

FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)

9 DEC 15 P2:03

SENATE
S.B. No. **3558**

RECEIVED

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 13, Section 12, provides:

The State shall establish and maintain an effective food and drug regulatory system and undertake appropriate health manpower development and research, responsive to the country's health needs and problems.

Consumers are presented with all kinds of descriptions when it comes to the food products that they purchase. Producers claim their products to be fresh, pure or natural. Some information are accurate while some are misleading. There is a need to create a standard language to be used in the description of food products. This bill seeks to assist manufacturers, producers, retailers and caterers in deciding when these descriptions may be used and when they should not. It will help the consumers make an informed choice when purchasing food products.

MIRIAM DEFENSOR SANTIAGO

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1 AN ACT
2 REGULATING THE USE OF DESCRIPTIVE TERMS
3 IN FOOD PRODUCTS

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

4 SECTION 1. *Short Title.* – This Act shall be referred to as the “Food Product
5 Standard Description Act of 2009.”

6 SECTION 2. *Criteria for the use of the term “Pure.”* – The term “pure” is mostly
7 used on single ingredient foods (e.g. to indicate a single, named variety of rice) or to
8 highlight the quality of ingredients of a food (e.g. “pure butter shortbread” to indicate the
9 butter has not been blended with other fats). The validity of the use of the term “pure”
10 should be determined by the properties of the food itself, not its storage conditions. The
11 term “pure” should generally only be used in the following circumstances (however it
12 would be acceptable and advantageous to warn of possible cross contamination with
13 allergens, in which case this type of warning would be entirely voluntary):

14 (a) To describe a single ingredient food to which nothing has been added and
15 that is free from avoidable contamination with similar foods;

16 (b) Compound foods should not generally be described, directly or by
17 implication, as “pure.” It is, however, acceptable to describe such foods as “made with
18 pure ingredients” if all the ingredients meet the criteria above, or if a claimed, named
19 ingredient meets these criteria and is the only source of that ingredient. There are two
20 exceptions to this general rule:

21 (1) “pure” is used only for non-sweetened fruit juice but may be used for
22 concentrated juice reconstituted with water. Legislation permits the

1 addition of sugar for sweetness. It also permits the addition of sugar or
2 lemon juice to correct acidic taste and the use of ascorbic acid as an
3 antioxidant during processing of fruit juices. The term "pure" should not
4 be used on those products containing added sugar, lemon juice or ascorbic
5 acid.

6 (2) the term "pure fruit" is used to indicate that the fruit has not been
7 preserved by sulphur dioxide, prior to use in the jam/marmalade. This
8 usage is acceptable.

9 (c) "Pure" should not be included in any brand or fancy names, nor in coined
10 or meaningless phrases, in such a way as to imply that a food that does not meet the
11 criteria above is pure or made from pure ingredients.

12 (d) "Pure" meaning no more than plain or unflavoured should not be used
13 except where the food in question meets all the criteria above for the use of "pure".

14 SECTION 3. *Criteria for the use of the term "Fresh."* – (a) The terms "fresh" or
15 "freshly" should only be used where they have a clear meaning, whether used alone or
16 qualified by other terms. The description can help consumers differentiate between
17 similar products.

18 (b) Expressions such as "freshly cooked", "freshly prepared", "freshly baked",
19 "freshly picked" should have no other connotation than the immediacy of the action
20 being described. Where such expressions are used, it is recommended they be
21 accompanied by an indication (e.g. of the date or time or period – "freshly prepared this
22 morning") of when the action being described took place.

23 (c) Packaging, storage and other supply chain processes that control "freshness"
24 should not be described in terms that may imply that only a short period after harvesting
25 or preparation has elapsed before sale if this is not the case. For example, a food that has
26 been vacuum packed to retain its freshness should not be described as "freshly packed."

27 SECTION 4. *Criteria for the use of the term "Natural."* – "Natural" means
28 essentially that the product is comprised of natural ingredients, e.g. ingredients produced
29 by nature, not the work of man or interfered with by man. It is misleading to use the term

1 to describe foods or ingredients that employ chemicals to change their composition or
2 comprise the products of new technologies, including additives and flavorings that are the
3 product of the chemical industry or extracted by chemical processes. The term “natural”
4 without qualification should be used only in the following cases:

5 (a) To describe single foods, of a traditional nature, to which nothing has been
6 added and which have been subjected only to such processing as to render them suitable
7 for human consumption;

8 (b) To describe food ingredients obtained from recognized food sources and
9 which meet the criteria in (a);

10 (c) To describe permitted food additives that are obtained from natural
11 sources (e.g. food or plant) by appropriate physical processing (including distillation and
12 solvent extraction) or traditional food preparation processes;

13 (d) Compound foods (i.e. foods made from more than one ingredient) should
14 not themselves be described directly or by implication as “natural,” but it is acceptable to
15 describe such foods as “made from natural ingredients” if all the ingredients meet the
16 criteria in this section, as appropriate. All additives and flavorings in ingredients that are
17 used to make the final product must also satisfy the criteria.

18 (e) Claims such as “natural goodness,” “naturally better,” or “nature’s way”
19 are confusing and ambiguous. They should not be used and are very likely to be
20 misleading if applied to products not meeting the ‘natural criteria.’

21 SECTION 5. *Penalty for non-observance.* – The business license of the
22 manufacturer shall be revoked for failure to comply with the requirements of this Act.

23 SECTION 6. *Separability Clause.* – If any part or provision of this Act is held
24 invalid or unconstitutional, the other parts or provisions thereof shall remain valid and
25 effective.

1 SECTION 7. *Repealing Clause.* – All laws, decrees, orders, proclamations, rules
2 and regulations or parts thereof, inconsistent with the provisions of this Act are hereby
3 repealed, amended or modified accordingly.

4 SECTION 8. *Effectivity Clause.* – This Act shall take effect fifteen (15) days
5 from its publication in at least two (2) newspapers of general circulation.

Approved,