Senate
Office of the Secretary

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)

'14 AUG -4 P4 :02

SENATE
S. No. 2338

RECEIVED BY:

Introduced by Senator Miriam Defensor Santiago

AN ACT MANDATING THE LABELING OF FOOD PRODUCED WITH GENETIC ENGINEERING[1]

EXPLANATORY NOTE

The Constitution, Article 2, Section 15 provides:

"The State shall protect and promote the right to health of the people and instill health consciousness among them."

Republic Act No. 7394, otherwise known as the "Consumer Act of the Philippines," was enacted to protect the interests of the consumer, promote his general welfare, and to establish standards of conduct for business and industry. However, the Consumer Act fails to address increasing public concern over genetically modified (GM) and engineered food. Currently, there is no regulatory framework that requires the Food and Drug Authority to independently test the safety of genetically engineered foods.

According to the World Health Organization (WHO), GM food are those derived from organisms whose genetic material (DNA) has been modified in a way that does not occur naturally, e.g. through the introduction of a gene from a different organism.[2] The WHO reports that with regard to GM food, the three main issues debated are: tendencies to provoke allergic reaction, gene transfer, and outcrossing. The WHO claims that GM food currently available on the international market have passed risk assessments and are

[1] This bill was patterned after Act No. 0120 of the State of Vermont Assembly
[2] http://www.who.int/topics/food_genetically_modified/en/

not likely to present risks for human health. However, there is a lack of consensus regarding the validity of the research and science surrounding the safety of genetically engineered foods. This is indicated by the fact that there are peer-reviewed studies published in international scientific literature showing negative, neutral, and positive health results. Thus, this bill seeks to require the labeling of GM food to provide its citizens the option of whether to purchase such food or not.

MIRIAM DEFENSOR SANTIAGO

Senate
Office of the Secretary

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)

'14 AUG -4 P4 :02

SENATE
S. No. 2338

RECEIVED BY:

Introduced by Senator Miriam Defensor Santiago

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

AN ACT
MANDATING THE LABELING OF FOOD PRODUCED WITH GENETIC ENGINEERING

SECTION 1. *Short Title.* – This Act shall be known as the "Genetically Modified Food Labeling Act" or "GM Food Labeling Act".

SECTION 2. *Definition of Terms.* – As used in this Act, the term:

(1) "Consumer" means a natural person who is a purchaser, lessee, recipient or prospective purchaser, lessee or recipient of consumer products, services or credit.

(2) "Enzyme" means a protein that catalyzes chemical reactions of other substances without itself being destroyed or altered upon completion of the reactions.

(3) "Food" means food intended for human consumption.

(4) "Genetic engineering" is a process by which a food is produced from an organism or organisms in which the genetic material has been changed through the application of:

(A) in vitro nucleic acid techniques, including recombinant deoxyribonucleic acid (DNA) techniques and the direct injection of nucleic acid into cells or organelles; or

(B) fusion of cells (including protoplast fusion) or hybridization techniques that overcome natural physiological, reproductive, or recombination barriers, where the donor cells or protoplasts do not fall within the same taxonomic group, in a way that does not occur by natural multiplication or natural recombination.

(5) "In vitro nucleic acid techniques" means techniques, including recombinant DNA or ribonucleic acid techniques, that use vector systems and techniques involving the direct introduction into the organisms of hereditary materials prepared outside the organisms such as micro-injection, chemoporation, electroporation, micro-encapsulation, and liposome fusion.

(6) "Manufacturer" means a person who:

(A) produces a processed food or raw agricultural commodity under its own brand or label for sale in or into the State;

(B) sells in or into the State under its own brand or label a processed food or raw agricultural commodity produced by another supplier;

(C) owns a brand that it licenses or licensed to another person for use on a processed food or raw commodity sold in or into the State;

(D) sells in, sells into, or distributes in the State a processed food or raw agricultural commodity that it packaged under a brand or label owned by another person;

(E) imports into the Philippines for sale in or into the State a processed food or raw agricultural commodity produced by a person without a presence in the Philippines; or

(F) produces a processed food or raw agricultural commodity for sale in or into the State without affixing a brand name.

(7) "Organism" means any biological entity capable of replication, reproduction, or transferring of genetic material.

(8) "Processed food" means any food other than a raw agricultural commodity and includes any food produced from a raw agricultural commodity that has been subjected to processing such as canning, smoking, pressing, cooking, freezing, dehydration, fermentation, or milling.

(9) "Processing aid" means:

(A) a substance that is added to a food during the processing of the food but that is removed in some manner from the food before the food is packaged in its finished form;

(B) a substance that is added to a food during processing, is converted into constituents normally present in the food, and does not significantly increase the amount of the constituents naturally found in the food; or

(C) a substance that is added to a food for its technical or functional effect in the processing but is present in the finished food at levels that do not have any technical or functional effect in that finished food.

(10) "Raw agricultural commodity" means any food in its raw or natural state, including any fruit or vegetable that is washed, colored, or otherwise treated in its unpeeled natural form prior to marketing.

SECTION 3. *Labeling of Food Produced with Genetic Engineering.* –

(a) Except as set forth in Section 4 of this Act, food offered for sale by a retailer after three years from the approval of this Act shall be labeled as produced entirely or in part from genetic engineering if it is a product:

(1) offered for retail sale in the Philippines; and

(2) entirely or partially produced with genetic engineering.

(b) If a food is required to be labeled under subsection (a) of this section, it shall be labeled as follows:

(1) in the case of a packaged raw agricultural commodity, the manufacturer shall label the package offered for retail sale, with the clear and conspicuous words "produced with genetic engineering";

(2) in the case of any raw agricultural commodity that is not separately packaged, the retailer shall post a label appearing on the retail store shelf or bin in which the commodity is displayed for sale with the clear and conspicuous words "produced with genetic engineering"; or

(3) in the case of any processed food that contains a product or products of genetic engineering, the manufacturer shall label the package in which the processed food is offered for sale with the words: "partially produced with genetic engineering"; "may be produced with genetic engineering"; or "produced with genetic engineering."

(c) Except as set forth under Section 4 of this title, a manufacturer of a food produced entirely or in part from genetic engineering shall not label the product on the package, in signage, or in advertising as "natural," "naturally made," "naturally grown," "all natural," or any words of similar import that would have a tendency to mislead a consumer.

(d) This section and the requirements of this chapter shall not be construed to require:

(1) the listing or identification of any ingredient or ingredients that were genetically engineered; or

(2) the placement of the term "genetically engineered" immediately preceding any common name or primary product descriptor of a food.

SECTION 4. *Exemptions.* – The following foods shall not be subject to the labeling requirements of Section 3 of this title:

(1) Food consisting entirely of or derived entirely from an animal which has not itself been produced with genetic engineering, regardless of whether the animal has been fed or injected with any food, drug, or other substance produced with genetic engineering.

(2) A raw agricultural commodity or processed food derived from it that has been grown, raised, or produced without the knowing or intentional use of food or seed produced with genetic engineering. Food will be deemed to be as described in this subdivision only if the person otherwise responsible for complying with the requirements of subsection 3(a) of this title with respect to a raw agricultural commodity or processed food obtains, from whomever sold the raw agricultural commodity or processed food to that person, a sworn statement that the raw agricultural commodity or processed food has not been knowingly or intentionally produced with genetic engineering and has been segregated from and has not been knowingly or intentionally commingled with food that may have been produced with genetic engineering at any time. In providing such a sworn statement, any person may rely on a sworn statement from his or her own supplier that contains the affirmation set forth in this subdivision.

(3) Any processed food or beverage which would be subject to subsection 3(a) of this title solely because it includes one or more processing aids or enzymes produced with genetic engineering.

(4) Any processed food that would be subject to subsection 3(a) of this title solely because it includes one or more materials that have been produced with genetic engineering, provided that the genetically engineered materials in the aggregate do not account for more than 0.9 percent of the total weight of the processed food.

(5) Food that an independent organization has verified has not been knowingly or intentionally produced from or commingled with food or seed produced with genetic engineering. The Food and Drug Authority, after consultation with the Department of Health, shall approve by procedure the independent organizations from which verification shall be acceptable under this subdivision (6).

(6) Food that is not packaged for retail sale and that is:

(A) a processed food prepared and intended for immediate human consumption; or

(B) served, sold, or otherwise provided in any restaurant or other food establishment that is primarily engaged in the sale of food prepared and intended for immediate human consumption.

SECTION 5. *Retailer Liability.* –

(a) A retailer shall not be liable for the failure to label a processed food as required by Section 3 of this Act, unless the retailer is the producer or manufacturer of the processed food.

(b) A retailer shall not be held liable for failure to label a raw agricultural commodity as required by Section 3 of this title, provided that the retailer, within 30 days of any proposed enforcement action or notice of violation, obtains a sworn statement in accordance with Section 4(2) of this title.

SECTION 6. *False Certification.* – It shall be a violation of this chapter for a person knowingly to provide a false statement under Section 4(2) of this title that a raw agricultural commodity or processed food has not been knowingly or intentionally produced with genetic engineering and has been segregated from and has not been knowingly or intentionally commingled with food that may have been produced with genetic engineering at any time.

SECTION 7. *Penalties; Enforcement.* –

(a) Any person who violates the requirements of this chapter shall be liable for a civil penalty of not more than P5,000 per day, per product. Calculation of the civil penalty shall not be made or multiplied by the number of individual packages of the same product displayed or offered for retail sale. Civil penalties assessed under this section shall accrue and be assessed per each uniquely named, designated, or marketed product.

(b) Rules with regard to consumer complaints shall be the same as enumerated in R.A. No. 7394 or the Consumer Act of the Philippines.

SECTION 8. *Transition period.* – A transition period of two years from the approval of this law shall be allowed to phase out the distribution of unlabeled GM products.

SECTION 9. *Implementing Rules and Regulations.* – The Food and Drug Authority shall prepare and disseminate the Implementing Rules and Regulations of this Act three months after its enactment.

SECTION 10. *Separability Clause.* – If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 11. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or is inconsistent with the provision of this Act is hereby repealed, modified, or amended accordingly.

SECTION 12. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,

/mamt30july2014