

SIXTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
Second Regular Session )



Senate  
Office of the Secretary

'14 JUN 26 P4:57

SENATE  
S. No. **2291**

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

AN ACT  
REQUIRING FOOD MANUFACTURERS TO LABEL THEIR PRODUCTS  
FOR CHOKING HAZARDS

EXPLANATORY NOTE

Choking is the fourth leading cause of accidental death in children under five years of age in the United States. Children under the age of five are at greatest risk for choking injury and death. According to the American Academy of Pediatrics, at least one child dies from choking on food every five days, and more than 10,000 children are taken to hospital emergency rooms each year for food choking incidents.

Toys, household items, and foods can all be a choking hazard. Among children treated in emergency rooms for non-fatal choking incidents, almost 60 percent were food-related. Overall, 13 percent of cases involved swallowing coins and 19 percent involved candy or gum.\*

Toy manufacturers are required to label toys for choking hazards. However, the labeling by food manufacturers of products that pose a big potential choking risk remains voluntary.†

Parents need to be aware of food choking danger. Manufacturers should take the first step and place warning labels on their food. This bill mandates the placement of warning labels on statistically dangerous foods to protect our children from choking hazard.‡

  
MIRIAM DEFENSOR SANTIAGO

\* [http://www.safekids.org/safetytips/field\\_risks/choking-and-strangulation#sthash.2R4roZ9P.dpuf](http://www.safekids.org/safetytips/field_risks/choking-and-strangulation#sthash.2R4roZ9P.dpuf) Last visited on 18 June 2014.

† [http://www.health.ny.gov/prevention/injury\\_prevention/choking\\_prevention\\_for\\_children.htm](http://www.health.ny.gov/prevention/injury_prevention/choking_prevention_for_children.htm) Last visited on 18 June 2014.

‡ This bill was originally filed during the Thirteenth Congress, First Regular Session.



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

1 AN ACT  
2 REQUIRING FOOD MANUFACTURERS TO LABEL THEIR PRODUCTS  
3 FOR CHOKING HAZARDS

4 SECTION 1. *Short Title.* – This Act shall be known as the “Food Choking Prevention  
5 Act.”

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

7 (A) “Choking” means the condition caused by blocking the airways to the lungs, as  
8 with food or swelling of the larynx.

9 (B) “Label” means the display of written, printed or graphic matter on any  
10 consumers product, its immediate container, tag, literature, or other suitable material affixed  
11 thereto for the purpose of giving information as to identity, components, ingredients, attributes,  
12 directions for use, specification, and such other information as may be required by law or  
13 regulations.

14 (C) “BFAD” means the Bureau of Food and Drugs.

15 (D) “OCHE” means the Office of Choking Hazard Evaluation.

16 SECTION 3. *Mandatory Labels on Food Products.* – All food manufacturers shall put  
17 informational labels on their food products which pose a demonstrably high choking risk to  
18 children, before these food products shall be allowed to be sold, offered for sale, or distributed in  
19 the Philippines. The Bureau of Food and Drugs (BFAD) shall confiscate and destroy food  
20 products found to not contain such informational labels. A fine of not less than Twenty Thousand

1 Pesos (P20,000.00) but not more than Fifty Thousand Pesos (P50,000.00) for each violation shall  
2 be meted out to any food manufacturer found violating this section.

3 SECTION 4. *Office of Choking Hazard Evaluation (OCHE).* –

4 (A) *In General.* – There shall be an Office of Choking Hazard Evaluation (OCHE)  
5 established within the Bureau of Food and Drugs (BFAD) which shall promulgate and  
6 implement the provisions of this Act. The BFAD is encouraged to enter into inter-agency  
7 agreements with pertinent agencies in establishing and operating the OCHE.

8 (B) *Recall Authority.* – The OCHE shall have mandatory recall authority of food that  
9 the OCHE determines pose a significant and unacceptable choking hazard to the general public.

10 (C) *Education.* – The OCHE shall produce educational materials on food choking  
11 hazards, precautions, and life-saving procedures that shall be provided to pediatricians, hospitals,  
12 daycare centers, preschools, and schools to distribute to children aged 14 years old and younger  
13 and their parents or guardians. The OCHE shall designate one week a year as “National Child  
14 Food Choking Prevention Week,” and shall widely publicize choking hazards and life-saving  
15 procedures during the time period. Child safety, as well as infant and cardiopulmonary  
16 resuscitation (CPR) classes, shall be made widely available throughout the designated week.

17 SECTION 5. *Database of Complaints.* – The BFAD, in consultation with other pertinent  
18 agencies, shall ensure that there is in operation a national database of food choking incidents.

19 The BFAD shall provide for an adequate reporting system throughout its field offices,  
20 which members of the health care profession and general public can readily access to report new  
21 incidents.

22 SECTION 6. *Reports to Congress.* – The BFAD shall regularly submit reports to the  
23 appropriate committees of the Senate and the House of Representatives regarding the  
24 implementation of this Act.

1           SECTION 7. *Separability Clause.* – If any provision or part hereof is held invalid or  
2   unconstitutional, the remainder of the law or the provision not otherwise affected shall remain  
3   valid and subsisting.

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

7           SECTION 9. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its  
8   publication or in at least two (2) newspapers of general circulation.

Approved,

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