



BFAR ADMINISTRATIVE CIRCULAR NO. 256
SERIES OF 2015

TITLE : Declaring Malachite Green and Gentian Violet as Health Hazards and Prohibiting their Use in Food Fish Production and Trade

Whereas, malachite green (MG) and gentian violet are dyes used in aquaculture as an antifungal, parasiticide and antibacterial agent which are absorbed and metabolized in tissues of fish when treated with these substances;

Whereas, the Joint Food and Agriculture Organization – World Health Organization Expert Committee on Food Additives (JECFA) considered MG and gentian violet as health hazards and does not support their use in food producing animals including aquatic animals;

Whereas, mutagenic and genotoxic carcinogenic effects of their metabolites, namely, leucomalachite green and leucocrystal violet (LCV) persist in fish tissues for a long period of time;

Whereas, the Department of Agriculture, through the Bureau of Fisheries and Aquatic Resources (DA-BFAR), in coordination with concerned agencies and the private sector, is mandated to establish and enforce safety and quality standards on aquatic organisms and fishery products for domestic consumption and international trade, consistent with international agreements such as, but not limited to: World Trade Organization-General Agreement on Tariff and Trade (WTO-GATT), Sanitary and Phyto-Sanitary (SPS) measures, World Health Organization (WHO) and Food and Agriculture Organization (FAO) Codex Alimentarius Commission;

Whereas, aquaculture operators in the Philippines and their products for export must meet at least the same or equivalent hygiene and safety standards as those produced in the country of destination, including aspects such as veterinary residues and additives;

Whereas, Republic Act 10611 or the Food Safety Act of 2013 strengthens the food safety regulatory system by prohibiting the production of food, bearing or containing any poisonous or deleterious substance that may be injurious to the health of the public;

Wherefore, based on the above premises and pursuant to Sections 47, 62, 65(l), 67, 100 and 107 of Republic Act 8550 or the Philippine Fisheries Code of 1998, Articles 6, 17, 18 and 19 of Republic Act 7394 or the Consumer Act of the Philippines and Sections 4 (a), 37 and 38 of Republic Act 10611, this Circular prohibiting the use of malachite green and gentian violet in the aquaculture production of fisheries products is hereby issued for the information, guidance and compliance of all concerned.

SECTION 1. Scope. – This Circular shall cover the use of malachite green and gentian violet in all stages of aquaculture production of fishery and aquatic products intended for human consumption and the distribution for commerce of fishery and aquatic products derived from aquaculture containing traces of the dyes.

SECTION 2. **Prohibition.** – It shall be unlawful for any person to:

- (1) Use malachite green or gentian violet in the aquaculture production of food fish;
- (2) Produce, handle or process for sale, offer for sale, distribute in commerce fish or fishery product bearing or containing malachite green or gentian violet; and,
- (3) Import into the Philippines or export fish or fishery product bearing or containing malachite green or gentian violet.

SECTION 3. **Sanctions.** –

A. Administrative Sanctions

Any importer, exporter, aquaculture/farm operator, or distributor found violating any of the provisions of this Circular shall be subject to the following administrative sanctions: (a) for the first offense, suspension for three (3) months of the registration as importer, exporter, aquaculture/farm operator or distributor; (b) for the second offense, six-month suspension of the registration; and, (c) for the third offense, revocation of the registration and delisting.

B. Judicial Sanctions

1. Any person who shall violate Section 2 (1) and (2) of this Circular shall, upon conviction by the Court, suffer the following penalties:

- (1) For the first conviction, a fine of not less than Fifty thousand pesos (P50,000.00) but not more than One hundred thousand pesos (P100,000.00) and suspension of appropriate authorization or registration for one (1) month;
- (2) For the second conviction, a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Two hundred thousand pesos (P200,000.00) and suspension of appropriate authorization or registration for three (3) months;
- (3) For the third conviction, a fine of not less than Two hundred thousand pesos (P200,000.00) but not more than Three hundred thousand pesos (P300,000.00) and suspension of appropriate authorization or registration for six (6) months;
- (4) For violation resulting in slight physical injury of a person, a fine of not less than Two hundred thousand pesos (P200,000.00) but not more than Three hundred thousand pesos (P300,000.00), suspension of appropriate authorization or registration for six (6) months, and payment of the hospitalization and rehabilitation cost of the injured person;
- (5) For violation resulting in less serious, or serious physical injury of a person, a fine of not less than Two hundred thousand pesos (P200,000.00) but not more than Three hundred thousand pesos (P300,000.00), suspension of appropriate authorization or registration for one (1) year and payment of the hospitalization and rehabilitation cost of the injured person;

(6) For violation resulting in death of a person, imprisonment of not less than six (6) months and one (1) day but not more than six (6) years and one (1) day, a fine of not less than Three hundred thousand pesos (P300,000.00) but not more than Five hundred thousand pesos (P500,000.00) and permanent revocation of appropriate authorization to operate a food business.

2. Any person who violates Section 2 (3) of this Circular, shall upon conviction by the Court, be punished by eight (8) years of imprisonment, a fine of eighty thousand pesos (P80,000) and destruction of live fishery species or forfeiture of non-live fishery species in favor of the Department for its proper disposition: *Provided*, that violators of this provision shall be banned from being members or stockholders of companies currently engaged in fisheries or companies to be created in the future.

3. Other sanctions.

(1) If the offender does not have the appropriate authorization or registration, the imposable fines shall be doubled.

(2) If the offender is a government personnel, in addition to the penalty prescribed herein, said personnel shall be subjected to the appropriate civil service laws.

(3) If the offender is a naturalized citizen, in addition to the penalty prescribed herein, the naturalization certificate and the registration in the civil registry of said citizen shall be cancelled. Immediate deportation after payment of fine and service of sentence shall also be imposed.

(4) If the offender is an alien, said alien shall be summarily deported after payment of fine and service of sentence and perpetually barred from entering the country.

(5) Any director, officer or agent of a corporation who shall authorize, order or perform any of the acts or practices constituting in whole or in part a violation of Circular and who has knowledge or notice of non-compliance received by the corporation from the concerned competent authority or Food Safety Regulatory Agency, shall be subjected to the penalties under this Circular.

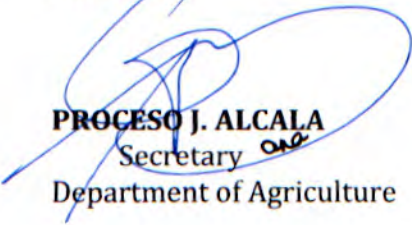
(6) In case the violation is committed by, or in the interest of a foreign juridical person duly licensed to engage in business in the Philippines, such license to engage in business in the Philippines shall immediately be revoked.

SECTION 4. Repealing Clause. — All issuances, circulars, orders, rules and regulations or parts thereto which are inconsistent with any of the provisions of this Circular are hereby repealed, amended or modified accordingly.

SECTION 5. Separability. — Should any provision of this Circular be declared unconstitutional or invalid, the other provisions unaffected thereby shall remain valid and subsisting.

SECTION 6. **Effectivity.** – This Circular shall take effect fifteen (15) days after its publication in a newspaper of general circulation and fifteen (15) days after its registration with the Office of the National Administrative Register.

Issued in Quezon City this 12th day of Feb., in the year of Our Lord, Two thousand and Fifteen.




PROCESO J. ALCALA
Secretary
Department of Agriculture

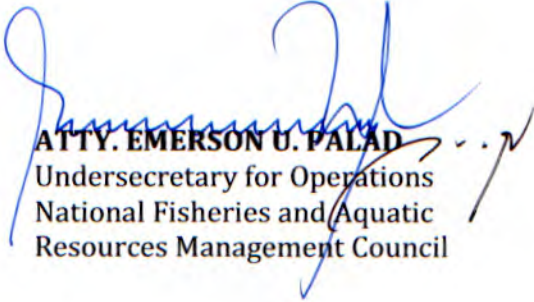
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