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Mexico

Dairy and Products

Mexico Imposes New Label Verification Requirement for Milk

2000

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Report Highlights:

Starting May 1, 2000, and every six months for at least two years thereafter, bottlers and importers of milk, will have to submit samples of their product to accredited labs in order to prove the veracity of what's stated on the label. The primary intent of this new requirement is to ensure the wholesomeness of shelf-milk and protect consumers against products made from dairy and/or vegetable derivatives being sold as unadulterated shelf-milk.

Includes PSD changes: No
Includes Trade Matrix: No
Unscheduled Report
Mexico [MX1], MX

On December 20, 1999, Mexico's Secretariat of Commerce and Industrial Development (SECOFI) announced its intention to impose new regulations on packaged milk. (See Appendice for unofficial translation of the complete announcement). Although this measure applies to all milk, its primary focus and intent is shelf-stable milk products. Starting May 5, 2000, Mexican processors/packers and importers will have to submit samples of their product to accredited laboratories every six months for verification of the veracity of what's stated on the label. The lab will issue a certificate that will be good for six months, after which the processors/packers and importers will have to resubmit the product.

Also, the announcement states that SECOFI intends to assess the new regulation's effectiveness during the first six months it is in effect.

Background

This new requirement is in response to reported cases of products being sold as unadulterated fluid milk, that were in fact milk products made from whey and other dairy and/or vegetable oil derivatives. These incidences were widely reported in the Mexican press during the summer of 1999. The problem was most common in shelf-stable milk

The initial proposal of this regulation, which SECOFI published on September 17, 1999, was much broader in its scope of product coverage (See MX9143). SECOFI reportedly received considerable pressure from Mexican food processors and therefore narrowed the scope to milk, with a special emphasis on shelf-stable milk.

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APPENDICE
UNOFFICIAL TRANSLATION OF DIAIRIO OFICIAL ANNOUNCEMENT
DECEMBER 20, 1999

START UNOFFICIAL TRANSLATION:

"SECRETARY OF TRADE AND INDUSTRIAL DEVELOPMENT

RESOLUTION which establishes the obligation for manufacturers, packers, importers or sellers to subject to verification the truthfulness of the information that they show on the labels of milk.

In the margin is a stamp with the National Shield that says: Mexican United States. - Secretary of Trade and Industrial Development.

**RESOLUTION WHICH ESTABLISHES THE OBLIGATION FOR MANUFACTURERS,
PACKERS, IMPORTERS OR SELLERS TO SUBJECT TO VERIFICATION THE TRUTHFULNESS OF
THE INFORMATION THAT THEY SHOW ON THE LABELS OF MILK.**

RAÚL RAMOS TERCERO, Undersecretary of Standardization and Services for Industry and Foreign Trade, of the Secretary of Trade and Industrial Development, based on articles 23, 52, 53, 56, 57, 68, 73, 83, 84 at the 87, 91, 107, 108 and 109 of the Federal Law on Metrology and Standardization; 50, 96, 98, 99 and 101 of their Rules and Regulations; 6 of the Internal Rules and Regulations of the Secretary of Trade and Industrial Development, and

CONSIDERING

That January 24, 1996, Official Mexican Norma NOM-051-SCFI-1994, "General Specifications for the Labeling of Pre-packaged Foods and Non-alcoholic Drinks," was published in the Mexico's Federal Register;

That the Official Mexican Norma NOM-051-SCFI-1994 went into effect July 1, 1997, for manufacturers and importers and November 1, 1997, for sellers and suppliers;

That the referenced Official Mexican Norm's purpose is to determine the commercial information, as well as the requirements with which the labels of pre-packaged food products and non-alcoholic drinks must comply, in order to give information to the consumer or user;

That this information must be truthful in that it provides background and appropriate and effective protection for consumers and it does not deceive them;

That the Secretary of Trade and Industrial Development, in charge of ensuring compliance with this official Mexican norm, implemented a voluntary plan of verification, using accredited and approved verification units, in order to guarantee that these types of products have adequate commercial information used in their labeling, with official independent verification that is done in coordination with the Consumer's Attorney General's office and the General Administration of Customs of the Secretary of Treasury and Public Credit;

That due to the progress achieved under this program, it is possible now to take the next step and to verify the truthfulness of the commercial information shown on milk, a basic food, guaranteeing that all and

each of the types of packages of milk will fulfill the daily nutritional requirements of Mexico's population, and

In order to have the necessary infrastructure to verify that the information of the labels of these products is truthful, the Secretary of Trade and Industrial Development together with the Mexican Accreditation Organization, A.C., will publish a notice for the accreditation and approval of units of verification of the truthfulness of commercial information, I have the pleasure submitting the following:

RESOLUTION WHICH ESTABLISHES THE OBLIGATION FOR MANUFACTURERS, PACKERS, IMPORTERS OR SELLERS TO SUBJECT TO VERIFICATION THE TRUTHFULNESS OF THE INFORMATION THAT THEY SHOW ON THE LABELS OF MILK

FIRST. Notwithstanding other responsibilities, the manufacturers, packers, importers and, only in the case foreseen in clause b) of this analytical point, the sellers must evaluate the truthfulness of the information shown the labels of the different types of milk subject to the Official Mexican Norma NOM-051-SCFI-1994, "General Specifications of Labeling for Foods and Pre-packaged Non-Alcoholic Drinks," Chapter 4 "Specifications", except for the requirements foreseen in points 4.2.4, 4.2.5, 4.2.6, and 4.2.11, and with the Mexican Norma NMX-F-026-1997-SCFI: Milk – Naming, Commercial Specifications and Testing Methods; through accredited and approved verification units.

For the purposes of that specified in the first paragraph of this analytical point, the sellers will be able to fulfill the execution of that specified in this Resolution in the following manner:

- a. Present a copy of the contract for rendering of verification services that have taken place between their supplier and a verification unit or a current statement of compliance with the truthfulness of the information of the products that they market, issued in favor of their suppliers, be these manufacturers, packers, importers or sellers, when they are subject to a verification visit carried out by the competent authorities.
- b. In case they don't have the copy referred to in clause a) above, they must subject the products that they sell to the corresponding verification according to the terms of this Resolution.

SECOND. The evaluation of the truthfulness must be carried out once every semiannual period of verification, and it must begin during the first month of every period.

For these purposes, the first semiannual period of verification will be the months of May to October and the second semiannual period of verification will be the months of November to April.

Also, the accredited and approved verification units may begin the verification procedure, at any time in the corresponding semiannual period.

Besides the above-mentioned, the collecting of samples and the verification of the products can be done for a family of products when requested by an interested party, in conformity with the criteria issued by the General Direction of Norms.

The said criteria for a family of products, will be generally available when requested by interested parties, and the general public will be able to consult them in the offices of the accredited verification units, and

on the DGN's website, <http://www.secofi.gob.mx/dgn1.html>

This gathering of samples will be done:

- a) In each industrial plant producer and/or packers, with the verification requested by the manufacturer and/or packers.
- b) In the lot or lots corresponding to the first importation that it is done in every semiannual period of verification, the verification is requested by the importers.
- c) In the sales establishment to the final consumer, the verification is requested by the sellers.

The samples will be sent to the Unit of Verification contracted by an accredited laboratory and, if applicable, approved where they will be subjected to the testing methods specified in Mexican Norma NMX-F-026-1997-SCFI, "Milk – Naming, Commercial Specifications and Testing Methods", and in the Mexican regulations and/or standards applicable to the product referenced in the first analytical clause.

THIRD. In case the manufacturers, packers, importers and, if applicable, sellers that don't subject their products to the verification referenced in this Resolution, the Secretary of Trade and Industrial Development, through the General Direction of Norms, will take the following actions:

- a) It will request the aid of the verification units to evaluate the conformity of the truthfulness of the commercial information of the products with the Official Mexican Regulation NOM-051-SCFI-1994, "General Specifications for Labeling of Foods and Non Alcoholic Pre-packaged Drinks," and the Norma Mexican NMX-F-026-1997-SCFI: Milk – Naming, Commercial Specifications and Testing Methods"; in which case the performance of the verification units will be held to the formalities and requirements established in the Federal Law on Metrology and Standardization and its Rules and Regulations, and
- b) The above-mentioned notwithstanding, it will request the intervention of the Federal Consumer Protection Agency according to the Federal Law of Consumer Protection.

The expenses resulting from verifications that are carried out in the terms of the previous point a) will be paid by the manufacturers, packers, importers or sellers to those who provide the services.

FOURTH. The manufacturers, packers, importers and, only in the case specified in the point b) of the first analytical clause, the sellers will be exempt of carrying out the verification referred to herein in their first and second points, in the supposition that the quality of their products is certified according to Mexican Norma NMX-F-026-1997-SCFI: Milk – Naming, Commercial Specifications and Testing Methods; by an accreditation organization accredited in Mexico.

For such purposes, they will present a copy of the current certificate of quality of the products that they market, in the cases in which they are subject to a verification visit carried out by the competent authorities.

FIFTH. This Resolution will go into effect May 1, 2000, and it will remain in force for two years.

In the six months following the date when this Resolution goes into force, the Secretary of Trade and Industrial Development, acting through the General Direction of Norms, will analyze its application, effects and observance in order to determine what may be done to improve its application.

SIXTH. This Resolution is published in conformity with article 4 of the Federal Law of Administrative Procedure.

Effective voting. No Reelection.

Mexico City, Federal District, the tenth of December of one thousand nine hundred ninety nine. - The Undersecretary of Standardization and Services for Industry and Foreign Commerce, Raúl Ramos Tercero. - Signature." END UNOFFICIAL TRANSLATION