

Voluntary Report – Voluntary - Public Distribution

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Report Name: Interinstitutional Agreement on Standard NOM-051 FOPL
Compliance

Country: Mexico

Post: Mexico City ATO

Report Category: FAIRS Subject Report

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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 additional implementations to the Front of Pack labeling that will start on April 1, 2021. The Interinstitutional Agreement for compliance with Standard NOM-051 was published on the Federal Registry on March 31. This report provides a courtesy translation of the Interinstitutional Agreement.

General Information:

Domestic and imported retail prepackaged, processed foods and non-alcoholic beverages in Mexico are subject to labeling regulations including the front-of-the pack (FOP) labeling requirement. This report intends to provide an analysis about the impact of the warning signs labeling in Mexico.

Front of Pack Labeling Implementation

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.

For additional information, please consult our detailed Front of Pack Labelling report at the following [link](#).

Since October 1, 2020, domestic and imported processed foods and non-alcoholic beverages have complied with the warning signs and cautionary legends stipulations of NOM-051 by having printed labels or temporary stickers.

Interinstitutional Agreement

On March 31, the Federal Registry published the Interinstitutional Agreement between the Ministry of Economy (Secretaría de Economía), the General Directorate of Standards (Dirección General de Normas), the Ministry of Health (Secretaría de Salud), the Federal Commission for the Protection against Sanitary Risks (COFEPRIS), and the Federal Consumer Prosecutor’s Office (PROFECO) regarding the verification activities of the modification to the Official Mexican Standard NOM-051-SCFI/SSA1-2010 General Labeling Specifications for Prepackaged Foods and Non-alcoholic Beverages - Commercial and Health Information.

The Agreement states in its articles the stipulations for the second phase of the Front of Pack Labeling starting on April 1, 2021:

FIRST: The purpose of this Interinstitutional Agreement is to recognize and establish a term from April 1, 2021 to May 31, 2021, exclusively, in which producers, importers or marketers will not be penalized during the verification activities carried out by the Federal Consumer Protection Agency and the Federal Commission for the Protection against Sanitary Risks or the Ministry of Economy, for those pre-packaged food and non-alcoholic beverages, objects of the Mexican Official Standard NOM-051-SCFI/SSA1-2010, General Labeling Specifications for Prepackaged Foods and Non-Alcoholic Beverages - Commercial and Sanitary Information, published in the Federal Registry on April 5, 2010 and its Amendment published in the Federal Registry on March 27, 2020 (the Amendment), that include in their labels the new front labeling system as part of the complementary nutritional information, but that do not include the other commercial and sanitary information established in the Amendment and that will enter into force on April 1, 2021 according to the First and Fourth Transitory Provisions of the Amendment.

SECOND: The Authorities will not consider that there is an infringement to the commercial and sanitary information established in the Modification during the term established in Article One of this Interinstitutional

Agreement, regarding the inclusion in the labels of children's characters, animations, cartoons, celebrities, athletes or mascots, interactive elements, such as visual-spatial games or digital downloads when a product must place the new front labeling system, as well as the specifications of the nutritional declaration, the name of the product, list of ingredients, declaration of allergens and added sugars, nutritional and health claims, and recommendations or recognitions from professional organizations or associations, as established in the First, Fourth and Fifth transitory articles of the Amendment.

THIRD: The Authorities will consider that there is no infringement when the national producers make use of labels, stickers or adhesive decals on the containers or packaging of the products subject to the Modification and comply exactly with all the commercial and sanitary information elements foreseen in the Modification until May 31, 2021.

FOURTH: The Authorities will consider that there is no infringement when importers make use of labels, stickers or adhesive decals on the labels, containers, or packaging of origin of the imported products, and comply exactly with all the elements of commercial and sanitary information foreseen in the Modification.

FIFTH: The Authorities will consider that there is no infringement when the labels of prepackaged products include the commercial and sanitary information subject to the Modification and that they comply with the provisions of the Modification before April 1, 2021.

SIXTH: As a result of the speed of inventory turnover, it is foreseeable that consumers will observe at the point of sale the coexistence of products that comply with the commercial and health information referred to in Section One, but that do not include the other commercial and health information established in the Amendment that will enter into force on April 1, 2021, in accordance with the First and Fourth Transitory Provisions of the Amendment.

SEVENTH: In order to provide legal certainty to producers, importers and marketers, the Authorities shall not administratively infringe with warnings, fines, closure, arrest, suspension, revocation, cancellation, prohibition of commercialization, immobilization, seizure, withdrawal from the market and/or issuance of alerts, in the cases and term identified in the preceding paragraphs and which are the object of this Interinstitutional Agreement.

TRANSITORY ARTICLE

SINGLE: This Interinstitutional Agreement shall enter into force on the day following its publication in the Official Gazette of the Federation.

Observations

U.S. exporters must consider Article Four of the Interinstitutional Agreement in order to comply with the second phase of Front of Pack Labeling. The use of stickers is permitted for compliance. It is recommended to be in contact with the Mexican importer as it is the legal representative with the Mexican authorities. As well, constant communication about inventory rotation is recommendable.

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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Attachments:

No Attachments.