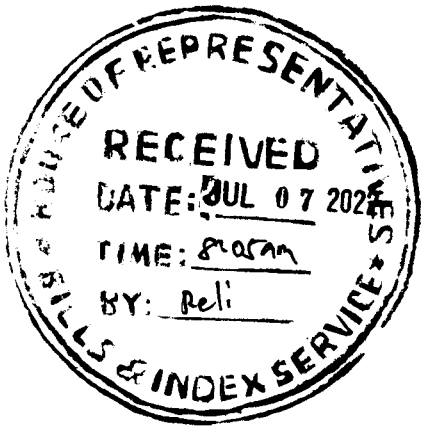
Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1485



Introduced by Representative Ma. Rene Ann Lourdes G. Matibag

AN ACT
TO PROTECT FILIPINOS FROM THE HARMFUL EFFECTS OF TRANS FATTY ACIDS, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Non-communicable diseases such as cardiovascular disease, diabetes, and hypertension, are among the leading causes of deaths and disability worldwide, including in the Philippines. Unhealthy diets are one of the biggest risk factors for these non-communicable diseases. According to the World Health Organization (WHO), the consumption of trans fatty acids (TFA) is among the biggest causes of unhealthy diets.

TFAs are often found in partially hydrogenated oils (PHOs), which are vegetable oils in solid form at room temperatures. The addition of this ingredient is used for prolonging shelf life of food. Unfortunately, unlike other types of fats, TFAs do not have any nutritional benefit, are harmful to human health. Thus, the WHO is calling for its elimination from human food.

With TFAs already being banned in other jurisdictions, the Philippines has become a dumping ground for these harmful chemicals, leaving Filipinos vulnerable to diet-related diseases. This causes socio-economic harms by straining the Philippine healthcare system and lessening productivity.

This bill seeks to protect Filipinos from the harmful effects of TFAs by prohibiting the manufacture, distribution, importation of food items which contain them.

Considering the rationale stated above, urgent passage of this bill is sought.

MA. RENE ANN LOURDES G. MATIBAG

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

Section 1. Short Title. – This Act shall be known as the "Trans-Fat Free Philippines Act."

Sec. 2. Declaration of Policy. – It is the policy of the State to protect and promote the right to health of the people and instill health consciousness among them. The State recognizes the right of people to safe and nutritious food, free from substances like trans-fatty acids (TFA) that increase their risk of contracting deadly diseases. In this regard, the State shall protect Filipinos from the threat of death and diseases linked to TFA consumption by progressively removing industrially-produced TFA from the food supply.

Sec. 3. Definitions of Terms. – As used in this Act, the following terms shall be defined as follows:

(a) Certificate of Product Registration (CPR) – an authorization issued by the Food and Drug Administration (FDA) for specific health products including food, after evaluation and approval of submitted registration requirements;

(b) Food – any substance or product, whether processed, partially processed or unprocessed that is intended for human consumption. It includes drinks, chewing gum, water and other substances that were used as an ingredient or a component in the manufacture, preparation or treatment of food, such as oils and fats, whether sold alone or incorporated in processed food and/or prepackaged food;

(c) Food Service Establishment – means any establishment that prepares, serves, markets, sells, or offers for sale, food or drink to be consumed within the establishment or

taken-out;

(d) Partially Hydrogenated Oil (PHO) – fat or oil that has been hydrogenated, but not to complete or near complete saturation, and with an iodine value greater than 4, as determined by a method that is suitable for this analysis;

(e) Prepackaged Food – processed food prepared in advance and placed in a container, labelled and ready for sale or distribution, or for catering purposes;

(f) Processed Food – any food that has been subjected to any action that substantially alters the initial raw materials or product or ingredients;

(g) Trans Fatty Acids or TFA – all fatty acids with a double bond in the trans configuration or are produced as a by-product when fats and oils are modified using industrial processing techniques.

Sec. 4. Scope and Application. – This Act shall apply to all food business operators as defined under Republic Act No. 10611 or the "Food Safety Act."

Sec. 5. Prohibition on the manufacture, importation, distribution, and sale of PHOs and oils and fats with high TFA content. – The manufacture, importation, distribution, and sale of the following are prohibited:

(a) PHOs to be consumed alone or used in preparation of food products;

(b) Oils and fats made or blended with PHOs; and

(c) Oils and fats with TFA content of more than 2g per 100g.

No registration, license or permit shall be issued to any food manufacturer, importer or distributor that manufactures, imports, distributes, or sells food in violation of this provision.

Sec. 6. Prohibition on the manufacture, importation, distribution, and sale of processed and prepackaged food with PHOs and high TFA content. – The manufacture, importation, distribution, and sale of the following are prohibited: –

(a) Processed and prepackaged food prepared with PHOs, including those prepared by food service establishments;

(b) Processed and prepackaged food prepared with oils and fats made or blended with PHOs, including food prepared by food service establishments; and

(c) Processed and prepackaged food with TFA content of more than 2g per 100g of total fat.

No registration, license or permit shall be issued to any food manufacturer, importer

or distributor of any processed or prepackaged food manufactured, imported, distributed or sold that are in violation of this provision.

Sec. 7. Requirements for trans-fat free claims. – The FDA shall certify any claim on the packaging, labelling, marketing, or advertising, that a food product is TFA free. A TFA free claim is any claim that states or suggests that the food product does not contain TFA, such as "Trans Fat Free," with "0g Trans Fat," or any other similar claim.

The manufacture, importation, distribution, or sale of food bearing a TFA free claim on the package or label, and marketing or advertising of food as TFA free, without a certification from the FDA, shall be prohibited. For this purpose, the FDA shall issue guidelines on certifying TFA free claims.

Sec. 8. Material misrepresentation. – Any material misrepresentation on the requirements mandated by the FDA in applying for a Certificate of Product Registration (CPR) shall be punishable under Section 16 of this Act. For purposes of this Act, there is material misrepresentation when the applicant makes false representation of a material fact in the application for a CPR, tending directly to induce the FDA to grant the application when otherwise it will be denied.

Sec. 9. Assistance and capacity building for local implementation and enforcement. – The FDA shall strengthen the capacity of local government units (LGUs) in enforcing the provisions of this Act. It shall assist LGUs in regulating prepackaged and processed food produced and marketed in traditional markets and food service establishments. Such assistance shall include the use of laboratories for testing and sharing of information relevant to products registered with the FDA.

Sec. 10. Research and Development. – The DOST shall:

(a) Conduct continuing research to identify and develop healthy alternative oils and food products such as:

(1) Healthy alternative oilseeds through crop diversification programs and agricultural research, in coordination with the DA;

(2) Healthy oils and fats through the application of oil modification techniques and other methods; and

(3) Healthy food product through product reformulation, research and development.

(b)In coordination with the FDA, develop or adopt technology to reduce the cost of TFA testing.

Sec. 11. Oilseeds crop diversification. – The DA shall implement an oilseeds crop diversification program and conduct continuing research and development to support the production of healthy alternative oilseeds in coordination with DOST.

Sec. 12. Trainings and seminars on reformulation. – The DOH, in coordination with FDA, DTI Philippine Trade Training Center (PTTC), DOST11 Philippine Council for Health Research and Development (DOST-PCHRD), DOST-Food and Nutrition Research Institute (DOST-FNRI), DILG, and the Technical Education and Skills Development Authority (TESDA), shall conduct trainings and seminars for food business operators and food service establishments on the reformulation of food products to comply with the provisions of this Act, and the use of healthy alternatives of oils as determined by the DOST.

Sec. 13. Inspection powers and record-keeping. – The FDA, through its authorized agents, shall have the power to inspect the premises and records of food manufacturers to determine compliance with this Act. The FDA shall issue inspection procedures and guidelines on record-keeping.

Sec. 14. Enforcement procedure for processed and prepackaged food. – The existing rules of procedure in administrative proceedings of the FDA shall apply in the handling of cases and violations committed under this Act in connection with processed and prepackaged food.

Sec. 15. Enforcement for traditional markets and food service establishments. – LGUs, through an appropriate issuance, shall establish a mechanism to enforce the provisions of this Act on prepackaged and processed food produced and marketed in traditional markets and food service establishments within their jurisdiction and shall impose penalties for violations thereof.

Sec. 16. Fines and Penalties. – The following administrative penalties shall be imposed on food business operators found to be in violation of Sections 5, 6, 7 and 8 of this Act:

1(a) For the first violation, a fine of not less than Fifty Thousand Pesos (P50,000.00) but not more than One Hundred Thousand Pesos (P100,000.00) and suspension of the CPR and/or License to Operate (LTO) for one (1) month;

(b) For the second violation, a fine of not less than One Hundred Thousand Pesos (P100,000.00) but not more than Two Hundred Thousand Pesos (P200,000.00) and suspension of CPR and/or LTO for three (3) months; and

(c) For the third violation, a fine of not less than Two Hundred Thousand Pesos (P200,000.00) but not more than Three Hundred Thousand Pesos (P300,000.00) and suspension of the CPR and/or LTO for one (1) year.

(d) Further violation of Sections 5, 6 or 7 of this Act shall warrant the automatic revocation of the operator's CPR, LTO, and other relevant licenses and permits.

The following administrative penalties shall be imposed on food business operators found to be in violation of Section 8 of this Act:

(a) For the first violation, a fine of not less than One Hundred Thousand Pesos (P100,000.00) but not more than Two Hundred Thousand Pesos (P200,000.00) and suspension of the CPR and/or LTO for one (1) year; and

(b) For the second violation, a fine of not less than Two Hundred Thousand pesos (P200,000.00) but not more than Three Hundred Thousand Pesos (P300,000.00) and the revocation of CPR and/or LTO.

The imposition of fines shall take into consideration the annual gross sales, capital investment and employee size of the food business operator.

Sec. 17. Other Penalties. – In addition to the foregoing fines and penalties, the following sanctions may also be imposed:

(a) Seizure and condemnation, destruction and/or appropriate disposition of noncompliant food products by the FDA as provided under their mandate; and/or

(b) Closure of establishment by the LGUs having jurisdiction.

Sec. 18. Accredited laboratories and testing centers. – In addition to existing testing laboratories, the FDA, and DTI-Philippine Accreditation Board (PAB) shall jointly accredit other public and private laboratories capable of testing TFA content in food. The FDA and DTI-PAB shall develop, issue, and publish accreditation procedures and qualification requirements for testing facilities within six (6) months from the effectivity of this Act. The FDA shall adopt mechanisms to reduce the cost of TFA testing in all accredited laboratories and testing centers.

Sec. 19. Regional laboratories and testing centers. – Regional laboratories and testing centers shall assist LGUs in monitoring and enforcing the provisions of this Act within their respective jurisdictions.

Sec. 20. Resources and manpower. – The FDA shall determine and ensure the sufficient resources and manpower needed for the implementation of this Act.

(a) In coordination with DOST, the FDA shall ensure that all FDA and DOST regional laboratories have the equipment and resources to conduct testing of TFA content in food.

(b) In coordination with relevant agencies, the FDA shall determine and ensure the adequacy of personnel trained on TFA regulation, testing, monitoring and surveillance.

Sec. 21. Duty-free importation of TFA testing equipment. – The importation of laboratory equipment for testing TFA shall be exempt from payment of customs duties and taxes.

Sec. 22. Early compliance incentives for MSMEs. – The DTI and LGUs, through its business process and licensing offices, shall develop and implement policies and programs providing incentives for MSMEs to encourage early voluntary compliance with this Act.

Sec. 23. Consumer information, education, and communication program. – The DOH, in coordination with the Philippine Information Agency, shall develop and implement a comprehensive information, education and communications program to raise public awareness on the provisions of this Act, the health harms resulting from TFA, sources of TFA in the diet, and ways to replace PHOs with healthy alternative oils and fats.

Sec. 24. Implementing Rules and Regulations. – Within sixty (60) days from the effectivity of this Act, the DOH shall develop and issue implementing rules and regulations (IRR) of this Act in consultation with the National Nutrition Council (NNC), FDA, DILG, DTI, DOST, DA, and other relevant government agencies and stakeholders.

Sec. 25. Transitory Provisions. – Within two (2) years from the effectivity of this Act:

(a) Food manufacturers and importers shall comply with the additional requirements for CPR application as determined by the FDA; and

(b) Food business operators shall be allowed to sell their remaining food products that do not comply with Sections 5, 6 and 7 of this Act.

All manufacturers, importers, distributors, and retailers of oils and fats, and food service establishments shall be required to submit their existing inventory of food products as of the date of effectivity of this Act to the FDA and DTI. Food business operators shall submit their inventory within sixty (60) days from the effectivity of the IRR of this Act to monitor the phase out of noncompliant food products.

Sec. 26. Monitoring and evaluation. – The DOH shall report annually to the President and to Congress the implementation of this Act. It shall, in coordination with DOST-FNRI, further monitor and evaluate the following:

(a) TFA exposure screening and surveillance – The DOST-FNRI shall include the regular screening and monitoring of TFA population consumption in the Expanded National Nutrition Survey; and

(b) TFA nutrient profiling – The DOST-FNRI shall include the testing and monitoring of TFA content in food in the Food Composition Table and Food Composition Databases.

Sec. 27. Appropriations and Use of Fees, Charges and Penalties. – The initial amount necessary for the implementation of this Act shall be charged against the current appropriation of all concerned agencies. Such funds necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

All fines and fees that may be collected from the enforcement of this Act shall be used exclusively for its implementation.

Sec. 28. 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. 29. 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 is hereby repealed, modified, or amended accordingly.

Sec. 30. Effectivity Clause. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette and at least two (2) newspapers of general circulation.

Approved,