

SENATE

S. No. 854

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Introduced by **SENATOR LEILA M. DELIMA**

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RECEIVED BY:

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

**EXPLANATORY NOTE**

Article II, Section 15 of the 1987 Constitution mandates that “[t]he State shall protect and promote the right to health of the people and instill health consciousness among them.”

According to the research presented in the European Congress on Obesity, by 2045, almost a quarter of the global population will be obese.<sup>1</sup> On the other hand, the 8<sup>th</sup> 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 hypertensive and hypertension prevalence was seen among the adult population. These statistics are found to be slightly higher among rural versus urban residents. Diabetes prevalence is at 5.4 percent and increases drastically among the rich and urban dwellers. This coincides with the results of the 2015 study conducted by the Asia Roundtable Food Innovation for Improved Nutrition (ARoFIIN) through their Economist Intelligence Unit, which states that the Philippines recorded an obesity prevalence of 5.1 percent with 23.6 percent of Filipinos being overweight and with 24

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<sup>1</sup> Fottrell, Quentin. MarketWatch. *Almost a quarter of the world's population will be obese by 2045*. 26 March 2018. Retrieved from <https://www.marketwatch.com/story/almost-a-quarter-of-the-worlds-population-will-be-obese-by-2045-2018-05-24>

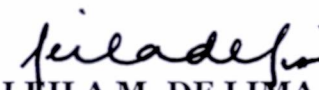
percent increase between 2010 to 2014<sup>2</sup>. The same study stated that the Philippines has been affected as the worst in terms of reduction in productive years among obese males with 8 to 12 years decrease<sup>3</sup>.

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. Those who are less aware of the need for proper dieting are left oblivious of the nutritional values that they intake, which would potentially cause detrimental effects on their health in the long run.

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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<sup>2</sup> Tacio, Henrylito, D. Business Mirror. *Obese Filipinos now ballooning*. 20 July 2017. Retrieved from <https://businessmirror.com.ph/2017/07/20/obese-filipinos-now-ballooning/>

<sup>3</sup> *Ibid*





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**REQUIRING THE DISCLOSURE OF NUTRITIONAL INFORMATION IN**  
**MENUS OF FOOD SERVICE ESTABLISHMENTS**

*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  
2       Information Disclosure Act of 2019”.

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

8       Sec. 3. *Definition of Terms.* – As used in this Act:

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

11       B. *Covered food service establishment* – a food service establishment that is one  
12       of a group of 15 or more food service establishments doing business  
13       nationally, offering for sale substantially the same menu items, in servings  
14       that are standardized for portion size and content, that operate under  
15       common ownership or control, or as franchised outlets of a parent business,  
16       or do business under the same name;

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

- 1 D. *Menu* – shall mean 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 the  
4 establishment;
- 5 E. *Menu board* – shall mean any list or pictorial display of a food item or items  
6 and their price(s) posted in and visible within a covered food service  
7 establishment or outside of a covered food service establishment for the  
8 purpose of ordering from a drive-through window;
- 9 F. *Standard menu item* – shall mean any individual food item, or combination of  
10 food items, listed or displayed on a menu board or menu that is offered for  
11 sale or sold by a covered food service establishment through a menu, menu  
12 board, or display tag at least 180 days per calendar year;
- 13 G. *Nutritional information* – includes, but is not limited to, all of the following,  
14 per menu item:
- 15 a. Total number of calories
  - 16 b. Total number of grams of carbohydrates
  - 17 c. Total number of grams of saturated fat
  - 18 d. Total number of grams of protein
  - 19 e. Total number of milligrams of sodium
- 20 H. *Reasonable basis* -- means any reasonable means recognized by the  
21 Department of Health in determining nutritional information, as well as  
22 calorie content information, for a menu item, as usually prepared and offered  
23 for sale, including, but not limited to, nutrient databases, professional and  
24 laboratory analyses; and
- 25 I. *Department* – refers to the Department of Health.

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

32 For the other nutritional information of the standard menu items, as well as  
33 the suggested daily caloric intake of the average Filipino as specified by the Secretary



1 of Health through the implementing rules and regulations to be issued pursuant to  
2 this Act, covered food service establishments shall disclose the information in a clear  
3 and conspicuous manner on a brochure that is made available at the point of sale  
4 prior to or during the placement of an order. The same information shall also be  
5 made accessible in the website of the covered food service establishment, if available.

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

10 The disclosure of calorie content information on a menu or menu board next  
11 to a standard menu item that is a combination of at least two standard menu items  
12 on the menu or menu board, shall, based upon all possible combinations for that  
13 standard menu item, include both the minimum and maximum amount of calories  
14 for the calorie count information. If there is only one possible total amount of  
15 calories, then this total shall be disclosed.

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

20 The nutritional information and calorie content information required by this  
21 section shall be determined on a reasonable basis. A reasonable basis determination  
22 of nutritional information and calorie content information shall be required only  
23 once per standard menu item, provided that portion size is reasonably consistent and  
24 the covered food service establishment follows a standardized recipe and trains to a  
25 consistent method of preparation.

26 *Sec. 5. Disclosure in Drive-thru Food Service Establishments.* – A covered  
27 food service establishment that has a drive-thru area and uses a menu board to  
28 display or list standard menu items at the point of sale shall, for purposes of the  
29 drive-thru area only, disclose the nutritional information in a clear and conspicuous  
30 manner on a brochure that is available upon request, and shall conspicuously display  
31 a notice at the point of sale that reads: “NUTRITION INFORMATION IS

1 AVAILABLE UPON REQUEST” or other similar statement that indicates the  
2 disclosure of nutrition information is available upon request.

3       Sec. 6. *Non-compliance with Menu Labeling Requirement.* – The following  
4 shall be considered non-compliance with menu labeling:

- 5       (1) The sale of any food or beverage item by covered establishments without the  
6       required calorie content information, suggested daily calorie intake, and  
7       availability of nutritional information displayed on the menu, menu board, or  
8       display tag;
- 9       (2) The sale of any food or beverage item by covered establishments without the  
10      availability of the required nutritional information for all standard menu  
11      items;
- 12      (3) The declaration of calorie content information and nutritional information  
13      without reasonable basis therefor; and
- 14      (4) The misbranding or erroneous disclosure of calorie content information and  
15      nutritional information of standard menu items.

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

- 18      a. Suspension of business operations of the non-complying branch or branches  
19      of the covered food service establishment for such period of time as  
20      determined by the Department; and
- 21      b. A fine of not less than One Hundred Thousand Pesos (Php 100,000.00) for  
22      the first violation; not more than Five Hundred Thousand Pesos (Php  
23      500,000.00) for the second violation; and not more than One Million Pesos  
24      (Php 1,000,000.00) for the third violation for every non-complying branch.

25       Sec. 8. *Implementing Rules and Regulations.* – Within six (6) months from  
26 the date of effectivity of this Act, the Department of Health, in consultation with  
27 other concerned agencies, non-governmental organizations, private sector and  
28 consumer groups involved in nutrition, shall promulgate the necessary implementing  
29 rules and 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  
9 its publication in the Official Gazette or in two (2) newspapers of general circulation  
10 in the Philippines.

Approved,