

12 SEP 1 1 2008

S E N A T E

S. No. **3281**

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Introduced by Senator Edgardo J. Angara

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### EXPLANATORY NOTE

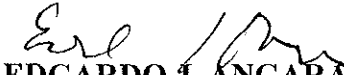
This bill seeks to amend Republic Act No. 8976, the "*Philippine Food Fortification Act of 2000*", by removing refined sugar from the mandatory food fortification program, in consideration of various constraints and problems in the fortification of refined sugar, to wit:

1. Sugar refineries are not the owners of the raw sugar which will be processed into refined sugar and of the resulting refined sugar. Since fortification is an act of ownership, refineries cannot fortify the refined sugar without the conformity of its owners, who are not willing to sign fortification authorization letters.
2. The target sector who most need the vitamin A fortification program (D & E economic bracket) prefer to buy brown sugar over refined due to cost consideration
3. Fortification of refined sugar is not marketable. Industrial users (such as Coca-Cola, Pepsi, Nestle and San Miguel) do not want fortified refined sugar as it will affect the formula of their products. Industrial users account for about 80% of the market for refined sugar.
4. Household consumers do not prefer to buy fortified refined sugar. This was proven by a test run conducted by Victorias Milling Company in 1997. In the test run, 99 bags of refined sugar were fortified with Vitamin A. After almost a week of marketing and selling the fortified refined sugar, the 99 bags remained unsold.
5. Mandatory fortification will lead to an increase in the market price of refined sugar. The estimated increase due to fortification is Php 50.00/bag or about one peso per kilo of refined sugar.

As provided in the Implementing Rules and Regulations of R.A. No. 8976, the mandatory fortification of refined sugar should have been implemented last November 7, 2004. However, after a series of consultations between the Bureau of Food and Drugs (now the Food and Drugs Administration)/DOH and sugar refineries and refined sugar repackers, a consensus was reached that the mandatory fortification of refined sugar is not practical and cannot be effectively implemented.

With the reorganization of the Bureau of Food and Drugs into the Food and Drugs Administration (FDA) in 2009, there is a renewed effort to enforce the mandatory fortification notwithstanding the subsisting constraints and problems in the fortification of refined sugar. Hence, this brought about an urgent need for the amendment of R.A. No. 8976.

In view of the foregoing, the passage of this Bill is earnestly sought.

  
EDGARDO J. ANGARA

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S E N A T E

S. No. 3281

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Introduced by Senator Edgardo J. Angara

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**AN ACT**  
**TO REMOVE OR EXCLUDE REFINED SUGAR**  
**FROM THE LIST OF PRODUCTS COVERED BY MANDATORY FOOD**  
**FORTIFICATION, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8976,**  
**OTHERWISE KNOWN AS THE "FOOD FORTIFICATION ACT OF 2000"**

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

**SECTION 1.** Section 3 of Republic Act No. 8976, otherwise known as the "Philippine Food Fortification Act of 2000" is hereby amended to read as follows:

"Section 3. Definition of Terms. – For purposes of this Act, the following terms shall mean:

- (a) xxx.
- (b) xxx.
- (c) xxx.
- (d) xxx.
- (e) xxx.
- (f) Manufacturer – the refinery in case of [refined sugar or] cooking oil, the miller in case of flour or rice, or the importer in case of imported processed foods or food products or the processor in case of other processed foods or food products."

**SECTION 2.** Section 6 of the same Act is hereby amended to read as follows:

"Section 6. *Mandatory Food Fortification.* – (a) the fortification of staple foods based on standards set by the DOH through the BFAD is hereby made mandatory for the following:

- (1) Rice – with iron;
- (2) Wheat flour – with vitamin A and Iron;
- [(3) Refined sugar – with vitamin A;]
- [(4)] (3) Cooking Oil – with vitamin A; and
- [(5)] (4) Other staple foods with nutrients as may later required by the NNC.

(b) The fortification of processed foods or food products under this Section shall be undertaken by the manufacturers: Provided, That in the case of imported processed foods or food products, the required fortification shall be done by the producers/manufacturers of such imported processed foods or food products. Otherwise, the importer shall have responsibility of fortifying the imported processed foods or food products before said products are allowed to be distributed or sold to the public: Provided, further, that the implementation of the mandatory fortification for wheat flour, [refined sugar], cooking oil, and rice, including those milled and/or distributed by the National Food Authority shall commence after 4 years from the effectivity of the Act.

(c) xxx.

(d) xxx.

(e) Imported rice, wheat flour, [refined sugar], cooking oil and other processed foods or food products that may be identified later by the NNC, shall comply with the requirements of this Act on entry in country, at the end of the manufacturing process and/or at all points of sale and distribution.”

**SECTION 3.** Section 8 of the same Act is hereby amended to read as follows:

“Section 8. *Implementation, monitoring and review* – The DOH through the BFAD shall be the lead agency for the implementation and monitoring of this Act while the NNC, the policy-making and coordinating body on nutrition, shall serve as the advisory board on food fortification.

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The local government units through their health officers or agricultural officers or nutritionist-dieticians or the sanitary inspectors shall assist in monitoring /checking that foods to be mandated to be fortified like rice, [refined sugar], wheat flour and cooking oil are properly fortified and labeled with “nutrition facts” indicating the special micronutrient it was fortified with.

**SECTION 4. *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 5. *Repealing Clause.*** All other laws, decrees, executive orders, proclamations, and administrative regulations or parts thereof inconsistent herewith are hereby repealed or modified accordingly.

**SECTION 6. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

*Approved,*