

# **FDA**

## **Food and Drug Administration Philippines**

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### **STATEMENT OF THE FOOD AND DRUG ADMINISTRATION**

In light of the stiff opposition of the herbal food supplements industry and its moves to discredit the Department of Health (DOH) and Secretary Esperanza Cabral on the issuance of DOH Administrative Order 2010-0008 mandating the translation of the statement "No Approved Therapeutic Claims" into Filipino, the Food and Drug Administration (FDA) reiterates its full and unequivocal support for the DOH and Secretary Cabral's commitment to upholding the highest standards of health in the country.

DOH Administrative Order 2010-0008 was issued mainly to inform the public that food/dietary supplements are not drugs and should not be used to treat disease, As the State's main arm in the task of promoting and protecting the health of the people the DOH must explore all possible means to fulfill its mandate. We are of the staunch belief that the DOH was well within the bounds of reason and authority in the issuance of the questioned Administrative Order.

The regulation of claims attributed to all health products in general is imbued with public interest as such claims can influence a person's belief regarding a particular health product. Reliance on false and misleading claims regarding a health product may have harmful consequences to a person's health. The State appreciates the importance of this kind of regulation and has issued laws, rules and regulations in order to deal with this issue. Among these are:

- Article 112(a), (b) and (c) of Republic Act 7394 or the Consumer Act of the Philippines which provides that:
  - Art. 112(a) No claim in advertisement may be made which is not contained in the label or approved by concerned Department.
  - (b) No person shall advertise any food, drug, cosmetic, device or hazardous substance in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character value, composition, merit or safety.
  - (c) Where a standard has been prescribed for a food, cosmetic or device, no person shall advertise any article or substance in such a manner that is likely to be mistaken for such product, unless the article complies with the prescribed standard or regulation.
- The Codex General Guideline on Claims [(CAC/GL 1-1979 (Rev 1991)], the provisions of which were supplemented by the Guidelines on the Use of Nutrition and Health Claims [CAC/GL23-1997 (Rev 1-2004)] and were adopted by the FDA by virtue of B.C. No. 2007-002, provides that:
  - 3.4 Claims as to the suitability of a food for use in the prevention, alleviation, treatment or cure of disease, disorder or particular physiological conditions are also prohibited unless they are: (a) in accordance with the provisions of Codex standards or guidelines for foods under jurisdiction of the Committee on Foods for Special Dietary Uses and follow the principles set forth in these guidelines.

As a defender of the people's rights to enjoy safe and quality food products, drugs and medicines, the FDA is in full support of the advocacy of the DOH and Secretary Cabral. There is nothing infirm, illegal or reprehensible with the Administrative Order and its objectives, as some quarters would like to portray it.

Even as the herbal food supplements industry was able to get a writ of preliminary injunction to stop the implementation of the Administrative Order (which the FDA respected by ordering all concerned to revert to the status quo), this Office remains unfazed and solidly behind the DOH and Secretary Cabral. We have the utmost trust and confidence that the Court will render a judgment that will protect and promote the general welfare.

Signed:

**NAZARITA TACANDONG**  
Director  
Food and Drug Administration