



13 AUG -1 P4 59

SENATE
S. No. 1204

RECEIVED BY: *[Signature]*

Introduced by Senator Miriam Defensor Santiago

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.


Cardiovascular disease is the leading cause of mortality in the Philippines. A report from the Department of Health stated that in 2003, it accounted for 30.2% of deaths among Filipinos. Increase in body mass index, also known as obesity or being overweight, is an important cause of chronic disease. The World Health Organization (WHO) expects that the percentage of Filipino obese men over thirty will increase from 23% of the population in 2005 to 24% in 2015, while the rate for women will increase from 34% in 2005 to 44% in 2015. The WHO also noted that 80% of premature heart disease, stroke and type two diabetes and 40% of cancers can be prevented through a healthy diet.

Weight gain occurs when more calories are consumed than are expended. Small calorie excesses over time have a cumulative effect. Eating out, and eating extra calories while eating out, contributes disproportionately to the excess calorie intake that fuels the obesity epidemic. The increase in consumption of away-from-home foods has been facilitated by the expansion of restaurant chains, which serve food that is easily available, inexpensive, and high in calories. There are abundant data to show that people who eat at fast food establishments consume more calories.

Regulation of food service establishments is a core public health function. This includes regulation of food that is commercially prepared and sold by food service establishments, a broad category which includes restaurants. However, consumers lack easily accessible

information to make informed choices when eating in restaurants. Calorie information provided at the time of food selection in food service establishments would enable consumers to make more informed, healthier choices and can reasonably be expected to reduce obesity and the many related health problems which obesity causes.

The systematic underestimation of calories suggests that consumers have distorted perceptions of calorie content and *de facto* have been misled to view oversized, high-calorie portions as “normal” portions, containing acceptable numbers of calories. There is a calorie information gap. This gap is contributing to people choosing higher calorie items and to the obesity epidemic. Providing information about the calorie content of foods and beverages being served in restaurants in a time, place, and manner that can inform decisions will help bridge this gap. Provision of calorie information on menu and menu boards is an important way to accomplish this goal. This bill seeks to address the problem of obesity and the diseases that are caused by it.*

mir

MIRIAM DEFENSOR SANTIAGO

* This bill was originally filed in the Fourteenth Congress, Second Regular Session.



13 AUG -1 P4:59

SENATE
S. No. 1204

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 REQUIRING THE POSTING OF CALORIE COUNT INFORMATION
3 ITEMS IN MENU BOARDS OF FOOD SERVICE ESTABLISHMENTS

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

4 SECTION 1. *Short Title.* – This Act shall be known as the “Calorie Count Menu Act.”

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

6 (A) “Covered food service establishment” is a food service establishment that is one of a
7 group of ten (10) or more food service establishments doing business nationally, offering for sale
8 substantially the same menu items, in servings that are standardized for portion size and content,
9 that operate under common ownership or control, or as franchised outlets of a parent business, or
10 doing business under the same name;

11 (B) “Menu” shall mean a printed list or pictorial display of a food item or items, and their
12 price(s), that are available for sale from a covered food service establishment and shall include
13 menus distributed or provided outside of the establishment;

14 (C) “Menu board” shall mean any list or pictorial display of a food item or items and
15 their price(s) posted in and visible within a covered food service establishment or outside of a
16 covered food service establishment for the purpose of ordering from a drive-through window;

17 (D) “Menu item” shall mean any individual food item, or combination of food items,
18 listed or displayed on a menu board or menu that is sold by a covered food service establishment;

19 (E) “Department” refers to the Department of Health;

20 (F) “Secretary” refers to the Secretary of Health.

1 SECTION 3. *Scope and Applicability.* – This Act shall apply to menu items that are
2 served in portions the size and content of which are standardized at a covered food service
3 establishment. This section shall not apply to menu items that are listed on a menu or menu
4 board for less than thirty (30) days in a calendar year.

5 SECTION 4. *Compliance Certificate Requirement.* –

6 (A) A compliance certificate issued by the Department shall be required prior to the
7 operation of any food service establishment. The owner of the establishment shall file an
8 application for a compliance certificate with the Department on a form prescribed by the
9 Department;

10 (B) All certificates issued by the Department under this Act shall expire after three (3)
11 years from date of issue and may be renewed by submission to the Department at least thirty (30)
12 days before the expiration date a compliance certificate renewal application;

13 (C) The Department may refuse to renew the certificate of any owner or operator who has
14 been found to be in violation of this Act;

15 (D) Each food service establishment shall be inspected at least once every three (3) years
16 after the initial year in which the establishment was granted a certificate;

17 (F) Existing food service establishments have one (1) year from the date of effectivity of
18 this Act to secure a compliance certificate, subject to reasonable rules to be prescribed by the
19 Secretary.

20 SECTION 5. *Requirements for Food Establishments.* – Before an operator may be
21 granted a compliance certificate, the operator must observe the following requirements–

22 (A) All menu boards and menus in any covered food service establishment shall bear the
23 total number of calories derived from any source for each menu item they list. Such information
24 shall be listed clearly and conspicuously, adjacent or in close proximity such as to be clearly
25 associated with the menu item, using a font and format that is at least as prominent, in size and
26 appearance, as that used to post either the name or price of the menu item;

1 (B) Calorie content values (in kilo calories) required by this section shall be based upon a
2 verifiable analysis of the menu item, which may include the use of nutrient databases, laboratory
3 testing, or other reliable methods of analysis, and shall be rounded to the nearest ten (10) calories
4 for calorie content values above fifty (50) calories and to the nearest five (5) calories for calorie
5 content values fifty (50) calories and below;

6 (C) When a food item is displayed for sale with a food item tag, such food item tag shall
7 include the calorie content value for that food item in a font size and format at least as prominent
8 as the font size of the name of the food item;

9 (D) Calorie content values at drive-through windows shall be displayed on either the
10 drive through menu board, or on an adjacent stanchion visible at or prior to the point of ordering,
11 so long as the calorie content values are as clearly and conspicuously posted on the stanchion
12 adjacent to their respective menu item names, as the price or menu item is on the drive through
13 menu board;

14 (E) For menu items offered in different flavors and varieties, including, but not limited to,
15 beverages, ice cream, pizza, and doughnuts, the range of calorie content values showing the
16 minimum to maximum numbers of calories for all flavors and varieties of that item shall be listed
17 on menu boards and menus for each size offered for sale, provided however that the range need
18 not be displayed if calorie content information is included on the food item tag identifying each
19 flavor or variety of the food item displayed for sale;

20 (F) For combinations of different food items listed or pictured as a single menu item, the
21 range of calorie content values showing the minimum to maximum numbers of calories for all
22 combinations of that menu item shall be listed on menu boards and menus. If there is only one (1)
23 possible calorie total for the combination, then that total shall be listed on the menu boards and
24 menus.

25 SECTION 6. *Penalties.* – The Secretary is empowered to establish and assess penalties or
26 fines against a permit holder for violations of this Act or regulations adopted under this Act. In
27 no circumstance will any penalty or fine exceed Ten thousand pesos (₱10,000.00) per day for
28 each day the permit holder remains in violation of any provision of this Act.

1 SECTION 7. *Implementing Rules and Regulations.* – Within sixty (60) days from the
2 enactment of this Act, the Secretary shall promulgate the rules and regulations to implement this
3 Act.

4 SECTION 8. *Separability Clause.* – If any provision or part hereof is held invalid or
5 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
6 valid and subsisting.

7
8 SECTION 9. *Repealing Clause.* – Any law, presidential decree or issuance, executive
9 order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent
10 with the provisions of this Act is hereby repealed, modified, or amended accordingly.

11 SECTION 10. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
12 publication in at least two (2) newspapers of general circulation.

Approved,