

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 4338



INTRODUCED BY Hon. John Marvin "Yul Servo" Nieto, Hon. Edward V.P. Maceda, Hon. Rodolfo C. Fariñas, Hon. Edcel C. Lagman, Hon. Pantaleon D. Alvarez, Hon. Antonio L. Tinio, Hon. Tom S. Villarin, Hon. Gary C. Alejano, Hon. Jose L. Atienza Jr., Hon. Rodante D. Marcoleta, Hon. Ronaldo B. Zamora and Hon. Leo Rafael M. Cueva

EXPLANATORY NOTE

This bill seeks to mandate a disclosure of the Nutritional Contents of Standard Menu items in chain restaurants and similar retail food establishments.

Article II, Section 15 of the 1987 Philippine Constitution provides that:

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

According to the World Health Organization, the right to the highest attainable standard of health requires a set of social criteria that is conducive to the health of all people, including the availability of health services, safe working conditions, adequate housing and nutritious foods. Achieving the right to health is closely related to that of other human rights.

In today's generation, everyone has busy routines and social lives, making it difficult for individuals to allot time for the preparation of nutritious food. As a result, people resort to readily available food in an attempt to save time, unconsciously neglecting its possible health consequences.

One factor that bring about obesity is the unhealthy lifestyle which includes, but not limited to consumption of food in chain restaurants. Most of the food served

at restaurants contain high amounts of salt, calories, food additives, and preservatives, which could be detrimental to the health of our people. Lack of knowledge and understanding of the nutritional value of foods eaten away from home may mean that Filipinos who eat out often do not realize or consider the impact on their overall diet and long-term health.

Providing the nutritional contents of the food the establishments offer to the public will not only make the people be aware of the basic nutritional facts, but will also enable them to make informed decisions when it comes to their food choices and ultimately, their health. The practice of menu labelling, also, encourages restaurants to improve the nutritional qualities of the food they opt to serve to the public. The state, through this Act, will be able to safeguard the right to health of its inhabitants.

Hence, the immediate passage of this bill is earnestly sought.



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AN ACT
MANDATING THE DISCLOSURE OF THE NUTRITIONAL CONTENTS OF
STANDARD MENU ITEMS IN CHAIN RESTAURANTS AND SIMILAR
RETAIL FOOD ESTABLISHMENT

*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 “Menu Labelling Act of 2016”

Section 2. Declaration of Policy – It is hereby declared as the policy of the State to protect and promote the right to health of the people and instill health consciousness among them. To achieve this, it is now mandated the disclosure of the nutritional contents of standard menu items in chain restaurants and similar retail food establishments to aid the people to make the best choices for their well-being; for the people to be aware of the nutritional content of the food they consume.

Section 3. Definition of Terms – Whenever used in this Act, the following terms shall mean or be understood as follows:

- a.) Restaurant or similar retail food establishment- A retail establishment, wherein the business is confined in selling or serving food that is meant for immediate human consumption, such as but not limited to consumption in the premises of such business or restaurant.
- b.) Menu- The primary writing of the restaurant or similar retail food establishment, of the list of goods that they offer to the general public, including drive-through menu boards, from which a customer makes an order selection.
- c.) Standard menu item- Food that is meant for immediate human consumption, which is routinely included on the establishment's menu, or routinely offered as self-service food or food on display. The term "food" shall include all kinds of beverages.
- d.) Temporary menu item- Food that appears on an establishment's menu or is routinely offered as self-service food or food on display for a period not exceeding sixty (60) days, it may be consecutive or per calendar year. The item that is regularly offered for sale one or more days each week shall not be considered a temporary menu item.
- e.) Food that is part of a customary market test- Food that is marketed in an establishment for a period not exceeding one hundred twenty (120) days, whether consecutive or not, in order to test consumer's acceptance of the goods.
- f.) Daily special- A menu item that is not routinely listed on a menu or offered for sale by the establishment, but is promoted as a special menu item prepared and offered for sale only a particular day.
- g.) Custom order- Food that is prepared in a specific manner, based on one's own request, which requires the covered establishment to deviate from its usual preparation of a menu item.
- h.) Variable menu item- A standard menu item that comes in different flavors, varieties, and/or combinations, and is listed as a single menu item.
- i.) Department- The Department of Health

Section 4. – Establishment covered – Every restaurant and similar retail food establishment nationwide that is part of a chain, with at least five (5) location or branches anywhere in the Philippines, doing business under the same or relatively connected in the same name, regardless of the type of ownership in the various locations, and offering for sale the same or

substantially the same menu items, shall be required to comply with the requirements set forth in this Act.

Section 5. – *Menu items that is substantially the same* – Menu items are considered the same or substantially the same where they are prepared using the same general recipe, and is made in the same way, with substantially the same food components, even if the names of the menu goods may vary.

Section 6. – *Disclosure of Nutritional Information* – For each standard menu items offered for sale, covered establishments shall, in a clear and conspicuous manner, disclose the corresponding nutrient content, in the manner provided herein, namely:

- a.) On the menu listing of the items for sale, adjacent to its name. So as to be clearly associated therewith, the number of calories contained in each serving size or other unit of measure of such item.

- b.) In a written form available within the premises of the establishment and as well to the customer upon request, with a prominent and clear statements of such availability on the menu board the amount of the following nutrients contained in each serving size or other unit of measure of items:

- i. Total fats;

- ii. Trans fat;

- iii. Saturated fat;

- iv. Cholesterol;

- v. Sodium;

- vi. Total carbohydrates;

- vii. Dietary fiber;

- viii. Sugars; and

- ix. Protein

Section 7. *Self-service menu items* – In the case of standard menu items sold at a salad bar, buffet line, cafeteria line, or other similar self-service facility, and for self-service items that are on display, covered establishments shall place adjacent to each item a sign which states the nutritional content of each displayed item.

Section 8. *Variable menu items* – In the case of variable menu items, disclosure of the caloric and nutrient content shall be made for each flavor or variety of said item. For variable standard menu items, however, whose ingredients are chosen or determined by the customers themselves, such disclosure shall be made separately for each ingredient, topping, add-on or variable component at a given quantity, whether in a posted list or adjacent to the container. There shall likewise be a visible statement of the availability of the written form described in Section 4 (b) of this Act.

Section 9. *Non applicability to certain food* – The nutrient content disclosures required by this Act shall not apply to the following food items:

- a. Those that are not listed on the menu, such as condiments and other items placed on tables or counters for general use;
- b. Daily specials;
- c. Temporary menu items;
- d. Food that is part of a customary market test; and
- e. Custom orders

Section 10. *Disclosure Compliance Certificate* – All restaurant and similar food establishment are hereby directed to apply for and secure, as an additional requirement for their operation, within twelve (12) months from the effectivity of this Act, a Nutrition Disclosure Compliance Certificate from the Department of Health. The said certificate shall be valid for two (2) years from the date of issue, unless otherwise provided.

Failure of any of the covered establishment to secure the aforementioned Certificate shall be a ground for the suspension or revocation its license to operate.

Section 11. *Reasonable basis* – Covered establishments shall have reasonable bases for their nutrient content disclosures, in the form of nutrient databases, cookbooks that provide nutritional information, laboratory analyses

performed by laboratories duly accredited by the Food and Drug Administration, and other reasonable means.

Section 12. Penalties – Any person or juridical entity found to be violating this Act shall be punished by a fine of not less than twenty thousand pesos (20,000) but not more than one hundred thousand pesos (100,000) at the discretion of the court. Provided, that for any second or additional offenses, the maximum fine shall be imposed.

Section 13. Implementing Rules and Regulation – The Secretary of Health shall, within ninety (90) days from the effectivity of this Act, issue the necessary rules and regulations for the effective implementation of the provision of this Act.

Section 14. Repealing Clause – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with, the provisions of this Act are hereby repealed, modified or amended accordingly.

Section 15. Separability clause – If any provision or part of this Act is declared invalid or unconstitutional by competent authority, the remainder or provisions not otherwise affected and dependent thereon shall remain valid and subsisting.

Section 16. Effectivity – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) national newspaper of general circulation.

Approved,