Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4379

Introduced by **ANG PROBINSYANO**
Party-List Representative Alfred Delos Santos

EXPLANATORY NOTE

Noncommunicable diseases (NCDs) kill 41 million people each year, contributing to about 71% of all deaths globally. In the Philippines, NCDs account for 68% of all deaths. One in every three Filipinos is likely to die before the age of 70 from one of the four major NCDs – cardiovascular diseases (CVDs), cancer, diabetes, or chronic respiratory diseases. CVDs, particularly coronary heart disease (CHD), account for nearly half of the world's NCD-related deaths and claim around 70,000 lives in the Philippines every year.

High intake of trans-fatty acids (TFA) increases the risk of death from any cause by 34% and CHD mortality and morbidity by as much as 23% and 28%, respectively. Every year, more than half a million deaths are attributed to TFA globally. Dubbed the "tobacco of nutrition," TFA has no health benefits and is completely replaceable with no difference in taste or cost of food. Thus, the WHO published the REPLACE Technical Action Package as a road map towards a trans-fat-free world by 2023.

Denmark, Argentina, Thailand, and Singapore have introduced policies to limit TFA consumption by banning partially hydrogenated oils (PHOs), the major source of TFA, and/or limiting TFA content in food. Countries that regulated TFA have seen a significant decline in CHD deaths. Denmark's regulation limiting TFA content to 2g per 100g of fat in food products contributed to a 75% reduction in CHD- related deaths. In Argentina, an estimated 301 to 1,517 cardiac deaths every year were averted by eliminating industrially-produced TFA, saving the government as much as USD 87 million in healthcare costs annually.

The importance of addressing the problem of CHDs and CVDs as a whole has never been more pronounced than during this COVID-19 pandemic where

patients with comorbidities, such as CHD, have a higher risk of serious illness or death. As of June 8, 2020, 49% of COVID-19 deaths in the Philippines had comorbidities. Now more than ever, the need for preventative health care and healthy lifestyle promotion must be realized in line with the vision of universal health care.

According to the WHO, TFA elimination is considered one of the simplest and most straightforward public health interventions to reduce the risk of CVDs and improve the nutritional quality of diets. As more countries regulate TFA, countries without regulations become vulnerable to dumping of TFA-rich imported food. Thus, it becomes even more urgent to join the global movement to become TFA-free by 2023 by passing this bill now. Together, let us protect all Filipinos from the harmful effects of TFA and promote healthy hearts for all.

ALFRED C. DELOS SANTOS
Representative, Ang Probinsyano Partylist

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

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".

SECTION 2. *Declaration of Policy* – It is the policy of the State to protect and promote the Filipinos' right to health 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 removing industrially produced TFA from the food supply.

SECTION 3. *Definition of Terms* – For the purposes of this Act, the following terms shall be defined as follows:

a) Certificate of Product Registration (CPR) – an authorization issued by the Food and Drug Authority (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) LTO - license to operate
e) 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.
f) Prepackaged Food – processed food prepared in advance and placed in a container, labeled and ready for sale or distribution, or for catering purposes.
g) Processed Food – any food that has been subjected to any action that substantially alters the initial raw materials or product or ingredients.
h) 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.

SECTION 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."

SECTION 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 the 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, excluding TFA content from ruminant sources.

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.

SECTION 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 food 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, excluding TFA content from ruminant sources.

No registration, license, or permit shall be issued to any food manufacturer, importer, or distributor for any processed or prepackaged food manufactured, imported, distributed, or sold in violation of this provision.

SECTION 7. *Prohibition on Trans Fat-Free Claims.* – Claims on the packaging, labeling, marketing, or advertising, that a food product is TFA free shall be prohibited. 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.

SECTION 8. *Material Misrepresentation.* – Any material misrepresentation with regard to the requirements mandated by the FDA in the application for a CPR shall be a ground for the imposition of appropriate penalties prescribed under this Act. For purposes of this Act, there is material misrepresentation when the applicant makes a 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.

SECTION 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.

SECTION 10. *Research and Development.* – The DOST shall:

a) Conduct continuing research to identify and develop healthy alternative oils and food products such as:
    i. Healthy alternative oilseeds through crop diversification programs and agricultural research, in coordination with the DA;
    ii. Healthy oils and fats through the application of oil modification techniques and other methods; and

iii. Healthy food products through product reformulation, research, and development; and

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

SECTION 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.

SECTION 12. *Training and Seminars on Reformulation.* – The DOH, in coordination with FDA, DTI Philippine Trade Training Center (PTTC), DOST 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 training 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 DOH and DOST.

SECTION 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.

SECTION 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 with regard to processed and prepackaged food.

SECTION 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.

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

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 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). Suspension of CPR and/or LTO for one (1) year or revocation of the CPR, LTO, and other relevant licenses and permits.
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 businesses 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 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.

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

a) Seizure and condemnation, destruction, recall and/or appropriate disposition of non-compliant food products by the FDA as provided under their mandate; and/or
b) Closure of establishment by the LGUs having jurisdiction.

SECTION 18. *Accredited Laboratories and Testing Centers.* – In addition to existing testing laboratories, the FDA and DTI-Philippine Accreditation Board (PAB) shall jointly accredit 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.

SECTION 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.

SECTION 20. *Resources and Manpower.* – The FDA shall determine and ensure the sufficient number of 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.

SECTION 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.

SECTION 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.

SECTION 23. *Consumer Information, Education and Communication Program.* – The DOH, in coordination with the Philippine Information Agency, shall develop and implement 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.

SECTION 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 NNC, FDA, DILG, DTI, DOST, DA, and other relevant government agencies and stakeholders.

SECTION 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 existing food products that do not comply with Sections 5 and 6 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 non-compliant food products.

SECTION 26. *Monitoring and evaluation.* – The DOH shall periodically report to the President and the Congressional Committees on Health, Agriculture and Food, and Trade and Industry on the implementation of this Act. The DOH 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.

SECTION 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.

SECTION 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.

SECTION 29. *Repealing Clause.* – Except as otherwise expressly provided in this Act, all other laws, decrees, executive orders, proclamations, and administrative regulations or parts thereof inconsistent herewith are hereby repealed or modified accordingly.

SECTION 30. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved,