

INFORMATION SHEET  
ON  
COMMITTEE REPORT NO. 31  
RE 1541  
Short Title Philippine Micronutrient Fortification Act 20 P453  
Filed on 20 APR 1999

OFFICE OF THE SECRETARY

a) COMMITTEE(s) which reported out the bill(s)/resolution(s)/other matters: RECEIVED BY: 6  
Health and Demography (primary)  
(secondary)

b) BILL(s) and/or RESOLUTION(s) OTHER MATTER(s) reported out and taken into consideration:

Bill/Resolution/others	Referred to the Ctte(s) on:	Author(s)
1. <u>S. 919</u>	<u>Health &amp; Demography</u>	<u>Sen. Flavier</u>
2. <u>S. 1276</u>	<u>Health &amp; Demography</u>	<u>Sen. Aquino-Oreta</u>
3. _____	_____	_____

Other bill(s)/resolution(s)/other matters of similar subject matter not included in this report:

Reason(s): \_\_\_\_\_

c) ACTION TAKEN by the Committee(s):

Primary Committee

Secondary Committee  
(If this is not a joint report)

☒ Recommending Approval \_\_\_\_\_ [ ]  
[ ] with amendments \_\_\_\_\_ [ ]  
[ ] without amendments \_\_\_\_\_ [ ]  
☒ in substitution of \_\_\_\_\_ [ ]  
[ ] in consolidation with \_\_\_\_\_ [ ]  
[ ] Laid on the Table/Archived \_\_\_\_\_ [ ]

[ ] Pending in the  
Committee on \_\_\_\_\_

d) COMMITTEE MEETINGS/PUBLIC HEARINGS/TWG/OTHERS CONDUCTED:

Date: Nov. 10 Venue: Tanada Room Date: Feb. 19 Venue: Recsom Room  
It- w/ Education, Arts & Culture /  
Local Government  
Finance / Social Justice,  
Welfare & Development

e) Does this Bill/Resolution contain any REVENUE or APPROPRIATION Provision? Yes.

If Yes, has it been referred to the Finance or Ways and Means Committee and what were its recommendations? \_\_\_\_\_

f) RELATED/COUNTERPART MEASURE from the HOUSE OF REPRESENTATIVES:

Bill/Resolution No. (s)	Status in the House	Status in the Senate
_____	<u>1179</u> <u>substituted by</u>	<u>HB 5915</u> <u>for deliberation</u> <u>sponsorship on</u>
_____	<u>3941</u>	<u>Deliberate w/ the Committee</u> <u>the floor</u> <u>finished</u>

g) MEMBER(s) without signature in the report; and reason(s):

Senator Sotto - out of the country - will still arrive on 23 APRIL, 1999.

h) Additional remarks: The chairperson specifically made instruction for immediate filing,  
hence, signature of Senator Sotto cannot be awaited.

Submitted by: [Signature] MA. LOURDES ALZATE  
Legislative Committee Secretary

Date submitted: \_\_\_\_\_

ELEVENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )

99 APR 20 P4:53

SENATE

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Committee Report No. 37

Submitted by the Senate Committee on Health and Demography on 20 APR 1999

Re : Senate Bill Number 1541

Recommending its approval in substitution of S. Nos. 919 and 1276

Sponsor : Senator Juan M. Flavie

MR. PRESIDENT:

The Committee on Health and Demography to which were referred S. No. 919, introduced by Senator Flavie, entitled:

**"AN ACT INSTITUTIONALIZING THE MICRONUTRIENT FORTIFICATION PROGRAM OF THE DEPARTMENT OF HEALTH AND FOR OTHER PURPOSES"**

and S. No. 1276, introduced by Senator Aquino-Oreta, entitled:


**"AN ACT REQUIRING THE FORTIFICATION OF PROCESSED FOODS WITH ESSENTIAL MICRONUTRIENTS AND FOR OTHER PURPOSES"**

has considered the same and have the honor to report them back to the Senate with the recommendation that the attached bill, S. No. 1541, prepared by the Committee, entitled:

**"AN ACT ESTABLISHING THE PHILIPPINE MICRONUTRIENT FORTIFICATION PROGRAM AND FOR OTHER PURPOSES"**

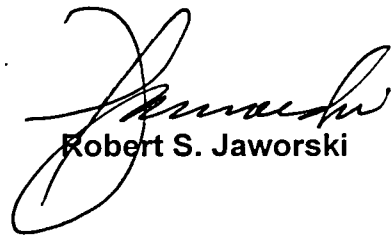
be approved in substitution of S. Nos. 919 and 1276, with Senators Flavie and Aquino-Oreta as authors thereof.

Respectfully submitted:

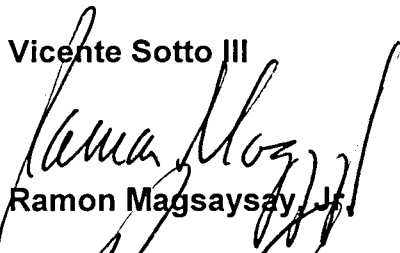
  
Juan M. Flavie  
Chairman  
Committee on Health and Demography

**VICE-CHAIRPERSONS**

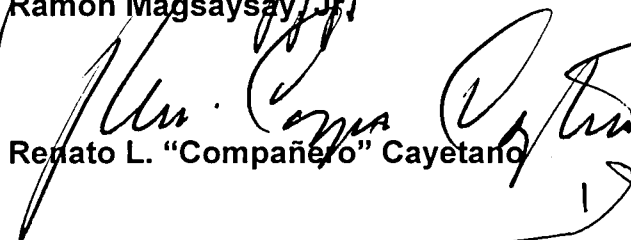
  
Teresa Aquino-Oreta

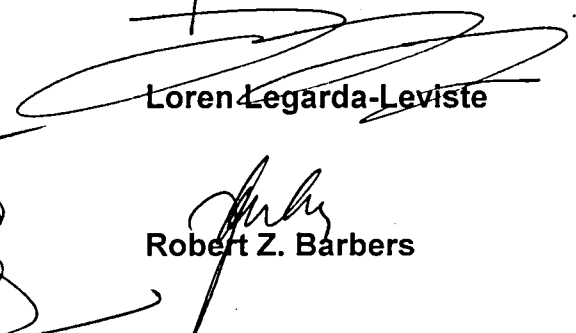
  
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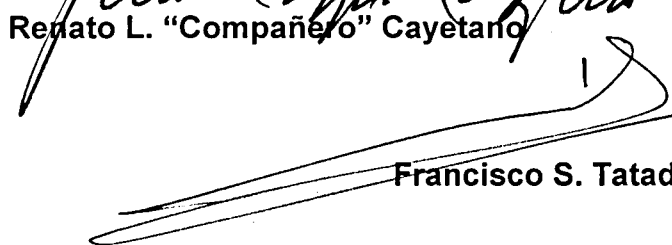
**MEMBERS**

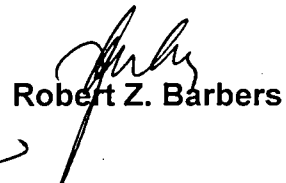
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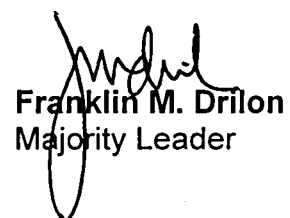
  
Loren Legarda-Leviste

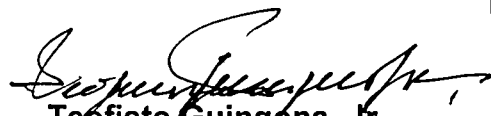
  
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Teofisto Guingona, Jr.  
Minority Leader

The Honorable  
Marcelo B. Fernan  
President of the Senate  
Pasay City

ELEVENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )

'99 APR 20 P4:53

SENATE  
S. No. 154

RECEIVED BY: G

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Introduced by Senators Juan M. Flavier and Teresa Aquino-Oreta

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**AN ACT**  
**ESTABLISHING THE PHILIPPINE MICRONUTRIENT FORTIFICATION**  
**PROGRAM AND FOR OTHER PURPOSES**

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

**SECTION 1. Title -** This Act shall be known as the Philippine Micronutrient Fortification Act of 1999.

**SEC. 2. Declaration of Policies. -** Section 15 of Article II of the Constitution provides that the State shall protect and promote the right to health of the people and instill health consciousness among them.

The State recognizes that nutritional deficiency problems in the Philippines, based on nutrition surveys, include deficiencies in energy, iron, vitamin A, iodine, thiamin and riboflavin.

The State recognizes that food fortification is vital where there is a demonstrated need to increase the intake of an essential nutrient by one or more population groups, as manifested in dietary, biochemical or clinical evidences of deficiency. Food fortification is considered important in the promotion of optimal health and to compensate for the loss of nutrients due to processing and/or storage of food.

Food fortification, therefore, shall be carried out to compensate for the inadequacies in Filipino diet, based on present-day needs as measured using the most recent Recommended Dietary Allowances (RDA).

**SEC. 3. Definition of Terms. -** For purposes of this Act, the following terms shall mean:

a. **Department -** Department of Health

b. **Fortification -** the addition of nutrients to processed foods at levels above the natural state. As an approach to control micronutrient deficiency, food fortification is

addition of a micronutrient, deficient in the diet, to a food or condiment which is widely consumed by specific at-risk groups.

c. **Fortificant** - a substance, in chemical or natural form, added to food to increase its nutrient value.

d. **Micronutrient** - an essential nutrient required by the body in very small quantities; recommended intakes are in milligrams or micrograms.

e. **Manufacturer** - shall refer to the refinery in case of refined sugar or cooking oil, the miller in case of flour or rice, or the importer in case of imported food products.

f. **Nutrient** - any chemical substance needed by the body for one or more of these functions: to provide heat or energy, to build and repair tissues, and to regulate life processes. Although nutrients are found chiefly in foods, some can be synthesized in the laboratory like vitamin and mineral supplements or in the body through biosynthesis.

g. **Nutrition labeling** - a system of labeling processed foods on the basis of their selected nutrient content. It aims to provide accurate nutrition information about each food. This is printed in food labels as "Nutrition Facts".

h. **Processed food or food products** - food that has been subjected to some degree of processing like milling, drying, concentrating, canning, or addition of some ingredients which changes partially or completely the physico-chemical and/or sensory characteristics of the food's raw material.

i. **Recommended Dietary Allowances (RDA)**- levels of nutrient intakes which are considered adequate to maintain health and provide reasonable levels of reserves in body tissues of nearly all healthy persons in the population.

j. **Sangkap Pinoy Seal Program (SPSP)** - a strategy to encourage food manufacturers to fortify food products with essential nutrients at levels approved by the Department of Health. The fundamental concept of the program is to authorize food manufacturers to use the DOH seal of acceptance for food products other than iodized salt, after these products passed a set of defined criteria. The seal can be used by consumers as guide for selecting nutritious foods.

k. **Unprocessed food** - food that has not undergone any treatment that results in substantial change in the original state even if it may have been divided, boned, skinned, peeled, ground, cut cleaned, trimmed, fresh frozen or chilled.

**SEC. 4. The Philippine Micronutrient Fortification Program** - The Philippine Micronutrient Fortification Program, herein after referred to as the Program, shall cover all imported or locally processed food or food products, as defined in Section three (3) hereof, for sale or distribution in the Philippines: Provided, That, dietary supplements for which established standards have already been prescribed by DOH and which standards include specifications for nutrient composition or levels of fortification shall not be covered by this Act.

The Program shall consist of 1) Voluntary Food Fortification and 2) Mandatory Food Fortification.

**SEC. 5. Voluntary Food Fortification Program** - Under the Sangkap Pinoy Seal Program (SPSP), the Department of Health shall encourage the micronutrient fortification of all processed food or food products based on rules and regulations, which the Department shall issue after the effectivity of this Act.

Voluntary fortification shall be based on accepted standards on safety of substance in food.

**SEC. 6. Mandatory Food Fortification Program** - a) The fortification of the following staple foods based on standards set by the Department of Health or Department of Agriculture is hereby made mandatory for:

1. Rice - with Iron;
2. Hard Wheat flour - with vitamin A;
3. Refined sugar - with vitamin A; and
4. Cooking oil - with vitamin A.

b. The fortification of food products under this section shall be undertaken by manufacturers, as defined in section 3 of this Act: Provided, That the implementation of this section shall be enforced over a period of three (3) years for wheat flour, refined sugar and cooking oil; and five (5) years for rice: Provided, further, That rice milled and/or distributed by the National Food Authority shall be fortified within three (3) years from the effectivity of this act.

**SEC. 7. Support to affected manufacturers -** The following government agencies shall support the implementation of this Act through their respective programs:

1. The Department of Trade and Industry (DTI) is hereby required to assist and support affected manufacturers in upgrading their technologies by helping them obtain soft loans and financial assistance for the procurement of technologies and machines to comply with the provisions of this Act;

2. The Department of Science and Technology (DOST) shall develop and implement comprehensive programs for the acquisition of, design and manufacture of machines and technologies and transfer said machines and technologies to manufacturers; and,

3. The Land Bank of the Philippines (LBP) and Livelihood Corporation (LIVECOR) are hereby required to assist and support the implementation of this Act by granting loans, to affected manufacturers, at preferential rates.

**SEC. 8. Non-compliance with Fortification Process -** The following shall be considered non-compliance with the fortification process:

1. If the food fortification levels do not comply with Department of Health or Department of Agriculture requirements, except when the deviation from the fortification levels are justified and are properly declared in the labeling;

2. If the fortificant used is different from that approved by the Department of Health or Department of Agriculture;

3. If the process of fortification does not conform to Department of Health or Department of Agriculture standards; and,

4. If the processed food does not comply with the fortification requirement of the DOH, it shall not be registered by the Department of Health or Department of Agriculture and will not be allowed to be placed in the market.

**SEC. 9. Implementation, Monitoring and Review -** The Department of Health shall be the lead agency responsible for the implementation and monitoring of this Act.

The Department shall also be responsible in the conduct of promotional and advocacy activities on the use of fortified food products through its Sangkap Pinoy Seal Program (SPSP) and/or other programs designed to promote nutrition.

The various agencies/institutions with analytical laboratories for nutrient analysis and other technology development generators shall provide the necessary services that may be required by the food industry in compliance with this Act.

The National Nutrition Council (NCC) shall conduct a comprehensive review of the effects on the implementation of this Act to the nutritional health of the Filipinos and recommend to Congress possible amendments or revision to this Act.

**SEC. 10. Administrative Sanctions.** - The Department of Health or the Department of Agriculture, after notice and hearing, shall impose any or all of the following administrative sanctions in cases of non-compliance with the guidelines it has set:

- a) Order the recall of the products(s) declared/found to have violated the standards for food fortification;
- b) Impose a fine of not less than P 500,000.00 but not more than P 1,000,000.00 for violations of this Act or its Implementing Rules and Regulations;
- c) Suspend or cancel the registration of the product if violations of rules or standards occur more than once.

**SEC. 11. Penal Sanctions** - Notwithstanding the administrative sanctions provided in the preceding section, any person who violates any provision of this Act or any rules and regulation promulgated for its effective implementation shall be punished with one (1) month imprisonment for the first offense, three (3) months imprisonment for the second offense, and six (6) month imprisonment for every violation thereafter: Provided, That, if the violation is committed by any officer, director, of a business or juridical entity, acting beyond the scope of its authority, such officer, director or member responsible therefor shall be held personally liable.

**SEC. 12. Implementing Rules and Regulations** - The Department of Health, jointly with the Department of Agriculture, and in consultation with government agencies, non-government organizations, private sector and consumer groups involved in nutrition, shall formulate the Implementing Rules and Regulations (IRR) necessary to implement the provisions of this Act. The IRR issued pursuant to this Section shall take effect 30 days after publication in a national newspaper of general application.



**SEC. 13. Appropriations** - The amount necessary for the implementation of this Act shall initially be charged to the appropriations of the agencies concerned, as may be appropriated, under the current General Appropriations Act. Thereafter, the amount as may be necessary for its implementation shall be included in the annual General Appropriations Act.

**SEC. 14. Repealing Clause** - All laws, decrees, rules and regulations, executive orders inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

**SEC. 15. Separability Clause** - If any provision of this Act is declared unconstitutional or unlawful, the remaining provisions shall remain legal and in full effect.

**SEC. 16. Effectivity** - This Act shall take effect upon its approval.

Approved,

ELEVENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )

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**SENATE**

Senate No. 919

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Introduced by Senator Flavier

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**EXPLANATORY NOTE**

One of the main problems of our country today is malnutrition.

The 1993 national nutrition survey conducted by the Food and Nutrition Research Institute showed that among pre-school children (0-6 years old) prevalence of malnutrition in 1993 is at 8.4%. Similarly, stunting is at 5.6%. Among school children (7-10 years old), prevalence of underweight was at 7.0 in 1993.

The author recognizes that the main solution to this problem is adequate and proper diet. Hence, food on the table of every Filipino family is paramount.

However, the author also recognizes that micronutrient fortification can also help us fight malnutrition, especially among children.

This bill seeks to build on existing efforts by the Department of Health and other government agencies to solve the problem of malnutrition.

This bill seeks the institutionalization of the micronutrient fortification program of the government and provides stiffer penalty to those who will violate provisions of this Act.

  
JUAN M. FLAVIER

ELEVENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )

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**SENATE**

Senate No. 919

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Introduced by Senator Flavier

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**AN ACT**  
**INSTITUTIONALIZING THE MICRONUTRIENT FORTIFICATION PROGRAM OF THE**  
**DEPARTMENT OF HEALTH AND FOR OTHER PURPOSES**

**SECTION 1.** Short title. This Act shall also be known as the "Micronutrient Fortification Act of 1998".

**SECTION 2.** Declaration of Policy. Article XIII of the Constitution states that: The State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social services available to all the people at affordable cost. There shall be priority for the needs of the underprivileged, sick, elderly, disabled, women, and children. The State shall endeavor to provide free medical care to paupers.

**SECTION 3.** Definition of Terms. For the purpose of this Act, the following terms shall mean:

- a. Fortification - the addition of nutrients to processed food at levels above the natural state.
- b. Processed Food – refer to food that has undergone some degree of processing (e.g. milling, drying, concentrating, canning, etc) which partially or completely changes the physico-chemical sensory characteristic of raw materials.
- c. Unprocessed food – refer to food that has not undergone any treatment resulting in substantial change in the original state but which may have been divided, boned, skinned, peeled, ground, cut, cleaned, trimmed fresh, frozen or chilled.
- d. Department – refers to the Department of Health
- e. RDA – refers to Recommended Dietary Allowance
- f. BFAD – refers to the Bureau of Food and Drugs

**SECTION 4.** Applicability. A) All products manufactured, marketed or advertised as fortified foods, except dietary supplements and foods for which established standards including specifications for nutrient composition or level have been set (e.g.

breastmilk substitutes, follow-up formula, etc), shall comply with all the provisions of this Act.

B) The Department of Health shall set fortification standards based on the following guidelines:

- a. A nutrient shall be considered an appropriate fortificant only when the nutrient is:
  1. stable in the food vehicle under normal conditions and during storage, distribution and use
  2. physiologically available from the food
  3. present at a level at which there is a reasonable assurance that consumption of the food containing the added nutrient(s) will not result in an excessive intake of the nutrient(s), considering the cumulative amounts from other sources of diet and
  4. suitable for its intended purpose and in compliance with laws and regulations governing the safety of substance in food.
- b. Processed food may be fortified with nutrients that are not considered deficient in the Filipino diet if the purpose is to restore losses in the food due to processing or to preserve/maintain a balance in the processed food
- c. Fortification shall be considered appropriate when essential nutrient(s) is (are) added in proportion to the total caloric content of food.
- d. Processed foods that are consumed not for its caloric contribution to diet may be fortified only with essential nutrients that are deficient in the Filipino diet, Provided that, such foods are appropriate vehicles for the particular nutrient(s) and are widely consumed by the general population or are intended for intervention programs to address micronutrient deficiency in specific target populations
- e. The fortification levels shall be based on safe and scientifically acceptable levels.

**SECTION 5.** Labeling and the Sangkap Pinoy Seal Program. The Department shall formulate labeling guidelines to ensure adequate public information on the fortified products. Violations of the labeling requirements to be prescribed by the Department shall be considered as mislabeled and shall be punishable under this Act.

The Department of Health shall also award Sangkap Pinoy Seals to food manufacturers which are able to meet standards for fortifying products. Unauthorized use of the Sangkap Pinoy Seal shall be considered as violation of this Act.

**SECTION 6.** Public Information. The benefits and rationale of food fortification shall be adequately disseminated and promoted through organized, systematic and nationwide information campaign which shall involve major sectors of society to be spearheaded by the Department of Health, in coordination with LGUs, and other agencies concerned. The information shall also contain the message that fortification is not intended to substitute adequate and proper diet.

**SECTION 7.** Sanctions. The procedures for imposing sanctions under this Act and for inspecting and investigating the premises where any fortified food is received, held, labeled, stored, displayed, delivered, distributed, sold or located, or where it is reasonably believed these activities are carried out or where the fortified foods are

located, shall be in accordance with the provisions of Republic Act 3720, otherwise known as the Food, Drugs and Cosmetics Act, As Amended: Provided, That any person, whether natural or juridical, who violates any provisions of this Act or any of the rules and regulations promulgated for its effective implementation shall be punished by a fine not less than One Thousand Pesos (P 1,000.00) not more than One Hundred Thousand Pesos (P 1000,000.00): Provided, however, That if the violation is committed by any officer, director or member of the business and a juridical entity acting beyond the scope of his authority, such officer, director or member responsible therefor shall be personally liable for the fine: Provided further, That the BFAD, in coordination with LGUs concerned, shall be authorized to impose and collect fines from violators, and such collections shall accrue to the BFAD for its use in the implementation of this Act/

**SECTION 8.** Transition period. All manufacturers or food processors shall comply with the provisions of this Act within 6 months after its effectivity.

All products that are not otherwise adulterated or mislabeled produce before the expiration of the 6 month transition period shall be allowed up to the expiration of their shelf life.

**SECTION 9.** Implementing Rules and Regulations. The Department of Health, in consultation with government and non-government organizations involve in health and nutrition programs, shall formulate the rules and regulations necessary for the implementation of this Act.

**SECTION 10.** Repealing clause. All laws, decrees, executive orders, rules and regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

**SECTION 11.** Separability clause. If any provision of this Act is found unconstitutional or invalid for any reason, the unaffected provisions shall not be affected.

**SECTION 12.** Effectivity. This Act shall take effect fifteen days (15) after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved.

'98 OCT 16 AM 11:53

Eleventh Congress of the Republic )  
of the Philippines )  
First Regular Session )

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SENATE

1276

S.B. No. \_\_\_\_\_

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Introduced by SENATOR TERESA AQUINO-ORETA

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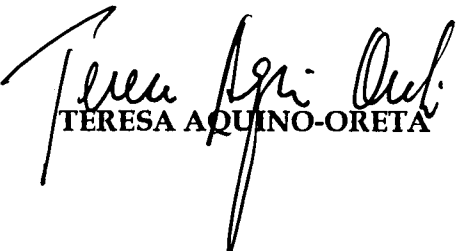
**EXPLANATORY NOTE**

It is the policy of the State to protect and promote the right to health of the people and instill health consciousness among them, as provided for in Section 15 of Article II of the 1987 Constitution. However, recent studies of the nutrition experts show that the Filipinos have nutritional and dietary deficiency. Their surveys disclosed that the Filipino diet is also lacking in energy, iron, vitamin A, thiamine, riboflavin, ascorbic acid, calcium and foliate. What is more alarming is the revelation that 20 million Filipinos lack iron. This is evident in an average Filipino diet, rich in carbohydrates but deficient in vitamins. As a result, various health problems are brought about by this nutritional inadequacy such as: cretinism, deafness, physical deformities, reduced intellectual capacity, blindness, severe anemia, developmental delay, lack of concentration and vulnerability to infections.

For the Filipino diet to achieve nutritional adequacy, it is drastically essential to fortify our processed foods. Fortification is also vital in order to compensate for the loss of nutrients in the processing of foods and storage of foods.

The salient feature of the bill provides for the mandatory fortification of the following staple foods: (a) rice with iron; (b) wheat flour with vitamin A; (c) sugar with vitamin A; and (d) cooking oil with vitamin A. Other processed foods shall be fortified upon the recommendation of the governing board of the National Nutrition Council. Further, administrative sanctions shall be imposed in cases of non-compliance with guidelines on fortification of processed foods set by the Bureau of Food and Drugs.

Approval of this bill is earnestly sought.

  
TERESA AQUINO-ORETA

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Eleventh Congress of the Republic )  
of the Philippines )  
First Regular Session )

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SENATE

S.B. No. 1276

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Introduced by **SENATOR TERESA AQUINO-ORETA**

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**AN ACT**  
**REQUIRING THE FORTIFICATION OF PROCESSED FOODS WITH ESSENTIAL**  
**MICRONUTIRENTS AND FOR OTHER PURPOSES**

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

**SECTION 1. Title.** - This Act shall be known as the "Food Fortification Act of 1998".

**SECTION 2. Declaration of Policy.** - Section 1(b) of Article 11 of the Constitution provides that the State shall protect and promote the right to health of the people and instill health consciousness among them.

Further, the State recognizes that food fortification shall be vital where there is a demonstrated need to increase the intake of an essential nutrient by one or more population groups, as manifested in dietary, biochemical or clinical evidences of deficiency. Food fortification is considered important in the promotion of optimal health and to compensate for the loss of nutrients due to processing and/or storage of food.

The State recognizes that nutritional deficiency problems in the Philippines, based on nutrition surveys include deficiencies in energy, iron, Vitamin A, thiamin, riboflavin and iodine. To a minor extent, the Filipino diet is also deficient in ascorbic acid, calcium and folate. Food fortification, therefore, shall be carried out to compensate for these inadequacies in Filipino diets, based on present-day needs as measured using the most recent Recommended Dietary Allowances (RDA).

**SECTION 3. *Definition of Terms.*** - For purposes of this Act, the following terms shall mean:

- a) BFAD - Bureau of Food and Drugs
- b) Department - Department of Health
- c) Fortification - the addition of nutrients to processed foods at levels above the natural state. As an approach to control micronutrient deficiency, food fortification is the addition of a micronutrient deficient in the diet to a food or seasoning which is widely consumed by specific at-risk groups.
- d) Fortificant - a substance, in chemical or natural form, added to food to increase its nutrient value.
- e) Micronutrient - an essential nutrient required by the body in very small quantities; recommended intakes are in milligrams or micrograms.
- f) Nutrient - any chemical substance needed by the body for one or more of these functions; to provide heat or energy, to build and repair tissues, and to regulate life processes. Although nutrients are found chiefly in foods, some can be synthesized in the laboratory like vitamin and mineral supplements or in the body through biosynthesis.
- g) Nutrition Labeling - a system of labeling processed foods on the basis of their selected nutrient content. It aims to provide accurate nutrition information about each food. This is printed in food labels as "Nutrition Facts."
- h) Processed Food - food that has been subjected to some degree of processing like milling, drying, concentrating, canning or addition of some ingredients which changes partially or completely the physico-chemical and/or sensory characteristics of the food's raw material.
- i) Recommended Dietary Allowances (RDA) - levels of nutrient intakes which are considered adequate to maintain health and provide reasonable levels of reserves in body tissues of nearly healthy persons in the population.
- j) Sangkap Pinoy Seal Program (SPSP) - a strategy to encourage food manufacturers to fortify food products with essential nutrients at levels approved by the Department of Health. The fundamental concept of the program is to authorize food manufacturers to use the DOH seal of acceptance for food products other than iodized salt, after these products passed a set of defined criteria. The seal can be used by consumers as guide for selecting nutritious foods.
- k) Unprocessed Food - food that has not undergone any treatment that results in substantial change in the original state even if it may have been divided, boned, skinned, peeled, ground, cut, cleaned, trimmed, fresh frozen or chilled.



**SECTION 4. Coverage.** - This Act shall apply to processed food or food products to be fortified, except dietary supplements and foods for which established standards already include specifications for nutrient composition or levels of fortification, as specifically prescribed by the BFAD.

**SECTION 5. Food Fortification of Processed Foods.** -

- a) Based on the prevailing situation, fortification of the following staple foods is hereby made mandatory.
  1. Rice with Iron
  2. Wheat Flour with Vitamin A
  3. Sugar with Vitamin A
  4. Cooking Oil with Vitamin A
- b) The Governing Board of the National Nutrition Council shall require other processed food(s) to be fortified based on findings of nutrition surveys. Such requirement shall be promulgated by the DOH through a regulation to be implemented by the Bureau of Food and Drugs.
- c) The DOH guidelines on Micronutrient Fortification of Processed Foods as included in AO No. 4-A s. 1995, shall serve as a basis for the addition of micronutrient(s) to processed foods to avoid over or under fortification that may create imbalance in the diet as well as avoid misleading label claims to gain competitive marketing advantage.
- d) Processed food manufacturers shall include on the label a statement of "Nutrition Facts" indicating the nutrient(s) added in the food.

**SECTION 6. Non-Compliance with Fortification Process.** - The following shall be considered non-compliance with the fortification process:

- a) If the food fortification levels do not comply with BFAD requirements, except when the deviation from the fortification levels are justified and are properly declared in the labeling;
- b) If the fortificant used is different from that approved by the BFAD;
- c) If the process of fortification does not conform to BFAD standards; and,
- d) If the processed food does not comply with the fortification requirement of the DOH, it shall not be registered by the BFAD and will not be allowed for sale into the consumer market.

**SECTION 7. *Implementation, Monitoring and Review.* -**

- a) The Department of Health through the Bureau of Food and Drugs shall be responsible for the implementation and monitoring of this Act. The following agencies shall support the Food Fortification Program through their respective internal programs:
1. The DOH-Nutrition Service shall be the lead agency in the conduct of promotional and advocacy activities on the use of fortified food products through its Sangkap Pinoy Seal Program (SPSP) and/or other programs designed to promote nutrition. Products approved by the Sangkap Pinoy Seal Program shall be allowed to use the seal of Sangkap Pinoy. The DOH is hereby authorized to charge a reasonable fee for the processing of the applications in the SPSP and to use such fees in the promotion and advocacy activities for nutrition.
  2. The various agencies/institutions with analytical laboratories for nutrient analysis as listed in DOH-AO No. 4-A s. 1995 and other technology development generators shall provide the necessary services that may be required by the food industry in compliance with this Act.
- b) The National Nutrition Council shall conduct a periodic review of the micronutrients added to food. This review will provide the basis for determining if the mandatory fortification is still required or not. The review may be done at least every five (5) years or as often as may be necessary to coincide with the conduct of the Food and Nutrition Research Institute (FNRI) National Nutrition Surveys and/or the assessment of the Philippine Food and Nutrition Plan.

**SECTION 8. *Administrative Sanctions.* -** The BFAD, after notice and hearing, shall impose any or all of the following administrative sanctions in cases of non-compliance with guidelines it has set.

- a) Order the recall of the product(s) declared or found to have violated the standards for food fortification;
- b) Impose a fine of no less than P500,000.00 but not more than P1,000,000.00 for violations of this Act or the Implementing Rules and Regulations;
- c) Suspend or cancel the registration of the product if violations of rules and standards occur more than once.

27

**SECTION 9. *Implementing Rules and Regulations.*** - The Department of Health through the BFAD, in collaboration with other government agencies, Non-Government Organizations, private sector, consumer groups involved in nutrition, shall formulate the Implementing Rules and Regulations (IRR) necessary to implement the provisions of this Act within ninety (90) days from approval of this Act. The IRR issued pursuant to this Act shall take effect 30 days after publication in a national newspaper of general application.

**SECTION 10. *Repealing Clause.*** - All laws, decrees, rules and regulations, executive orders inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

**SECTION 11. *Separability Clause.*** - If any provision of this Act is declared unconstitutional or unlawful, the remaining provisions shall remain legal and in full effect.

**SECTION 12. *Effectivity.*** - This Act shall take effect upon its approval.

**Approved.**