

07 October 2019

**REPRESENTATIVE ANGELINA D.L. TAN, M.D.**

Chairperson  
Committee on Health  
House of Representatives  
Batasang Pambansa Complex  
Constitution Hills, Quezon City

Dear **Representative Tan:**

We are pleased to submit the Department's position on House Bill No. 2303, entitled:

**“An Act Requiring the Disclosure of the Presence or Absence of Gluten in Food Products for the Protection of those Diagnosed with Celiac Disease”**

This is without prejudice to the Department's submission of additional inputs.

With my best regards.

Very truly yours,



**RAMON M. LOPEZ**  
Secretary



OFFICE OF THE SECRETARY

DTI Position on

**House Bill No. 2303**

**“An Act Requiring the Disclosure of the Presence or Absence of Gluten in Food Products for the Protection of those Diagnosed with Celiac Disease”**

The Department welcomes the intention of the proposed bill to further ensure consumer protection through the inclusion of gluten content in the mandatory labelling requirements of food products as well as stipulating the provision of assistance to consumers who are seeking for gluten-free products in food service establishments. The bill is cognizant of the special needs of people with celiac disease, the notable characteristic of which is an adverse health reaction arising from gluten intolerance.

The DTI recognizes the right of consumers to accurate information for sound market choices as espoused by Republic Act (RA) No. 7394, otherwise known as the “*Consumer Act of the Philippines*”. In this regard, consumers must be made aware of their food products, especially if they contain hazardous ingredients or may cause hypersensitivity. It is the view of the Department that the scope of application, as much as possible, must be regardless if the food product is a prepackaged item sold in retail or a prepared meal from restaurants.

Under RA 7394, the Department of Health (DOH) is determined as the implementing agency on matters relating to food and empowered to create policies effecting the law’s objectives.<sup>1</sup> Furthermore, the DOH’s attached agency, the Food and Drug Administration (FDA), is identified by RA 9711, otherwise known as the “*Food and Drug Administration (FDA) Act of 2009*”, to function as the government’s primary regulatory agency for food products.

We note that DOH Administrative Order (AO) No. 2014-0030<sup>2</sup> is the latest rules and regulations governing labeling but it only extends to prepackaged food products. Thus, foods that are served or sold in restaurants for immediate consumption are not covered by the guidelines. AO 2014-0030 prescribes for the labeling of prepackaged food products to identify and clearly indicate relevant information on food allergen and nutrition. Although gluten is not explicitly included in the operative clauses for food allergen and nutrition labelling, the language used by the clauses is non-limiting and even encourages for other ingredients/content not listed to also be declared.

In view of the foregoing, the DTI reiterates that there should be no new regulations on food in this context, given that there are already existing ones that can carry out the intentions of the proposed bill. This is in keeping with the

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<sup>1</sup> Article 6 (a) of Chapter I Consumer Product Quality and Safety; Article 21 of Chapter II Food, Drugs, Cosmetics and Devices; and Article 75 of Chapter IV Labeling and Fair Packaging

<sup>2</sup> Retrieved from: <https://ww2.fda.gov.ph/index.php/issuances-2/food-laws-and-regulations-pertaining-to-all-regulated-food-products-and-supplements/food-administrative-order/194724-revised-rules-and-regulation-governing-the-labeling-of-prepackaged-food-products-further-amending-certain-provisions-of-administrative-order-no-88-b-s-1984>



reduction of redundancies, especially in laws, as mandated by RA 11032, otherwise known as the “*Ease of Doing Business and Efficient Government Service Delivery Act of 2018*”. Instead of a bill, we recommend for the intention to be framed as a resolution directing the DOH and FDA to revise AO 2014-0030 such that the guidelines would explicitly include gluten in the list of food allergen and nutrition facts.

Moreover, we recommend that the reframed resolution should also direct the drafting and issuance of guidelines for food service establishments to comply with the objectives of RA 7394, particularly on providing consumers the information on food allergen and nutrition facts. In this regard, the DTI recommends that the mandatory labeling requirements for food service establishments should be featured on their menus or other platforms which shall effectively serve the purpose.

Finally, we recommend for the DOH, FDA, and the food service sector to also be solicited for inputs.

The Department supports the intentions of the proposed bill but reiterates its specific views and recommendations to reframe the bill into a resolution that would be more of a directive approach. This is in consideration of existing laws and executive issuances that can already operationalize the intentions of the proposed bill.

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**Bureau of Trade and Industrial Policy Research**

**07 October 2019**

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