, containing or derived from GMOs without the proper label shall be subject to a fine per improper label of not less than five hundred thousand pesos (P500,000.00) and imprisonment ranging from six years and one day to twelve years.

SECTION 9. *Implementing Rules and Regulations.* – The Secretary, in consultation with the concerned business and industry representatives, government agencies, civil society organizations and peoples organizations, shall promulgate the necessary regulations for the effective implementation of this Act.

SECTION 10. *Repealing Clause.* – All laws, decrees, orders, rules and regulations, policies, programs or parts thereof, that are inconsistent with any of the provisions of this Act, are hereby repealed, amended or modified accordingly.

SECTION 11. *Separability Clause.* – If for any reason, any section or provisions of this Act is declared to be unconstitutional or invalid, the other sections or provisions hereof, which are not affected hereby, shall continue in full force and effect.

SECTION 12. *Effectivity.* – This Act shall take effect fifteen (15) days following its publication in the Official Gazette or in two (2) newspaper of general circulation.

Approved,