NINETEENTH CONGRESS OF THE REPUBLIC OF THE PHILIPPINES
First Regular Session

SENATE

S. B. NO. 1286

Introduced by **SENATOR JOEL VILLANUEVA**

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

EXPLANATORY NOTE

Cardiovascular diseases have been one of the leading causes of mortality among Filipinos. Based on the report by the Philippine Statistics Authority (PSA), Ischaemic Heart Disease (IHD) or Coronary Heart Disease (CHD), a form of cardiovascular disease, was identified as the top cause of death, with 136,575 cases or 17.8% of the total deaths in the country from January to December 2021.[1] This indicated an increase of 29.7% from the 105,281 deaths or 17.1% of total deaths in 2020.[2] Recently, PSA's latest preliminary report from January to April of 2022, shows that IHD remains to be one of the leading causes of death in the country, with 29,442 cases or 18.7% of the total deaths in the country.[3] One of the risk factors contributing to the prevalence of cardiovascular diseases is the high intake of trans-fatty acids (TFA), which increases bad cholesterol and blood sugar, and decreases good cholesterol.

[1] Philippine Statistics Authority, Causes of Death in the Philippines (Preliminary: January to December 2021. *Retrieved from* https://psa.gov.ph/content/causes-deaths-philippines-preliminary-january-december-2021 (date last accessed September 5, 2022).
[2] *Id.*
[3] Philippine Statistics Authority, 2022 Causes of Deaths in the Philippines (Preliminary as of May 31, 2022). *Retrieved from* https://psa.gov.ph/content/2022-causes-deaths-philippines-preliminary-31-may-2022 (date last accessed September 5, 2022).

TFA sources are either naturally occurring (meat and dairy products from ruminant animals, such as cattle, sheep, goats, and camels) and industrially-produced (developed through the partial hydrogenation of oils).[4] In the United States of America, its Food and Drug Administration has determined that partial hydrogeneration of oils (PHOs), the major source of industrially-produced or artificial trans fatty acids in the food supply, are no longer "Generally Recognized as Safe" and called for a transition to eliminate its usage in foods.[5] Other countries have also implemented best practice policies for TFA elimination or mandatory limits, such as Singapore, Brazil, United Kingdom, and India, among others.[6]

In 2021, the Department of Health (DOH) took a step forward in adopting DOH Administrative Order No. 2021-0039, or the "National Policy on the Elimination of Industrially-Produced Trans-Fatty Acids for the Prevention and Control of Non-Communicable Diseases,"[7] which was followed by the issuance of the Food and Drug Administration Circular No. 2021-028, or the "Guidelines for Prepackaged Processed Food Products Containing Trans-Fatty Acids."[8] The Circular, among others, prohibited the production, importation, and distribution for commercial sale or use of industrially-produced TFA and processed food products containing industrially-produced TFA.

The bill seeks to institutionalize the nutrition policy of eliminating TFA from Filipinos' diet and prevent the further spread of cardiovascular-related health risks. The bill is in response to the World Health Organization's firm commitment to a Trans Fat Free world by 2023.

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

SENATOR JOEL VILLANUEVA

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[4] Food and Drug Administration, Guidelines for Prepackaged Processed Food Products Containing Trans-Fatty Acids (TFA), FDA Circular No. 2021-028. Retrieved from: https://www.fda.gov.ph/fda-circular-no-2021-028-guidelines-for-prepackaged-processed-food-products-containing-trans-fatty-acids-tfa/.

[5] US Food and Drug Administration, Trans Fat. Retrieved From https://www.fda.gov/food/food-additives-petitions/trans-fat#:~:text=In%202015%2C%20FDA%20determined%20that,cannot%20add%20PHOs%20to%20foods (date last accessed September 5, 2022).

[6] December 7, 2021, Countries with regulations protecting people from industrially produced trans fat tripled over the past year, World Health Organization. Retrieved from https://www.who.int/news/item/07-12-2021-countries-with-regulations-protecting-people-from-industrially-produced-trans-fat-tripled-over-the-past-year (date last accessed September 5, 2022).

[7] Department of Health, National Policy on the Elimination of Industrially-Produced Trans-Fatty Acids for the Prevention and Control of Non-Communicable Diseases, DOH AO No. 2021-0039.

[8] Food and Drug Administration, Guidelines for Prepackaged Processed Food Products Containing Trans-Fatty Acids, FDA Circular No. 2021-028.

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Office of the Secretary

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S.B. No. 1286

Introduced by **SENATOR JOEL VILLANUEVA**

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

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 "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 also 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. Definition of Terms. – For the purposes of this Act, the following terms shall be defined as follows:

a) **Certificate of Product Registration (CPR)** refers to an authorization issued by the Food and Drug Authority (FDA) for specific health products, including food, after evaluation and approval of appropriate documents;

b) **Food** refers to 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 business operator** refers to a person engaged in the food business including one's agents and is responsible for ensuring that the requirements of

this Act and Republic Act No. 10611, otherwise known as the Food Safety Act of 2013;

d) **Food Service Establishment** refers to any establishment that prepares, serves, markets, sells, or offers for sale, food or drink to be consumed within the establishment or taken-out;

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

f) **Prepackaged Food** refers to processed food prepared in advance and placed in a container, labelled and ready for sale or distribution, or for catering purposes;

g) **Processed Food** refers to any food that has been subjected to any action that substantially alters the initial raw materials or product or ingredients; and

h) **Trans-Fatty Acids (TFA)** refers to 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 in this 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, 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.

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 processed and prepackaged foods are prohibited:

a) Those prepared with PHOs, including food prepared by food service establishments;

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

c) Those 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.

SEC. 7. Prohibition on Trans-Fat Free Claims. – Claims on the packaging, labelling, marketing, or advertising, that a food product is TFA-free is 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.

SEC. 8. Material Misrepresentation. – Any material misrepresentation in the application for a CPR with the FDA, specifically relating to TFA or PHO content, 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.

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, including the provision of trainings and other capacity-building activities in the regulation of prepackaged and processed food produced and marketed in traditional markets and food service establishments in accordance with Republic Act No. Republic Act No. 10611, otherwise known as the Food Safety Act of 2013. Such assistance shall include, but not be limited, to technical assistance, the use of laboratories for testing and sharing of information relevant to products registered with the FDA.

SEC. 10. Research and Development. – The Department of Science and Technology (DOST), in coordination with the Department of Agriculture (DA) and the Department of Health (DOH) and other relevant agencies, shall conduct and intensify its research to identify and develop healthy alternative oils and food products, including, but not limited, to:

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

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

c) Healthy food products through product reformulation, research and development.

The DOST shall also coordinate with the FDA in developing or adopting technology that will reduce the cost of TFA testing.

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

SEC. 12. Trainings and Seminars on Reformulation and Information Campaign. – The DOH, in coordination with FDA, Department of Trade and Industry-

Philippine Trade Training Center (DTI-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 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 alternative oils as determined by the DOH and DOST.

The DOH shall also regularly conduct information, education and communication campaigns regarding TFA and its dangers, the contents of this Act, the value of having a healthy diet, proper methods of heating and reheating of cooking oils, and alternative oils available in the market. For this purpose, it shall also prepare relevant materials, which shall be posted and regularly updated on its website, and as far as practicable, be translated in regional languages.

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 business operators to determine compliance with this Act. The FDA shall issue inspection procedures and guidelines on record-keeping for this purpose.

SEC. 14. Penalties. – Any violation of this Act shall be meted out a fine of Fifty Thousand Pesos (P50,000.00) up to One Million Pesos (P1,000,000.00), depending on the severity and frequency of the violation/s, and the gross sales, capital investment and number of employees of the establishment concerned. In proper cases, the CPR and License to Operate issued by FDA and/or the certificate of registration issued by the Securities and Exchange Commission shall also be revoked, and the corresponding closure of the business.

In addition to the administrative penalties, the FDA shall also seize, condemn, destroy and/or recall non-compliant food products.

SEC. 15. Resources and Manpower. – To ensure the proper implementation of this Act, the FDA, if appropriate, shall create additional plantilla positions, subject to relevant rules and regulations of the Civil Service Commission (CSC), and the approval of the Department of Budget and Management (DBM).

In addition, the FDA shall ensure that all relevant government laboratories have the proper equipment and resources to conduct testing of TFA content in food. The FDA shall also ensure that all personnel responsible for the implementation of this Act are properly trained on TFA regulation, testing, monitoring and surveillance.

SEC. 16. Duty-free Importation of TFA Testing Equipment. – To ensure the availability of laboratories capable of testing TFA content in food, and to incentivize the private sector in investing in such, the importation of laboratory equipment for testing TFA shall be exempt from payment of customs duties and taxes.

SEC. 17. Early compliance Incentives for MSMEs. – The DTI, in coordination with the DILG, shall develop and implement policies and programs providing incentives for MSMEs to encourage early voluntary compliance with this Act.

SEC. 18. Reports. – The DOH, not later than June 30 of each year, shall submit a report to the President and both Houses of Congress regarding the implementation of this Act. The annual report shall also include a report on the consumption of TFA, which shall

be included in the Expanded National Nutrition Survey, and testing and monitoring of TFA content in food, which shall be included in the Food Composition Tables and Food Composition Databases.

SEC. 19. Transitory Provisions. – Food business operators shall have a period of two (2) years from the effectivity of this Act to comply with the provisions of this Act.

SEC. 20. Appropriations. – The funds necessary for the initial implementation of this Act shall be charged against the current appropriations of the concerned agencies. Thereafter, such funds as necessary for the effective implementation of this Act shall be included in the annual General Appropriation Act.

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

SEC. 21. Implementing Rules and Regulations. – Within sixty (60) days from the effectivity of this Act, the DOH, in consultation with FDA, National Nutrition Council (NNC), DILG, DTI, DOST, DA, and other relevant government agencies and stakeholders, shall issue the and regulations for the effective implementation of this Act.

SEC. 22. Separability Clause. – If any provision of this Act is declared unconstitutional or otherwise invalid, the validity of the other provisions shall not be affected thereby.

SEC. 23. Repealing Clause. – All laws, orders, issuances, rules and regulations or part thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 24. Effectivity Clause. – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved,