

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



Senate
Office of the Secretary

SENATE
S. B. No. **2783**

15 MAY 25 P6:14

Introduced by Senator Maria Lourdes Nancy S. Binay

RECEIVED BY: _____

AN ACT MANDATING THE POSTING OF NUTRITIONAL INFORMATION ON MENU
ITEMS OF FOOD SERVICE ESTABLISHMENTS

EXPLANATORY NOTE

In 1993, the nationwide nutrition survey conducted by the Food and Nutrition Research Institute of the Department of Science and Technology (“FNRI-DOST”) showed that 14% of Filipinos 20 years old and above are overweight, while 2.6% are obese. Converted to absolute figures, there are 5.7 million Filipino adults who were either overweight or obese, an alarming increase of 63% from figures from just the 1980s.

Fast forward to the 21st century, and a 2011 survey by FNRI-DOST showed that a disturbing 22.3% of Filipino adults are overweight while 6.1% are obese. Furthermore, studies report that prevalence of overweight Filipinos is expected to still increase significantly by 2015, which translates to even more health problems ahead. If this distressing trend continues, it is highly likely that more will suffer from lifestyle-related, high risk diseases that could lead to death.

Potentially fatal conditions associated with obesity include Type 2 diabetes, coronary heart disease, cancers, and gall bladder disease. As many as 80% of people with Type 2 diabetes are obese at the time of diagnosis. Obesity is likewise a significant independent risk factor for coronary heart disease or CHD and is the third most vital predictor of CHD in men. Hypertension is typically linked to obesity due to high fat and sodium intake in the diet and insulin insensitivity. It has been estimated that the prevalence of hypertension in obese patients is nearly three times than that of non-obese individuals. Hyperlipidemia, or the increasing quantities of fat in the blood, is common too in obese people as a result of high fat intake.

Cancer of the endometrium, cervix, ovary, breast, and prostate has been shown to be more prevalent in patients who are clinically obese. The frequency of gall bladder disease increases as weight increases, with gallstones occurring three to four times more often in the obese compared to those with normal weights.

Data also show correlation between excessive body weight and an increased incidence of gall bladder inflammation, particularly in overweight women.

As overweight and obesity pose health problems to the country, people need to be informed of the risks, prevention, and treatment before productivity will be hampered by poor health and loss of life.

Recently, some experts recognized Internet addiction, in which individuals spend an excessive amount of time online, as an evolving medical condition. In the age of the internet, Twitter, and Facebook, obesity will continue to rise due to the lack of physical activity with increase of unhealthy eating patterns—high intake of French fries, burgers, pizza, sweetened beverages, junk foods.

Restaurants (herein used interchangeably with “food service establishments” or (“FSE”) have become an important source of daily food intake for Filipinos. In fact, fast food retains its position as the largest and the fastest-growing category in the Philippine consumer foodservice industry.

Considering the foregoing, assuring safe and healthy dining options should be a top public health priority.

Studies report that nutrition labeling works and is supported by consumers and leading health experts. In fact, surveys revealed that consumers do read food labels where available, and that nutrition information on food labels has caused them to change their food purchasing habits.

Nutrition labeling on most food products for sale in groceries facilitates informed choice, but consumers lack such essential information to make healthy choices when eating in restaurants. Calorie information, if provided at the time of food selection, would allow consumers to make more informed choices. Accordingly, this bill proposes to require that information on calorie content values of menu items be available to patrons of FSEs at the time of ordering.

By mandating the posting of nutritional information concerning restaurant menu items’ calorie contents, so that such information is accessible at the time of ordering, this proposed piece of legislation will allow individuals to make more informed choices that can decrease their risk for the negative health effects of overweight and obesity associated with excessive calorie intake. The goal is to use conveniently available nutrition information in addressing both individual behavior and the community environment.

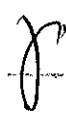
In view of the foregoing, the timely passage of this bill is earnestly recommended.



MARIA LOURDES NANCY S. BINAY

Senator

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1 AN ACT MANDATING THE POSTING OF NUTRITIONAL INFORMATION ON MENU
2 ITEMS OF FOOD SERVICE ESTABLISHMENTS
3

4 *Be it enacted by the Senate and House of Representatives of the Philippines in Congress*
5 *assembled:*
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7 **SECTION 1. Short Title.** This act shall be known as the “Mandatory Nutritional Labeling By
8 Food Service Establishments Act of 2015.”
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10 **SECTION 2. Declaration of Policy.** The World Health Organization has now recognized
11 obesity to be epidemic. The Food and Nutrition Research Institute of the Department of
12 Science and Technology stated that the problem of obesity is increasing in an alarming rate in
13 the Philippines where seven (7) out of ten (10) women and one (1) out of ten (10) men are
14 affected thereby. The modern conveniences brought about by technology have encouraged
15 decreased physical activity coupled with an increase of unhealthy eating patterns.
16

17 It has always been the policy of the State to protect and promote the right to health of the
18 people and instill health consciousness among them. Toward this end, it is hereby declared
19 the policy of the State to encourage consumer education by making conveniently available
20 nutrition information of menu items sold by covered food service establishments.
21

22 **SECTION 3. Definition of Terms.** As used in this Act, the following terms are defined as
23 follows:
24

- 25 a. Covered Food Service Establishment - Any food service establishment which
26 belong to a group of ten (10) or more food service establishments that operate
27 under common ownership or are individually franchised, whether nationally or
28 internationally, or do business under the same name;
29
- 30 b. Menu – Is a list or pictorial display of a food item or items and their prices. This
31 includes take-out menus and may include promotional signages, posters, and
32 other similar items within the establishment, including those positioned at or
33 prior to drive-through windows.
34
- 35 c. Menu Item – Is an individual food or beverage item, or combination of items,
36 that is listed or displayed on a menu board or menu, depicted on any other list of
37 pictorial display, that includes prices and is visible within the food service
38 establishment;
39

1 d. Department – The Department of Health;

2
3 **SECTION 4. Calorie labeling.**

4
5 (A) *Calorie information for menu items.* Covered food service establishments shall post on
6 menu boards and menus the calorie content values (in kilocalories) of each menu item next to
7 the listing of said menu item. The term “calories” or “cal” shall appear as a heading above a
8 column listing the calorie content value of each menu item, or adjacent to the calorie content
9 value for each menu item, in the same or larger typeface as the calorie content values for
10 individual menu items.

11
12 (1) *Menu boards.* On menu boards, calorie content values shall be posted in a size
13 and typeface at least as large as the name of the menu item or price, whichever is
14 larger.

15
16 (2) *Menus.* On printed menus, calorie content values shall be legible and shall be
17 printed in a size and typeface at least as large as the name or price of the menu item.

18
19 (B) *Range of calorie content values with different flavors and varieties.* For menu items that
20 come in different flavors and varieties but that are listed as a single menu item, the range of
21 calorie content values showing the minimum to maximum numbers of calories for all flavors
22 or varieties of that item shall be listed on menu boards and menus for each size offered for
23 sale.

24
25 **SECTION 5. Calculation of calorie content values.** The mandated calorie count information
26 must reflect the standard preparation of each menu item as served to the consumer. The
27 calorie count must be based on a certifiable analysis of the menu item, which may include
28 laboratory testing, use of nutrient databases or any other reliable procedure of analysis.
29 Calorie labels are to be rounded off to the nearest ten (10) calories for calorie counts above
30 fifty (50) and to the nearest five (5) calories for calorie counts at or below fifty (50).

31
32 **SECTION 6. Penalties.** The failure of any covered food service establishment to comply
33 with the provisions of this Act and its Implementing Rules and Regulations within one (1)
34 year from the effectivity hereof shall subject the same to the following penalties:

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36 a. First (1st) Violation – A fine of One Million Five Hundred Thousand Pesos
37 (P1,500,000.00) with a warning to comply with the provisions of this Act within
38 one (1) year from the discovery of the covered institution’s failure to comply;

39
40 b. Second (2nd) Violation – A fine of Two Million Pesos (P2,000,000.00) with a
41 second warning to comply with the provisions of this Act within one (1) year
42 from the discovery of the covered institution’s failure to comply with the first
43 warning; and

44
45 c. Third (3rd) Violation – A fine of Two Million Five Hundred Thousand Pesos
46 (P2,500,000.00) with a final warning to comply with the provisions of this Act
47 within one (1) year from the discovery of the covered institution’s failure to
48 comply with the second warning and possible revocation of business permit to
49 operate within the concerned local government unit.

50
51 The fines imposed under this provision shall be paid to the Department, which shall utilize
52 the same to initiate and execute campaigns relating to nutrition education in public schools.

1 **SECTION 7. *Implementing Rules and Regulations.*** The Department of Health shall issue the
2 necessary implementing rules and regulations within ninety (90) days from the approval of
3 this Act.

4
5 **SECTION 8. *Repealing Clause.*** All laws, decrees, orders, rules and regulations, or portions
6 thereof, inconsistent with this Act are hereby repealed or modified accordingly.

7
8 **SECTION 9. *Separability Clause.*** Should any part or provision of this Act be declared
9 unconstitutional or invalid, other parts or provisions hereof not otherwise affected thereby
10 shall remain in full force and effect.

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

14
15 **Approved,**