

SENATE

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SENATE BILL NO. 1621

Introduced by **SENATOR LEILA M. DE LIMA**

AN ACT
REQUIRING THE DISCLOSURE OF NUTRITIONAL INFORMATION IN
MENUS OF FOOD SERVICE ESTABLISHMENTS

Explanatory Note

The Constitution mandates that the State protect and promote the right to health of the people and instill health consciousness among them. (Sec. 15, Art. II)

The 8th National Nutrition Survey conducted by the Food and Nutrition Research Institute in 2013 revealed that three out of ten or 31 percent of Filipino adults are overweight or obese. Likewise, the percentage of adults with high waist circumference is rising, particularly among females. In the same report, 22.3 percent of the adult population is considered hypertensive and hypertension prevalence tends to increase with wealth and is slightly higher among rural versus urban residents. Meanwhile, diabetes prevalence is at 5.4 percent and increases among the rich and urban dwellers.

Weight gain occurs when more calories are consumed than are expended. Eating out, and eating extra calories while eating out, contribute disproportionately to the excess calorie intake that fuels the rise in incidence of obesity. Obesity increases the risk of diabetes, heart disease, stroke, some cancers, and other health problems.

The increase in consumption of away-from-home foods has been facilitated by the expansion of fast food and restaurant chains, which serve food that is easily available, inexpensive, and high in calories. 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.

To address the problems of obesity and improper nutrition among Filipinos, this bill mandates the disclosure of caloric and nutritional information in menus of food service establishments. Nutrient content information provided at the time of food selection in food service establishments would enable consumers to make more informed and healthier food choices, promote health awareness and proper dieting,

and assist consumers who are monitoring their diets or dealing with chronic diseases, such as cardiovascular disease and diabetes.

In view of the foregoing, early approval of this measure is requested.


LEILA M. DE LIMA

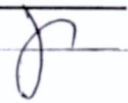
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AN ACT
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Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 **Section 1. Short Title.** – This Act shall be known as the “Nutritional Information
2 Disclosure Act of 2017”.

3 **Sec. 2. Declaration of Policy.** – The State shall protect and promote the right of health
4 of the people and instill health consciousness among them. As such, it recognizes the
5 need to disclose nutritional facts for food and beverages made available to the public
6 in order to sufficiently instill a sense of health consciousness among the populace.

7 **Sec. 3. Definition of Terms.** – As used in this Act, the term

8 A. “Calorie content information” means the total number of calories per standard
9 menu item, as that item is usually prepared and offered for sale;

10 B. “Covered food service establishment” is a food service establishment that is one
11 of a group of 15 or more food service establishments doing business nationally,
12 offering for sale substantially the same menu items, in servings that are
13 standardized for portion size and content, that operate under common

1 ownership or control, or as franchised outlets of a parent business, or do
2 business under the same name;

3 C. "Drive-thru" means an area where a customer may provide an order for and
4 receive standard menu items while occupying a motor vehicle;

5 D. "Menu" shall mean a printed list or pictorial display of a food item or items, and
6 their price(s), that are available for sale from a covered food service
7 establishment and shall include menus distributed or provided outside of the
8 establishment;

9 E. "Menu board" shall mean any list or pictorial display of a food item or items
10 and their price(s) posted in and visible within a covered food service
11 establishment or outside of a covered food service establishment for the
12 purpose of ordering from a drive-through window;

13 F. "Standard menu item" shall mean any individual food item, or combination of
14 food items, listed or displayed on a menu board or menu that is offered for sale
15 or sold by a covered food service establishment through a menu, menu board,
16 or display tag at least 180 days per calendar year;

17 G. "Nutritional information" includes, but is not limited to, all of the following, per
18 menu item:

19 a. Total number of calories

20 b. Total number of grams of carbohydrates

21 c. Total number of grams of saturated fat

22 d. Total number of grams of protein

23 e. Total number of milligrams of sodium

24 H. "Reasonable basis" means any reasonable means recognized by the Department
25 of Health in determining nutritional information, as well as calorie content

1 information, for a menu item, as usually prepared and offered for sale,
2 including, but not limited to, nutrient databases and laboratory analyses; and

3 I. "Department" refers to the Department of Health.

4 **Sec. 4. Menu Labeling.** – Covered food service establishments shall disclose in a clear
5 and conspicuous manner on their menus and menu boards the calorie content
6 information, which shall be displayed adjacent to the name of the standard menu item,
7 so as to be clearly associated with such item. In the case of display tags, the calorie
8 content information of the standard menu item identified on the display tag shall be
9 stated thereon.

10 For the other nutritional information of the standard menu items, as well as the
11 suggested daily caloric intake of the average Filipino as specified by the Secretary of
12 Health through the implementing rules and regulations to be issued pursuant to this
13 Act, covered food service establishments shall disclose the information in a clear and
14 conspicuous manner on a brochure that is made available at the point of sale prior to
15 or during the placement of an order.

16 In the case of food sold at a salad bar, buffet line, cafeteria line, or similar self-service
17 facility, and for self-service beverages or food that is on display and that is visible to
18 customers, a covered food service establishment shall place adjacent to each food
19 offered a sign that lists calories per displayed food item or per serving.

20 The disclosure of calorie content information on a menu or menu board next to a
21 standard menu item that is a combination of at least two standard menu items on the
22 menu or menu board, shall, based upon all possible combinations for that standard
23 menu item, include both the minimum and maximum amount of calories for the

1 calorie count information. If there is only one possible total amount of calories, then
2 this total shall be disclosed.

3 The disclosure of calorie content information next to a standard menu item that is
4 intended to serve more than one individual, shall include the number of individuals
5 intended to be served by the standard menu item and the calorie content information
6 per individual serving.

7 The nutritional information and calorie content information required by this section
8 shall be determined on a reasonable basis. A reasonable basis determination of
9 nutritional information and calorie content information shall be required only once
10 per standard menu item, provided that portion size is reasonably consistent and the
11 covered food service establishment follows a standardized recipe and trains to a
12 consistent method of preparation.

13 **Sec. 5.** *Disclosure in Drive-thru Food Service Establishments.* – A covered food
14 service establishment that has a drive-thru area and uses a menu board to display or
15 list standard menu items at the point of sale shall, for purposes of the drive-thru area
16 only, disclose the nutritional information in a clear and conspicuous manner on a
17 brochure that is available upon request, and shall conspicuously display a notice at the
18 point of sale that reads: “NUTRITION INFORMATION IS AVAILABLE UPON
19 REQUEST” or other similar statement that indicates the disclosure of nutrition
20 information is available upon request.

21 **Sec. 6.** *Noncompliance with Menu Labeling Requirement.* – The following shall be
22 considered non-compliance with menu labeling:

23 (1) The sale of any food or beverage item by covered establishments without the
24 required calorie content information, suggested daily calorie intake, and

1 availability of nutritional information displayed on the menu, menu board, or
2 display tag;

3 (2) The sale of any food or beverage item by covered establishments without the
4 availability of the required nutritional information for all standard menu items;

5 (3) The declaration of calorie content information and nutritional information
6 without reasonable basis therefor; and

7 (4) The misbranding or erroneous disclosure of calorie content information and
8 nutritional information of standard menu items.

9 **Sec. 7. Penalties.** – The Department, after notice and hearing, shall impose any or all
10 of the following administrative sanctions in cases of noncompliance:

11 a. Suspension of business operations of the non-complying branch or branches of
12 the covered food service establishment for such period of time as determined
13 by the Department; and

14 b. A fine of not less than Three Hundred Thousand Pesos (Php 300,000.00) for
15 the first violation; not more than Six Hundred Thousand Pesos (Php
16 600,000.00) for the second violation; and not more than One Million Pesos
17 (Php 1,000,000.00) for the third violation for every non-complying branch.

18 **Sec. 8. Implementing Rules and Regulations.** – Within six (6) months from the date
19 of effectivity of this Act, the Department of Health, in consultation with other
20 concerned agencies, non-governmental organizations, private sector and consumer
21 groups involved in nutrition, shall promulgate the necessary implementing rules and
22 regulations to implement the provisions of this Act.

1 **Sec. 9. Separability Clause.** - If any provision of this Act is declared invalid or
2 unconstitutional, the provisions not affected thereby shall continue to be in full force
3 and effect.

4 **Sec. 10. Repealing Clause.** - All laws, executive orders, presidential decrees,
5 presidential proclamations, letters of instruction, rules and regulations or parts
6 thereof inconsistent with the provisions of this Act are hereby repealed or modified
7 accordingly.

8 **Sec. 11. Effectivity.** - This Act shall take effect within fifteen (15) days following its
9 publication in the Official Gazette or in two (2) newspapers of general circulation in
10 the Philippines.

11 Approved,