

[BFAD BUREAU CIRCULAR NO. 2007-002, January 23, 2007]

**GUIDELINES IN THE USE OF NUTRITION AND HEALTH CLAIMS
IN FOOD**

I. Rationale

It is a policy of the State as embodied in Article II, Section 15 of the 1987 Constitution to protect and promote the right to health of the people and instill health consciousness among them and in Section 12, Article XIII of the 1987 Constitution to establish and maintain an effective food and drug regulatory system and undertake appropriate health manpower development and research, responsive to the country's health needs and problems.

It is further declared as a policy of the State under Republic Act No. 7394 or the Consumer Act of the Philippines to enforce compulsory labeling, 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. It is likewise declared therein that the State shall protect the consumer from misleading advertisements and fraudulent sales promotion practices.

In the implementation of the foregoing policies, Section 15 (2), Chapter 4, Title IX, Book IV of the Administrative Code of 1987 authorizes the Bureau of Food and Drugs (BFAD) to act as the policy formulation and sector monitoring arm of the Secretary of Health on matters pertaining to food, drugs, traditional medicines, cosmetics and household products containing hazardous substances, and to formulate rules and regulations and standards in accordance with Republic Act No.3720, as amended by Executive Order No. 175 s. 1987, and other pertinent laws for their proper enforcement. In addition, the BFAD is empowered to prescribe general standards and guidelines with respect to the veracity of nutritional and medicinal health claims in the advertisement of food, drugs and cosmetics in the various media and to monitor such advertisements.

On the other hand, the Joint Department of Agriculture and Department of Health Administrative Order (DA-AO No. 2005-0001 and DOH-AO No. 2005-0028) expressly cited in its premises that "Philippine accession to GATT-WTO and various bilateral and multilateral trade agreements requires compliance with international trade regulations, including the harmonization of national food standards with international food standard-setting body as the Codex Alimentarius Commission. " The harmonization of standards, food in particular, is generally viewed as a contributory factor to the protection of consumer health.

II. Guidance / Directive

Based on the foregoing premises, the Bureau of Food and Drugs under the