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SENATE

Senate Bill No. 797

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

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, otherwise known as the "Consumer Act of the Philippines," was enacted to protect the interests of the consumer, promote his general welfare, and to establish standards of conduct for business and industry. Article 77 of this Act provides for the minimum labeling 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.

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 labeling of food, meat, and poultry products that contains genetically engineered material.

In view of the foregoing, immediate enactment of this proposed measure is earnestly recommended.


JINGGOY EJERCITO ESTRADA
Senator

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AN ACT
TO REQUIRE THE FOOD, MEAT AND POULTRY PRODUCTS THAT
CONTAIN A GENETICALLY ENGINEERED MATERIAL, BE LABELED
ACCORDINGLY

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

SECTION 1. Short Title. -- This Act shall be known as the "**Genetically Engineered Food Right to Know Act.**"

SEC. 2. Declaration of Policy. - The State shall enforce compulsory labeling and fair packaging to enable the consumer to obtain accurate information as to the nature, quality, and quantity of the contents of consumer products and to facilitate his comparison of the value of such products.

SEC 3. Definition of Terms. - As used in this Act:

(a) "Genetically Engineered Material" means material derived from any part of a genetically engineered organism, without regard to whether the altered molecular or cellular characteristics of the organism are detectable in the material;

(b) "Genetically Engineered Organism" means-

(1) an organism that has been altered at the molecular or cellular level by means that are not possible under natural conditions or processes (including but not limited to recombinant DNA and RNA techniques cell fusion, microencapsulation, macroencapsulation, gene deletion and doubling, introducing a foreign gene, and changing the positions of genes), other than a means consisting exclusively of breeding, conjugation, fermentation, hybridization, in vitro fertilization, or tissue culture, and

(2) an organism made through sexual or asexual reproduction (or both) involving an organism described in sub-clause (1), if possessing any of the altered molecular or cellular characteristics of the organism so described.

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

SEC. 4. Labeling of Genetically Engineered Material. -

(a) *In General* - This labeling requirement shall apply to food, poultry, and meat products.

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

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

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

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

SEC. 5. Genetically Engineered Food -

(a) *In General* -- A food shall be considered to have been produced with a genetically engineered material if -

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

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

(3) the food contains an ingredient that is a food to which clause (A) or (B) applies.

(b) *Exceptions* -- This paragraph does not apply to food that—

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

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

(3) is a medical food.

SEC. 6. Genetically Engineered Meat.--

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

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

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

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

(b) *Exceptions* - This paragraph does not apply to any meat food that-

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

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

SEC. 7. Genetically Engineered Poultry Product.-

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

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

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

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

(b) *Exceptions* -- This paragraph does not apply to any poultry product that-

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

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

SEC. 8. Implementing Agencies. -- The provisions of this Act and its implementing rules and regulations shall be enforced by:

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

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

SEC. 9. Penalties. -- Any person who shall violate the provisions of this Act shall be subject to a fine of not less than Twenty Thousand Pesos (P20,000.00) but not more than One Hundred Thousand Pesos (P100,000.00) or imprisonment of not less than six (6) months but not more than (2) two years or both, at the discretion of the court

SEC. 10. Separability Clause.- If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 11. Repealing Clause.- Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provision of this Act is hereby repealed, modified, or amended accordingly.

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

Approved,