

REPUBLIC ACT NO. 8976

AN ACT ESTABLISHING THE PHILIPPINE FOOD FORTIFICATION PROGRAM 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 Food Fortification Act of 2000".

SECTION 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. To a minor extent, the Filipino diet is also deficient in ascorbic acid, calcium and folate.

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).

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

- (a) **BFAD** - the Bureau of Food and Drugs of the Department of Health.
- (b) **DOH** - the Department of Health
- (c) **Fortification** - the addition of nutrients to processed foods or food products 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 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) **Manufacturer** - 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 processed foods or food products or the processor in case of other processed foods or food products.
- (g) **NNC** - the Governing Board of the National Nutrition Council.
- (h) **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.
- (i) **Nutrition Facts** - a statement or information on food labels indicating the nutrient(s) and the quantity of said nutrient found or added in the processed foods or food products.
- (j) **Nutrition labeling** - a system of describing processed foods or food products 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".
- (k) **Processed foods or food products** - food that has been subjected to some degree of processing like milling, drying, concentration, canning, or addition of some ingredients which changes partially or completely the physico-chemical and/or sensory characteristics of the food's raw material.
- (l) **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.
- (m) **Sangkap Pinoy Seal Program (SPSP)** - a strategy to encourage food manufacturers to fortify processed foods or food products with essential nutrients at levels approved by the DOH. The fundamental concept of the program is to authorize food manufacturers to use the DOH seal of acceptance for processed foods or food products, after these products passed a set of defined criteria. The seal is a guide used by consumers in selecting nutritious foods.
- (n) **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. The Philippine Food Fortification Program - The Philippine Food Fortification Program, hereinafter referred to as the Program, shall cover all imported or locally processed foods or food products for sale or distribution in the Philippines: Provided, That, dietary supplements for which established standards have already been prescribed by the DOH through the BFAD 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

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

Manufacturers who opt to fortify their processed foods or food products but do not apply for Sangkap Pinoy Seal shall fortify their processed foods or food products based on acceptable standards on food fortification set by the DOH through the BFAD.

SECTION 6. Mandatory Food Fortification -

(a) The fortification of staple foods based on standards set by the DOH through the BFAD is hereby made mandatory for the following:

- (1) Rice - with Iron;
- (2) Wheat flour - with vitamin A and Iron;
- (3) Refined sugar - with vitamin A; and
- (4) Cooking oil - with vitamin A; and
- (5) Other staple foods with nutrients as may later be required by the NNC.

The National Nutrition Council (NNC) shall require other processed foods or food products to be fortified based on findings of nutrition surveys. Such requirements shall be promulgated through regulations to be issued by the Department of Health (DOH) through the Bureau of Food and Drugs (BFAD) and other concerned agencies.

(b) The fortification of processed foods or food products under this Section shall be undertaken by the manufacturers: Provided, That in the case of imported processed foods or food products, the required fortification shall be done by producers/manufacturers of such imported processed foods or food products. Otherwise, the importer shall have responsibility of fortifying the imported processed foods or food products before said products are allowed to be distributed or sold to the public: Provided, further, That the implementation of the mandatory fortification for wheat flour, refined sugar, cooking oil and rice, including those milled and/or distributed by the National Food Authority, shall commence after four (4) years from the effectivity of this act.

(c) The DOH guidelines on micronutrient fortification of processed foods or food products included in Administrative Order No. 4-A series of 1995 and such other necessary guidelines that may be issued by the DOH, shall serve as a basis for the addition of micronutrient(s) to processed foods or food products 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) Manufacturers of processed food or food products shall include on the label a statement of "nutrition facts" indicating the nutrient(s) and the quantities of said nutrients added in the food.

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

SECTION 7. Quality Assurance. - The agencies charged with the implementation of this Act shall establish a quality assurance system. Likewise, the manufacturers and importers of processed food or food products shall also establish their own quality assurance system in accordance with the quality assurance system of the implementing agencies.

SECTION 8. Implementation, Monitoring and Review. - The DOH through the BFAD shall be the lead agency responsible for the implementation and monitoring of this Act while the NNC, the policy-making and coordinating body on nutrition, shall serve as the advisory board on food fortification.

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

Products approved by the SPSP shall be allowed to use the Sangkap Pinoy Seal. Further, the DOH is hereby authorized to charge reasonable fees for application in the SPSP and use of such fees in the promotion and advocacy activities of nutrition.

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 Plan of Action for Nutrition (PPAN).

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

The local food industries shall report on the production, marketing and distribution of fortified foods. They shall submit annual reports to the DOH, also indicating their industrial concerns and recommendations.

SECTION 9. Support to Affected Manufacturers - The following government agencies shall support the implementation of this Act through their respective programs:

(a) 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;

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

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

(d) The various agencies/institutions with accredited 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.

SECTION 10. Noncompliance with Fortification Process - The following shall be considered noncompliance with the fortification process:

(a) If the food fortification levels do not comply with the DOH 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 DOH; and

(c) If the process of fortification does not conform to the DOH standards.

SECTION 11. Administrative Sanctions - The DOH through the BFAD, after notice and hearing, shall impose any or all of the following administrative sanctions in cases of noncompliance with the food fortification guidelines it has set:

(a) Denial of registration of the processed foods or food products by the DOH through the BFAD if the processed foods or food products do not comply with the food fortification requirements. Said processed foods or food products shall not be allowed to be put in the market;

(b) Order the recall of the processed foods or food product(s); and

(c) Impose a fine of not less than Three Hundred Thousand Pesos (P300,000.00) and suspension of registration for the first violation; not more than Six hundred thousand pesos (P600,000.00) and suspension of registration for the second violation; and not more than One million pesos (P1,000,000.00) and cancellation of the registration of the product for the third violation of the provisions of this Act or its Implementing Rules and Regulations (IRR).

SECTION 12. Implementing Rules and Regulations - the DOH through the BFAD and in consultation with other concerned 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 within ninety (90) days from the approval of this Act. The IRR issued pursuant to this Section shall take effect thirty (30) days after publication in a national newspaper of general application

SECTION 13. International Commitments - Nothing in this Act is intended to violate provisions of Treaties and International Agreements to which the Philippines is a party.

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

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

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

Approved,

(Original signed)

MANUEL B. VILLAR, JR.

Speaker of the House of Representatives

(Original signed)

FRANKLIN M. DRILON

President of the Senate

This Act, which is a consolidation of Senate Bill No. 1545 and House Bill No. 5915 was finally passed by the Senate and the House of Representatives on October 4, 2000 and October 10, 2000 respectively.

(Original signed)

ROBERTO P. NAZARENO

Secretary General

House of Representatives

(Original signed)

OSCAR G. YABES

Senate of the Philippines

(Original signed, November 7, 2000)

JOSEPH EJERCITO ESTRADA

President of the Philippines

Ref.:

<http://www.fnri.dost.gov.ph/index.php?option=content&task=view&id=690>

Look the IRR and more here: www.law.aboutphilippines.ph