

24 MAY 23 P 1:33

**NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)**

SENATE

S.B. No. 2700

RECEIVED BY:



INTRODUCED BY SENATOR RISA HONTIVEROS

**AN ACT
TO CREATE A HEALTHY FOOD MARKETING ENVIRONMENT BY REQUIRING
FRONT-OF-PACKAGE WARNING LABELS FOR FOOD HIGH IN FAT, SODIUM,
OR SUGAR AND REGULATING THE MARKETING OF SUCH FOOD TO
CHILDREN**

EXPLANATORY NOTE

Noncommunicable diseases (NCDs) such as cancer, cardiovascular disease, diabetes, and chronic respiratory diseases account for 68% of the total deaths in the Philippines.¹ Obesity has been identified as a key risk factor for these NCDs.² In the Philippines, the prevalence of overweight and obesity among adolescents has increased from 4.9% in 2003 to 11.6% in 2018,³ with one out of every seven children aged 5 to 19 classified as overweight or obese⁴. Without interventions, more than 30% of Filipino adolescents are estimated to fall into this category by 2030.⁵

The obesogenic environment within the Philippines prevents Filipinos, especially children, from making healthy choices.⁶ Marketing strategies that disproportionately target children⁷—who are especially vulnerable to the influence of advertising and nutritional claims—impact their diets and health.⁸ Nutrition information on food labels is often difficult to access as they are printed on the back of product packaging, and

¹ WHO (2019). *Prevention and control of noncommunicable diseases in the Philippines: The case for investment*, p. 1. Available at <https://www.who.int/docs/default-source/wpro---documents/countries/philippines/reports/prevention-and-control-of-noncommunicable-diseases-in-the-philippines---the-case-for-investment.pdf> (last accessed January 23, 2024).

² *Id.* at p. 4.

³ Department of Science and Technology – Food and Nutrition Research Institute (2021). *Expanded National Nutrition Survey 2021*. UNICEF, *Prevention of Overweight and Obesity in Children: Landscape Analysis and Priority Actions Philippines Brief*, available at <https://www.unicef.org/eap/media/8221/file/Prevention%20of%20Overweight%20and%20Obesity%20in%20Children.pdf>

⁴ *Id.*

⁵ UNICEF (2022). *Everybody Needs to Act to Curb Obesity*. Available at <https://www.unicef.org/philippines/press-releases/everybody-needs-act-curb-obesity> (last accessed January 23, 2024).

⁶ UNICEF (2021). *Prevention of Overweight and Obesity in Children: Landscape Analysis and Priority Actions Philippines Brief*. Available at <https://www.unicef.org/eap/media/8221/file/Prevention%20of%20Overweight%20and%20Obesity%20in%20Children.pdf> (last accessed January 23, 2024).

⁷ Research on children's exposure to television advertisements indicates that high-sugar, high-salt, and high-fat foods are disproportionately more promoted than healthier alternatives during child-viewing hours. See FoodAct Asia (PH) Policy Brief (2022). *Tackling the Obesity Challenge: Urgent Steps to Regulate TV Food Marketing in the Philippines*.

⁸ UNICEF (2021). *Marketing of Unhealthy Foods and Non-alcoholic Beverages to Children*. Available at <https://www.unicef.org/media/116691/file/Marketing%20Restrictions.pdf> (last accessed January 23, 2024).

even more difficult to understand—especially among consumers from lower-income households.⁹

It is the State’s duty to “protect and promote the right to health of the people and instill health consciousness among them.¹⁰” The State must protect and promote the right of every Filipino to the enjoyment of the “highest attainable standard of health,”¹¹ and defend the right of children to proper care and nutrition, and “special protection from conditions that are prejudicial to their development.”¹² In meeting these duties, the State must strive to create a healthy environment that enables Filipinos, especially children, to make healthy food choices.

This proposed measure aims to address the foregoing issues, and fulfil the above-mentioned duties of the State, by:

- (1) Introducing front-of-pack warning labels to help Filipinos avoid food that exceed prescribed thresholds for energy, fat, sodium, and sugar; and
- (2) Regulating marketing on various media channels and in locations frequented by children to minimize the power of, and reduce the exposure of children to, marketing of food that exceed prescribed thresholds for energy, fat, sodium, and sugar.

Similar policies in other countries have shown promising results, with front-of-pack labels having been proven to reduce purchases of unhealthy food and beverages¹³ and marketing restrictions leading to a significant decrease in children’s exposure to unhealthy food and beverage advertising.¹⁴

The proposed measure aligns with our shared vision of creating a *Healthy Pilipinas* where Filipinos can lead healthy lives. In view of the foregoing, the approval of this bill is earnestly sought.


RISA HONTIVEROS
Senator

⁹ Sinclair, et al. (2013). *Sociodemographic differences in the comprehension of nutritional labels on food products*.

¹⁰ Philippine Constitution, art. II (15).

¹¹ Convention on the Rights of the Child, art. 24(1).


¹² Philippine Constitution, art. XV (3).

¹³ UNICEF (2021). *Front of Pack Nutrition Labelling*. Available at [https://www.unicef.org/media/116686/file/Front-of-Pack%20Nutrition%20Labelling%20\(FOPNL\).pdf](https://www.unicef.org/media/116686/file/Front-of-Pack%20Nutrition%20Labelling%20(FOPNL).pdf) (last accessed January 23, 2024).

¹⁴ UNICEF (2021). *Marketing of Unhealthy Foods and Non-alcoholic Beverages to Children*. Available at <https://www.unicef.org/media/116691/file/Marketing%20restrictions.pdf> (last accessed January 23, 2024).

24 MAY 23 P1:33

**NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)**

RECEIVED BY: 

**SENATE
S.B. No. 2700**

INTRODUCED BY SENATOR RISA HONTIVEROS

**AN ACT
TO CREATE A HEALTHY FOOD MARKETING ENVIRONMENT BY REQUIRING
FRONT-OF-PACKAGE WARNING LABELS FOR FOOD HIGH IN FAT, SODIUM,
OR SUGAR AND REGULATING THE MARKETING OF SUCH FOOD TO
CHILDREN**

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

**ARTICLE I.
GENERAL PROVISIONS**

Section 1. Short title. - This Act shall be known as the "Healthy Food Marketing Environment Act".

Sec. 2. Declaration of policy. - It is the policy of the State to protect and promote the right to health of all Filipinos, and instill health consciousness among them. It is likewise the policy of the State to protect and promote the right of every child to the enjoyment of the highest attainable standard of health and to defend their right to proper care and nutrition, which includes the right to healthy environments. The State therefore recognizes the need to enable all Filipinos to make informed food choices and avoid food and beverages that are harmful to one's health in line with its policy to protect consumers from trade malpractices and substandard or hazardous food products.

The State also recognizes the urgent need to protect children from obesogenic food environments that promote the sale and marketing of unhealthy food and beverages, such as foods high in saturated and trans-fat, sodium, and sugar.

1 *Sec. 3. Objective.* - This Act aims to:

- 2 a. Guide the population in making informed food purchases and discourage
3 Filipinos—especially children—from consuming food containing energy, fat,
4 sodium, and sugar in excess of the prescribed maximum thresholds; and
5 b. Minimize the power of, and reduce the exposure of children to, marketing
6 of food and beverages containing energy, fat, sodium and sugar in excess
7 of the prescribed maximum thresholds.

8 *Sec. 4. Definition of terms.* – As used in this Act:

- 9 a. **“Breastmilk substitutes”** refers to any food being marketed or otherwise
10 represented as a partial or total replacement for breastmilk, whether or not
11 suitable for that purpose;¹
12 b. **“Calories”** refer to the unit of measurement used to determine the amount
13 of energy that a food provides;
14 c. **“Child”** refers to a person aged under 18 years old.
15 d. **“Child-directed marketing”** refers to all marketing targeted to children,
16 which includes, but is not limited to, marketing that uses: images, sounds
17 or language designed to appeal to children such as cartoon characters,
18 personalities or celebrities that target or address children in their content
19 (licensed or unlicensed), children actors or voices, or references to school
20 or play; toys or book giveaways, competitions or promotional giveaways,
21 buy-one-take one, discounts, and pricing bundle strategies; themes
22 designed to attract children (e.g. fantasy or adventure); games or activities
23 that are likely to be popular with children; or other similar or analogous
24 appeals. Child-directed marketing also includes marketing that is directed
25 to a parent (or another adult) where the end-consumer is a child.
26 e. **“Child-centered settings”** refers to any location that is frequented by
27 families and children because of activities, attractions, or infrastructure
28 targeted or directed to children, including but not limited to schools,
29 educational establishments, learning institutions, playgrounds, amusement

¹ National Code of Marketing of Breastmilk Substitutes, Breastmilk Supplements and Other Related Products, Executive Order No. 51, § 4(a) (1986).

1 parks, or other service centers or places frequented by families and
2 children, and other similar and analogous settings.

3 f. **“Cross-border marketing”** refers to marketing which originates within
4 the territory of the Philippines and enters or could be received in another
5 territory, as well as that which originates outside the territory of the
6 Philippines and is received or accessible within the territory.

7 g. **“Complementary nutritional information”** refers to any information
8 that may state, suggest, or imply that a food or beverage possesses
9 particular nutritional properties, especially, but not limited to its energy
10 value, protein, fat, carbohydrates, dietary fiber content, critical nutrients,
11 vitamins, minerals, including assertions of fortification.

12 h. **“Distributor”** refers to any person to whom a prepackaged food product
13 is delivered or sold for purposes of distribution in commerce. Distributors
14 include importers, exporters, traders, or wholesalers.

15 i. **“Educational establishment”** refers to any establishment, including but
16 not limited to schools, learning institutions, play schools, sports camps,
17 youth development facilities, and other places, where a child as defined in
18 this Act engages in activities that contribute to their overall growth and
19 development through any means of instruction.

20 j. **“Food and beverages”** means food and food products as defined by the
21 FDA Act of 2009 or Republic Act No. 9711, *provided that* any reference to
22 “food” in this Act means “food and beverages”.

23 k. **“Food and beverage industry”** means manufacturers, wholesale
24 distributors, and importers of prepackaged food required to have a warning
25 label defined in this Act.

26 l. **“Front-of-package warning label (FOPWL)”** refers to the
27 supplementary nutrition information on the main face of the packaging of
28 prepackaged food to inform consumers when a product contains excessive
29 amounts of nutrients of concern;²

² WHO, GUIDING PRINCIPLES AND FRAMEWORK MANUAL FOR FRONT-OF-PACK LABELLING FOR PROMOTING HEALTHY DIETS 11 (2019); FAO& WHO, CODEX ALIMENTARIUS (INTERNATIONAL FOOD STANDARDS) 11 CXG 2-1985 (2021); PAHO, FRONT-OF-PACKAGE LABELING (AS A POLICY TOOL FOR THE PREVENTION OF NONCOMMUNICABLE DISEASES IN THE AMERICAS) 9 (2020).

- 1 m. **“Importer”** means the consignee or the Philippine agent or representative
2 of a foreign owner or consignee of raw materials, ingredients, and/or
3 finished prepackaged food at the time of such entry of such article in the
4 Philippines.
- 5 n. **“Health claim”** means any representation or combination of
6 representations that creates an impression that a product is beneficial for
7 health and well-being.
- 8 o. **“Main face”** refers to the part of the packaging that is intended to be
9 displayed, where the sales name and the brand or logo, if any, are recorded
10 in their most relevant forms.
- 11 p. **“Manufacturer”** means a person who makes, mixes, cooks, packs,
12 combines packaging or modifies packaging of prepackaged food required
13 to have a warning label under this Act. This shall include any person who
14 attaches one's own brand name to a prepackaged food product
15 manufactured, assembled, or processed for them.
- 16 q. **“Marketing”** means any form of commercial communication of messages
17 that are designed to, or have the effect or likely effect of, increasing the
18 recognition, appeal and/or consumption of particular products and services,
19 whether directly or indirectly. It includes but is not limited to acts of
20 advertising and promotions of a product or service including the advertising
21 of corporate social responsibility initiatives, and sponsorships.³
- 22 r. **“Message”** means the presentation of letters, images, artificial marks,
23 photographs, motion pictures, light, sound, or any other action that enables
24 the general public to comprehend the conveyed meaning.
- 25 s. **“Micro, small, and medium enterprise (MSME)”** refers to food
26 business operators as defined within the classification of industries by the
27 Department of Trade and Industry.
- 28 t. **“Nutrient”** refer to any chemical substance normally consumed as a
29 component of a food that: (1) provides energy; and/or (2) is necessary for,
30 or contributes to the growth, development, and maintenance of health and

³ ASEAN and UNICEF (2022), [DRAFT] *Minimum standards and guidelines on actions to protect children from the harmful impact of marketing of food and non-alcoholic beverages in the ASEAN region.*

- 1 life; and/or (3) the absence of which will cause characteristic chemical or
2 physiological changes to occur;
- 3 u. **“Nutrient Profile Model”** refers to a tool used to classify or rank
4 prepackaged or processed food according to their nutritional composition
5 for reasons related to the prevention of disease and the promotion of
6 health;
- 7 v. **“Nutrients of concern”** refer to those nutrients that when ingested above
8 the maximum values are considered as risk factors associated with non-
9 communicable diseases; these include but are not limited to sugars,
10 sodium, saturated fats, total fats, and calories.⁴
- 11 w. **“Nutrition claim”** means any representation which states, suggests or
12 implies that a food has particular nutritional properties including but not
13 limited to the energy value and to the content of protein, fat and
14 carbohydrates, as well as the content of vitamins and minerals. *Provided,*
15 that (1) the mention of substances in the list of ingredients; (2) the mention
16 of nutrients as a mandatory part of nutrition labelling; (3) quantitative or
17 qualitative declaration of certain nutrients or ingredients on the label if
18 required by national legislation do not constitute nutrition claims.⁵
- 19 x. **“Point-of-sale”** refers to a kiosk, counter, cashier, or any specific,
20 definite, and limited area, where an individual can purchase or otherwise
21 obtain prepackaged food.
- 22 y. **“Prepackaged food”** refer to processed food prepared in advance and
23 placed in a container, labelled and ready for sale or distribution, or for
24 catering purposes.
- 25 z. **“Public event”** means any activity that is open for public access and
26 participation, regardless of the identity of the organizer or coordinator of
27 such activity. It includes but is not limited to events such as sporting, music,
28 and recreation events that target and attract children.

⁴ Norma Oficial Mexicana 051/2020 [NOM 051/2020], Art. 3.38 (2020) (Mexico).

⁵ Food and Agriculture Organization of the United Nations & World Health Organization, *Codex Alimentarius: International Food Standards, Guidelines on Nutrition Labeling* as of 2021.

- 1 aa. **"Public space"** means a place accessible to the general public or a place
2 for collective use, regardless of ownership or right to access.
- 3 bb. **"Public transport"** means any vehicle used for carriage of members of
4 the public, usually for reward or commercial gain, including taxis and
5 vehicles for hire.
- 6 cc. **"Saturated fatty acid (SFA)"** refers to fatty acids that contain the
7 maximum number of hydrogens possible, and no carbon-carbon double
8 bonds. Saturated fatty acids are classified as short chain (1-5 carbons),
9 medium chain (6-12 carbons), and long chain (13-21 carbons) and very
10 long chain (contains 22 and more carbons) according to the carbon chain
11 length;
- 12 dd. **"Sodium"** refers to a chemical element that exists naturally in food,
13 associated with other molecular residues or atoms as an ionic bond, forming
14 chemical salts. It is of great importance since it helps to maintain the water
15 and base acid balance of any organism, constituting its most common
16 compound, sodium chloride or what is usually called table salt. Likewise,
17 we find other sodium salts that are of industrial origin, such as monosodium
18 glutamate (flavor enhancer); benzoate, sodium acetate, sodium
19 bicarbonate (acidity regulators and preservatives); sodium hydroxide,
20 sodium carbonate (acidity regulator); sodium erythorbate (antioxidant),
21 among others. One gram of 'table salt' contains 400mg of sodium (1 gram
22 of sodium is equivalent to 2.5 grams of table salt);
- 23 ee. **"Sponsorship"** means any form of contribution to any event, activity or
24 individual with the aim, effect or likely effect of promoting a food or
25 beverage product either directly or indirectly.⁶
- 26 ff. **"Sugar"** refers to sucrose, fructose, or glucose obtained from the industrial
27 processing of sugar cane, sugar beet, hard yellow corn, and their mixtures,
28 among others, in the form of a crystallized solid product or syrup used as
29 an ingredient in food products;

⁶ ASEAN and UNICEF (2022), [DRAFT] *Minimum standards and guidelines on actions to protect children from the harmful impact of marketing of food and non-alcoholic beverages in the ASEAN region.*

1 gg. **“Total fat”** refers to the total amount of fat in a food product. This includes
2 the saturated fat, trans-fat, monounsaturated, and polyunsaturated fat in
3 a food product;

4 hh. **“Trans fatty acid (TFA)”** refers to all fatty acids with a double bond in
5 the trans configuration, regardless of whether they are produced
6 industrially or come from ruminant sources. Naturally occurring trans fats,
7 like those coming from ruminant sources (e.g., cow, goat, carabao, lamb,
8 deer, etc.) are perfectly safe and healthy for humans. Industrially produced
9 trans fats, both coming from hydrogenation and those formed through high
10 heat, are the ones that are toxic and should be removed from the food
11 supply.

12 *Sec. 5. General rule on statutory construction.* – This Act shall be construed
13 strictly in favor of improving the health of Filipinos, especially children, and decreasing
14 the rate of obesity and overweight among them. Any doubt in the interpretation of
15 the provisions of this Act shall be resolved in favor of the State policy to protect public
16 health. Nothing in this Act shall be construed as limiting the powers of local
17 government units (LGUs) under the general welfare clause of Republic Act No. 7160
18 or the Local Government Code.

19 **ARTICLE II**

20 **MAXIMUM VALUES OF NUTRIENTS OF CONCERN IN PREPACKAGED FOOD** 21 **PRODUCTS**

22
23
24 *Sec. 6. Maximum values of nutrients of concern for prepackaged food.* – The
25 Department of Health (DOH) shall develop or adopt a nutrient profile model (NPM) to
26 determine the maximum values of energy, sugar, sodium, saturated fat, total fat, and
27 other nutrients for prepackaged food. Pending the development of a local NPM, the
28 WHO Nutrient Profile Model for South-East Asia Region shall be used as the basis for
29 such maximum values. The DOH may coordinate with the Department of Science and
30 Technology – Food and Nutrition Research Institute (DOST-FNRI) in developing an
31 NPM for the Philippines.

1 **ARTICLE III**

2 **FRONT-OF-PACKAGE WARNING LABELS**

3
4 *Sec. 6. Mandatory front-of-package warning labels.* – No person shall sell,
5 manufacture, import, or distribute prepackaged food without a front-of-package
6 warning label as prescribed in this Act, when the final composition of the product
7 contains nutrients of concern that exceed the maximum values prescribed under
8 Section 6 of this Act.

9 *Sec. 7. Form, size, placement, and characteristics of the warning label.*

10 a. The warning label shall be displayed in a manner prescribed by the FDA, in
11 accordance with the following guidelines:

12 i. The packaging must include one warning label for each nutrient of
13 concern in excess of prescribed values, namely:

- 14 • "HIGH IN SUGAR"
- 15 • "HIGH IN SODIUM"
- 16 • "HIGH IN SATURATED FAT"
- 17 • "HIGH IN TOTAL FAT"

18 If the product's calories is in excess of the prescribed values the
19 package must include the following warning label:

- 20 • "HIGH IN CALORIES"

21 ii. If the product contains sweeteners, the package must include the
22 following warning label:

- 23 • "CONTAINS SWEETENERS, NOT RECOMMENDED FOR
24 CHILDREN".

25 iii. The warning label shall have the form of black octagons with a white
26 edge and capital letters;

27 iv. The size of each warning label shall never be less than five percent
28 (5%) of the total area of the main face of the packaging;

29 v. The warning label shall form part of the packaging and its full visibility
30 and integrity must not be susceptible to being damaged, concealed,
31 obstructed or changed by any package design, feature, or mechanism,
32 or covered by any other markings;

1 vi. The warning label must be located on the top right edge of the
2 product's main face. If the shape of the product is round or cylindrical,
3 it must be on the top center of the main face. For products in which
4 the main face of the packaging is equal to or less than ten (10) square
5 centimeters, it will contain a single octagon that will show inside of it
6 how many nutrients of concern above the thresholds the product has.
7 The warning label shall be 15% of the total area of the front of the
8 package.

9 vii. If the food or beverage has more than one warning label, they must
10 be placed adjacent to each other on the product's main face.

11 viii. For packages with multiple products, the outer packaging, as well as
12 each individual package inside must also include the warning label.

13 The provisions established in this Section are applied in addition to the existing rules
14 and regulations governing the labeling of prepackaged food distributed in the
15 Philippines. In addition, the FDA is encouraged to release guidelines pertaining to the
16 placement of products at the point of sale.

17 *Sec. 8. Prohibition against misleading claims.* – It is absolutely prohibited for all
18 prepackaged food required to have a warning label under Section 7 of this Act to
19 contain:

- 20 a. Complementary nutritional information;
- 21 b. Logotypes or phrases stating the sponsorship or endorsements of scientific
22 societies or civil associations; and
- 23 c. Any other health and nutrition claim.

24 *Sec. 9. Misbranded.* – A violation under Sections 7, 8, or 9 of this Act shall render
25 the product misbranded under Republic Act No. 9711. Pursuant to Section 11 of
26 Republic Act No. 3720 as amended by Republic Act No. 9711, the following acts are
27 prohibited:

- 28 b. The manufacture, importation, exportation, sale, offering for sale,
29 distribution, transfer, non-consumer use, promotion, advertising, or
30 sponsorship of any food that is adulterated, unregistered or misbranded;
- 31 c. The adulteration or misbranding of any food.

1 Sec. 10. Exemptions. – Prepackaged food for special therapeutic dietary uses
2 that are formulated for a particular physiological condition or as partial replacement
3 for meals, and culinary ingredients which typically consist of only one nutrient in high
4 purity (such as cooking oils, table sugars, common table salt, etc.) shall follow their
5 respective labeling requirements and shall be exempted from the obligation to
6 incorporate a nutritional warning label. Breastmilk substitutes shall likewise be
7 exempted from this Act and shall follow the guidelines promulgated by Executive Order
8 No. 51, series of 1986, its implementing rules and regulations and other pertinent
9 regulations.

11 **ARTICLE IV**

12 **RESTRICTIONS ON THE MARKETING OF PREPACKAGED FOOD PRODUCTS** 13 **REQUIRED TO HAVE A WARNING LABEL**

14
15 *Sec. 11. Minimizing the power of child-directed marketing –*

- 16 d. It is absolutely prohibited to employ child-directed marketing or to initiate,
17 produce, publish, broadcast, or disseminate any marketing that employs
18 child-directed marketing techniques for all prepackaged food required to
19 have a warning label under Section 7 of this Act. This prohibition includes,
20 but is not limited to, such child-directed marketing in the following settings:
- 21 i. Outdoor environments (such as billboards);
 - 22 ii. Retail environments (such as vending machines and in points-of-
23 sale), especially child-directed marketing within the direct line of
24 sight of children in groceries, supermarkets, and retail stores
25 engaged in the sale of pre-packaged food commodities in small-
26 scale and commercial quantities;
 - 27 iii. Public spaces (such as public transportation terminals and utility
28 vehicles); and
 - 29 iv. Digital media and e-commerce platforms, such as, but not limited
30 to, social media platforms and mobile application platforms.
- 31 e. All persons who sell, manufacture, distribute, or import prepackaged food
32 that are required to have a warning label are likewise prohibited from

1 engaging in sponsorship as defined in this Act. This prohibition shall also
2 apply to any person who receives or facilitates such sponsorship, including
3 but not limited to, the media or event organizer, venue owner, team owner,
4 sportsperson, celebrity, artist, or other performer.

- 5 f. The DOH is hereby authorized to identify and regularly publish a schedule
6 of forms, methods, and means of marketing that are considered child-
7 directed marketing under this Act, and other similar and analogous appeals
8 to child-directed marketing techniques for the guidance of relevant
9 stakeholders.

10 *Sec. 12. Reducing exposure of children to the marketing of prepackaged food*
11 *required to have a warning label.* – It is absolutely prohibited to market prepackaged
12 food required to have a warning label under Section 7 of this Act in the following
13 settings:

- 14 a. In and within 250 meters from any point of the perimeter of child-centered
15 settings;
16 b. Between 6:00 a.m. to 10:00 p.m. for all programs, commercials, and films
17 shown in television with a rating other than R-18 by the Movie and
18 Television Review and Classification Board (MTRCB); and
19 c. Between 6:00 a.m. to 10:00 p.m. for all programs and commercials
20 broadcast on radio.

21 *Sec. 13. When communication is not considered marketing.* – The following
22 exhaustive list of communications and actions shall not be considered marketing of
23 prepackaged food required to have a warning label under Section 7 of this Act even if
24 likely to have an incidental promotional effect, provided they are reported to the DOH
25 as required under Section 15 of this Act:

- 26 a. Display of brand name, product name, and/or manufacturer's name on
27 prepackaged food product packaging, without any marketing features on
28 the package;
29 b. Dissemination or reporting of information on company practices that do not
30 involve contributions to other parties, where required for necessary
31 business administration or for mandated corporate reporting;

- 1 c. Legitimate journalistic, artistic, or academic expression of food and
2 beverage content and genuine social or political commentary, authored or
3 created by named individuals engaged in journalism, art, or the academe,
4 for which no payment or any other consideration is made by the food and
5 beverage industry;
- 6 d. Product information provided to entities within the food and beverage
7 industry trade, with access only to persons/entities who need the
8 information; and
- 9 e. Manufacturers and distributors' newsletters destined for distribution
10 within the food and beverage industry and related business partners.

11 *Sec. 14. Promoting transparency in food and beverage marketing.* – Within two
12 (2) years from the date of effectivity of this Act, large enterprises (as defined by the
13 Department of Trade of Industry) in the food and beverage industry shall submit an
14 annual report to the Department of Health – Health Promotion Bureau (HPB), copy
15 furnishing the FDA-CFRR, detailing all expenditures relating to the marketing of
16 prepackaged food required to have a warning label under Section 7 of this Act The
17 DOH-HPB shall prescribe the manner and form of such report and shall provide
18 sanctions for non-compliance.

19
20 **ARTICLE VI**
21 **IMPLEMENTATION**
22

23 *Sec. 15. Lead agency.* – The DOH shall oversee and ensure the implementation
24 of the provisions of this Act in coordination with the agencies that shall comprise the
25 inter-agency task force in Section 17 of this Act, and shall have the power to issue
26 other policies, rules, regulations, and standards for such implementation. In line with
27 this mandate, the DOH shall convene and lead the inter-agency task force in Section
28 17 for the implementation of this Act.

29 *Sec. 16. National Task Force for a Healthy Food Marketing Environment.* – To
30 ensure inter-agency coherence and consistency in the implementation of Articles III
31 and IV of this Act, a National Task Force (NTF) for a Healthy Food Marketing
32 Environment is hereby created.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

a. The NTF shall be composed of the following persons and/or heads of the following offices, to wit:

DOH	Chairperson
FDA	Vice Chairperson
CWC	Vice Chairperson
Department of Education (DepEd)	Member
Department of Trade and Industry	Member
Department of the Interior and Local Government	Member
Land Transportation Franchising and Regulatory Board	Member
Early Childhood Care and Development (ECCD) Council	Member
National Council for Children's Television	Member

The Department Secretaries or Chairpersons may designate permanent and alternate authorized representatives to the NTF.

- b. The NTF shall:
- i. Coordinate and align programs, strategies, and activities to enforce the provisions of this Act, as applicable;
 - ii. Monitor and evaluate implementation of this Act;
 - iii. Develop and regularly implement a nationwide social and behavior change communication (SBCC) campaign to promote the consumption of healthy food and beverages, increase health and nutrition literacy among Filipinos, emphasize the risks of overconsuming foods that are high in fats, sodium, and sugar, and discourage the consumption of prepackaged food required to have a warning label; and
 - iv. Develop and implement programs and activities to build the capacity of the NTF members to fulfil their mandates and functions under this Act.
- c. The NTF may, as necessary, coordinate and collaborate with other government agencies, civil society and non-government organizations, and individual experts that have relevant mandates and/or expertise that may be useful to accomplish its functions under this Act, *provided*, that Sections 23 and 24 of this Act are strictly complied with.

1 *Sec. 17. Powers and functions of the members of the National Task Force for a*
2 *Health Food Marketing Environment.*

3 a. The DOH shall:

- 4 i. Regularly convene the NTF as chairperson and coordinate with its
5 members to develop and implement strategies and activities to
6 enforce the provisions of this Act;
- 7 ii. Regularly publish a schedule of forms, methods, and means of
8 marketing that are considered child-directed marketing as defined
9 under this Act, and other similar and analogous appeals to child-
10 directed marketing techniques;
- 11 iii. Coordinate with the FDA, ECCD, DTI-CFRR, and LGUs, as applicable,
12 to enforce the marketing prohibitions in and within 250 meters from
13 any point of the perimeter of child-centered settings under Section
14 13(a) of this Act;
- 15 iv. Identify other child-centered settings as defined under this Act, in
16 coordination with the Department of Education and ECCD Council;
- 17 v. Develop guidelines to enforce the prohibitions under Section 13(a) of
18 this Act, in coordination with the FDA and CWC;
- 19 vi. Develop and implement programs, strategies, and activities to
20 promote healthy food and beverages, in coordination with the DILG
21 for local implementation under Section 19 of this Act and with the
22 DepEd for implementation within schools;
- 23 vii. Implement SBCC strategies and activities to promote the consumption
24 of healthy food and beverages among Filipinos pursuant to Section
25 17(b)(iii) of this Act;
- 26 i. Oversee the development of programs and activities to build the
27 capacity of the NTF members to fulfil their mandates and functions
28 under this Act in accordance with Section, in coordination with the
29 NTF members and other relevant stakeholders;

30 b. The FDA, through the Center for Food Regulation and Research shall:

- 31 viii. Assist the DOH in convening the NTF, as vice chairperson;

- ix. Enforce the prohibitions relating to warning labels under Section 7, 8, and 9 of this Act;
- x. Develop guidelines to prescribe procedures and requirements for record-keeping of food and beverage manufacturers to comply with this Act;
- xi. Enforce compliance with Sections 7, 8, 9, and 12 of this Act;
- xii. Coordinate with the DOH to develop guidelines to enforce the prohibitions under Section 13(a) of this Act;
- xiii. Implement SBCC strategies and activities to promote the consumption of healthy food and beverages among Filipinos pursuant to Section 17(b)(iii) of this Act;

c. The CWC shall:

- xiv. Assist the DOH in convening the NTF, as vice chairperson;
- xv. Coordinate with the DOH to develop guidelines to enforce the prohibitions under Section 13(a) of this Act;
- xvi. Implement SBCC strategies and activities to promote the consumption of healthy food and beverages among Filipinos pursuant to Section 17(b)(iii) of this Act, especially for children;

d. The DepEd shall:

- xvii. Coordinate with schools and local government units to enforce the marketing prohibitions in and within 250 meters from any point of the perimeter of child-centered settings under Section 13(a) of this Act;
- xviii. Implement SBCC strategies and activities to promote the consumption of healthy food and beverages among Filipinos pursuant to Section 17(b)(iii) of this Act, within schools, such as but not limited to developing curriculum materials on food marketing to children, as part of the media and information literacy subject, and nutritional warnings.

e. The DTI shall:

- xix. Enforce prohibitions against child-directed marketing through sponsorship under Section 12(b) of this Act, *provided that* when the violation occurs in and within 250 meters from any point of the

1 perimeter of child-centered settings, Section 13 shall apply and be
2 enforced by the FDA , ECCD, and LGUs, as applicable;

3 xx. Enforce the marketing prohibitions for retail environments under
4 Section 12 (a)(ii) of this Act;

5 xxi. Enforce the marketing prohibitions for digital and e-commerce
6 platforms under Section 12(a)(iv) of this Act;

7 xxii. Enforce the marketing prohibitions for broadcast radio under Section
8 13(c) of this Act;

9 xxiii. Support LGUs to enact and implement ordinances or executive orders
10 under Section 19 of this Act.

11 f. The DILG shall:

12 xxiv. Support LGUs to enact and implement ordinances or executive orders
13 under Section 19 of this Act;

14 g. The LTFRB shall:

15 xxv. Enforce prohibitions against child-directed marketing under Section
16 12(a)(iii) of this Act in public utility vehicles;

17 h. The ECCD Council shall:

18 xxvi. Enforce the marketing prohibitions in and within 250 meters from any
19 point of the perimeter of child-centered settings under Section 13(a)
20 of this Act, in coordination with the DOH;

21 xxvii. Coordinate with the DOH for the identification of other child-centered
22 settings as defined under this Act; and

23 i. The NCCT shall:

24 xxviii. Enforce the marketing prohibitions for broadcast television under
25 Section 13(b) of this Act.

26 *Sec. 18. Local implementation.*

27 a. LGUs, through appropriate issuances such as ordinances or executive
28 orders, shall establish mechanisms to enforce the provisions under Sections
29 7, 8, 9, 12, and 13(a) of this Act, as applicable, within their jurisdictions
30 and shall impose penalties for violations thereof. For this purpose, local
31 health boards (LHBs) and local councils for the protection of children

1 (LCPCs) shall regularly monitor the compliance of LGUs with the provisions
2 of this Act.

- 3 b. All LGUs are enjoined to form Local Task Forces for Healthy Food Marketing
4 Environment to implement the provisions of this Act, and shall mobilize local
5 law enforcement to apprehend violators of this Act and to institute the
6 appropriate criminal proceedings therefor. Such task forces shall be led by
7 a local office with expertise on childhood nutrition and/or health promotion,
8 and shall include youth and civil society representation, which
9 representation shall strictly comply with Sections 23 and 24 of this Act. The
10 LTF shall submit reports to the NTF of any prohibited marketing herein
11 denied, removed, disabled, or acted upon, as well as complaints received
12 from individuals or organizations, annually beginning from the
13 implementation of the prohibitions of this Act.
- 14 c. LGUs may mobilize the Special Health Fund under Republic Act No. 11223
15 or the Universal Healthcare Act, among other resources available, to
16 implement local projects, programs, and activities consistent with this Act.

17 *Sec. 19. Role of the Ad Standards Council and other entities.*

- 18 a. The Ad Standards Council (ASC) shall revise its standards, guidelines, codes
19 of ethics, and other rules and regulations in compliance with the provisions
20 of this Act, no later than one (1) year from its effectivity.
- 21 b. Without prejudice to other provisions of this Act, all entities involved in the
22 marketing chain, whether analog or digital, including digital media or e-
23 commerce platforms shall:
- 24 i. Monitor and remove or disable any prohibited marketing upon notice
25 by the NTF that a violation of this Act may have occurred;
- 26 ii. Establish an effective process and mechanism to receive and act on
27 complaints from individuals and organizations for violations of this Act
28 as may be required by NTF, and report to the NTF actions taken on
29 said complaints; and
- 30 iii. Preserve relevant documents, websites, webpages, upon request of
31 the NTF.

1 *Sec. 20. Inspection powers and record keeping.* – The FDA through its
2 registered agents shall have the power to inspect the premises and records of
3 manufacturers and distributors to determine compliance with the provisions of
4 Sections 7, 8, 9, or 12 of this Act. The FDA shall develop guidelines to prescribe
5 procedures and requirements for record-keeping.

6 *Sec. 21. Compliance by micro, small, and medium enterprises (MSMEs).* – The
7 DTI, in coordination with other relevant government agencies and stakeholders, shall
8 develop and implement programs to assist micro, small, and medium-sized food
9 business operators of prepackaged food covered by this Act.

10 *Sec. 22. Policy against industry interference.* – Government, including
11 institutions and instrumentalities of the State at the national and sub-national levels
12 and to persons working in government or engaged by government to work on its
13 behalf, shall ensure that policy setting and implementation of laws that ultimately aim
14 to promote the right to health of all Filipinos, especially children, are protected from
15 the commercial and other vested interests of the food and beverage industry.

16 *Sec. 23. Declaration against conflict of interest.* – All representatives of
17 government agencies and organizations, including civil society, non-government,
18 grassroots, and international organizations, that take any part, directly or indirectly,
19 in the setting and implementing of policies and measures that are part of the strategic
20 framework of measures to reduce overweight and obesity shall be required to fully
21 accomplish a signed declaration under oath prepared by the DOH that states, among
22 others, that they are not affiliated with the food and beverage industry, and that they
23 do not act on such industry's behalf or interests. The signed and notarized copy of
24 such declarations shall be made available to the public primarily via the DOH website
25 and other means to readily access such information.

26 *Sec. 24. Multisectoral coordination and civil society participation for*
27 *enforcement, monitoring and surveillance.*

- 28 a. The State recognizes the role of civil society organizations and the private
29 sector in promoting public health. The NTF members in Section 17 herein
30 may engage civil society organizations and the private sector, as long as
31 they are not affiliated or related with the food and beverage industry and
32 have signed a declaration against conflict of interest described in Section

1 24, to provide technical assistance in implementing and monitoring the
2 provisions of this Act. The DOH shall develop and implement programs to
3 enable citizen participation in compliance with this Act.

4 b. Any citizen or civil society, non-government, and grassroots organization is
5 hereby authorized to file an appropriate civil, criminal, or administrative
6 action in the proper courts or administrative body against any public officer
7 who willfully or grossly neglects the performance of a responsibility
8 specifically enjoined by this Act and its implementing rules and regulations,
9 or against any member of the food and beverage industry, including persons
10 working on their behalf, who violates any provision of this Act and its
11 implementing rules and regulations. The court shall exempt such action
12 from the payment of filing fees and shall exempt the plaintiff from the filing
13 of an injunction bond for the issuance of preliminary injunction. In the event
14 that the plaintiff shall prevail, the court shall award reasonable attorney's
15 fees, moral damages, and litigation costs as appropriate. The
16 administrative, civil, and criminal actions allowed under this paragraph shall
17 be cumulative and shall not preclude any other person from filing a similar
18 action.

19 c. The DOH shall develop and publicize mechanisms for filing anonymous
20 complaints, including the provision of hotlines and whistleblower
21 complaints, to encourage citizen participation in the compliance monitoring
22 and surveillance of this Act.

23 *Sec. 25. International cooperation and provision on technical and financial*
24 *assistance.*

25 a. The State recognizes that international and regional cooperation is an
26 important component of regulating cross-border marketing of prepackaged
27 food required to have a warning label.

28 b. For this purpose, NTF members may seek and receive technical and/or
29 financial assistance from international organizations, except those that
30 belong to or are affiliated with the food and beverage industry as defined
31 herein, for the purpose of implementing the provisions or pursuing the

objectives of this Act, subject to existing laws, rules, and regulations,
provided that, Sections 23 and 24 of this Act are strictly complied with.

ARTICLE VII
PENALTIES

Sec. 26. Penalties. The following penalties shall be imposed for each violation of the prohibitions in this Act:

- a. For violations of Sections 7, 8, 9, 12, and 13 of this Act, the following penalties shall be imposed:

Offender	First (1st) offense	Second (2nd) offense	Third (3rd) offense
Large enterprise	Fine of not less than five hundred thousand pesos (Php 500,000) but not more than one million pesos (Php 1,000,000)	Fine of not less than one million pesos (Php 1,000,000) but not more than five million pesos (Php 5,000,000)	Fine of not less than five million pesos (Php 5,000,000) but not more than ten million pesos (Php 10,000,000)
MSMEs or any other enterprise not considered as a large enterprise by the DTI	Fine of not less than five thousand pesos (Php 5,000) but not more than ten thousand pesos (Php 10,000)	Fine of not less than ten thousand pesos (Php 10,000) but not more than twenty thousand pesos (Php 20,000)	Fine of not less than twenty thousand pesos (Php 20,000) but not more than fifty thousand pesos (Php 50,000) for the third offense.

Natural person	Fine of not more than five thousand pesos (P5,000)	Fine of not less than five thousand pesos (Php 50,000) but not more than ten thousand pesos (Php 10,000)	Fine of not less than ten thousand pesos (Php 10,000) but not more than twenty thousand pesos (Php 10,000) or imprisonment of not more than one (1) year, or both, at the discretion of the court
----------------	--	--	---

1

2 b. An additional fine of one percent (1%) of the economic value or cost of the
3 violative product or one thousand pesos (P1,000), whichever is higher, shall
4 be imposed for each day of the continuing violation.

5 c. The penalties imposed in this Section shall be without prejudice to other
6 remedies or penalties and sanctions that are available or may be imposed by
7 law.

8 d. No person shall be subject to the penalties under this Section for having sold,
9 offered for sale, or transferred prepackaged food that are not compliant with
10 the provisions of Sections 7, 8, or 9, if such sale, distribution or transfer, was
11 made in good faith. A sale, distribution, or transfer is presumed to be made in
12 good faith if the seller or distributor has obtained, in writing, a guaranty from
13 the person or food business operator from whom the prepackaged food were
14 obtained, that said prepackaged food are not covered by the requirements
15 under Sections 7 and 8 of this Act.

16 *Sec. 27. Other corrective actions.* – In addition to the fines and penalties in
17 Section 26, the following corrective actions, if not initiated by the offenders
18 themselves, shall be imposed by the appropriate authorities to the offenders:

19 g. Seizure and condemnation, destruction, recall, and/or appropriate
20 disposition of prepackaged food that are considered misbranded under

1 Section 10 of this Act, or items that constitute prohibited marketing under
2 Sections 12 or 13 of this Act;

- 3 h. Issuance of take-down orders against prohibited advertising, promotions,
4 and sponsorship content under Sections 12 or 13 of this Act;
- 5 i. Suspension, revocation, or cancellation of applicable licenses, registrations,
6 and permits to operate for business establishments and operators or drivers
7 of public utility vehicles;
- 8 j. Disapproval of an application for the issuance or renewal of a Certificate of
9 Product Registration (CPR) by the FDA, including suspension, revocation,
10 or cancellation of an existing CPR, for prepackaged food that are considered
11 misbranded under Section 10 of this Act;
- 12 k. Closure of the establishment by LGUs having jurisdiction over premises
13 where a violation of this Act has been committed.

14 *Sec. 28. Liability of juridical and other persons. –*

- 15 l. Should a violation of this Act be committed by a juridical person, the Chair
16 of the Board, the President, the General Manager, or the partners and/or
17 the persons directly responsible therefor shall be penalized.
- 18 m. If the offender is an alien, they shall be deported after service of sentence
19 and/or payment of fine without further deportation proceedings and shall
20 be permanently barred from re-entering the Philippines.
- 21 n. In case a violation is committed by, or in the interest of, a foreign juridical
22 person duly licensed to engage in business in the Philippines, such license
23 to engage in business in the Philippines shall be immediately revoked.

24 *Sec. 29. Liability of government officials and employees. –* Public officials and
25 employees who violate Section 23 or 24 of this Act, or who deliberately or knowingly
26 fail to fulfill their responsibilities under this Act, shall be subject to administrative
27 disciplinary action pursuant to relevant laws, rules, and regulations.

28
29 **ARTICLE VIII**
30 **FINAL PROVISIONS**

1 *Sec. 30. Healthy Food Marketing Environment Trust Fund.* – A Healthy Food
2 Marketing Environment Trust Fund is hereby created. All fines collected pursuant to
3 the enforcement of this Act shall be used exclusively for its implementation and to
4 fund other measures to promote a healthy food marketing environment. The DOH
5 shall be responsible for the management and control of the Trust Fund.

6 *Sec. 31. Compliance monitoring.* – Not later than three (3) years after the date
7 of the effectivity of this Act, and annually thereafter, the DOH shall submit to the
8 President of the Philippines and to both Houses of Congress a monitoring report on
9 the compliance of the food and beverage industry with this Act and all related laws,
10 rules, regulations, and ordinances. All reports required under this Act shall be made
11 available to the public primarily via the DOH website and other means to readily access
12 such information.

13 The DOH is hereby authorized to report to Congress any instance of delay or non-
14 compliance by the national agencies and LGUs herein of the timelines in implementing
15 this Act. The DOH is also authorized to demand accountability from such agencies or
16 LGUs for failure to fulfill its duties under this Act, without prejudice to other remedies
17 or penalties and sanctions that are available or may be imposed by law for such delay
18 or non-compliance.

19 *Sec. 32. Impact assessment.* – The DOH shall conduct an impact assessment
20 every three (3) years to evaluate the effectiveness of the enforcement of this Act,
21 health, behavioral, and social outcomes, and other matters relevant to implementation
22 of this Act. The DOH shall include in its budget the conduct of the assessment.

23 *Sec. 33. Implementing rules and regulations (IRR).* – The DOH, in consultation
24 with the members of the NTF in Section 17, shall promulgate such rules and
25 regulations necessary for the effective implementation of this Act within six (6) months
26 from the date of publication of this Act. The IRR shall cover, among others, the phases
27 of implementation, *provided that*, non-issuance of the IRR shall not prevent the
28 implementing agencies from enforcing this Act upon its effectivity.

29 *Sec. 34. Transitory provision.* – Existing industries, businesses, manufacturers,
30 distributors, and other stakeholders affected by the implementation of this Act shall
31 be given six (6) months from the effectivity of this Act to comply with its requirements.

1 *Sec. 35. Appropriations.* The amount necessary to implement the provisions of
2 this Act shall be charged against the current year’s appropriations of the concerned
3 national government agencies. Thereafter, such funds as may be necessary for the
4 continued implementation of this Act shall be included in the budgets of the concerned
5 national government agencies under the annual General Appropriations Act.

6 *Sec. 36. Repealing clause.* All laws, decrees, ordinances, administrative orders,
7 rules and regulations, or any part thereof, which are inconsistent with this Act are
8 repealed or amended accordingly.

9 *Sec. 37. Separability clause.* Should any provision of this Act be subsequently
10 declared unconstitutional, the other provisions not so declared shall remain in full force
11 and effect.

12 *Sec. 38. Effectivity.* This Act shall take effect fifteen (15) days after its
13 publication in the Official Gazette and at least two (2) newspapers of national
14 circulation.

Approved,