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SIXTEENTH CONGRESS OF THE REPUBLIC  
OF THE PHILIPPINES  
First Regular Session




Senate  
Office of the Secretary

13 JUL -2 A9:15

SENATE

S.B. No. 262

HTT

BY: 

Introduced by Sen. Manuel "Lito" M. Lapid

EXPLANATORY NOTE

Health issues in the Philippines face a double burden: the need to address malnutrition in children and vulnerable groups and the rising incidence of overweight, obesity, diet- and lifestyle-related non-communicable diseases ("NCDs"). The Food and Nutrition Research Institute has identified a rising incidence of obesity and NCDs in adults in recent years.

One way to promote proper diet is by raising awareness as to the calorie and nutritional content of the foods consumed by the general public. While packaged foods are already required to disclose nutritional facts, meals sold through food establishments contain no such disclosure. The health conscious have to guess at the nutritional content of meals taken in restaurants. On the other hand, those who are less aware of the need for proper dieting are left unaware of the nutritional values that they intake.

Fast food chains are the common resort of busy families who no longer devote time to preparing meals at home. Unfortunately, the most easily accessible sources of high-calorie and low-nutrition meals are fast food chains and restaurants. A trend towards larger portions and a marketing strategy that promotes such large portions as "normal" contribute to excessive caloric intake due to fast food meals. In fact, scientific research has shown that there is a strong causal relation between eating fast food and the prevalence of overweight incidence in a population.

The proposed measure mandates the disclosure of calorie content and nutritional facts for all meals, food, and beverages sold in fast food chains. By so doing, focus will be given to a primary instigator of obesity - fast food meals. The disclosure of caloric and nutritional content is intended to promote health awareness and proper dieting, particularly amongst adults who are prone to obesity and the development of NCDs.

Thus, the undersigned sponsor urges the passage of the present measure.

  
MANUEL "LITO" M. LAPID  
Senator



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AN ACT  
REQUIRING THE LISTING OF CALORIE CONTENT INFORMATION ON  
MENUS AND BOARDS OF FOOD ESTABLISHMENTS

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

1       **SECTION 1. Short Title.** - This Act shall be known as the "Menu Labeling Act  
2 of 2013."  
3

4       **SEC. 2. Declaration of Policy.** - Section 15 of Article II of the Constitution  
5 provides that the State shall protect and promote the right of health of the people and  
6 instill health consciousness among them. The State recognizes the need to disclose  
7 nutritional facts for food and beverages made available to the public in order to  
8 sufficiently instill a sense of health consciousness in the citizenry.  
9

10       **SEC. 3. Definition of Terms.** - As used in this Act, unless otherwise indicated:  
11

12       (a) "Calorie content information" means the total number of calories per  
13 standard menu item, as that item is usually prepared and offered for sale;

14       (b) "Nutritional information" includes, but is not limited to, all of the following,  
15 per standard menu item:

- 16           a. Total number of calories
- 17           b. Total number of grams of carbohydrates
- 18           c. Total number of grams of saturated fat
- 19           d. Total number of milligrams of sodium

20       (c) "Menu" means a printed list or pictorial display of food or beverage items  
21 offered for sale by a food establishment;

1 (d) "Menu board" means a posted list or pictorial display of food or beverage  
2 items offered for sale by a food establishment, including a drive-through  
3 menu board;

4 (e) "Display tag" means an identification card for food or beverages on display  
5 in a display case and offered for sale by a food establishment;

6 (f) "Menu item" means a food or beverage item offered for sale by a food facility  
7 through a menu, menu board, or display tag; and

8 (g) "Point of sale" means the location where a customer makes an order

9 (h) "Reasonable basis" means any reasonable means recognized by the Food and  
10 Drug Administration of the Department of Health to determine nutritional  
11 information, as well as calorie content information, for a standard menu item,  
12 as usually prepared and offered for sale, including, but not limited to,  
13 nutrient databases and laboratory analyses.

14  
15 **SEC. 4. *Menu Labeling.*** - Covered establishments shall disclose in a clear and  
16 conspicuous manner on their menus and menu boards the calorie content information,  
17 which shall be displayed adjacent to the name of the standard menu item, so as to be  
18 clearly associated with such item. In the case of display tags, the calorie content  
19 information of the standard menu item identified on the display tag shall be stated  
20 thereon.

21  
22 **SEC. 5. *Nutritional Information.*** - Covered establishments shall disclose  
23 information stating the suggested daily caloric intake of the average person as well as  
24 the nutritional information of each standard menu item. In this regard, establishments  
25 shall disclose on all menus and menu boards, a prominent, clear and conspicuous  
26 statement regarding:

27 (a) The suggested daily caloric intake, as specified by the Secretary of the  
28 Department of Health through implementing rules and regulations to be  
29 issued pursuant to this Act; and

30 (b) The availability of nutritional information for each standard menu item, upon  
31 request.

32  
33 **SEC. 6. *Self-service Food and Food on Display.*** - In the case of food sold at a  
34 salad bar, buffet line, cafeteria line, or similar self-service facility, and for self-service  
35 beverages or food that is on display and that is visible to customers, a food

1 establishment shall place adjacent to each food offered a sign that lists calories per  
2 displayed food item or per serving.

3

4 **SEC. 7. Covered Establishments.** – All fast food chains and restaurants with not  
5 less than five (5) branches shall comply with the menu labeling required under this Act.

6

7 **SEC. 8. Noncompliance with Menu Labeling Requirement.** – The following shall  
8 be considered non-compliance with menu labeling:

- 9 a) The sale of any food or beverage item by covered establishments without the  
10 required calorie content information, suggested daily calorie intake, and  
11 availability of nutritional information displayed on the menu, menu board, or  
12 display tag;
- 13 b) The sale of any food or beverage item by covered establishments without the  
14 availability of the required nutritional information for all standard menu  
15 items;
- 16 c) The declaration of calorie content information and nutritional information  
17 without reasonable basis therefor; and
- 18 d) The misbranding or erroneous disclosure of calorie content information and  
19 nutritional information of standard menu items.

20

21 **SEC. 9. Penalties.** – The DOH through the BFAD and in coordination with other  
22 concerned government agencies, after notice and hearing, shall impose any or all of the  
23 following administrative sanctions in cases of noncompliance:

- 24 (a) Suspension of registration; and
- 25 (b) A fine of not less than Three Hundred Thousand Pesos (Php300,000.00) for  
26 the first violation; not more than Six Hundred Thousand Pesos  
27 (Php600,000.00) for the second violation; and not more than One Million  
28 Pesos (Php1,000,000.00) for the third violation.

29

30 **SEC. 10. Implementing Agency.** – The Department of Health (DOH) in  
31 consultation with other concerned agencies, non-government organizations, private  
32 sectors, and consumer groups involved in nutrition, shall promulgate rules and  
33 regulations to implement the provisions of this Act within ninety (90) days from  
34 approval of this Act.

35

1           **SEC. 11. *Repealing Clause.*** - All laws, presidential decrees, executive orders,  
2 rules, and regulations, or portions thereof, inconsistent with this Act are hereby  
3 repealed or modified accordingly.

4  
5           **SEC. 12. *Separability Clause.*** - If any part of provision of this Act shall be held  
6 unconstitutional or invalid, other provisions hereof which are not affected thereby shall  
7 continue to be in full force and effect.

8  
9           **SEC. 13. *Effectivity.*** - This Act shall take effect fifteen (15) days after its  
10 publication in the Official Gazette or in two (2) newspapers of general circulation.

*Approved,*