



SENATE

S. No. 282

'19 JUL -8 P2:57

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Introduced by SENATOR MANUEL "LITO" M. LAPID

**AN ACT
REQUIRING THE LISTING OF CALORIE CONTENT INFORMATION ON
MENUS AND BOARDS OF FOOD ESTABLISHMENTS**

EXPLANATORY NOTE

According to the World Food Programme (WFP), the Philippines is suffering from the "double burden" of malnutrition or the high number of both under-nutrition and over-nutrition cases among adults and children.

Although Filipinos have become more and more health-conscious by eating properly, there is still a need to address the double burden of malnutrition. The increasing number of fast food restaurants as well as the increasing share of food expenditure outside the home has also been a matter of concern, according to WFP. This also means that spending more on food away from home increases the likelihood of developing unhealthy eating habits. Moreover, a study from the Journal of the American Academy of Nutrition and Dietetics suggests that restaurant food is as unhealthy as those in fast-food chains.

Therefore, it is necessary for both poor and higher income households to improve their diets, lifestyle and even mind-sets and behaviors in order to address the worsening problem of the double burden of malnutrition, according to WFP.

One way to do this is by raising awareness regarding the calorie and nutritional content of the food consumed by the general public. While packaged foods are already

required to disclose nutritional facts, meals sold in food establishments contain no such information.

The proposed measure mandates the disclosure of the calorie content and nutritional facts for all meals, food, and beverages sold in fast food chains and restaurants with no less than five branches around the country, in order to promote a more health-conscious lifestyle among Filipinos.

Thus, the undersigned sponsor urges the passage of the present measure.


MANUEL "LITO" M. LAPID
Senator

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AN ACT
REQUIRING THE LISTING OF CALORIE CONTENT INFORMATION ON
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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 Section 1. *Short Title.* – This Act shall be known as the "Menu Labeling Act".

2 Sec. 2. *Declaration of Policy.* – Section 15 of Article II of the Constitution provides
3 that the State shall protect and promote the right of health of the people and instill health
4 consciousness among them. The State recognizes the need to disclose nutritional facts for
5 food and beverages made available to the public in order to sufficiently instill a sense of
6 health consciousness in the citizenry.

7 Sec. 3. *Definition of Terms.* – As used in this Act, unless otherwise indicated:

8 (a) "*Calorie content information*" means the total number of calories per standard menu
9 item, as that item is usually prepared and offered for sale;

10 (b) "*Nutritional information*" includes, but it not limited to, all of the following, per
11 standard menu item:

- 12 a. Total number of calories
13 b. Total number or grams of carbohydrates
14 c. Total number of grams of saturated fat
15 d. Total number of milligrams of sodium
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2 (c) "*Menu*" means printed list or pictorial display of food or beverages items offered for
3 sale by a food establishment.

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5 (d) "*Menu board*" means posted list or pictorial display of food or beverages items
6 offered for sale by a food establishment, including a drive-through menu board;

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8 (e) "*Display tag*" means an identification card for food or beverages on display case and
9 offered for sale by a food establishment.

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(f) "*Point of sale*" means the location where a customer makes an order.

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(g) "*Reasonable basis*" means any reasonable means recognized by the Food and Drug Administration of the Department of Health to determine nutritional information, as well as calorie content information, for standard menu item, as usually prepared and offered for sale, including, but not limited to nutrient data bases and laboratory analyses.

Sec. 4. *Menu Labeling.* – Covered establishments shall disclose in a clear and conspicuous manner on their menus and menu boards the calorie content information, which shall be displayed adjacent to the name of the standard menu item, so as to be clearly associated with such item. In the case of displays tags, the calorie content information of the standard menu item identified on the display tag shall be stated thereon.

Sec. 5. *Nutritional Information.* – Covered establishments shall disclose information of each standard menu item. In this regard, establishments shall disclose on all menus and menu boards, a prominent, clear and conspicuous statement regarding:

(a) The suggested daily caloric intake, as specified by the Secretary of the Department of Health through implementing rules and regulations to be issued pursuant to this Act; and

(b) The availability of nutritional information for each standard menu item, upon request,

Sec. 6. *Self-service Food and Food Display.* – In the case of food sold at a salad bar, buffet line, cafeteria line, or self-service facility, and for self-service beverages or food that is on display and that is visible to customers, a food establishment shall adjacent to each food offered a sign that lists calories per displayed food item of per serving.

1 Sec. 7. *Covered Establishments.* – All fast food chains and restaurants with not less
2 than five (5) branches shall comply with the menu labeling required under this Act.

3 Sec. 8. *Noncompliance with Menu Labeling Requirement.* – The following shall be
4 considered non-compliance with menu labeling:

- 5 a) The sale of any food or beverage item by covered establishments without the
6 required calorie information, suggested daily calorie intake, and availability of
7 nutritional information displayed on the menu, menu board, or display tag;
- 8 b) The sale of any food or beverage item by covered establishments without the
9 availability of the required nutritional information for all standard menu items;
- 10 c) The declaration of calorie content information and nutritional information without
11 reasonable basis therefor; and
- 12 d) The misbranding or erroneous disclosure of calorie content information and
13 nutritional information of standard menu items.

14 Sec. 9. *Penalties.* – The DOH through the BFAD and in coordination with other
15 concerned government agencies, after notice and hearing, shall impose any or all of the
16 following administrative sanctions in cases of noncompliance:

- 17 (a) Suspension of registration; and
- 18 (b) A fine of not less than Three Hundred Thousand Pesos (Php300,000.00) for
19 the first violation; not more than Six Hundred Thousand Pesos
20 (Php600,000.00) for the second violation; and not more than One Million
21 Pesos (Php1,000,000.00) for the third violation.

22 Sec. 10. *Implementing Agency.* – The Department of Health (DOH) in consultation
23 with other concerned agencies, non-government organizations, private sectors, and
24 consumer groups involved in nutrition, shall promulgate rules and regulation to implement
25 the provisions of this Act within ninety (90) days from approval of this Act.

26 Sec. 11. *Repealing Clause.* - All laws, presidential decrees, executive orders, rules
27 and regulations or portions thereof inconsistent with this Act are hereby repealed of
28 modified accordingly.

1 Sec. 12. *Separability Clause.* - If any part of provisions of this Act shall be held
2 unconstitutional or invalid, other provisions hereof which are not affected thereby shall
3 continue to be in full force and effect.

4 Sec. 13. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication
5 in the Official Gazette or in two (2) newspapers of general circulation.

6 *Approved,*

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