

ADMINISTRATIVE ORDER No. \_\_\_\_\_

**SUBJECT: Addendum to Administrative Order No. 2014-0030 "Revised Rules and Regulations Governing the Labeling of Prepackaged Food Products Further Amending Certain Provisions of Administrative Order No. 88-B s. 1984 or the "Rules and Regulations Governing the Labeling of Prepackaged Food Products Distributed in the Philippines," to include Guidelines on Additional Mandatory Label Information on Sweetened Beverages Based on R.A. 10963**

## I. RATIONALE

Administrative Order (AO) No. 2014-0030 "Revised Rules and Regulation Governing the Labeling of Prepackaged Food Products Further Amending Certain Provisions of Administrative Order No. 88-B s. 1984 or The "Rules and Regulation Governing the Labeling of Prepackaged Food Products Distributed in the Philippines," and for other Purposes was implemented in 2014 by the Food and Drug Administration (FDA) to amend certain provisions of Administrative Order No. 88-B s. 1984, and to provide coherence in the FDA's regulatory system for food establishments and prepackaged food products.

In January 1, 2018, Republic Act (RA) 10963 otherwise known as "Tax Reform for Acceleration and Inclusion" (TRAIN) Law was enacted to (a) enhance the progressivity of the tax system through rationalization of the Philippine internal revenue tax system, thereby promoting sustainable and inclusive economic growth; (b) provide as much as possible, an equitable relief to a greater number of taxpayers and their families in order to improve levels of disposable income and increase economic growth; and (c) ensure that the government is able to provide for the needs of those under its jurisdiction and care through the provision of better infrastructure, health, education, jobs, and social protection for the people.

The Act covers sweetened beverages (SB) using purely caloric sweeteners, and purely non-caloric sweeteners, and/or a mix of caloric and non-caloric sweeteners, and high fructose corn syrup or in combination with any caloric or non-caloric sweeteners, which are subject to excise tax, except purely coconut sap sugar and purely steviol glycosides.

Under Section 47 of the TRAIN Law (E) amending Section 150-B of the National Internal Revenue Code (NIRC), it was provided that starting June 1, 2018, the FDA shall require all manufacturers and importers of SB covered by this Act to indicate on the label the type of sweetener used, and on sweetened beverages in powder form to indicate on the label the equivalent of each serving per liter of volume capacity.

Further, in Section 47 (E) Paragraph 2 of the TRAIN Law, the FDA shall also conduct post-marketing surveillance of the SB in supermarkets, groceries, or retail stores, and/or inspection of manufacturing sites to determine compliance with the requirements of this Section.

Thus, this addendum to Administrative Order No. 2014-0030 is deemed imperative to include provision number 5 under item VI. B. Other Requirements of AO 2014-0030 to ensure that manufacturers (including repackers and toll-manufacturers), distributors (importers, exporters, wholesalers), and traders of SB products covered by the TRAIN Law adhered to Section 47.

## II. OBJECTIVES

This order sets the guidelines on the declaration of additional mandatory label information on the type of sweetener used and the equivalent serving size of SB in powder from per liter of volume capacity to guide the food manufacturers, distributors, and traders.

## III. SCOPE

This Order shall cover all SB products covered by the TRAIN Law that are manufactured, distributed, and traded in the Philippines.

## IV. DEFINITION OF TERMS

**Caloric sweetener** refers to a substance that is sweet and includes sucrose, fructose, and glucose that produces a certain sweetness.

**Distributor/Importer/Exporter** refers to any establishment that imports or exports raw materials, ingredients and/or finished products for its own use or for wholesale distribution to other establishments or outlets.

**Distributor/Wholesaler** refers to any establishment that procures raw materials, and/or finished products from local establishment for local distribution.

**High fructose corn syrup** refers to a sweet saccharide mixture containing fructose and glucose which is derived from corn and added to provide sweetness to beverages, and which includes other similar fructose syrup preparations.

**Label** means a display of written, printed or graphic matter upon the immediate container of any article and a requirement made by or under authority of existing law that any word, statement, or other information appearing on the label shall not be considered to be complied with unless such word, statement or other information also appears on the outside container or wrapper of the retail package of such article or is easily legible through the outside container or wrapper.

**Manufacturer** means an establishment engaged in any and all operations involved in the production of health products including preparation, processing, compounding, formulating, filling, packaging, repacking, altering, ornamenting, finishing and labeling with the end view of its storage, sale or distribution.

**Non-caloric sweetener** refers to a substance that is artificially or chemically processed that produces a certain sweetness. These are substances which can be directly added to beverages, such as aspartame, sucralose, saccharin, acesulfame potassium, neotame, cyclamates and other non-nutritive sweeteners approved by the Codex Alimentarius and Adopted by the FDA.

**Sweetened Beverages** refer to non-alcoholic beverages of any constitution (liquid, powder, or concentrates) that are pre-packaged and sealed in accordance with the Food and Drug Administration (FDA) standards, that contain caloric and/or non-caloric sweeteners added by the manufacturers, and shall include, but not limited to the following, as described in the Food Category System and Descriptors which are parts of the General Standard for Food Additives (Codex Stan 192-1995, Rev 2018 or the latest) as adopted by the FDA:

- a. Sweetened juice drinks;
- b. Sweetened tea;
- c. All carbonated beverages;
- d. Flavored water;
- e. Energy and sports drinks;
- f. Other powdered drinks not classified as milk, juice, tea, and coffee;
- g. Cereal and grain beverages; and
- h. Other non-alcoholic beverages that contain added sugar.

**Trader** means any establishment which is a registered owner of food and food products and/or procure the raw materials and packing components, quality control standards and procedures, but subcontracts the manufacture of such product to a licensed manufacturer. In addition, a trader may also engage in the distribution and/or marketing of its products.

## V. SPECIFIC RULES AND REGULATIONS

GUIDELINES ON ADDITIONAL MANDATORY LABEL INFORMATION as per R.A. 10963

## B. Other Requirements

### 5. Sweetened Beverages

- 5.1 Indicate on the label the type of sweetener used, example: sugar, sucralose, aspartame. This is also in compliance with mandatory declaration of complete list of ingredients including the common name and functional category of food additives under item no. 3 of VI.A. Mandatory Label Information.
- 5.2 For sweetened beverages in **powder** form, indicate a legible statement on the **number of liters per pack size or store keeping unit (SKU)** (net weight/volume). Since the information is connected to the direction on how to prepare the product, it shall be printed under the *Direction/Instruction(s) for Use*.

Example: This pack yields 5 liters of prepared beverage.

## VI. TRANSITORY PROVISIONS

All SB with existing approved Certificate of Product Registration (CPR) shall be allowed to use provisional sticker on the label for the total number of liters per pack (net weight/volume) until 01 December 2018.

CPR applications (initial, renewal, amendment) filed starting 01 June 2018 shall comply with this Order.

## VII. REPEALING CLAUSE

All other provisions of the A.O. 2014-0030 shall remain in effect and provisions/issuances inconsistent or contrary to this Order are hereby rescinded or modified accordingly.

## VIII. EFFECTIVITY

This Order shall take effect fifteen (15) days after filing at the UP Law Center and publication in a newspaper of general circulation.

**FRANCISCO T. DUQUE III, MD, MSc**  
Secretary of Health