

Voluntary Report – Voluntary - Public Distribution

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Report Name: Implementation of the New Mexican Regulation for Front-of-Package Nutrition Label

Country: Mexico

Post: Mexico City ATO

Report Category: Food and Agricultural Import Regulations and Standards - Narrative

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Report Highlights:

This report intends to inform U.S. processed foods and non-alcoholic beverage companies interested in the Mexican market about the new mandatory interpretative front-of-package nutrition label (FOPNL) modifications that will be implemented in three stages starting on October 1, 2020. Modifications to processed product labels include warning signs regarding nutritional content that could affect certain health conditions among the population, cautionary legends, and the prohibition of characters, graphics, or pictures intended to promote consumption among children.

General Information:

Domestic and imported prepackaged, processed foods and non-alcoholic beverages in Mexico are subject to Mexican labeling regulations, including the newly published NOM-051 FOPNL requirements. This report intends to provide detailed information about the new requirements as they pertain to the new warning signs.

Nearly 6,000 comments were submitted by domestic industry, multinational companies, and trading partner countries, many claiming that this regulation would have a severe impact on the industry. On March 27, the Federal Gazette published the “*Amendment to Mexican Official Standard NOM-051, General Labeling Specifications for Pre-Packaged Foods and Non-Alcoholic Drinks – Commercial and Health Information*,” which include the implementation of warning signs to be affixed to processed foods and beverages labels if the products exceed critical thresholds nutrients (e.g., fats, sugars, sodium, etc.) that could lead to adverse health conditions. The regulation also includes other modifications such as mandating precautionary legends for products that include caffeine and sweeteners, and the ban of characters, graphics, pictures or games on products targeted towards increasing consumption by children.

Three Phases of Implementation

The FOPNL modifications will have three phases. The **first phase** begins on **October 1, 2020** and will last until **September 30, 2023** (3 years). During this phase, each manufacturer must determine the calculation and evaluate what content levels are deemed in excess of the government-determined critical thresholds for the named nutrients in processed foods and non-alcoholic beverages:

- products containing added sugars will be evaluated based on the added sugars and calories;
- products containing added fats will be evaluated based on the saturated fats, trans fats, and calories; and
- products containing sodium will be evaluated based only on the amount of added sodium.

The following chart displays the nutritional values taken into consideration and the corresponding label for the first phase of implementation:

| 100-gram solid products and 100-milliliter liquid products | | | | |
|--|--|--|--|-------------------------------------|
| Energy (kcal) | Sugars | Saturated Fats | Trans Fats | Sodium |
| ≥ 275 kcal total (solid product) | ≥ 10% total kcal from added sugars. | | | ≥ 350 mg (solid product) |
| ≥ 70 kcal total or ≥ 10 kcal added sugars (liquid product) | Beverages with <10 kcal added sugars are exempted from warning signs | ≥ 10% total kcal from saturated fats | ≥ 1% total kcal from trans fats | Calorie free beverages: ≥ 45 mg |
| EXCESO CALORÍAS (Excess Calories) | EXCESO AZÚCARES (Excess Sugars) | EXCESO GRASAS SATURADAS (Excess Saturated Fats) | EXCESO GRASAS TRANS (Excess Trans Fats) | EXCESO SODIO (Excess Sodium) |

During the first phase, the warning sign must be placed on the front of the package indicating the product exceeds the recommended thresholds in calories, sodium, trans fats, sugars, or saturated fats. The warning signs must be in the right top corner of the front of package of the product, according to the number of signs of the product. The following is an example of the warning signs:



The warning signs must comply with the following characteristics:

- a. Font: Arial Bold;
- b. Color: black or white, contrasting with the background; and
- c. Size: minimum size according to the regulation guidelines.

Products that have a main display area less than or equal to 40 cm² must include one sign for each nutrient that exceeds its recommended threshold. Products whose main display area is less than or equal to 5 cm² must include one sign with a numerical indicator that corresponds to the number of nutrients that exceeds their recommended threshold. The following figure is an example.



Please refer to **Appendix A** for a thorough breakdown of the proportions and specifications for the warning signs.

In addition to the provisions of **Phase I**, before April 1, 2021, products with one or more warning signs or those that include the sweeteners cautionary label, should not include any elements directed towards children to promote consumption. This includes characters, cartoons, pictures of celebrities or athletes, games or interactive elements or digital downloads.

The **second phase** will start on **October 1, 2023** and will last until **September 30, 2025** (2 years). During this phase, each manufacturer must determine the calculation and evaluation of the nutritional information considering critical nutrients added to processed foods and non-alcoholic beverages with ≤ 70 kcal total or 8 kcal of added sugars. Additionally, product packaging cannot have any character, games, celebrity photos, athletes or any other graphics directed at children.

- a. products containing added sugars will be evaluated based on the added sugars and calories;
- b. products containing added fats will be evaluated based on the saturated fats, trans fats, and calories; and
- c. products containing sodium will be evaluated based only on the amount of added sodium.

The following chart references values for the second phase:

| 100-gram solid products and 100-milliliter liquid products | | | | |
|---|--|--|--|---|
| Energy | Sugars | Saturated Fats | Trans Fats | Sodium |
| ≥ 275 kcal total (solid product) | ≥ 10% of total kcal from added sugars | ≥ 10% of total kcal from saturated fats | ≥ 1% of total kcal from trans fats | ≥ 1 mg of sodium per kcal or ≥ 300 mg. |
| ≥ 70 kcal totals or ≥ 8 kcal of added sugars (liquid product) | | | | Calorie free beverages: ≥ 45 mg of sodium |
| EXCESO CALORÍAS (Excess Calories) | EXCESO AZÚCARES (Excess Sugars) | EXCESO GRASAS SATURADAS (Excess saturated fats) | EXCESO GRASAS TRANS (Excess Trans Fats) | EXCESO SODIO (Excess sodium) |

The **third phase** will start on **October 1, 2025**, and all processed foods and non-alcoholic beverages that contain added sugars, fats, or sodium or energy, sugar, saturated fats, trans fats and sodium according to the following table must include the supplementary nutritional information on the front of package.

| 100-gram solid products and 100-milliliter liquid products | | | | |
|---|--|--|--|---|
| Energy | Sugars | Saturated Fats | Trans Fats | Sodium |
| ≥ 275 kcal total (solid products) | ≥ 10% of the total energy coming from added sugars | ≥ 10% of total energy coming from saturated fat | ≥ 1% of total energy coming from trans fats | ≥ 1 mg of sodium per kcal or ≥ 300 mg solid products) |
| ≥ 70 kcal total or ≥ 8 kcal of added sugars (liquid products) | | | | Calorie free beverages: ≥ 45 mg of sodium |
| EXCESO CALORÍAS (Excess Calories) | EXCESO AZÚCARES (Excess Sugars) | EXCESO GRASAS SATURADAS (Excess Saturated Fats) | EXCESO GRASAS TRANS (Excess Trans Fats) | EXCESO SODIO (Excess Sodium) |

The following is further explanation of how warning signs will be applied to products according to the nutrients added as ingredients:

- Sugar-added products are those that, during the manufacturing process, contain monosaccharides and disaccharides plus the natural sugars in the product such as honey, syrups, fruit or vegetable juices.
- Fat-added products are those that, during the manufacturing process, have vegetable fats, animal fats, partially hydrogenated vegetable fats, or products and ingredients that contain fats added to them.
- Sodium-added products are those that, during the manufacturing process, use as an ingredient or additive any salt that contains sodium or any other ingredient that contains sodium salts.

Products exempt from the usage of warning signs are:

- Infant formulas, infant formulas for special nutritional needs, continuation formulas, and continuation formulas for special nutritional needs
- Foods and non-alcoholic beverages for infants and young children that have nutritional specifications for any of the following nutrients: fats, sugars, and sodium as established in the applicable legal systems
- Vegetable oils, vegetable or animal fats, sugar, honey, iodized salt and fluorinated iodized salt
- Cereal flours

Products that do not need to declare the nutritional information are:

- One-ingredient products
- Herbs, spices, or mixes
- Coffee extracts, coffee grounds whole or milled without other ingredients
- Herbal infusions, teas (decaffeinated or not), instant or soluble without added ingredients
- Fermented vinegars and substitutes
- Water and mineral water
- Products with a surface lower than 78 cm² (must include a phone number or website for consumers that would like to know about the nutritional information)

Cautionary Legends

For products that do not include any label, the following phrase must be added “Este producto no contiene ni sellos ni leyendas” (English translation: “This product does not contain signs or legends) without any graphics or additional references.”)

CONTIENE CAFEÍNA – EVITAR EN NIÑOS

Products that include caffeine must include the warning label in capital letters “CONTIENE CAFEÍNA EVITAR EN NIÑOS” (English translation: “Contains caffeine — avoid in children”).

Products that contain sweeteners must include the warning label in capital letters “CONTIENE EDULCORANTES — NO RECOMENDABLE EN NIÑOS” (English translation: “Contains sweeteners — not recommended for children”).

CONTIENE EDULCORANTES, NO RECOMENDABLE EN NIÑOS

The labels should be placed in the top right of the front of package. In the case that the product also includes warning signs, the labels should be placed above them. Please refer to Appendix B for instructions.

Labels on products with sweeteners added should not include characters, graphics, or pictures advertising to children.

Allergens

It is important to declare those ingredients or additives that cause hypersensitivity, intolerance, or allergies. Initiating with the word “Contiene:” (English translation: Contains) e.g., Contiene: Gluten (Contains: Gluten).

Products that must be declared as allergens:

- Cereals containing gluten (wheat, rye, oats, barley, spelled or their hybrid strains, and its products. Exceptions: wheat-based glucose syrups (including dextrose), maltodextrins wheat-based, barley-based glucose syrups.
- Egg products and derivatives.
- Fish and its products, except fish gelatin as a support for vitamins.

Recommendation Signs and Labels

Products that are recommended or recognized by professional organizations and associations can include signs or labels only if they comply with the proper documentation, including only one sign on the label. It is important to specify on the label if the product targets a specific population with health concerns.

Considerations

- It is permitted to apply temporary stickers on the product, but they must comply with the standard.
- Commercial information and nutritional information must be in Spanish.
- The Mexican Consumer Bureau (PROFECO) is the government entity in charge of the guidelines and registry of the professional associations and organizations whose signs or recommendation labels could be used in the labeling. It is important that interested association and organizations start their registration prior October 1, 2020.
- Nutritional Facts can be declared based on the recommended reference values for populations other than Mexican.

Information may be presented as indicated in the following table:

| Nutritional Facts | Per 100 g o 100 ml |
|--------------------------|---------------------------|
| Energy content | _____ kcal (KJ) |
| Proteins | _____g |
| Total Fats | _____g |
| Saturated fats | _____g |
| Trans fats | _____mg |
| Carbohydrates | _____g |
| Sugars | _____g |
| Added Sugar | _____g |
| Dietary Fiber | _____g |
| Sodium | _____mg |
| Additional Information* | _____mg, µg, or % NRVs |

- Vitamins and minerals may be declared optionally.
- The Mexican importer will oversee compliance with the labeling regulation (this is usually the company representative in country).

For further information and to learn more about the services provided by the Agricultural Trade Office (ATO) in Mexico, please contact us at:

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Appendix A -- Warning Signs Guidelines



The warning signs are composed of the following elements:

- Black stop sign (octagon) with warning legend
- White borderline on the stop sign
- White background
- Warning legend
- Signature of Secretaria de Salud (Mexican Health Ministry)

The color of the font over black background must be white and black over white font. The Font should be **Arial Bold** on the text in the warning signs.

The size of the warning signs should be according to the following table:

| Main display area | Warning sign size |
|---|---|
| $\leq 5 \text{ cm}^2$ | At least 15% of the main display area |
| $> 5 \text{ cm}^2$ to $\leq 30 \text{ cm}^2$ | 1 cm ² width x 1.11 cm ² height |
| $> 30 \text{ cm}^2$ to $\leq 40 \text{ cm}^2$ | 1.5 cm ² width x 1.66 cm ² height |
| $> 40 \text{ cm}^2$ to $\leq 60 \text{ cm}^2$ | 1.5 cm ² width x 1.66 cm ² height |
| $> 60 \text{ cm}^2$ to $\leq 100 \text{ cm}^2$ | 2.0 cm ² width x 2.22 cm ² height |
| $> 100 \text{ cm}^2$ to $\leq 200 \text{ cm}^2$ | 2.5 cm ² width x 2.77 cm ² height |
| $> 200 \text{ cm}^2$ to $\leq 300 \text{ cm}^2$ | 3.0 cm ² width x 3.32 cm ² height |
| $> 300 \text{ cm}^2$ | 3.5 cm ² x 3.88 cm ² height |

Food and non-alcoholic beverages required to use more than two signs should be placed at follows:



Two signs



Three signs





Four signs

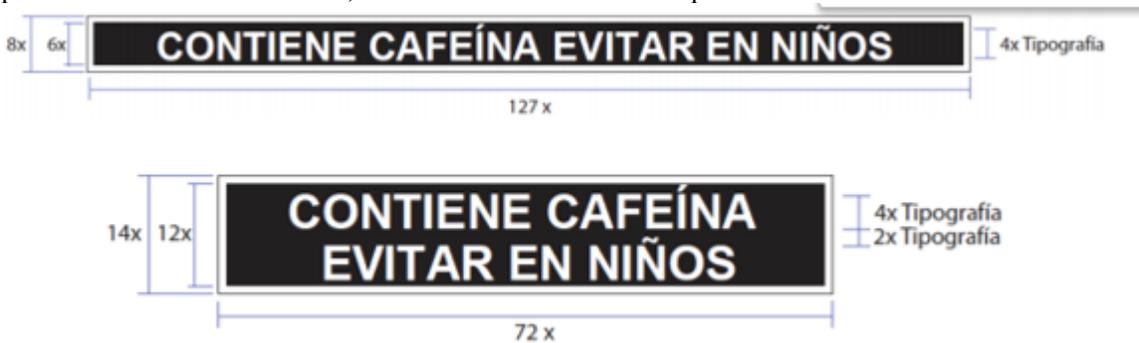


Five signs

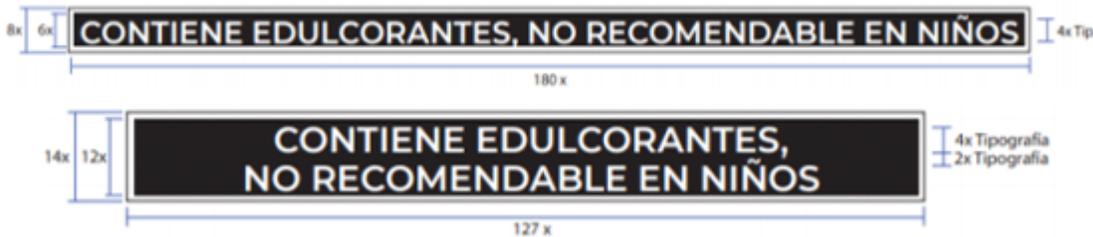
Appendix B -- Cautionary Legends Guidelines

The font is **Arial** for the cautionary legends “CONTIENE CAFEÍNA, EVITAR EN NIÑOS” (contains caffeine, avoid in children) and “CONTIENE EDULCORANTES. Legends should be in capital letters, following the examples below.

For products that contain caffeine, labels must follow the examples below:



For products that contain sweeteners, labels must follow the examples below:



Source: Diario Oficial de la Federacion (Mexico Federal Gazette) March, 27,2020

The NOM is not applicable for:

- Pre-packaged foods and non-alcoholic beverages that are subject to provisions regarding commercial and sanitary information contained in a specific NOM (Mandatory Mexican Standard) or any other regulation that specifically exclude compliance with the NOM 051.
- Food products and non-alcoholic beverages packed in the point of sale.
- Food products and non-alcoholic beverages in bulk.
- Other products determined by competent authorities

For more information on the progression of changes to NOM-051, please refer to the following publications by the Government of Mexico:

NOM-008-SCFI-2002, General Measures published in the official Gazette in November 27, 2002

NOM-030-SCFI-2006, Commercial Information labeling specifications,
Published in the Official Gazette in November 6, 2006 and March 27, 2020

NOM-086-SSA1-1994 Food and non-alcoholic beverages with composition modifications, nutritional specifications published in the Official Gazette in June 26, 1996.

NOM-106-SCFI-2017 Design characteristics and conditions to use the Official NOM symbol published in September 8, 2017.

Attachments:

No Attachments.