

NINETEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session



Senate
Office of the Secretary

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) '22 JUL 18 P4 :59

SENATE

RECEIVED BY: _____

S. B. NO. 738

Introduced by **SENATOR JOEL VILLANUEVA**

**AN ACT
REQUIRING THE DISPLAY OF CALORIE AND OTHER
NUTRITIONAL INFORMATION IN MENUS OF FOOD SERVICE
ESTABLISHMENTS AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

According to UNICEF, obesity affects 800 million individuals all over the world, and has emerged as a major risk factor for severe disease during the COVID-19 pandemic.¹

In the past decade, cardiovascular diseases have been one of the leading causes of mortality among Filipinos, which is largely attributed to an unhealthy lifestyle. In addition, an unhealthy lifestyle also contributes to an increase in body mass index, which in turn, increases the risk for non-communicable diseases. According to a 2017 report, there are approximately 18 million Filipinos who are obese and overweight. In 2016, the Philippines spent between US\$500 Million to US\$1 Billion for obesity-related problems, which are largely due to a huge spike in the incidence of related non-communicable diseases such as Type 2 diabetes, cancer, cardiovascular diseases and stroke.²

¹ UNICEF, Everybody Needs to Act to Curb Obesity, accessible at <https://www.unicef.org/philippines/press-releases/everybody-needs-act-curb-obesity> (last accessed July 13, 2022).

² Business Mirror, Obese Filipinos now ballooning, July 20, 2017, accessible at <https://businessmirror.com.ph/2017/07/20/obese-filipinos-now-ballooning/> (last accessed July 7, 2019).

It is estimated that, as of 2019, there are around 27 million Filipinos that are overweight and obese.³ In its most recent survey, the Food and Nutrition Research Institute of the Department of Science and Technology reported that at least 28.8% of adults are overweight and 9.6% are obese, with a higher prevalence than the national estimate in the highly urbanized cities in the National Capital Region.⁴

Thus, in response to this pressing need, there is a need to create policies that would encourage people to have a healthier lifestyle and a mechanism to inform them of the calorie content and nutritional information of the food they take. With the pressure of work and the family, Filipinos often resort to eating out, whose food items usually have more calories, sodium and saturated fat.

To address the problems of obesity and improper nutrition among Filipinos and to encourage them to have a healthier lifestyle, this bill requires the disclosure of calorie content in menus of food service establishments and prominently display this information so that customers will be able to make a more informed decision towards a proper and healthier lifestyle. Written nutritional information, such as, but not limited to, total fat, saturated fat, cholesterol, and sodium may also be provided to the customer upon request.

For this year's World Obesity Day, the call is "Everybody Needs to Act." At the national level, it is our responsibility to address the causes that contribute to obesity, and ensure the health and wellness of our citizens.

Thus, the immediate passage of this bill is earnestly sought.


SENATOR JOEL VILLANUEVA

³ Business Mirror, 27M Filipinos are overweight, obese, March 6, 2022, accessible at <https://businessmirror.com.ph/2022/03/06/27m-filipinos-are-overweight-obese/> (last accessed July 13, 2022).

⁴ DOST-FNRI, Overweight and obesity is top nutrition concern in 8 Metro Manila cities – FNRI Survey, accessible at <https://www.fnri.dost.gov.ph/index.php/programs-and-projects/news-and-announcement/769-overweight-and-obesity-is-top-nutrition-concern-in-8-metro-manila-cities-fnri-survey> (last accessed July 13, 2022).

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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
2 Labeling Act.”
3

4 **SEC. 2. Definition of Terms.** – For purposes of this Act, the following
5 terms are hereby defined:
6

- 7 a) **Calorie content information** refers to the total number of calories per
8 standard menu item, as that item is usually prepared and offered for sale;
9
- 10 b) **Covered food establishment** refers to any food establishments that are
11 part of a chain of fifteen (15) or more food service establishments doing
12 business under common ownership or control, or as franchised outlets
13 of a parent business, or that do business under the same name or that
14 voluntarily register with the Food and Drug Administration (FDA) to be
15 covered;
16
- 17 c) **Food** refers to a unit serving of ready-to-eat food or beverage for sale in
18 a restaurant or food service establishment;
19
- 20 d) **Food-on-display** refers to food offered for sale that is visible to a
21 customer before making selection, and needs no further preparation
22 before consumption;
23

- 1 e) **Menu** refers to a printed list or pictorial display of a food item or items,
2 and their price(s), that are available for sale from a covered food service
3 establishment and shall include menus distributed or provided outside of
4 the establishment, specialty menus, such as drink and dessert menu,
5 drive-thru and online menus;
6
7 f) **Menu Board** refers to any list or pictorial display of a food item or items
8 and their price(s) posted in and visible within a covered food service
9 establishment; and
10
11 g) **Standard Menu Item** refers to any individual food item or combination
12 of food items that is routinely listed on a menu or menu board, or
13 routinely offered for sale by a covered food service establishment.
14

15 **SEC. 3. Disclosure of Calorie and Nutritional Information.** – Covered
16 food establishments shall disclose and display the calorie content information
17 of each standard menu item on their menus and menu boards as usually
18 prepared and sold to the public. The calorie content information must be
19 prominently and distinctly displayed adjacent to the name or price of the menu
20 item in a type size no smaller than that of the name or price of the menu item,
21 whichever is smaller.
22

23 Food establishments offering self-service food and food-on-display shall
24 post the nutrient content information of such food on a sign adjacent to such.
25

26 In addition, menu and menu boards of all covered establishments must
27 prominently display the following: "Additional nutritional information available
28 upon request." Such statement must appear prominently on the bottom of the
29 menu board and may also be placed on signs, posters, tray liners, counter
30 cards, handouts, binders, kiosks, or computer, as appropriate.
31

32 Upon request, the nutritional information that may be provided to
33 customers shall indicate the amount of each nutrient, including, but not limited
34 to, the following:

- 35 a) Total fat;
36 b) Saturated fat;
37 c) Cholesterol;
38 d) Sodium;
39 e) Total carbohydrates;
40 f) Complex carbohydrates;
41 g) Sugars;
42 h) Dietary fiber; and
43 i) Total protein
44

45 Notwithstanding anything to the contrary, the mandatory disclosure and
46 display of calorie and nutrition information as required under this Section shall
47 not apply to custom orders prepared in a specific manner based on customer's
48 request, temporary menu item which appears in the establishment's menu
49 board for less than thirty (30) days per year, general use condiments, and foods
50 that are part of a customary market test.

1
2 **SEC. 4. Calorie Content Information.** – The calorie content information
3 of each standard menu item shall be expressed to the nearest five (5)-calorie
4 increment up to and including fifty (50) calories, to the nearest ten (10)-calorie
5 increment above fifty (50) calories. For foods that have fewer than five (5)
6 calories, the declaration may be expressed as zero (0).
7

8 **SEC. 5. Transitory Period and Disclosure Compliance Certificate.** –
9 Covered establishments shall have a period of one (1) year from the approval
10 of this Act to comply with the requirements provided under this Act. Thereafter,
11 all covered establishments shall obtain a Nutritional Disclosure Compliance
12 Certificate (NDCC) from the Department of Health (DOH). The NDCC shall be
13 valid for two (2) years from the date of issuance and may be renewed at least
14 thirty (30) days before its expiration. The DOH may refuse to renew the NDCC
15 of a covered establishment in the event of violation of, or non-compliance with,
16 any provisions of this Act.
17

18 Failure of any restaurant or fast-food chain establishment covered under
19 this Act to secure a NDCC shall be a ground for the suspension or revocation
20 of its license to operate.
21

22 For this purpose, the DOH, in coordination with the Department of Trade
23 and Industry (DTI), shall actively conduct information dissemination campaigns
24 to assist covered establishments in complying with the NDCC requirement.
25

26 **SEC. 6. Penalties.** – DOH, after notice and hearing, shall impose a fine
27 of not less than Twenty Thousand Pesos (P20,000.00) but not more than Two
28 Hundred Fifty Thousand Pesos (P250,000.00) upon any covered establishment
29 that fail to comply with the requirements under this Act, or that is found to have
30 knowingly declared false or inaccurate nutrition information regarding the
31 amount of calories or nutrients contained in each standard menu item.
32

33 **SEC. 7. Implementing Rules and Regulations.** – Within sixty (60) days
34 from the effectivity of this Act, the DOH, FDA, and DTI, in consultation with other
35 government agencies and relevant stakeholders, shall issue the rules and
36 regulations for the effective implementation of this Act.
37

38 **SEC. 8. Separability Clause.** – If any provision of this Act or any part
39 thereof shall be declared unconstitutional or invalid, the other provisions, as far
40 as they are separable, shall remain in force and effect.
41

42 **SEC. 9. Repealing Clause.** – All laws, decrees, orders, rules and
43 regulations or parts thereof which are inconsistent with the provisions of this
44 Act are hereby repealed, amended or modified accordingly.
45

46 **SEC. 10. Effectivity.** – This Act shall take effect fifteen (15) days after
47 its publication in the Official Gazette or in at least two (2) newspapers of general
48 circulation.
49

50 **Approved,**