

## The Philippines

### *Food fortification*

The Philippine *Food Fortification Act of 2000*<sup>139</sup> and its *implementing rules and regulations*<sup>140</sup> establish the Philippine Food Fortification Program which includes mandatory and voluntary fortification to “*promot[e]... optimal health and to compensate for the loss of nutrients due to processing and/or storage of food*”.<sup>140</sup> It applies to all imported or locally processed foods for consumption in the Philippines including food served at restaurants and food service establishments, with very few exceptions. The Act mandates fortification of staple foods (rice with iron; wheat flour with vitamin A and iron; refined sugar for human consumption with vitamin A; cooking oil for human consumption with vitamin A, except for export) and other staple foods as required by the National Nutrition Council based on nutrition survey results and promulgated through Department of Health (DoH)-issued regulations. The Act also encourages the voluntary fortification of processed foods or food products through the Sangkap Pinoy Seal Program which is based on the relevant standards for food fortification. For example, *Administrative Order No. 4-A s. 1995 Guidelines on Micronutrient Fortification of Food, 1995*<sup>141</sup> sets out criteria for the fortification of staple foods (including meeting minimum levels of fortificants and being able to show at least 80% to 90% of the claimed fortification level if the food were to be tested at any point during its shelf-life). The Order also encourages the voluntary fortification of foods widely consumed by at-risk groups, such as cereals and cereal-based products, such as snack foods and instant noodles, with iron and B vitamins, and juices, flavoured drinks, and food gels with vitamin C.

The Philippine *Act for Salt Iodization Nationwide (ASIN), 1995*<sup>142</sup> mandates that all producers and manufacturers of food-grade salt must iodise salt and use iodised salt in other processed food products, and all food outlets, restaurants, and stores are to only make iodised salt available to customers. An exemption from using iodised salt in food products can be sought under the *Revised Implementing Rules and Regulations*.<sup>143</sup> However, we heard from respondents that National Nutrition Surveys conducted by the Food and Nutrition Research Institute have shown that industry is not meeting iodised salt regulations.

### *Responsibilities and regulatory governance for nutrition labelling*

The main government bodies tasked with developing and enforcing food regulations for nutrition labelling are the DoH and its regulatory agency, the Philippines Food and Drug Administration (FDA). The FDA is responsible for the safety and quality of processed and pre-packaged foods, iodised salt, and fortified foods. The National Nutrition Council is the main policymaking and coordinating body on nutrition and also serves an advisory role on food fortification.<sup>140</sup> Other government agencies assist in monitoring and enforcement of regulations, including Local Government Units (LGUs) which are responsible for food safety in their jurisdictions, and other agencies linked to the food fortification programme (for example, the Bureau of Customs).

Food labelling and advertising regulatory development are informed by country-level evidence from the government’s Food and Nutrition Research Institute, Codex standards, and a mandated public consultation process to promote harmonisation and consumer health, reduce trade barriers and ensure regulations are enforceable.<sup>144</sup> We heard from respondents that industry may be overrepresented in policy development via direct engagement with legislators.

Administration, monitoring and enforcement of nutrition labelling occurs through the FDA’s (and LGU’s) *pre- and post-market product registration* (which includes a label review). We heard from respondents that pre-market approval supports high compliance with nutrient declaration requirements. Post-market surveillance includes monitoring of products in the market, laboratory analysis of product samples, industry training, and consumer education programmes. An example of consumer education is the DoH and FDA’s promotion of fortified food products through the Sangkap Pinoy Seal and other nutrition promotion programmes. At barangay levels (the smallest administrative division in the Philippines) village nutrition workers coordinate nutrition programmes, including fortification (including salt) seals.

Despite this regulatory governance, we heard in interviews and surveys that Filipino consumers tend not to use nutrition labelling and that general awareness of nutrition labelling, including the Sangkap Pinoy Seals, is poor. However, the awareness and use of nutrition labelling tend to be better in high socio-economic and educated groups and are lower in poorer, regional villages.

We also heard that industry, particularly smaller manufacturers, may not use Sangkap Pinoy Seals due to the associated costs (such as the cost of analysis of nutrients by accredited laboratories). Inspectors who monitor the programme are under-resourced and while new regulations often include a budget for human resources and capacity at the FDA, this may not be implemented. Scheduled, rather than surprise, inspections of manufacturing facilities also create an opportunity to mask non-compliance. Further, there are no limitations on ultra-processed foods being fortified and using the logo, which can create a perceived health ‘halo’ effect around otherwise unhealthy foods. Consumer education is needed to increase awareness of nutrition labelling, including the Sangkap Pinoy Seals. Education programmes could, for example, utilise barangay health and nutrition volunteers.

### Structure of nutrition labelling laws

The Philippine's nutrition labelling regulatory regime is structured as follows:

- The *Food, Drug and Cosmetics Act 1963* (Republic Act No. 3720, last amended in 2009)<sup>145</sup> sets out general labelling requirements (including that mandatory labelling must be conspicuously placed so that it is likely to be read and understood), prohibits misbranding of food (e.g., false and misleading labelling) and establishes the FDA (previously the Bureau of Food and Drugs) and its functions, duties and powers.
  - *Bureau Circular No. 2007-002* sets out *Guidelines in the use of Nutrition and Health Claims in Food*<sup>144</sup> by the FDA. The guidelines adopt the Codex Alimentarius Commission Guidelines for Use of Nutrition and Health Claims (CAC/GL 23-1997, Rev. 1-2004) and are used to evaluate and make claims in food labelling and advertisements, *in addition to, and insofar as it is consistent with existing relevant national laws and regulations.*
- The *Food Safety Act of 2013*<sup>146</sup> sets out basic principles of food safety including requirements for general labelling, prohibitions on false or misleading labelling, and establishing science- and risk-based regulation. It establishes the DoH and Department of Agriculture (for primary agricultural products) as responsible for setting mandatory food and labelling standards.
  - *Administrative Order 30 (2014) Labelling of prepackaged food products*<sup>147</sup> by the DoH sets out requirements for nutrition information on labels, including claims and nutrient declarations, prohibits specific claims, and includes general labelling requirements and offences for false and misleading labelling. Exemptions from the labelling provisions in specific circumstances can be sought.
- The *Philippine Food Fortification Act of 2000*<sup>139</sup> establishes the Philippine Food Fortification Program with both mandatory and voluntary fortification, Sangkap Pinoy Seal programme logos and claims for fortified foods and requires nutrient facts labels on all processed food or food products with the micronutrient(s) added.
  - *Administrative Order No. 4-A s. 1995 Guidelines on Micronutrient Fortification of Food, 1995*<sup>141</sup> sets out requirements for labelling fortified foods (including labelling foods as 'fortified') and criteria for the fortification of staple foods and establishes the FDA as responsible for enforcement.
  - *Implementing rules and regulations for the Philippine Food Fortification Act of 2000*<sup>140</sup> sets out the requirements for meeting fortification specifications, and for monitoring, evaluating and enforcing the programme.
  - *Administrative Order No. 82 s. 2003 provides Guidelines on the Granting of Diamond Sangkap Pinoy Seal to the Manufacturers of Fortified Products*<sup>148</sup> sets out the terms of use of the Diamond Sangkap Pinoy Seal on fortified foods and related processes and offences.
- *Act for Salt Iodization Nationwide (ASIN) 1995 (Republic Act 8172)*<sup>142</sup> mandates salt iodisation and required labelling, including the product name and fortificant listed, prohibits misleading labelling, and details requirements for manufacturers and to administer, monitor and enforce labelling.
  - *Revised Implementing Rules and Regulations of Republic Act No. 8172 "An Act Promoting Salt Iodization Nationwide and for Related Purposes"*<sup>143</sup> sets out an offence for mislabelling salt and requires product labels to stipulate the use of iodised salt.
  - *FDA Circular No. 2015-005 Guidelines on the Use of "Saktong Iodine sa Asin" Quality Seal*<sup>149</sup> introduced an iodine-specific Saktong Iodine sa Asin Quality Seal to increase the awareness and use of adequately iodised salt in households and point of purchase.
- *FDA Circular No. 2012-015 – Guidelines on Voluntary Declaration of the Front of Pack Labelling (Energy or Calorie Content) on the Labels of Processed Food Products*<sup>150</sup> establishes the FOPNL as part of the labelling system.

As an ASEAN Member State, a set of non-binding regional guidelines, principles and standards apply to the Philippines' labelling laws and/or fortification as indicated, although we found little by way of specific regional labelling regulation that influences ASEAN Member States' national labelling regulations.

- *ASEAN Guidelines on Promoting Responsible investment in Food, Agriculture and Forestry 2018*<sup>72</sup> propose considerations including supporting food fortification to improve nutrition security and promote the harmonisation of standards and regulations while allowing national flexibility.
- *ASEAN Regional Guidelines on Food Security and Nutrition 2017*<sup>73</sup> serve as a reference guide to develop best practice policy that promotes nutrition and food security (including food fortification policies to address malnutrition and micronutrient deficiencies). The guidelines aim to build stronger cooperation and integration on food security and nutrition across the ASEAN region but few specifics on fortification are included.

- *ASEAN Principles and Guidelines for National Food Control Systems 2014*<sup>74</sup> is aligned with Codex principles and guidelines For National Food Control Systems CAC/GL 82-2013 and provides guidance on developing food legislation that promotes food safety, including that national competent authority/ies should establish, implement, evaluate, and enforce evidence- and risk-based regulatory requirements.
- *ASEAN General Standards for the Labelling of Prepackaged Food 2016*<sup>75</sup> that adopt the Codex General Standard for the Labelling of Prepackaged Food (CODEX STAN 1-1985).

### Policy context and objectives

We heard from respondents that the DoH identified diet and nutrition as a priority in its Health Promotion Framework Strategy 2019-2023 and advocated for FOPNL legislation [PHI002-S] and that food fortification and regulation is part of the Philippine Plan of Action for Nutrition [PHI004-I]. Aligned to this, respondents stated that the objectives of labelling regulation are to ensure food supply safety and quality and to promote healthier diets [PHI002-S] or “*provide ... an immediate way to make healthier choices*” [PHI001-S]. This broadly aligns with the objectives of the *Food Safety Act*<sup>146</sup> which include food safety and protecting health and consumer interests, and the objectives of nutrition labelling regulation which include providing information and education to facilitate choice.<sup>147</sup>

As an ASEAN Member State, the Philippines must evaluate new or existing regulation to ensure it is compatible with the ASEAN nutrition and food security policy.<sup>73</sup>

Nutrition labelling is also integrated into the FDA’s broader food product and food business safety system through pre- and post-market surveillance, which incorporates a review of product labels. There is evidence that the Philippines’ nutrition labelling regulations seek to address both over- and under-nutrition, by using both fortification logos and a voluntary FOPNL (even though this label could be improved based on best practice). However, there are also some potential tensions between these policies. For example, the Philippines mandates the fortification of sugar and encourages the fortification of unhealthy foods, such as cereals and snack foods like instant noodles, for which fortification claims can be made if they have been fortified in line with the regulations. Such policies may encourage the consumption of unhealthy foods that are associated with non-communicable diseases.

### Nutrition labels

**Nutrient declarations** are mandatory on packaged foods and fortified staple foods (including foods that use the Sangkap Pinoy Seal as described below). Key nutrients as well as vitamins or minerals added during fortification must be specified.

**Nutrition content claims, comparative claims, and health claims** are voluntary. The FDA may approve any claims not covered by regulations if successfully substantiated through a submission to the FDA. Claims that a food product is enriched/fortified with vitamins and/or minerals can only be made when the amount of added vitamin and/or mineral accords with the level specified in the Food Fortification Guidelines and the nutrition information is included in the declaration. Iodised salt must also be declared on labels. Several claims are prohibited.

**Supplementary nutrition information:** There are *three Sangkap Pinoy Seal fortification logos* that can only be used on foods containing minimum amounts of fortificant(s): one for foods fortified with iron, vitamin A and iodine; one for salt fortified with iodine (introduced after the original logo to increase awareness and use of adequately-iodised salt in households and point of purchase as outlined above); and one (the diamond seal) for staple foods covered by mandatory food fortification. FDA approval must be sought to use the labels. The ‘Saktong Iodine sa Asin’ Seal logo is mandatory on iodised salt, while the use of Sangkap Pinoy Seal logos for other foods is voluntary. A *voluntary FOPNL* is also allowed to outline the energy content of a food product in calories.

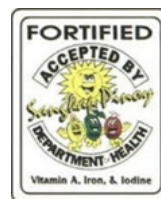
Nutrition Facts	
Serving Size:	
No. of Servings per container/pack:	
Amount per Serving:	% RENE*
Calories (kcal)	Calories from Fat
Total Fat (g)	
Saturated fat** (g)	
Trans Fat (g)	
Cholesterol (mg)	
Sodium (mg)	
Total Carbohydrates (g)	
Dietary Fiber (g)	
Sugar (g)	
Total Protein (g)	

\*Percent Daily Values are based on FDA's reference daily requirements of 19-20 year old. However, if a product is specifically intended for a different age bracket group, percent RENE values are based on the appropriate FDA reference requirements.  
\*\*For trans fats, Method Chain Trihydroxyacetone (MCT) is preferred.

Sample format for the Nutrition Facts Declaration<sup>147</sup>



Voluntary Diamond Sangkap Pinoy Seal for staples covered by mandatory food fortification<sup>151</sup>



Voluntary Sangkap Pinoy Seal for processed foods fortified voluntarily with iron, vitamin A and iodine<sup>151</sup>



Mandatory Saktong Iodine sa Asin Quality Seal for all salt products covered by mandatory food fortification<sup>149</sup>



Voluntary energy declaration FOPNL logo<sup>150</sup>

### **Recommendations to reform nutrition labelling regulations to enable LSFF**

- Increased attention should be paid to the interaction of fortification and food labelling to **ensure that policies and regulations coherently address over- and under-nutrition**. Specifically, the government should review the foods that can be voluntarily fortified and/or at least limit the use of claims and fortification logos to only foods that are healthy to avoid health 'halo' effects on otherwise unhealthy foods.
- If deemed useful to enhance consumer understanding (and mitigate potential confusion with existing claims and logos available), additional specific **voluntary standard fortification claims** for mandatorily fortified foods could be considered, to add to existing fortification logos and existing claims for fortified foods (to indicate why the fortified food is beneficial for an individual's health). This recommendation could be considered for voluntarily fortified foods where foods are deemed to be healthy and where sufficient regulatory capacity exists to adequately monitor and enforce additional labelling specifications.
- **Regulatory governance** overall appears strong through the DoH's regulatory development process, the National Nutrition Council's coordination role, and the FDA's pre- and post-market surveillance system, authority, budget, and enforcement regime, and the cooperation at barangay levels with village nutrition workers on salt iodisation and fortification. To improve the general awareness of nutrition labelling and the Sangkap Pinoy Seals in particular, adequate resources are required, especially at regional and village levels through barangay health and nutrition volunteers. Adequate resources are also required to improve the monitoring capacity of inspectors (e.g., to allow 'spot checks' rather than only pre-scheduled inspections) and compliance by smaller manufacturers.

### **Information sources and limitations**

We undertook qualitative surveys and interviews in addition to a desktop regulatory review in the Philippines. From this, limited information was identified on guidelines and the structures and processes for evaluating labelling regulations. Such information may sit outside of the regulatory documents reviewed.

**Table 9 – THE PHILIPPINES – Summary of nutrition labelling regulations**

Excludes draft regulations unless specified.

Nutrient declaration		Nutrition and health claims		SNI
Regulatory form and substance				
<b>Regulatory framework</b>	<ul style="list-style-type: none"> <li>Nutrient facts/declaration labels are mandatory on packaged foods with some exceptions such as bottled water, and foods that contain insignificant amounts of all nutrients to be listed (e.g., coffee, spices, flavour extract).<sup>147</sup> They are also mandatory on fortified foods.<sup>139</sup></li> </ul>	<ul style="list-style-type: none"> <li>Nutrition content claims, comparative claims, and health claims are voluntary in accordance with Bureau Circular 2007-02 and are subject to Codex Standards CAC/GL 23-1997 and its revisions.<sup>144</sup></li> <li>Claims not covered by these regulations are allowed upon application with substantiation.<sup>147</sup></li> <li>Several specific types of claims are prohibited (claims as to the suitability of a food to prevent, treat or cure a disease or disorder or that a synthetic vitamin is superior to a natural vitamin,<sup>147</sup> and claims that a product is free from trans-fatty acids).<sup>152, 153</sup></li> </ul>	<ul style="list-style-type: none"> <li>Voluntary Sangkap Pinoy Seal Program (fortification logos) for use on mandatorily and voluntarily fortified foods.<sup>139</sup></li> <li>Mandatory Saktong Iodine sa Asin Quality Seal (logo) on all iodised salt.<sup>149</sup></li> <li>Voluntary energy declaration FOPNL.<sup>150</sup></li> </ul>	
<b>Regulatory objective(s)</b>	<ul style="list-style-type: none"> <li>To inform the consumers about product contents, protect against misleading advertising and facilitate sound choices to acquire the knowledge necessary to be an informed consumer.<sup>147</sup></li> </ul>	<ul style="list-style-type: none"> <li>[Broad objectives from the Constitution to the Consumer Act are quoted, among others] To protect and promote the right to health and instill health consciousness among people; to enforce compulsory labelling and fair packaging to enable the consumer to obtain accurate information as to the nature, quality and quantity of the contents of consumer products and to facilitate comparison of the value of such products.<sup>144</sup></li> </ul>	<ul style="list-style-type: none"> <li>The Sangkap Pinoy Seal Program aims to encourage food manufacturers to fortify processed foods or food products with essential nutrients at DoH-approved levels by only allowing the seal if products pass defined criteria. The seal helps to guide consumers in selecting nutritious foods.<sup>139</sup></li> <li>Saktong Iodine sa Asin Quality Seal aims to “strengthen and revitalise the existing Diamond Sangkap Pinoy Seal used in iodised salt...increase awareness and use of adequately-iodised salt in households and point of purchase ...[and] will serve as a guide to consumers in identifying and purchasing adequately-iodized salt”.<sup>149</sup></li> <li>The energy declaration aims to renew consumer interest in and heighten consumer awareness of the energy content of food products.<sup>150</sup></li> </ul>	



<p><b>Operative terms and conditions</b></p>	<ul style="list-style-type: none"> <li>• Nutrition facts labels must be tabulated and must include:<sup>147</sup> <ul style="list-style-type: none"> <li>- protein (g), total carbohydrates (g), dietary fibre (g) and sugar (g), total fat (g), saturated fat (g), trans fat (g), cholesterol (mg), sodium (mg), energy value or calories from fat (kcal);</li> <li>- vitamins or minerals added during fortification (Vitamin A, iron, and iodine) (in mg or microgram, or international units);</li> <li>- any nutrients for which a claim is made (specifically vitamins and minerals and/or other nutrients like fatty acids and linolenic acids for other products claimed to contain such).</li> </ul> </li> <li>• All nutrients must be expressed per serve and can also be expressed as a % of the Recommended Energy and Nutrient Intake (RENI). Locally manufactured food products intended for local consumption must also indicate the corresponding RENI % in whole numbers. Where a nutrient is &lt;2% RENI, state "contains less (or "&lt; " symbol) 2% RENI" or refer to this statement via an asterisk (*).<sup>147</sup></li> <li>• In addition to the above requirements, the nutrient declaration of fortified foods must comply with the below as relevant:<sup>141</sup> <ul style="list-style-type: none"> <li>- Serving size must be by weight (solids) or volume (liquids)</li> <li>- If the food is not ready to eat and is (i) consumed after adding water/edible liquid, the fortificant must be declared as % RENI per serve; (ii) used as an ingredient to prepare another food, the fortificant must be declared as % RENI per 100g of the packaged food.</li> <li>- When the food contains ≥40kcal per serve, the % RENI per 100 kcal can also be declared.</li> </ul> </li> <li>• General labelling must be clear, prominently displayed, and readily discernible; should be in English and/or Filipino; small units with a surface area &lt;10cm<sup>2</sup> are exempt from some labelling requirements.<sup>147</sup></li> </ul>	<ul style="list-style-type: none"> <li>• The Philippines has adopted Codex Guidelines for Use of Nutrition and Health Claims, permitting voluntary claims subject to the terms of this standard:<sup>144</sup> <ul style="list-style-type: none"> <li>- Nutrient content claims ('Source' or 'High') can be used for micronutrients if that nutrient is present in a specified % of an NRV (e.g., for 'High', the % of the NRV must be twice that required for a 'Source' claim).<sup>11,144</sup></li> <li>- Claims cannot represent that a food is adequate or effective in the prevention, cure, mitigation or treatment of any disease or symptom of an illness, or that the food is an adequate source of all essential nutrients.<sup>144</sup></li> </ul> </li> <li>• Nutrition and health claims on food labels are required to comply with the relevant Codex standards and amendments. Claims not covered by these standards must be evaluated based on submitted substantiation.<sup>147</sup></li> <li>• Fortified claims: <ul style="list-style-type: none"> <li>- Shall only be made when the amount of added vitamin(s) and/or mineral(s) is in accordance with the level(s) specified in the Food Fortification Guidelines and/or Administrative Order No. 4-A s. 1995, and must retain 80%-90% of minimum levels if tested at any point during the product's shelf-life.<sup>144, 139</sup></li> <li>- Shall be based on the processed food as packaged and purchased by the consumer.<sup>141</sup></li> <li>- 'Enriched', 'added with', 'supplemented with' and other similar terms are considered equivalent to fortified.<sup>139</sup></li> <li>- The nutrition information shall appear on the Nutrition Facts (declaration).<sup>141</sup></li> <li>- "IODIZED SALT" must be printed in bold capital letters and included on the label of iodised salt and any food using iodised salt as an ingredient.<sup>145</sup></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Sangkap Pinoy Seal Program logos: <ul style="list-style-type: none"> <li>- Sangkap Pinoy Seal: fortified with iron, vitamin A and iodine.</li> <li>- Saktong Iodine sa Asin Quality Seal: salt fortified with iodine.</li> <li>- Diamond Sangkap Pinoy Seal: staple foods covered by mandatory food fortification.<sup>139</sup></li> <li>- Use of the seals requires approval by the Sangkap Pinoy Seal Program via the FDA and must contain minimum amounts of the fortificant. A nutrient declaration (Nutrition Facts) including the type and quantity of nutrients must be included on the label.<sup>139,148</sup></li> </ul> </li> <li>• Energy declaration FOPNL logo.<sup>150</sup> <ul style="list-style-type: none"> <li>- Declaration should be at the lower right-hand portion of the principal display panel in a cylindrical shape with a white colour background. The border line of the cylindrical shapes and lines and fonts appearing inside the cylindrical shape shall be legible and the colour shall be in good contrast with the background.</li> <li>- The following is the only information that shall appear inside each of the cylindrical shapes: <ol style="list-style-type: none"> <li>a. The statement 'Energy or Calories' in the cylindrical shape.</li> <li>b. The amount of energy inside the cylindrical shape is stated as: i) amount per serving of the food, ii) percentage of the calorie value based on RENI for energy.</li> </ol> </li> </ul> </li> </ul>
<p><b>Regulatory governance</b></p>			
<p><b>Drafting regulatory rules and scheme design</b></p>	<ul style="list-style-type: none"> <li>• Under the Food Safety Act of 2013 the DoH is responsible for developing regulations on processed and pre-packaged food labelling and advertising and provides guidance to LGUs.<sup>146</sup> In this regulatory development process: <ul style="list-style-type: none"> <li>- Codex standards are often adopted to limit trade barriers, except when conflicting evidence or consumer protection requirements exist.<sup>146</sup> [PHI001-S] Country-specific research – often from the Food and Nutrition Research Institute – also carries great weight. [PHI002-I/S, PHI006-5]</li> <li>- Technical committees are formed and include representatives from government departments (e.g., the DoH, and Department of Finance), local government and independent experts. Industry stakeholders are excluded due to conflicts of interest, but they can seek to influence politicians and whether legislation passes via lobbying, for example. [PHI002-I]</li> <li>- For transparency, the DoH and other implementing agencies must conduct public consultation and disseminate relevant information during the preparation, evaluation and revision of food legislation unless urgency does not allow this.<sup>146</sup> During consultation, industry is engaged, improvements are recommended [PHI001-S] and agencies seek to ensure that any proposed regulations are enforceable. [PHI002-I, PHI006-S] – [PHI004-I]</li> </ul> </li> <li>• Under ASEAN Regional Guidelines on Food Security and Nutrition and ASEAN Principles and Guidelines for National Food Control Systems Member States should provide clear and effective regulation that promotes food security and nutrition,<sup>73</sup> engage stakeholders in regulatory development to ensure transparency and that views are considered,<sup>74</sup> and consider Codex standards, recommendations and guidelines.<sup>74</sup> All aspects of a national food control system should be transparent and open to public scrutiny while respecting legal requirements to protect confidential information.<sup>74</sup> Decision making should be evidence-based, and competent authority(ies) and all officials should be free of improper or undue influence or conflict of interest.<sup>74</sup></li> </ul>		

## Administration

- Under the Food, Drug and Cosmetic Act 1963<sup>45</sup> the FDA must enforce laws relevant to food fortification and labelling, and establish food safety or efficacy standards and quality measures. The FDA is funded from fees and government appropriation. The FDA provides guidance to the food industry on regulations and ensures transparency via its Citizen Charter and website which enable stakeholders to communicate with the FDA and understand and view applications and public and industry announcements. [PHI001-S]
- Under the Food Safety Act<sup>46</sup> the FDA is responsible for establishing a performance-based food safety control management system; inspection (required to be regular, with frequency depending on the risk level); licensing; registration; post-market monitoring; establishing and strengthening laboratories for food safety; certifying food industry and government personnel (it trains enforcement officers through its Academy and holds nutrition labelling workshops to ensure industry compliance [PHI001-S]); and consumer education for processed and pre-packaged food and nutrition labelling requirements (to be developed in consultation with LGUs and the Department of Education, and carried out by the National Center for Health Promotion (NCHP)). The FDA and DoH may delegate official enforcement controls to LGUs, provide technical assistance, and implement capacity building programmes for LGUs.
  - Before any pre-packaged food product enters the market, businesses must obtain a License to Operate and a Certificate of Product Registration from the FDA which are only issued if the product is compliant with relevant standards and regulations, including for nutrition labelling. [PHI006-S, PHI001-S, PHI002-I]
  - Some resourcing limitations exist due to limited FDA human resources and capacity to implement regulation, and while regulations often include a budget for capacity building and implementation at the FDA, this is not always implemented. [PHI002-I]
  - Post-market surveillance focuses on the retail end of the supply chain via periodic inspections of manufacturers and retailers [PHI002, 3-I] and sampling. [PHI001-S]
- Under the Philippine Food Fortification Act (or related regulations as specified):
  - Under the Act's implementing rules and regulations<sup>46</sup> the DoH (via the FDA) leads food fortification implementation and must monitor,<sup>141</sup> evaluate, and enforce processed and pre-packaged food regulations, including promoting the use of fortified foods through its Sangkap Pinoy Seal and related programmes. It can collect registration fees to fund food fortification efforts. Several government agencies and programmes support manufacturer compliance with the fortification programme through tax credits, preferential loan rates, and technology assistance, and such agencies are mandated to allocate a budget for such assistance. The FDA also conducts a final inspection of all fortified imported foods to ensure that they are compliant and registered with the FDA before their sale and distribution.
  - Food manufacturers must apply to the Sangkap Pinoy Seal Program at the FDA to use the logo.<sup>139</sup> Further, under Guidelines on the Granting of Diamond Sangkap Pinoy Seal<sup>148</sup> manufacturers must fortify their products according to fortification standards to use the Seal. Applications must include application forms, the FDA-issued Licence to Operate, results of product analysis of vitamin A, iron, and iodine from an accredited laboratory, and a sample of the label with the Seal. Application fees apply. The FDA conducts a plant inspection as part of the application process (except in some circumstances) and if a food is compliant,<sup>140</sup> issues a Letter of Diamond Sangkap Seal Award and Diamond Seal of Certificate of Acceptance, which is valid indefinitely and must be displayed at the manufacturer's site.
- Under the Act for Salt Iodization Nationwide (ASIN)<sup>142</sup> (or related regulations as specified):
  - The FDA sets, enforces, and monitors compliance with mandatory salt iodisation, funded by government appropriations. LGUs monitor the salt sold in their jurisdiction for iodisation compliance (working in cooperation with the local law enforcement agencies<sup>45</sup> and keeping a list of all salt producers) and must allocate a budget for this purpose. The DoH must spearhead (in cooperation with LGUs and government agencies) public information on the benefits and rationale for iodised salt; provide training, and establish a system to monitor the quality of iodised salt in collaboration with other government agencies.
  - Salt manufacturers and producers must register with the FDA (or LGU delegates) and be issued with a License to Operate. The License to Operate is valid for one year and manufacturers must meet document and technical requirements and pay fees. If manually fortifying, a DoH-issued Certificate of Training is also required.<sup>142</sup>
  - Under Revised Implementing Rules and Regulations for the Act<sup>43</sup> the FDA and Department of Science and Technology must establish a salt iodisation database.
  - Under the Guidelines on the Use of "Saktong Iodine sa Asin" Quality Seal<sup>149</sup> all interested iodised salt importers, distributors, re-packers, and traders are required to submit applications with appropriate labels (including use of the new seal) to the FDA for approval before use.
- Under the Guidelines on Voluntary Declaration of the Front of Pack Labelling<sup>150</sup> food manufacturers and distributors wishing to use the FOPNL must submit new or revised labels with the FOPNL energy declaration for their products to be granted FDA approval.
- The National Nutrition Council (comprised of the DoH and nine other government agencies) is the highest national nutrition policy-making and coordinating body with three divisions involved in nutrition labelling and fortification. The Nutrition Policy and Planning division coordinates nutrition, food fortification, and salt iodisation programmes and develops the Philippine Plan of Action for Nutrition. The Nutrition Surveillance Division monitors and evaluates the nutrition programme and manages the early warning system on nutrition. The Nutrition Information and Education Division (NIED) conducts nationwide nutrition, labelling and fortification programme advocacy and capacity development. [PHI004-I]
- Village nutrition workers (Barangay-level) also coordinate nutrition programmes at a local level, including on salt iodisation and the fortification seal. [PHI004-I]
- Under the ASEAN Regional Guidelines on Food Security and Nutrition and Principles and Guidelines for National Food Control Systems, Member States' independent statutory bodies retain authority for policy administration<sup>72</sup> and legislation should provide authorities with the power and mechanisms to: establish, monitor and enforce standards; implement regulations; perform activities to verify, investigate, and enforce regulatory compliance; and apply sanctions and/or penalties.<sup>74</sup>

<b>Monitoring</b>	<ul style="list-style-type: none"> <li>• The Food Safety Act<sup>146</sup> establishes a Food Safety Regulation Coordinating Board in charge of continuously evaluating how effectively food safety regulations are enforced and how research and training programmes are implemented. It submits regular reports to Congressional Committees on Health, Agriculture and Food, and Trade and Industry. <ul style="list-style-type: none"> <li>- Policies and procedures for official controls must be documented in a manual of operations to ensure consistency, quality and transparency.</li> <li>- Food inspectors must perform regular, uniform inspections of food premises to assess compliance with food standards. Food testing must be periodically carried out by accredited, qualified laboratories without conflicts of interest.<sup>146</sup></li> </ul> </li> <li>• Under the Philippine Food Fortification Act<sup>139</sup> the FDA must establish a quality assurance system and standard operating procedures to monitor implementation.<sup>140</sup> <ul style="list-style-type: none"> <li>- Under the Act's implementing rules and regulations<sup>140</sup> various other bodies assist in monitoring and reviewing the programme, including the Bureau of Customs for imported products, the National Food Authority for rice, and the Sugar Regulatory Administration for sugar. LGUs monitor mandatorily fortified foods in public markets, and retail and food service establishments, check the labelling of fortified products, including nutrient facts tables, and submit monitoring reports to the FDA. The food industry must also submit annual reports to the DoH on the production, distribution and marketing of fortified foods and concerns and recommendations.<sup>139</sup></li> <li>- Under Guidelines on the Granting of Diamond Sangkap Pinoy Seal<sup>148</sup> the National Food Authority, Sugar Regulatory Administration and Philippine Coconut Authority assist the FDA in monitoring the compliance of all registered staple food manufacturers.</li> </ul> </li> <li>• Under the Act Promoting Salt Iodization Nationwide<sup>142</sup> <ul style="list-style-type: none"> <li>- LGUs monitor the compliance of salt sold in markets in their jurisdiction and set the frequency of inspections.<sup>143</sup> Manufacturers must also conduct routine quality assurance.</li> <li>- The Salt Iodization Advisory Board (the National Nutrition Council) acts as the policy and coordinating body on salt iodisation efforts, monitors implementation and submits an annual report to Congress on the salt iodisation programme's process and recommendations for improvement.</li> <li>- Under the Act's Revised Implementing Rules and Regulations the Salt Iodization Advisory Board monitors and evaluates salt iodisation programmes.<sup>143</sup></li> </ul> </li> <li>• Under ASEAN Regional Guidelines on Food Security and Nutrition and Principles and Guidelines for National Food Control Systems Member States' national food control systems should be transparent and open to public scrutiny, while respecting the need to protect confidential information as appropriate.<sup>74</sup> To assess the effectiveness and suitability to achieve objectives, the system should be subject to ongoing monitoring and review against documented criteria, and consider scientific evidence, and non-compliance.<sup>74</sup> Legislation and guidelines should also include provisions to monitor dietary consumption.<sup>73</sup></li> </ul>
<b>Evaluation</b>	<ul style="list-style-type: none"> <li>• Under the Implementing rules and regulations for the Philippine Food Fortification Act<sup>140</sup> the National Nutrition Council conducts periodic reviews at least once every five years or on petition from an industry mandated to fortify food. Using data from the Food and Nutrition Research Institute and other nutrition surveillance systems, the Council determines if mandatory food fortification is still required.<sup>140</sup> [PHI002-I]</li> <li>• Through its monitoring and various reports to Congress, the FDA evaluates labelling regulations. [PHI002-I] However, it is understood that no Regulatory Impact Assessment for labelling regulation has been completed to date, nor has any assessment of labelling on consumer behaviour. [PHI001-S]</li> <li>• Under the ASEAN Regional Guidelines on Food Security and Nutrition and ASEAN Principles and Guidelines for National Food Control Systems Member States' national food control systems should have the capacity and capability to undergo continuous improvement and include mechanisms to evaluate whether the food control system is achieving its objectives.<sup>74</sup> Member States should also evaluate new or existing regulation to ensure it is compatible with nutrition and food security policy.<sup>73</sup></li> </ul>



## Enforcement

- Under the Food, Drug, and Cosmetic Act, the Secretary of Health can issue rules and regulations to enforce provisions of the Act.<sup>145</sup> A range of prohibited acts (such as misbranding food) and penalties from fines and/or imprisonment are specified, and goods may be seized. To enforce the Act, the FDA can enter and inspect premises and sample products. Some enforcement data, including those companies deemed to be non-compliant with labelling regulations, is available on the FDA's website. [PHI002-I]
  - Sanctions under the Act for Salt Iodization Nationwide (ASIN)<sup>146</sup> and its related regulations<sup>145</sup> (including for misbranding or failure to obtain a Licence to Operate) cross-refer to the Food, Drug and Cosmetic Act enforcement regime (and other provisions of the Consumer Act), but the Act and its regulations specify some fines and allow licence revocation. The FDA and LGUs can impose and collect fines that accrue to the FDA for Act implementation.
  - Violations and sanctions under the Administrative Order 30 (2014) Labelling of prepackaged food products<sup>147</sup> render products misbranded and also cross-referenced to the Food, Drug and Cosmetic Act enforcement regime.
- Under the Food Safety Act:
  - LGUs are responsible for the enforcement of food regulations and standards in their jurisdictions, including the proper labelling of pre-packaged foods.<sup>146</sup>
  - Non-compliant businesses may be subject to fines and suspension of appropriate authorisation for a month, with increasing penalties and the revocation or cancellation of a Certificate of Product Registration also possible.<sup>146</sup>
  - Under the Rules and Regulations Governing the Labeling of Prepackaged Food Products, the FDA may seize misbranded foods or impose administrative sanctions such as suspension or revocation of a Licence to Operate, fines or written warning notices. Penalties for criminal offences can also apply.<sup>154</sup>
- In relation to the Act Establishing the Philippine Food Fortification Program:
  - Under the Guidelines on Micronutrient Fortification of Food, 1995,<sup>141</sup> once processed food claiming fortification is deemed to be mislabelled, a notice and hearing occur after which the FDA can impose a range of administrative sanctions from ordering product recall to suspending or cancelling a product's registration.
  - Under the Guidelines on the Granting of Diamond Sangkap Pinoy Seal,<sup>148</sup> non-compliance may result in product recall, an order to correct labelling, inclusion in published lists of non-compliant manufacturers, administrative fines, and suspension or cancellation of a Licence to Operate or approval to use the Seal.
- Respondents stated that clear and transparent guidelines and enforcement structures are used to enforce nutrition labelling regulations. [PHI001, 2-5] Citizens can also submit complaints to the FDA, which the FDA then investigates. [PHI002, 3-I]. However, information on monitoring, evaluation or enforcement is not always publicly available and access via freedom of information requests can be hindered by laws protecting commercial-in-confidence information. [PHI001-5,II]
- Under the ASEAN Regional Guidelines on Food Security and Nutrition and Principles and Guidelines for National Food Control Systems Member States' independent statutory bodies should retain enforcement authority,<sup>73</sup> be appropriately resourced and employ qualified personnel.<sup>74</sup> State authorities should establish, implement and enforce science- and risk-based regulatory requirements that encourage and promote positive food safety outcomes and establish and maintain arrangements with relevant organisations such as officially recognised inspection, audit, certification and accreditation bodies.<sup>74</sup> Compliance and enforcement programmes should be designed to enable a competent authority to take corrective remedial action, from education to sanctions, alongside maintaining public transparency.<sup>74</sup>

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