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SENATE

S. B. NO. 348

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Introduced by **SENATOR JOEL VILLANUEVA**

**AN ACT
REQUIRING THE DISPLAY OF CALORIE AND OTHER
NUTRITIONAL INFORMATION IN MENUS OF FOOD SERVICE
ESTABLISHMENTS AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

In the past decade, cardiovascular diseases have been one of the leading cause of mortality among Filipinos, which is largely attributed to an unhealthy lifestyle. In addition, an unhealthy lifestyle also contributes to an increase in body mass index, which in turn, increases the risk for non-communicable diseases. According to a 2017 report, there are approximately 18 million Filipinos who are obese and overweight. In 2016, the Philippines spent between US\$500 Million to US\$1 Billion for obesity-related problems, which are largely due to a huge spike in the incidence of related non-communicable diseases such as Type 2 diabetes, cancer, cardiovascular diseases and stroke.¹

Thus, there is a need to create policies that would encourage people to have a healthier lifestyle and a mechanism to inform them of the calorie content and nutritional information of the food they take. With the pressure of work and the family, Filipinos often resort to eat out, whose food items usually have more calories, sodium and saturated fat.

¹ 2017, July 20. Obese Filipinos now ballooning. Retrieved from: <https://businessmirror.com.ph/2017/07/20/obese-filipinos-now-ballooning/> (date last accessed: July 7, 2019).

To address the problems of obesity and improper nutrition among Filipinos and to encourage them to have a healthier lifestyle, this bill requires the disclosure of calorie content in menus of food service establishments. Written nutritional information may also be provided to the customer upon request. This bill requires covered food establishments to prominently display this information so that customers will be able to make a more informed decision towards a proper and healthier lifestyle.


The immediate passage of this bill is earnestly sought.


SENATOR JOEL VILLANUEVA

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

- 1 **SECTION 1. Short Title.** – This Act shall be known as the "Menu Labeling
2 Act."
3
- 4 **SEC. 2. Definition of Terms.** – For purposes of this Act, the following terms
5 are hereby defined:
6
- 7 a. **Calorie content information** refers the total number of calories per
8 standard menu item, as that item is usually prepared and offered for
9 sale;
10
- 11 b. **Covered food establishment** refers to any food establishment that is
12 part of a group of fifteen (15) or more food service establishments doing
13 business under common ownership or control, or as franchised outlets of
14 a parent business, or that do business under the same name or that
15 voluntarily register with the Food and Drug Administration (FDA) to be
16 covered;
17
- 18 c. **Food** refers to a unit serving of ready-to-eat food or beverage for sale in
19 a restaurant or food service establishment;
20
- 21 d. **Food-on-display** refers to food offered for sale that is visible to a
22 customer before making selection, and needs no further preparation
23 before consumption;

- 1 e. **Menu** refers to a printed list or pictorial display of a food item or items,
2 and their price(s), that are available for sale from a covered food service
3 establishment and shall include menus distributed or provided outside of
4 the establishment, specialty menus, such as drink and dessert menu,
5 drive-thru and online menus;
6
- 7 f. **Menu Board** refers to any list or pictorial display of a food item or items
8 and their price(s) posted in and visible within a covered food service
9 establishment;
10
- 11 g. **Standard Menu Item** refers to any individual food item or combination of
12 food items that is routinely listed on a menu or menu board, or routinely
13 offered for sale by a covered food service establishment.
14

15 **SEC. 3. Disclosure of Calorie and Nutritional Information.** – Covered food
16 establishments shall disclose and display the calorie content information of
17 each standard menu item on their menus and menu boards as usually
18 prepared and sold to the public. The calorie content information must be
19 prominently and distinctly displayed adjacent to the name or price of the menu
20 item in a type size no smaller than that of the name or price of the menu item,
21 whichever is smaller.
22

23 Food establishments offering self-service food and food-on-display shall post
24 the nutrient content information of such food on a sign adjacent to such food.
25

26 In addition, menu and menu boards of all covered establishment must
27 prominently display the following: “Additional nutrition information available
28 upon request.” Such statement must appear prominently on the bottom of the
29 menu board and may also be placed on signs, posters, tray liners, counter
30 cards, handouts, binders, kiosks, or computer, as appropriate.
31

32 The written nutritional information shall indicate the amount of each nutrient,
33 including, but not limited to, the following:
34

- 35 a) Total fat;
36 b) Saturated fat;
37 c) Cholesterol;
38 d) Sodium;
39 e) Total carbohydrates;
40 f) Complex carbohydrates;
41 g) Sugars;
42 h) Dietary fiber; and
43 i) Total protein
44

45 Notwithstanding anything to the contrary, the mandatory disclosure and
46 display of calorie and nutrition information as required under this Section shall
47 not apply to custom orders prepared in a specific manner based on
48 customer’s request, temporary menu item which appear in the establishment’s

1 menu board for less than thirty (30) days per year, general use condiments,
2 and foods that are part of a customary market test or temporary menu items.

3
4 **SEC. 4. Calorie Content Information.** – The calorie content information of
5 each standard menu item shall be expressed to the nearest five-calorie
6 increment up to and including fifty (50) calories, to the nearest ten-calorie
7 increment above fifty calories. For foods that have fewer than five (5) calories,
8 the declaration may be expressed as zero (0).

9
10 **SEC. 5. Transitory Period and Disclosure Compliance Certificate.** –
11 Covered establishments shall have a period of one (1) year from the approval
12 of this Act to comply with the requirements herein provided. Thereafter, all
13 covered establishments must obtain a Nutritional Disclosure Compliance
14 Certificate (NDCC) from the Department of Health (DOH). The NDCC shall be
15 valid for two (2) years from the date of issuance and may be renewed at least
16 thirty (30) days before its expiration. The DOH may refuse to renew the NDCC
17 of a covered establishment in the event of violation or non-compliance of any
18 provisions of this Act.

19
20 Failure of any restaurant or fast food chain establishment to secure a NDCC
21 shall be a ground for the suspension or revocation of its license to operate.

22
23 **SEC. 6. Penalties.** – DOH, after notice and hearing, shall impose a fine of not
24 less than Twenty Thousand Pesos (P20,000.00) but not more than Two
25 Hundred Fifty Thousand Pesos (P250,000.00) upon any covered
26 establishment that fail to comply with the requirements under this Act, or that
27 is found to have knowingly declared false or inaccurate nutrition information
28 regarding the amount of calories or nutrients contained in each standard
29 menu item.

30
31 **SEC. 7. Implementing Rules and Regulations.** – Within sixty (60) days from
32 the effectivity of this Act, the DOH and the FDA, in consultation with relevant
33 stakeholders, shall issue the rules and regulations for the effective
34 implementation of this Act.

35
36 **SEC. 8. Separability Clause.** – If any provision of this Act or any part thereof
37 shall be declared unconstitutional or invalid, the other provisions, as far as
38 they are separable, shall remain in force and effect.

39
40 **SEC. 9. Repealing Clause.** – All laws, decrees, orders, rules and regulations
41 or parts thereof which are inconsistent with the provisions of this Act are
42 hereby repealed, amended or modified accordingly.

43 **SEC. 10. Effectivity.** – This Act shall take effect fifteen (15) days after its
44 publication in the Official Gazette or in at least two (2) newspapers of general
45 Circulation.

46 **Approved,**