

[MANILA CITY ORDINANCE NO. 8446, December 17, 2015]

**REGULAR SESSION NO. 189
9th CITY COUNCIL**

**Begun and held in the City Council on Tuesday,
The tenth day of February, Two Thousand Fifteen**

**AN ORDINANCE MANDATING THE DISCLOSURE OF THE
NUTRITIONAL CONTENTS OF STANDARD MENU ITEMS IN CHAIN
RESTAURANTS AND SIMILAR RETAIL FOOD ESTABLISHMENTS IN
THE CITY OF MANILA, PRESCRIBING PENALTIES FOR
VIOLATION THEREOF AND FOR OTHER RELATED PURPOSES**

Principal Authors: **HON. JOHN MARVIN "Yul Servo" NIETO**, Hon. Priscilla Marie T. Abante, Hon. Dennis B. Alcoreza, Hon. Irma C. Alfonso-Juson, Hon. Ruben F. Buenaventura, Hon. Antonio G. Capistrano, Hon. Joel R. Chua, Hon. Ma. Asuncion G. Fugoso, Hon. Cristina A. Isip, Hon. Ernesto C. Isip, Jr., Hon. Rodolfo N. Lacsamana, Hon. Leilani Marie H. Lacuna, Hon. Numero G. Lim, Hon. Edward V.P. Maceda, Hon. Erick Ian O. Nieva, Hon. Roberto R. Ortega, Jr., Hon. Joel M. Par, Hon. Science A. Reyes, Hon. Josefina M. Siscar, Hon. Casimiro C. Sison, Hon. Christian Paul L. Uy, Hon. Raymundo R. Yupangco, Hon. Manuel M. Zarcal, **HON. MARLON M. LACSON**, Majority Floor Leader, **HON. ROLANDO M. VALERIANO**, Acting Presiding Officer and **HON. FRANCISO "Isko Moreno" DOMAGOSO**, Vice-Mayor and Presiding Officer

PREAMBLE

WHEREAS, Article II, Section 15 of the 1987 Philippine Constitution mandates that: *"The State shall protect and promote the right to health of the people and instill health consciousness among them";*

WHEREAS, in relation thereto, Section 16 (the *General Welfare Clause*) of the Local Government Code of 1991 mandates every local government unit to, among other things, promote the health and safety of its inhabitants;

WHEREAS, menu nutrition labeling, a current practice in some jurisdictions, has been proven to be an effective means of raising health consciousness on the part of the public, helping them make informed dietary decisions;

WHEREAS, the practice of menu labeling, moreover, encourages restaurants to improve the nutritional qualities of the food they serve to the public: NOW,

THEREFORE,

Be it ordained by the City Council of Manila, in session assembled, *THAT*:

SECTION 1. Title. – This Ordinance shall be known as the ***"Manila Menu Nutrition Labeling Ordinance of 2015"***.

SEC. 2. Definition of Terms. – Whenever used in this Ordinance, the following terms shall mean or be understood as follows:

- (a) **"Restaurant or similar retail food establishment"** – A retail establishment, the business of which is to sell or serve food that is meant for immediate human consumption, i.e., to be consumed in the premises of such restaurant, while the customer is walking away, or soon after arriving at another location.
- (b) **"Menu"** – The primary writing of the restaurant or similar retail food establishment, including drive-through menu boards, from which a customer makes an order selection.
- (c) **"Standard menu item"** – Food meant for immediate human consumption, which is routinely included on a covered establishment's menu or routinely offered as self-service food or food on display. For purposes of this ordinance, the term "food" shall include beverages.
- (d) **"Temporary menu item"** – Food that appears on a covered establishment's menu or is routinely offered as self-service food or food on display for a period not exceeding sixty (60) days, whether consecutive or not, per calendar year: *PROVIDED, however,* That an item that is regularly offered for sale one or more days each week shall not be considered a temporary menu item.
- (e) **"Food that is part of a customary market test"** – Food that is marketed in a covered establishment for a period not exceeding one hundred twenty (120) days, whether consecutive or not, in order to test consumer acceptance of the product.
- (f) **"Daily special"** – A menu item that is not routinely listed on a menu or offered for sale by the covered establishment, and is promoted as a special menu item prepared and offered for sale only on particular day: *PROVIDED, however,* That an item that is regularly offered for sale one or more days each week shall not be considered a daily special.
- (g) **"Custom order"** – Food order that is prepared in a specific manner, based on an individual customer's request, which requires the covered establishment to deviate from its usual preparation of a menu item.
- (h) **"Variable menu item"** – A standard menu item that comes in different flavors, varieties, or combinations, and its listed as a single menu item.
- (i) **"Department"** – The Manila Health Department.

SEC. 3. Establishments Covered. – Every restaurant and similar retail food establishment in the City of Manila that is part of a chain with ten (10) or more locations or branches anywhere in the Philippines, doing business under the same or substantially the same name (regardless of the type of ownership of the locations),

and offering for sale the same or substantially the same menu items, are subject to the requirements set forth in this Ordinance.

Menu items are considered the same or substantially the same where they are prepared using the same general recipe and is substantially the same way with substantially the same food components, even if the name of the menu items vary.

SEC. 4. Disclosure of Nutritional Information. – For each standard menu item offered for sale, covered establishments shall, in a clear and conspicuous manner, make a corresponding nutrient disclosure as follows:

- (a) On the menu listing the item for sale, adjacent to its name, so as to be clearly associated therewith, the number of calories contained in each serving size or other unit of measure of such item.
- (b) In a written form available within the premises of the covered establishment and to the customer upon request, with a prominent and clear statement of such availability on the menu or menu board, the amount of the following nutrients contained in each serving size or other unit of measure of the item:
 - (1) Total fat;
 - (2) Trans fat;
 - (3) Saturated fat;
 - (4) Cholesterol;
 - (5) Sodium;
 - (6) Total carbohydrates;
 - (7) Dietary fiber;
 - (8) Sugars; and
 - (9) Protein

Covered establishments shall have a period of six (6) months from the effectivity of this Ordinance to comply with the provisions of this subparagraph and any other requirement referring to the written form described herein.

SEC. 5. Self-Service Menu Items. – In the case of standard menu items sold at a salad bar, buffet line, cafeteria line, or similar self-service facility, and for self-service items that are on display, covered establishments shall place adjacent to each item a sign that states the number of calories contained in each displayed item or per serving thereof. The statement of the availability of the written form described in Section 4 (b) of this ordinance shall, in this case, be posted in a conspicuous area of the establishment, visible to its customers.

SEC. 6. Variable Menu Items. – In the case of variable menu items, disclosure of the caloric and nutrient content shall be made for each flavor or variety of the said item. For variable standard menu items, however, whose ingredients are chosen or determined by the customers themselves, such disclosure shall be made separately for each ingredient, topping, add on or variable component at a given quantity, whether in a posted list or adjacent to the container. There shall likewise be a visible statement of the availability of the written form described in Section 4 (b) of this Ordinance.

SEC. 7. Non applicability to Certain Food. – The nutrient content disclosures