

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

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SENATE
S.B. No. **3326**

RECEIVED



Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Republic Act No. 7394 a.k.a. the "Consumer Act of the Philippines" provides that it is the policy of the State to protect the interests of the consumer, promote his general welfare and to establish standards of conduct for business and industry.

It also states that whenever any of the implementing agencies of the law, find, by their own initiative or by petition of a consumer, that a consumer product is found to be injurious, unsafe or dangerous, it shall, after due notice and hearing, make the appropriate order for its recall, prohibition or seizure from public sale or distribution. The Department of Health is the implementing agency with respect to food, drugs, cosmetics, devices and substances.

Hence, this bill seeks to use consumer information maintained by retailers to improve recalls of food.


MIRIAM DEFENSOR SANTIAGO

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1 AN ACT
2 IMPROVING THE COMMUNICATION
3 WITH CONSUMERS DURING FOOD RECALL

4 SECTION 1. *Short Title.* – This Act shall be known as the “Improving
5 Communication with Consumers During Food Recall Act of 2009”.

6 SEC. 2. *Using Consumer Information Maintained By Retailers To Improve*
7 *Recalls Of Food.* – The Secretary of Health, here called the “Secretary”, shall issue an
8 order requiring any retailer of food to:

9 (1) inform the Secretary regarding whether the retailer has a system in place
10 capable of identifying the persons who purchased the food; and

11 (2) issue a recall notice to those persons if the retailer does have such a system in
12 place.

13 A recall notice issued under paragraph (1) shall be:

14 (i) made in such manner, which may include the use of telephone calls or
15 electronic mail, and contain such information as the secretary may require; and

16 (ii) issued by the retailer or a third party selected by the retailer.

17 If the Secretary requires a retailer to issue a recall notice for food under paragraph
18 (ii), the Secretary shall:

19 (1) identify the manufacturers, importers, distributors, or other persons that most
20 likely caused the adulteration or misbranding of the food; and

21 (2) by order require such persons to reimburse the retailer for any costs incurred
22 to comply with an order issued under paragraph (ii).

1 SEC. 3. *Rule of Construction.* – This Act shall not be construed to authorize the
2 Secretary to require any retailer to:

- 3 (1) establish or maintain a system, or
- 4 (2) provide any information on the retailer’s customers, inventory, or sales
- 5 to the manufacturer, importer, or distributor of the recalled food or to any person
- 6 required to pay reimbursement mentioned in the preceding Section.

7
8 SEC. 4. *Applicability.* – This Act applies in the case of any recall, whether
9 voluntary or mandatory, of food that is adulterated or misbranded in a manner that, if
10 consumed, may result in illness or injury.

11 SEC. 5. *Separability Clause.* – If any provision or part hereof, is held invalid or
12 unconstitutional, the remainder of the Act or the provision not otherwise affected shall
13 remain valid and subsisting.

14 SEC. 6. *Repealing Clause.* – Any law, presidential decree or issuance, executive
15 order, letter of instruction, administrative order, rule or regulation contrary to, or
16 inconsistent with the provisions of this Act is hereby repealed, modified or amended
17 accordingly.

18
19 SEC. 7. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
20 publication in at least two (2) newspapers of general circulation.

Approved,

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