



**SENATE**  
S. No. 976

'19 AUG 28 A10 :49

Introduced by Senator Manuel "Lito" M. Lapid

RECEIVED BY: 

**AN ACT  
REQUIRING THE DISCLOSURE OF FOOD ALLERGEN INFORMATION ON  
MENUS AND BOARDS OF FOOD ESTABLISHMENTS AND RAISING  
AWARENESS ON FOOD ALLERGENS**

EXPLANATORY NOTE

Food allergy is defined as "an abnormal response to a food triggered by your body's immune system."<sup>1</sup> On a global scale, it is estimated that 2.5% of the general population is affected by food allergies<sup>2</sup>. However, there is some degree of inaccuracy to this data considering that there are problems pertaining to the accurate determination of prevalence of food allergy. In fact, in the Philippine context, there is a lack of accurate and up-to-date evidenced-based data on food allergy and how it affects different demographic groups. A study published in 2013 revealed that in the Philippines 5.12% and 2.29% of the population aged 14-16 years old are suffering from shellfish and fish allergy, respectively; while 0.43% of the same age group have peanut allergy<sup>3</sup>. However, the paucity of statistical information cannot negate the fact that food allergy is a major health and nutritional problem as it can cause severe symptoms or even life-threatening conditions such as anaphylaxis or a drastic drop in blood pressure.<sup>4</sup>

<sup>1</sup> <https://medlineplus.gov/foodallergy.html>

<sup>2</sup> <https://www.worldallergy.org/education-and-programs/education/allergic-disease-resource-center/professionals/food-allergy>

<sup>3</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3563019/>

<sup>4</sup> <https://www.mayoclinic.org/diseases-conditions/food-allergy/symptoms-causes/syc-20355095>

Unfortunately, it is commonplace that most restaurants and food establishments in our country do not provide sufficient warning signs and indications regarding the presence of allergens in the food and beverages that they serve to their customers. Seldom do we see menus that accurately and completely reveal allergen information. This bill seeks to remedy this situation by requiring the full disclosure of food allergen information on menus, menu boards and display tags of food establishments. To ensure strict compliance, penalties will be imposed upon covered establishments who fail to comply with the labelling requirements mandated by this legislative measure. This bill also proposes the implementation of nation-wide campaign to promote public awareness on the nature, causes and symptoms of food allergy and how its serious, life-threatening complications can be prevented.

In view of the foregoing, passage of this bills is earnestly sought.

  
**MANUEL "LITO" M. LAPID**  
*Senator* 

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**FOOD ALLERGENS**

*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 "Food Allergen Awareness  
2 and Labeling Act".

3 Sec. 2. *Declaration of Policy.* – Section 15 of Article II of the Constitution provides  
4 that the State shall protect and promote the right of health of the people and instill health  
5 consciousness among them. The State recognizes the need for food establishments to  
6 disclose ingredients and chemical substances that pose a health risk and danger to its  
7 consumers.

8 Sec. 3. *Definition of Terms.* – As used in this Act, unless otherwise indicated:

9 (a) "Food Allergen" is any food or ingredient known to cause hypersensitivity that  
10 contains protein derived from any of, but not limited to, the following: milk, egg, fish  
11 (e.g. bass, flounder or cod), crustacean shellfish (e.g. crab, lobster, shrimp), tree nuts  
12 (e.g. almonds, pecans, or walnuts), wheat, peanuts and soybeans.

13  
14 (b) "Menu" means printed list or pictorial display of food or beverages items offered for  
15 sale by a food establishment.

16  
17 (c) "Menu board" means posted list or pictorial display of food or beverages items  
18 offered for sale by a food establishment, including a drive-through menu board;

1  
2 (d) "Display tag" means an identification card for food or beverages on display case and  
3 offered for sale by a food establishment.

4  
5 (e) "Point of sale" means the location where a customer makes an order.  
6

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

12 Sec. 5. *Self-service Food and Food Display.* – In the case of food sold at a salad bar,  
13 buffet line, cafeteria line, or self-service facility, and for self-service beverages or food that is  
14 on display and that is visible to customers, a food establishment shall adjacent to each food  
15 offered a sign that food allergen information per displayed food item per serving.

16 Sec. 7. *Covered Establishments.* – All fast food chains and restaurants with not less  
17 than five (5) branches shall comply with the menu labeling required under this Act.

18 Sec. 8. *Noncompliance with Food Allergen Labeling Requirement.* – The following  
19 shall be considered non-compliance with the labeling required under this Act:

- 20 a) The sale of any food or beverage item by covered establishments without the  
21 required food allergen information displayed on the menu, menu board, or  
22 display tag;  
23 b) The sale of any food or beverage item by covered establishments without the  
24 availability of the required food allergen information for all standard menu items;  
25 and  
26 c) The misbranding or erroneous disclosure of food allergen information of standard  
27 menu items.

28 Sec. 9. *Penalties.* – The DOH through the BFAD and in coordination with other  
29 concerned government agencies, after notice and hearing, shall impose any or all of the  
30 following administrative sanctions in cases of noncompliance:

- 31 (a) Suspension of registration; and  
32 (b) A fine of not less than Three Hundred Thousand Pesos (Php300,000.00) for  
33 the first violation; not more than Six Hundred Thousand Pesos  
34 (Php600,000.00) for the second violation; and not more than One Million  
35 Pesos (Php1,000,000.00) for the third violation.

36 Sec. 10. *Food Allergen Awareness Campaign.* – The Department of Health (DOH)  
37 shall implement a nation-wide campaign for raising the awareness of the general public on  
38 food allergen, its nature, causes and symptoms, and the avoidance of its health  
39 complications, among others. This campaign may include:

- 1 (a) Campaign utilizing print, radio, television, social media and other internet-  
2 based public service announcements, advertisements, posters and other  
3 materials;  
4 (b) Community forums and assemblies;  
5 (c) Information-dissemination through local health units, hospitals, schools,  
6 health maintenance organizations, community-based organizations, etc; and  
7 (d) Creating and/or obtaining educational materials for distribution to public and  
8 private educational institutions.

9 Sec. 11. *Implementing Agency.* – The Department of Health (DOH) in consultation  
10 with other concerned agencies, non-government organizations, private sectors, and  
11 consumer groups involved in nutrition, shall promulgate rules and regulation to implement  
12 the provisions of this Act within ninety (90) days from approval of this Act.

13 Sec. 12. *Repealing Clause.* - All laws, presidential decrees, executive orders, rules  
14 and regulations or portions thereof inconsistent with this Act are hereby repealed of  
15 modified accordingly.

16 Sec. 13. *Separability Clause.* - If any part of provisions of this Act shall be held  
17 unconstitutional or invalid, other provisions hereof which are not affected thereby shall  
18 continue to be in full force and effect.

19 Sec. 14. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication  
20 in the Official Gazette or in two (2) newspapers of general circulation.

21 *Approved,*