

FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

SENATE
S. No. 2073

RECEIVED BY: _____

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 2, Section 15, provides:

The State shall protect and promote the right to health of the people and instill health consciousness among them.

Republic Act No. 7394, a.l.c.a. the "Consumer Act of the Philippines," was enacted to protect the interests of the consumer, promote the general welfare, and to establish standards of conduct for business and industry. Article 77 of this Act provides for the minimum labelling requirements for consumer products.

Genetically engineering food is a new way of producing foods - by taking DNA from one species and inserting it into another. Given the huge complexity of the genetic code, no one can possibly predict the effects of adding new genes into any organism or plant. It has been reported that one genetically engineered food supplement (tryptophan) has killed 37 North Americans and permanently disabled 1500. Many scientists feel that these foods have not been properly tested and pose serious health risks. ("Genetically Engineered Food - A Serious Health Risk," Friends of the Earth, <http://www.foe.co.uk/McamDs/Foodbio>).

Consumers have a right to know whether the food they purchase contains or was produced with genetically engineered material. Thus, the bill seeks to require the labelling of food, meat, and poultry products that contains genetically engineered material.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

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1 AN ACT
2 TO ESTABLISH A COMPREHENSIVE PROGRAM TO ENSURE COMPULSORY
3 LABELLING AND FAIR PACKAGING OF GENETICALLY ENGINEERED FOOD

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

6 SECTION 1. *Short Title.* – This Act shall be known as the “Genetically
7 Engineered Food Right to Know Act of 2008.”

8 SECTION 2. *Declaration of Policy.* – The State shall enforce compulsory
9 labelling and fair packaging to enable the consumer to obtain accurate information as to
10 the nature, quality, and quantity of the contents of the consumer products and to facilitate
11 his comparison of the value of such products.

12 SECTION 3. *Definition of Terms.* – As used in this Act:

13 (A) “Genetically Engineered Material” means material derived from any part of a
14 genetically engineered organism, without regard to whether the altered molecular or
15 cellular characteristics of the organism are detectable in the material.

16 (B) “Genetically Engineered Organism” means – (A) an organism that has been
17 altered at the molecular or cellular level by means that are not possible under natural
18 conditions or processes (including but not limited to recombinant DNA and RNA
19 techniques, cell fusion, microencapsulation, macroencapsulation, gene deletion and
20 doubling, introducing a foreign gene, and changing the positions of genes), other than a
21 means consisting exclusively of breeding, conjugation, fermentation, hybridization, in
22 vitro fertilization, or tissue culture, and (B) an organism made through sexual or asexual
23 reproduction (or both) involving an organism described in sub-clause (A), if possessing
24 any of the altered molecular or cellular characteristics of the organism so described.

1 (C) "Meat Food" means a carcass, part of a carcass, meat, or meat food product
2 that is derived from cattle, sheep, swine, goats, horses, mules, or other equines and is
3 capable of use as human food.

4 SECTION 4. *Labelling of Genetically Engineered Material.* –

5 (A) In General – This labelling requirement shall apply to food, poultry, and meat
6 products;

7 (B) All products enumerated in the preceding paragraph, domestically sold,
8 whether manufactured locally or imported, if it contains a genetically engineered
9 material, or was produced with a genetically engineered material, shall provide notices in
10 accordance with the following:

11 (1) A notice as follows: "GENETICALLY ENGINEERED."

12 (2) A notice as follows: "THIS PRODUCT CONTAINS GENETICALLY
13 ENGINEERED MATERIAL, OR WAS PRODUCED WITH A GENETICALLY
14 ENGINEERED MATERIAL."

15 (3) The notice required in clause (1) immediately precedes the notice
16 required in clause (2) and is not less than twice the size of the notice required in
17 clause (2).

18 SECTION 5. *Genetically Engineered Food.* –

19 (A) In General – Food shall be considered to have been produced with a
20 genetically engineered material if –

21 (1) the organism from which the food is derived has been injected or
22 otherwise treated with a genetically engineered material (except that the of
23 manure as a fertilizer for raw agricultural commodities may not be construed to
24 mean that such commodities are produced with a genetically engineered material);

25 (2) the animal from which the food is derived has been fed genetically
26 engineered material; or

27 (3) the food contains an ingredient that is a food to which clause (1) or (2)
28 applies.

1 (B) Exceptions – This paragraph does not apply to food that –

2 (1) is served in restaurants or other establishments in which food is served
3 for immediate human consumption;

4 (2) is processed and prepared primarily in a retail establishment, is ready
5 for human consumption, which is of the type described in clause (A), and is
6 offered for sale to consumers but not for immediate human consumption in such
7 establishment and is not offered for sale outside such establishment; or

8 (3) is a medical food.

9 SECTION 6. *Genetically Engineered Meat.* –

10 (A) In General – A meat food shall be considered to have been produced with a
11 genetically engineered material if –

12 (1) the organism from which the food is derived has been injected or
13 otherwise treated with a genetically engineered material;

14 (2) the animal from which the food is derived has been fed genetically
15 engineered material; or

16 (3) the food contains an ingredient that is a food to which subparagraph
17 (1) or (2) applies.

18 (B) Exceptions - This paragraph does not apply to any meat food that –

19 (1) is served in restaurants or other establishments in which food is served
20 for immediate human consumption; or

21 (2) is processed and prepared primarily in a retail establishment, is ready
22 for human consumption in such establishment, and is not offered for sale outside
23 such establishment.

24 SECTION 7. *Genetically Engineered Poultry Product.* –

25 (A) In General – A poultry product shall be considered to have been produced
26 with a genetically engineered material if –

27 (1) the poultry from which the food is derived has been injected or
28 otherwise treated with a genetically engineered material;

1 (2) the poultry from which the food is derived has been fed genetically
2 engineered material; or

3 (3) the food contains an ingredient that is a food to which subparagraph
4 (1) or (2) applies.

5 (B) Exceptions – This paragraph does not apply to any poultry product that –

6 (1) is served in restaurants or other establishments in which food is served
7 for immediate human consumption; or

8 (2) is processed and prepared primarily in a retail establishment, is ready
9 for human consumption, is offered for sale to consumers but not for immediate
10 human consumption in such establishment, and is not offered for sale outside such
11 establishment.

12 SECTION 8. *Implementing Agencies.* – The provisions of this Act and its
13 implementing rules and regulations shall be enforced by:

14 (A) the Department of Health with respect to food; and

15 (B) the Department of Agriculture with respect to products related to agriculture.

16 SECTION 9. *Penalties.* – Any person who shall violate the provisions of this Act
17 shall be subject to a fine of not less than One Thousand Pesos (P1,000.00) but not more
18 than Twenty Thousand Pesos (P20,000.00) or imprisonment of not less than three(3)
19 months but not more than two (2) years, or both, at the discretion of the court.

20 SECTION 10. *Separability Clause.* – If any provision, or part hereof, is held
21 invalid or unconstitutional, the remainder of the law or the provision not otherwise
22 affected shall remain valid and subsisting.

23 SECTION 11. *Repealing Clause.* – Any law, presidential decree or issuance,
24 executive order, letter of instruction, administrative order, rule or regulation contrary to
25 or inconsistent with, the provisions of this Act is hereby repealed, modified, or amended
26 accordingly.

1 SECTION 12. *Effectivity Clause.* – This Act shall take effect fifteen (15) days
2 after its publication in at least two (2) newspapers of general circulation.

3 Approved,