

ADMINISTRATIVE ORDER

No. _____

SUBJECT: Adoption of General Standard for Food Additives (Codex Stan 192-1995, Rev. 2018 or latest); Codex General Standard for the Use of Dairy Terms (Codex Stan 206-1999 or latest); Codex Standards on Milk and Milk Products as specified in this Order; and Codex Regional Standard for Non-Fermented Soybean Products (CXS 322R-2015 Amended in 2016, 2017 or latest)

I. RATIONALE

Article II, Section 15 of the 1987 Constitution declares that it is a policy of the State 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, responsive to the country's health needs and problems.

Pursuant to the implementation of the foregoing policies, Section 15 (2), Chapter (4) Title IX, Book IV of the Administrative Code of 1987 authorizes the Food and Drug Administration 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, Republic Act 9711 known as Food and Drug Administration (FDA) Act of 2009, and Republic Act No. 10611 known as the Food Safety Act of 2013, and other pertinent laws for their proper and effective enforcement.

On January 1, 2018, Republic Act No. 10963, otherwise known as the "Tax Reform for Acceleration and Inclusion (TRAIN) Law" was enacted amending several sections of Republic Act No. 8424 otherwise known as the National Internal Revenue Code (NIRC) of 1997, as amended, and for other purposes, imposing excise tax on several commodities including Sweetened Beverages (SBs) which are under the jurisdiction of the FDA, introduced as Section 47. For effective implementation, it is timely that the codex food category system and descriptors which are parts of the General Standard for Food Additives (Codex Stan 192-1995, Rev. 2018 or latest) and their specific Codex standards which

may be contained in individual Codex standards, Codex General Standard for the Use of Dairy Terms (Codex Stan 206-1999) and Codex standards on milk and milk products as specified in this Order, and Codex Regional Standard for Non-Fermented Soybean Products (CXS 322R-2015 Amended in 2016, 2017 or latest) be officially adopted by the FDA to be used as guide in classifying and identifying food products.

Notwithstanding, it was expressly affirmed in the Joint Department of Agriculture and Department of Health Administrative Order (DA-AO No. 2005-001 and DOH AO No. 2005-0028) 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 contributory factor to the protection of consumer health. Thus, the adoption of certain Codex standards is deemed imperative.

II. OBJECTIVES

This Order aims to officially adopt certain codex standards as specified under IV. A. 1-10. General Guidelines, to serve as basis in classifying and identifying food products.

III. SCOPE

This Order covers the above-subject codex standards and shall apply to processed food manufacturers, distributors (importers, wholesalers) and traders.

IV. DEFINITION OF TERMS

Distributor/Importer refers to any establishment that imports 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.

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.

Trader means any establishment which is the 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 products to a licensed manufacturer. In addition, a trader may also engage in the distribution and/or marketing of its products.

IV. GENERAL GUIDELINES

- A. The Food and Drug Administration of the Department of Health adopts the following Codex standards:
1. General Standard for Food Additives (CODEX STAN 192-1995, Rev. 2018 or latest) and their specific Codex standards concerning sweetened beverages which may be contained in individual Codex standards without Philippine National Standard;
 2. Codex Regional Standard for Non-Fermented Soybean Products (CXS 322R-2015 Amended in 2016, 2017 or latest);
 3. Milk Powders and Cream Powder (CODEX STAN 207-1999 or latest);
 4. Fermented Milks (CODEX STAN Codex Stan 243-2003 or latest);
 5. Blend of Evaporated Skimmed Milk and Vegetable Fat (CODEX STAN 250-2006 or latest);
 6. Blend of Skimmed Milk and Vegetable Fat in Powdered form (CODEX STAN 251-2006 or latest);
 7. Blend of Sweetened Condensed Skimmed milk and Vegetable Fat (CODEX STAN 252-2006 or latest);
 8. Evaporated Milks (CODEX STAN 281-1971 or latest);
 9. Sweetened Condensed Milks (CODEX STAN 282-1971 or latest);
 10. Codex General Standard for the Use of Dairy Terms (CODEX STAN 206-1999 or latest).
- B. All concerned food establishments with processed foods specified in this Order must conform to the Codex standards adopted by the FDA.

V. TRANSITORY PROVISION

All applications (initial, renewal, amendment) for Certificate of Product Registration (CPR) filed starting the effectivity of this Order shall comply with these guidelines.

VI. REPEALING CLAUSE

All issuances inconsistent or contrary to this order are hereby rescinded or modified accordingly.

VII. EFFECTIVITY

This Order shall be effective 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