

SENATE
S. No. 1890

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Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 2, Section 15 provides that:

The State shall protect and promote the right to health of the people and instill health consciousness among them.

Republic Act No. 7394, or the "Consumer Act of the Philippines," was enacted to protect the interests of the consumer, promote the general welfare, and to establish standards of conduct for business and industry. Article 77 of this Act provides for the minimum labeling requirements for consumer products.

Genetically engineering food is a new way of producing foods - by taking DNA from one species and inserting it into another. Given the huge complexity of the genetic code, no one can possibly predict the effects of adding new genes into any organism or plant. It has been reported that one genetically engineered food supplement (tryptophan) has killed 37 North Americans and permanently disabled 1500. Many scientists feel that these foods have not been properly tested and pose serious health risks.

Consumers have a right to know whether the food they purchase contains or was produced with genetically engineered material. Thus, the bill seeks to require the labeling of food, meat, and poultry products that contains genetically engineered material. *

Miriam Defensor Santiago
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* This bill was originally filed during 14th Congress, First Regular Session.

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1 AN ACT
2 ESTABLISHING A COMPREHENSIVE PROGRAM TO ENSURE COMPULSORY
3 LABELING AND FAIR PACKAGING OF GENETICALLY ENGINEERED FOOD

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 “Genetically Engineered Food
5 Compulsory Labeling and Fair Packaging Act.”

6 SECTION 2. *Declaration of Policy.* – The State shall enforce compulsory labeling and
7 fair packaging of genetically engineered food to enable the consumer to obtain accurate
8 information as to the nature, quality, and quantity of the contents of the consumer products and
9 to facilitate the consumer’s comparison of the value of such products.

10 SECTION 3. *Definition of Terms.* –As used in this Act:

11 (A) “Genetically Engineered Material” means material derived from any part or a
12 genetically engineered organism, without regard to whether the altered molecular or cellular
13 characteristics of the organism are detectable in the material.

14 (B) “Genetically Engineered Organism” means - (1) an organism that has been altered
15 at the molecular or cellular level by means that are not possible under natural conditions or
16 processes (including but not limited to recombinant DNA and RNA techniques, cell fusion,
17 microencapsulation, macroencapsulation, gene deletion and doubling, introducing a foreign
18 gene, and changing the positions of genes), other than a means consisting exclusively of
19 breeding, conjugation, fermentation, hybridization, in vitro fertilization, or tissue culture; and (2)
20 an organism made through sexual or asexual reproduction (or both) involving an organism

1 described in sub-clause (l), if possessing any of the altered molecular or cellular characteristics
2 of the organism so described.

3 (C) "Meat Food" means a carcass, part of a carcass, meat, or meat food product that is
4 derived from cattle, sheep, swine, goats, horses, mules, or other equines and is capable of use as
5 human food.

6 SECTION 4. *Labeling of Genetically Engineered Material.* –

7 (A) In General - This labeling requirement shall apply to food, poultry, and meat
8 products;

9 (B) All products enumerated in the preceding paragraph, domestically sold, whether
10 manufactured locally or imported, if it contains a genetically engineered material, or was
11 produced with a genetically engineered material, shall provide notices in accordance with the
12 following:

13 (1) A notice as follows: "GENETICALLY ENGINEERED."

14 (2) A notice as follows: "THIS PRODUCT CONTAINS GENETICALLY
15 ENGINEERED MATERIAL, OR WAS PRODUCED WITH A
16 GENETICALLY ENGINEERED MATERIAL."

17 (3) The notice required in clause (1) immediately precedes the notice required
18 in clause (2) and is not less than twice the size of the notice required in
19 clause (2).

20 SECTION 5. *Genetically Engineered Food.* –

21 (A) In General - Food shall be considered to have been produced with a genetically
22 engineered material if -

23 (1) the organism from which the food is derived has been injected or
24 otherwise treated with a genetically engineered material (except that the of
25 manure as a fertilizer for raw agricultural commodities may not be
26 construed to mean that such commodities are produced with a genetically
27 engineered material);

1 (2) the animal from which the food is derived has been fed genetically
2 engineered material; or

3 (3) the food contains an ingredient that is a food to which clause (1) or (2)
4 applies.

5 (B) Exceptions - This paragraph does not apply to food that -

6 (1) is served in restaurants or other establishments in which food is served for
7 immediate human consumption;

8 (2) is processed and prepared primarily in a retail establishment, is ready for
9 human consumption, which is of the type described in clause (A), and is
10 offered for sale to consumers but not for immediate human consumption
11 in such establishment and is not offered for sale outside such
12 establishment; or

13 (3) is a medical food.

14 SECTION 6. *Genetically Engineered Meat.* -

15 (A) In General - A meat food shall be considered to have been produced with a
16 genetically engineered material if -

17 (1) the organism from which the food is derived has been injected or
18 otherwise treated with a genetically engineered material;

19 (2) the animal from which the food is derived has been fed genetically
20 engineered material; or

21 (3) the food contains an ingredient that is a food to which subparagraph (1) or
22 (2) applies.

23 (B) Exceptions - This paragraph does not apply to any meat food that -

24 (1) is served in restaurants or other establishments in which food is served for
25 immediate human consumption; or

26 (2) is processed and prepared primarily in a retail establishment, is ready for
27 human consumption in such establishment, and is not offered for sale
28 outside such establishment.

1 SECTION 7. *Genetically Engineered Poultry Product.* –

2 (A) In General - A poultry product shall be considered to have been produced with a
3 genetically engineered material if -

4 (1) the poultry from which the food is derived has been injected or otherwise
5 treated with a genetically engineered material;

6 (2) the poultry from which the food is derived has been fed genetically
7 engineered material; or

8 (3) the food contains an ingredient that is a food to which subparagraph (1) or
9 (2) applies.

10 (B) Exceptions - This paragraph does not apply to any poultry product that -

11 (1) is served in restaurants or other establishments in which food is served for
12 immediate human consumption; or

13 (2) is processed and prepared primarily in a retail establishment, is ready for
14 human consumption, is offered for sale to consumers but not for
15 immediate human consumption in such establishment, and is not offered
16 for sale outside such establishment.

17 SECTION 8. *Implementing Agencies.* – The provisions of this Act and its implementing
18 rules and regulations shall be enforced by the Department of Health with respect to food; and the
19 Department of Agriculture with respect to products related to agriculture.

20 SECTION 9. *Penalties.* - Any person who shall violate the provisions of this Act shall be
21 subject to a fine of not less than One Thousand Pesos (P1,000.00) but not more than Twenty
22 Thousand Pesos (P20,000.00) or imprisonment of not less than three (3) months but not more
23 than two (2) years, or both, at the discretion of the court.

24 SECTION 10. *Separability Clause.* – If any provision or part thereof is held invalid or
25 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
26 valid and subsisting.

1 SECTION 11. *Repealing Clause.* – Any law, presidential decree or issuance, executive
2 order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent
3 with the provisions of this Act is hereby repealed, modified, or amended accordingly

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

Approved,