



HOUSE OF REPRESENTATIVES

H. No. 5915

INTRODUCED BY HONORABLE DEFENSOR, ESPINOSA V., LORENZO-
VILLAREAL, LIBAN, MARAÑON, UNDE, CALIMBAS-VILLAROSA,
LOPEZ (E.) OROLA JR., ANGARA-CASTILLO, BADELLES, BRAGANZA,
PONCE JR, GULLAS AND VILLAR JR., PER COMMITTEE REPORT
No. 118

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

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

1 SECTION 1. *Title.* – This Act shall be known as the Food
2 Fortification Act of 2000.

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

6 Further, the State recognizes that food fortification shall be vital
7 where there is a demonstrated need to increase the intake of an essential
8 nutrient by one or more population groups, as manifested in dietary,
9 biochemical or clinical evidences of deficiency. Food fortification is

1 considered important in the promotion of optimal health and to
2 compensate for the loss of nutrients due to processing and/or storage of
3 food.

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

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

13 (a) "BFAD" refers to the Bureau of Food and Drugs.

14 (b) "Department" refers to the Department of Health.

15 (c) "Fortification" refers to the addition of nutrients to processed
16 foods at levels above the natural state. As an approach to control
17 micronutrient deficiency, food fortification is the addition of a
18 micronutrient deficient in the diet to a food which is widely consumed by
19 specific at-risk groups.

20 (d) "Fortificant" refers to a substance, in chemical or natural form,
21 added to food to increase its nutrient value.

1 (e) “Micronutrient” refers to an essential nutrient required by the
2 body in very small or minute quantities; recommended intakes are in
3 milligrams (as in iron) or micrograms (as in iodine).

4 (f) “Nutrient” refers to any chemical substance needed by the body
5 for one or more of these functions: to provide heat or energy, to build and
6 repair tissues, and to regulate life processes. Although nutrients are found
7 chiefly in foods, some can be synthesized in the laboratory like vitamins
8 and mineral supplements or in the body through biosynthesis.

9 (g) “Nutrition facts” refers to a statement or information on food
10 labels indicating the nutrient(s) and the quantity of said nutrient found or
11 added in the processed food.

12 (h) “Nutrition labeling” refers to a system of describing processed
13 foods on the basis of their selected content. It aims to provide accurate
14 nutrition information about each food which is printed in food labels as
15 “Nutrition Facts”.

16 (i) “Processed food” refers to food that has been subjected to some
17 degree of processing like milling, drying, concentrating, canning or
18 addition of some ingredients which changes partially or completely the
19 physico-chemical and/or sensory characteristics of the food’s raw material.

20 (j) “Recommended Dietary Allowance (RDA)” refers to levels of
21 nutrient intakes which are considered adequate to maintain health and
22 provide reasonable levels of reserves in body tissues of nearly all healthy
23 persons in the population.

(k) "Sangkap Pinoy Seal Program (SPSP)" refers to a strategy to encourage food manufacturers to fortify food products with essential nutrients at levels approved by the Department of Health (DOH). 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 for food fortification. The seal can be used by consumers as guide for selecting nutritious foods.

(l) "Unprocessed food" refers to 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. *Coverage.* – The provisions of this Act shall apply to imported or locally produced or manufactured foods or food products to be fortified for sale or distribution in the country; except, dietary supplements for which established standards have already been prescribed by the BFAD and which standards include specifications for nutrient composition or levels of fortification: *Provided, That*, in the case of imported products, the required fortification shall be done by producers/manufacturers of such products. Otherwise, the importer shall have the responsibility of fortifying the imported food product before said product is allowed to be distributed or sold to the public.

1 SEC. 5. *Food Fortification of Processed Foods.* –

2 (a) Based on the prevailing situation, fortification of the following
3 staple foods is hereby made mandatory:

4 (1) Rice with iron;

5 (2) Wheat flour with vitamin A and iron;

6 (3) Refined sugar for direct consumption by consumers with
7 vitamin A; and

8 (4) Cooking oil with vitamin A.

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

15 (b) The governing board of the National Nutrition Council (NNC)
16 shall require other processed food(s) to be fortified based on findings of
17 nutrition surveys. Such requirement shall be promulgated by the DOH
18 through a regulation to be implemented by the BFAD.

19 (c) The DOH guidelines on micronutrient fortification of processed
20 foods as included in Administrative Order No. 4-A Series of 1995 and
21 such other necessary guidelines that may be issued by the Department,
22 shall serve as a basis for the addition of micronutrient(s) to processed
23 foods to avoid over or under fortification that may create imbalance in the

1 diet as well as avoid misleading label claims to gain competitive marketing
2 advantage.

3 (d) Processed food manufacturers shall include on the label a
4 statement of "nutrition facts" indicating the nutrient(s) and the quantities
5 of said nutrients added in the food.

6 (e) Imported rice, wheat flour, refined sugar, cooking oil and other
7 food products that may be recommended later by the governing board of
8 the NNC, shall comply with the requirements of this Act on entry in the
9 country, at the end of manufacturing process and/or at all points of sale or
10 distribution.

11 SEC. 6. *Quality Assurance.* – All persons who import,
12 manufacture, process, display for distribution or sell or otherwise hold or
13 control food commercially shall inspect, examine, analyze and test
14 periodically their processes, procedures and methods, and the food within
15 their possession or control, to ensure that their activities and processing
16 procedure comply with the regulatory requirements.

17 SEC. 7. *Noncompliance with Fortification Process.* – The
18 following shall be considered noncompliance with the fortification
19 process:

20 (a) If the food fortification levels do not comply with BFAD
21 requirements, except when the deviation from the fortification levels are
22 justified and are properly declared in the labeling;

1 (b) If the fortificant used is different from that approved by the
2 BFAD; and

3 (c) If the process of fortification does not conform to the BFAD
4 standards.

5 SEC. 8. *Implementation, Monitoring and Review.* –

6 (a) The Department of Health (DOH) through the Bureau of Food
7 and Drugs (BFAD) shall be responsible for the implementation and
8 monitoring of this Act. The following agencies shall support the Food
9 Fortification Program through their respective internal programs:

10 (1) The DOH – Nutrition Service shall be the lead agency in the
11 conduct of promotional and advocacy activities on the use of fortified food
12 products through its Sangkap Pinoy Seal Program and/or other programs
13 designed to promote nutrition. Products approved by the SPSP shall be
14 allowed to use the seal of Sangkap Pinoy. Further, the DOH is hereby
15 authorized to charge a reasonable processing fee for applications in the
16 SPSP and use such fees in the promotion and advocacy activities for
17 nutrition.

18 (2) The various agencies/institutions with analytical laboratories
19 for nutrient analysis as listed in DOH – Administrative Order No. 4-A
20 Series of 1995 and other technology development generators shall provide
21 the necessary services that may be required by the food industry in
22 compliance with this Act.

(b) The NNC 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 shall be done at least every five (5) years to coincide with the conduct of the Food and Nutrition Research Institute's (FNRI) national nutrition surveys and/or the assessment of the Philippine Food and Nutrition Plan.

(c) The local government units, through their health officers and nutritionist-dietitians or in their absence, the sanitary inspectors shall monitor/check that foods mandated to be fortified like rice, refined sugar, wheat flour and cooking oil are properly labeled with "nutrition facts" indicating the specific micronutrient it was fortified with.

SEC. 9. *Administrative Sanctions.* – The BFAD, after notice and hearing, shall impose any or all of the following administrative sanctions in cases of noncompliance with guidelines it has set:

(a) If the processed food does not comply with the fortification requirements of the DOH, it shall not be registered by the BFAD and will not be allowed to be put in the market;

(b) Order the recall of the product(s) declared/found to have violated the standards for food fortification;

(c) Impose a fine of no less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00) for violation of this Act or the implementing rules and regulations; and

1 (d) Suspend or cancel the registration of the product if violation of
2 rules or standards occur more than once.

3 SEC. 10. *Implementing Rules and Regulations.* – The DOH through
4 the BFAD, in collaboration with other relevant bureaus and services of the
5 DOH and in consultation with other government agencies, nongovernment
6 organizations, private sector and consumer groups involved in nutrition,
7 shall formulate the implementing rules and regulations (IRR) necessary to
8 implement the provisions of this Act within ninety (90) days from
9 approval of this Act. The IRR issued pursuant to this Section shall take
10 effect thirty (30) days after publication in a national newspaper of general
11 application.

12 SEC. 11. *Repealing Clause.* – All laws, decrees, rules and
13 regulations, executive orders inconsistent with the provisions of this Act
14 are hereby repealed or modified accordingly.

15 SEC. 12. *Separability Clause.* – If any provision of this Act is
16 declared unconstitutional or unlawful, the remaining provisions shall
17 remain legal and in full effect.

18 SEC. 13. *Effectivity.* – This Act shall take effect upon its approval.

Approved,